

# **HOUSING ELEMENT AND FAIR SHARE PLAN**

Byram Township  
Sussex County, New Jersey

May 17, 2010

Prepared By:



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Red Bank, NJ 07701  
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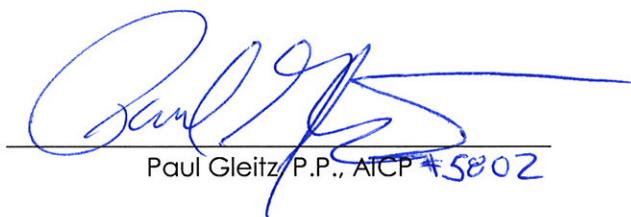
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The original of this report was signed and  
Sealed in accordance with N.J.S.A. 45:14A-12.



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## **INTRODUCTION**

In the case of Southern Burlington County NAACP v. the Township of Mount Laurel, (commonly known as Mount Laurel I), the New Jersey Supreme Court established the doctrine that developing municipalities in New Jersey have a constitutional obligation to provide a realistic opportunity for the construction of low and moderate income housing in their communities. In its Mount Laurel decision, decided on January 20, 1983 (Mount Laurel II), the Supreme Court expanded the Mount Laurel doctrine by stating that this constitutional responsibility extended to all municipalities in New Jersey. The Court also established various remedies, including the "builder remedy" or court-imposed zoning, to ensure that municipalities actually addressed this obligation.

In response to the Mount Laurel II decision, the New Jersey Legislature adopted the Fair Housing Act in 1985 (Chapter 222, Laws Of New Jersey, 1985). The Fair Housing Act established a Council on Affordable Housing (COAH) as an administrative alternative to the courts. COAH was also given the responsibility of establishing various housing regions in the state, determining regional and municipal fair share affordable housing obligations and adopting regulations establishing the guidelines and approaches that municipalities may use in addressing their affordable housing need.

Under COAH's regulations, low income households are defined as those with incomes no greater than 50% of the median household income, adjusted for household size, of the housing region in which the municipality is located, and moderate-income households are those with incomes no greater than 80% and no less than 50% of the median household income, adjusted for household size, of the housing region. For Byram Township, the housing region is defined by COAH as Region 1 and is comprised of Bergen, Hudson, Passaic and Sussex Counties. In Region 1 the median income for a four-person household is \$77,072, the moderate-income level is \$61,658 and low-income is \$38,536.

Pursuant to both the Fair Housing Act and the Municipal Land Use Law (MLUL), municipalities in New Jersey are required to include a housing element in their master plans. The principal purpose of the housing element is to provide for methods of achieving the goal of access to affordable housing to meet the municipality's low and moderate income housing needs. The statutory required contents of the housing element are:

- a. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate income household and substandard housing capable of being rehabilitated;
- b. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
- c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
- d. An analysis of the existing and probable future employment characteristics of the municipality;
- e. A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing; and
- f. A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

### **COAH THIRD ROUND METHODOLOGY**

Unlike the previous two rounds, the Third Round methodology determines a municipality's affordable housing need based on the growth of the municipality. The need for affordable housing in a municipality is calculated through the sum of the following:

- Existing deficient housing units within the municipality occupied by low and moderate income households which is referred to as rehabilitation share;

- Remaining Prior Round (1987 – 1999) Obligation assigned to a municipality by the Council or the court for the period 1987 through 1999; and
- The share of the affordable housing need generated by a municipality's actual growth (2004 – 2018) based upon the number of new housing units constructed and the number of new jobs created as a result of non-residential development.

The rehabilitation share for affordable housing is the number of existing housing units as of April 1, 2000 that are both deficient and occupied by households of low or moderate income and is calculated by COAH. The Remaining Prior Round (1987 – 1999) Obligations from the first and second fair share rounds have been recalculated to include data from the 2000 Census and are also provided by COAH.

With the Third Round Rules, the Council has implemented a growth share approach to affordable housing, thereby linking the actual production of affordable housing with municipal development and growth, based upon the number of new housing units constructed and the number of new jobs created as a result of non-residential development.

When developing a Housing Element and Fair Share Plan to provide affordable housing between 2004 and 2018, municipalities may rely on the COAH Growth Projections as the baseline for potential growth over the 2004-2018 period. However, the official growth share obligation accrued by each municipality as calculated by 2018 will be based on actual residential and non-residential growth, not COAH projections.

Projected growth from COAH is converted into the affordable housing obligation which the municipality must plan for by applying the following ratios:

- For every five residential units constructed, the municipality shall be obligated to include one affordable unit (i.e. 1 affordable unit in every 5 residential units for inclusionary development or 1 affordable unit for every four market rate units).
- For every 16 jobs created, the municipality shall be obligated provide one affordable unit. (i.e. 1 affordable unit for every 16 jobs created).

The projected growth share obligation will be converted into an actual growth share obligation when the ratios above are applied to market-rate units and newly constructed and expanded non-residential developments receiving permanent certificates of occupancy.

### **HIGHLANDS REGIONAL MASTER PLAN (RMP) HOUSING AND EMPLOYMENT PROJECTIONS**

Byram Township has indicated, by Township Council Resolution, its intent to conform to the Highlands Regional Master Plan (RMP) in the Highlands Planning Area and is relying upon the RMP for determining the projected Municipal Growth Share Obligation. Therefore, this Housing Element and Fair Share Plan has been modified to incorporate RMP provisions as a basis for housing and employment growth projections. These projections have been recalculated using the Highlands Council Municipal Build-Out Analysis results for the Township, including consideration of water availability, septic system yield, and water and wastewater utility capacity. Housing and employment projections are required to determine the municipal "Growth Share" component of the overall Fair Share Housing obligation. Consistent with the Substantive Rules (N.J.A.C. 5:97) of the Council on Affordable Housing (COAH), the municipal affordable housing need is measured as a percentage of residential and non-residential growth from 2004-2018. COAH ratios require general one (1) affordable unit for every four (4) new market rate housing units and one (1) affordable unit for every 16 new jobs (calculated on the basis of new non-residential square footage by Uniform Construction Code Use Group designation). Pursuant to COAH Rules, the overall housing obligation also includes a Rehabilitation Share and the Prior Round Obligation; each of these is offset in the final analysis by eligible credits, reductions and adjustments, as appropriate.

## **MUNICIPAL SUMMARY**

Byram Township is 22.2 square miles in size and is located in the southern part of Sussex County. Its neighboring municipalities are Andover Township, Andover Borough, Roxbury Township, Sparta Township, Hopatcong Borough, Stanhope Borough, Mount Olive Township, Allamuchy Township, and Green Township. The main highways servicing the Township are State Route 206, which bisects the Township and I-80 in the southern portion of the Township. The Township is heavily environmentally constrained and 98% of the Township is located in the Highland Preservation Area.

According to the 2000 Census, the population of Byram Township increased to 8,254, from 8,048 in 1990. The median age was 36.3 years. The average household size in 2000 was 2.91, slightly higher than the Sussex County average of 2.8.

The housing stock of the Township is predominantly single-family detached dwelling units. Most structures were built between 1960 and 1969. The Township provides much less employment opportunity, as compared with other municipalities in the region and with Sussex County as a whole. According to the guidelines established by COAH, Byram Township is located in affordable housing Region 1, a region that includes Sussex, Bergen, Hudson, and Passaic counties.

According to the Third Round rules Byram Township has a rehabilitation obligation of 24 units and a prior round (1987-1999) obligation of 33 units. In accordance with the COAH growth projections for the Township, it is expected the Township will grow by 253 residential units and will produce 110 jobs in non-residential development giving the Township a Growth Share obligation of 81 units.

However, the Municipal Growth Share Obligation is recalculated by comparing growth projected by COAH with actual growth based on certificates of occupancy that have been issued from 2004 through 2008 and the Highlands Council Municipal Build-Out Analysis. These projections have been recalculated using the Highlands Council Municipal Build-Out Analysis results for the Township, including consideration of water availability, septic system yield, and water and wastewater utility capacity. Housing and employment projections are required to determine the municipal "Growth Share" component of the overall Fair Share Housing obligation. The Highlands RMP analysis results in a revision to the COAH-generated growth projection.

In accordance with the Highlands RMP analysis, it is expected the Township will grow by 55 residential units and will produce 184 jobs. After the residential exclusions are applied to the residential growth of 55 units, and accounting for the non-residential growth of 184 jobs, Byram Township has a Highlands residential growth share of 0 plus a Highlands non-residential growth share of 11.52 for a total Highlands Adjusted Growth Share Obligation of 12 affordable units.

	<b>COAH Projected Growth Share</b>	<b>Growth Share Based on Highlands RMP</b>
Residential Growth	373	55
Residential Exclusions	125	130
Net Residential Growth	248	-75
Residential Growth Share	49.60	0.00
Non-Residential Growth	110	184
Non-Residential Exclusions	0	0
Net Non- Residential Growth	110	184
Non-Residential Growth Share	6.88	11.52
Total Growth Share	56	12

The Township proposes to address its obligation through the following:

- Rehabilitation Program
- Inclusionary zoning within the Village Center, including
  - Senior For Sale
  - Senior Rentals
  - Family For Sale
  - Family Rentals and
  - Very Low Income Family Rentals
- Municipally Sponsored For Sale Development on Vacant Parcels
- Low/Moderate Income Group Home
- Very Low Income Group Home

This report constitutes the Housing Element/Fair Share Plan of Byram Township. It consists of seven parts, as follows:

PART I. DEMOGRAPHIC CHARACTERISTICS

PART II. EXISTING HOUSING CHARACTERISTICS

- PART III. EMPLOYMENT DATA
- PART IV. DETERMINING THE FAIR SHARE OBLIGATION
- PART V. ZONING ANALYSIS
- PART VI CREDITS AND ADJUSTMENTS
- PART VII. AMENDED AND REVISED THIRD ROUND FAIR SHARE PLAN

## I. DEMOGRAPHIC CHARACTERISTICS

### POPULATION

The 2000 population of Byram Township was 8,254, which was an increase of 206 people from the 1990 population. The population trends experienced in Byram Township, Sussex County, and the State of New Jersey from 1930 through 2000 are shown below. After years of population increase, associated with summer visitors becoming full time residents, the Township's population growth has slowed down to 2.5% in 2000. The State of New Jersey has seen steady growth since the 1930's, with large population swells occurring during the sixties and seventies. Sussex County and Township of Byram had large increases through the 1970s and 1980s.

Populations Trends, 1930 to 2000									
Year	Byram Township			Sussex County			New Jersey		
	Population	Change		Population	Change		Population	Change	
		Number	Percent		Number	Percent		Number	Percent
1930	245	-	-	27,830	-	-	4,041,334	-	-
1940	373	128	34.3%	29,632	1,802	6.5%	4,160,165	118,831	2.9%
1950	761	388	51.0%	34,423	4,791	16.2%	4,835,329	675,164	16.2%
1960	1,616	855	52.9%	49,255	14,832	43.1%	6,066,782	1,231,453	20.3%
1970	4,592	2,976	64.8%	77,528	28,273	57.4%	7,171,112	1,104,330	18.2%
1980	7,502	2,910	38.8%	116,119	38,591	49.8%	7,365,011	463,899	6.5%
1990	8,048	546	6.8%	130,943	14,824	12.8%	7,730,188	365,177	5.0%
2000	8,254	206	2.5%	144,166	13,223	10.1%	8,414,350	684,162	8.9%

### POPULATION COMPOSITION BY AGE

The largest increases in the Township from 1990 to 2000 occurred in the 45 to 54 and 55 to 65 age cohorts, which experienced increases of 34.1% and 66.4%, respectively. There were significant declines in the 15 to 24 (-16.3%) and 25 to 34 (-21.7%) years age groups.

Population by Age 1990 and 2000, Byram Township						
	1990		2000		Change, 1990 to 2000	
Population	Number	Percent	Number	Percent	Number	Percent
Under 5	642	8.0	644	7.8	2	0.3
5 to 14	1,285	16.0	1,344	16.3	59	4.6
15 to 24	1,036	12.9	867	10.5	-169	-16.3
25 to 34	1,353	16.8	1,060	12.8	-293	-21.7
35 to 44	1,772	22.0	1,614	19.6	-158	-8.9
45 to 54	1,079	13.4	1,447	17.5	368	34.1
55 to 64	467	5.8	777	9.4	310	66.4
65 and over	414	5.1	501	6.1	87	21.0
<b>Total</b>	<b>8,048</b>	<b>100</b>	<b>8,254</b>	<b>100</b>	<b>206</b>	<b>2.6</b>

Population by Age, 1990 and 2000, Sussex County						
	1990		2000		Change, 1990 to 2000	
Population	Number	Percent	Number	Percent	Number	Percent
Under 5	10,894	8.3	9,815	6.8	-1,079	-9.9
5 to 14	19,925	15.2	23,876	16.6	3,951	19.8
15 to 24	16,542	12.6	15,517	10.7	-1,025	-6.2
25 to 34	23,503	17.9	17,501	12.1	-6,002	-25.5
35 to 44	24,385	18.6	27,881	19.3	3,498	14.3
45 to 54	15,206	11.6	23,384	16.2	8,178	53.8
55 to 64	8,804	6.7	13,040	9.0	4,236	48.1
65 and over	11,684	8.9	13,152	9.1	1,468	12.6
<b>Total</b>	<b>130,943</b>	<b>100</b>	<b>144,166</b>	<b>100</b>	<b>13,223</b>	<b>10.1</b>

The County saw significant increases in the 45 to 54 and 55 to 64 age cohorts as well and a significant decrease in the 25 to 34-age cohort. The median age of the population in Byram Township in 2000 was 36.3 years. Analysis of age group characteristics provides insight in the actual changes in population. This comparison is helpful in determining impacts these changes have on housing needs and services for the municipality and the County overall.

## HOUSEHOLDS

A household is defined as one or more persons, whether related or not, living together in a dwelling unit. In 2000, there were a total of 3,207 households in Byram Township. The average number of persons per household for the Township in 2000 was 2.91, slightly higher than the County's average of 2.80. Both the Township and the County had the greatest number of two-person households (30.9% and 31% respectively).

<b>Household Size- Occupied Housing Units Byram Township and Sussex County</b>				
	Township	Percent	County	Percent
1-person household	395	13.9	9,614	19.8
2-person household	875	30.9	15,734	31.0
3-person household	599	21.1	9,362	18.4
4-person household	614	21.7	9,871	19.4
5-person household	281	9.9	4,465	8.8
6-person household	45	1.6	1,303	2.6
7-or-more-person household	24	0.8	482	0.9
<b>Average Household Size</b>	<b>2.91</b>		<b>2.80</b>	

Family households are defined as two or more persons, living in the same household, related by blood, marriage or adoption. The largest number of households in the Township were two or

more person family-households, comprising 81.7%. The average family size for the Township was 3.24 persons. Only 14.1% of households were one-person households of which 7.6% were 1-person female households and 6.5% were 1-person male households.

In providing more detail than previous years, the 2000 Census included the sub-groups of non-traditional households (Other family) and of Non-family households. Non-family households are defined as households that consist of a householder living alone or where the householder shares the home exclusively with people whom he/she is not related. These households only comprised 4.2% of the Township while Other family households were 7.7%.

<b>Household Size and Type Byram Township</b>		
	<b>Total</b>	<b>Percent</b>
	2,852	100
<b>1-person household:</b>	402	14.1
Male householder	185	6.5
Female householder	217	7.6
<b>2 or more person household:</b>	2,450	85.9
Family households:	2,330	81.7
Married-couple family:	2,110	74.0
With own children under 18 years	1,148	40.3
No own children under 18 years	962	33.7
<b>Other family:</b>	220	7.7
Male householder, no wife present:	73	2.6
With own children under 18 years	32	1.1
No own children under 18 years	41	1.4
Female householder, no husband present:	147	5.2
With own children under 18 years	90	3.2
No own children under 18 years	57	2.0
<b>Nonfamily households:</b>	120	4.2
Male householder	81	2.8
Female householder	39	1.4
<b>Average Family Size</b>	<b>3.24</b>	

## INCOME

As measured in 1999, Byram Township had a higher median income than the County and the State. The median income in Byram Township was \$81,532, approximately \$16,000 more than the County and \$26,000 more than the State's median income. Over 85% of the households within the Township had a household income larger than \$35,000; more than one-third of households had incomes greater than \$100,000.

Per Capita and Household Income 1999 Byram Township, Sussex County, New Jersey		
	1999 Per Capita (\$)	1999 Median Household (\$)
Byram Township	\$30,710	\$81,532
Sussex County	\$26,992	\$65,266
New Jersey	\$27,006	\$55,146

Households Income In 1999 Byram Township and Sussex County				
	Byram Township	Sussex County		
	Number	Percent	Number	Percent
<b>Total households</b>	<b>2,852</b>	<b>100</b>	<b>50,789</b>	<b>100</b>
Less than \$10,000	82	2.9	1,967	3.9
\$10,000 to \$14,999	16	0.6	1,589	3.1
\$15,000 to \$24,999	111	3.9	3,450	6.8
\$25,000 to \$34,999	161	5.6	3,956	7.8
\$35,000 to \$49,999	268	9.4	7,088	14
\$50,000 to \$74,999	632	22.2	11,734	23.1
\$75,000 to \$99,999	631	22.1	9,053	17.8
\$100,000 to \$149,999	653	22.9	8,014	15.8
\$150,000 or more	298	10.5	3,938	7.8
<b>Median household income (\$)</b>	<b>\$81,532</b>		<b>\$65,266</b>	

## POVERTY STATUS

Of the 8,048 persons in Byram in 1999, 143 or 1.8% lived in poverty with the highest percentage being in the 18 to 64 age group (72.7% or 104 persons). Only 34 persons under the age of 18 live in poverty (23.8%) and only 5 persons or 3.5% of those living in poverty are considered elderly (over 65).

<b>Poverty Status 1999</b> <b>Byram Township and Sussex County</b>				
	<b>Byram Township</b>		<b>Sussex County</b>	
	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>
<b>Total persons</b>	<b>8048</b>	<b>100</b>	<b>144,166</b>	<b>100</b>
Total persons below poverty level	143	1.8	5,693	3.9
Under 18	34	23.8	1,753	30.8
18 to 65	104	72.7	3,286	57.7
Over 65	5	3.5	654	11.5

## HOUSEHOLD COSTS

The tables below show the expenditures for housing for those who own and rent in Byram Township. Approximately 50% of renters spend more than 25% of their household income and 40% of owners spend more than 25% of their household income on housing. The general affordability standard used is that no more than 30% of gross income should be allocated for housing costs.

<b>Gross Rent As A Percentage Of Household Income</b> <b>Byram Township 1999</b>		
	<b>Number</b>	<b>Percent</b>
<b>Total renter-occupied housing units</b>	<b>208</b>	<b>100</b>
Less than 15 percent	31	14.9
15 to 19 percent	36	17.3
20 to 24 percent	23	11.1
25 to 29 percent	33	15.9
30 to 34 percent	26	12.5
35 percent or more	50	24.0
Not computed	9	4.3

<b>Selected Monthly Owner Costs As A Percentage Of Household Income in Byram Township, 1999</b>		
	<b>Number</b>	<b>Percent</b>
<b>Total owner-occupied housing units</b>	<b>2,478</b>	<b>100</b>
Less than 20 percent	1055	42.6
20 to 24 percent	390	15.7
25 to 29 percent	296	11.9
30 to 34 percent	235	9.5
35 percent or more	489	19.7
Not computed	13	0.5

## **II. EXISTING HOUSING CONDITIONS**

### **HOUSING UNIT DATA**

According to the 2000 Census, Byram Township had a total of 3,057 housing units. Of those units, 2,608 or 85.3% were owner occupied while 217 or 7.1% were renter occupied. The highest percentage of structures (23%) were built between 1960 and 1969, with building continuing at a steady pace through 1979. The median year of structures were built in Byram Township is 1968.

<b>Housing Data Byram Township</b>		
	<b>Total</b>	<b>Percent</b>
<b>HOUSING UNITS</b>		
<b>Total</b>	<b>3,057</b>	<b>100</b>
<b>TENURE</b>		
Owner occupied	2,608	85.3
Renter occupied	217	7.1
<b>YEAR STRUCTURE BUILT</b>		
Built 1995 to March 2000	154	5.0
Built 1990 to 1994	130	4.3
Built 1980 to 1989	449	14.7
Built 1970 to 1979	633	20.7
Built 1960 to 1969	704	23.0
Built 1950 to 1959	378	12.4
Built 1940 to 1949	240	7.9
Built 1939 or earlier	369	12.1
<b>Median year structure built</b>	<b>1968</b>	

### **HOUSING TYPE AND SIZE**

A majority of the housing stock in Byram Township is single-family detached housing. In 2000, there were 2,961 single-family detached homes representing 96.9% of the housing stock. The second highest percentage, with only 1.2%, was two unit structures. The median number of rooms within housing structures in the Township was 7.1 with the most prevalent numbers of rooms being 6 or 7 rooms. Only 10% had less than four rooms.

Housing Type and Size Byram Township		
UNITS IN STRUCTURE		
<b>Total</b>	<b>3,057</b>	<b>100.0</b>
1, detached	2,961	96.9
1, attached	20	0.7
2	37	1.2
3 or 4	18	0.6
5 to 9	16	0.5
10 to 19	0	0.0
20 or more	0	0.0
Mobile home	5	0.2
Boat, RV, van, etc.	0	0.0
<b>ROOMS</b>		
1 room	14	0.5
2 rooms	10	0.3
3 rooms	60	2.0
4 rooms	218	7.1
5 rooms	390	12.8
6 rooms	541	17.7
7 rooms	616	20.2
8 rooms	739	24.2
9 or more rooms	469	15.3
<b>Median number of rooms</b>	<b>7.1</b>	

## OCCUPANCY

According to the 2000 Census, out of the 3,057 units in Byram Township, 2,825 or 92.4% were occupied while 232 or 7.6% were vacant. Of those units that were vacant, 3% were for sale units and 6% were for rent units. The type of vacant unit with significance for Byram was those units that were for seasonal, recreational, or occasional use. This type comprised of 91% of the vacant units.

OCCUPANCY STATUS		
Byram Township		
	Total	Percent
<b>Total</b>	<b>3,057</b>	<b>100</b>
Occupied	2,825	92.4
Vacant	232	7.6
<b>VACANCY STATUS</b>		
<b>Total</b>	<b>232</b>	<b>100</b>
For rent	14	6.0
For sale only	7	3.0
Rented or sold, not occupied	0	0.0
For seasonal, recreational, or occasional use	211	90.9
For migrant workers	0	0.0
Other vacant	0	0.0

#### **HOUSING VALUES AND CONTRACT RENTS**

Housing values for owner-occupied housing units in 2000 are listed in the table below along with the contract rents. Approximately 37% of owner occupied units have values between \$150,000 and \$199,999. The second highest value range was \$200,000 to \$299,999 (27.1% of owner occupied units) followed by housing values in the \$100,000 to \$149,000 range (24.1% of owner occupied units). The median value in Byram Township was \$175,300 and, of the owner-occupied units, only 367 or 14.8% have no mortgage.

VALUE FOR ALL OWNER-OCCUPIED HOUSING UNITS Byram Township		
	Total	Percent
<b>Total</b>	<b>2,478</b>	<b>100</b>
Less than \$50,000	13	0.5
\$50,000- \$99,999	128	5.2
\$100,000- \$149,999	596	24.1
\$150,000- \$199,999	914	36.9
\$200,000 to \$299,999	672	27.1
\$300,000 to \$499,999	144	5.8
\$500,000 +	11	0.4
<b>Median value</b>	<b>\$175,300</b>	
<b>MORTGAGE STATUS</b>		
Housing units with a mortgage, contract to purchase, or similar debt:	2,111	85.2
With either a second mortgage or home equity loan, but not both:	584	23.6
Second mortgage only	163	6.6
Home equity loan only	421	17.0
Both second mortgage and home equity loan	6	0.2
No second mortgage and no home equity loan	1,521	61.4
Housing units without a mortgage	367	14.8

The median contract rent in Byram Township in 2000 was \$823. The largest number of renters (40.4%) paid rents between \$1,000 and \$1,999. Those who paid \$700 or more comprised 66.4% of all renters.

CONTRACT RENT Byram Township		
	Total	Percent
<b>Total renter occupied units</b>	<b>208</b>	<b>100</b>
Less than \$200	5	2.4
\$200- \$499	8	3.8
\$500-\$699	48	23.1
\$700-\$899	54	26.0
\$900 to \$999	0	0.0
\$1,000 to \$1,999	84	40.4
\$2,000 or more	0	0.0
No cash rent	9	4.3
<b>Median Contract Rent</b>	<b>\$823</b>	

## **HOUSING CONDITIONS**

The table below details the condition of housing within Byram Township based on heating fuel, plumbing facilities, kitchen facilities, telephone service and overcrowding. These factors are utilized in determining housing deficiency. According to the 2000 Census, owner-occupied units had an overcrowding rate of .4%, while renter-occupied units had an overcrowding rate of 2.3%. Byram Township only had thirteen units lacking in kitchen and plumbing facilities and only 35 or 1.2% of the units had no telephone service.

<b>Housing Conditions Byram Township</b>		
	<b>Total</b>	<b>Percent</b>
<b>House Heating Fuel- Occupied housing units</b>		
<b>Total</b>	<b>2,825</b>	<b>100</b>
Utility gas	11	0.4
Bottled, tank, or LP gas	245	8.7
Electricity	378	13.4
Fuel oil, kerosene, etc.	2,128	75.3
Coal or coke	6	0.2
Wood	31	1.1
Solar energy	0	0
Other fuel	18	0.6
No fuel used	8	0.3
<b>Occupants per Room-Occupied housing units</b>		
<b>Total</b>	<b>2,825</b>	<b>100</b>
Owner Occupants per Room (Over 1.0)	12	0.46
Renter Occupants per Room (Over 1.0)	5	2.30
<b>Facilities- Total units</b>		
<b>Total</b>	<b>2,825</b>	<b>100</b>
Lacking complete plumbing facilities	13	0.5
Lacking complete kitchen facilities	13	0.5
<b>Telephone Service- Occupied housing units</b>		
<b>Total</b>	<b>2,825</b>	<b>100</b>
No service	35	1.2

### **III. EMPLOYMENT DATA**

#### **EMPLOYMENT TRENDS**

The following tables detail changes in employment from 1998 to 2008 for Byram Township, Sussex County New Jersey. The number of those who are employed has increased over the last decade as the labor force has increased overall. The Byram Township unemployment rate had declined and then steadily increased from 1999 when the unemployment rate was 2.0% to 2008 when it was 5.3%. Increasing and decreasing trends were seen in both the County and the State.

Unemployment rarely fully explains employment trends because the unemployment rate often undercounts the number of people without work. Two factors make unemployment rates inaccurate. The first factor is underemployed workers, those who take jobs simply to earn money but are not employed at a level commensurate with their skills. Secondly, as workers remain unemployed, they may stop looking, become discouraged with the job market, and stop being counted in either the total labor force or the officially unemployed. Consequently, to fully understand the employment dynamics in Byram Township, one must also look at changes in the total labor force. Therefore, while the 4.8% of 2003 and 5.3% of 2008 unemployment rates show a dramatic increase compared to the 2001 unemployment rate of 3.4%, the increase seen in the total labor force indicate that perhaps the number of citizens without work is being slightly undercounted, despite the increase seen in resident employment.

<b>Employment and Labor Force, 1997 - 2007, Byram Township</b>				
	<b>Resident Labor Force</b>	<b>Resident Employment</b>	<b>Unemployment</b>	<b>Unemployment Rate</b>
1998	4,826	4,724	102	2.1
1999	4,953	4,853	100	2.0
2000	4,818	4,686	132	2.7
2001	4,856	4,691	165	3.4
2002	4,955	4,729	227	4.6
2003	5,025	4,783	242	4.8
2004	5,034	4,830	205	4.1
2005	5,134	4,911	222	4.3
2006	5,214	4,978	236	4.5
2007	5,197	4,972	225	4.3
2008	5,225	4,947	278	5.3

<b>Employment and Labor Force, 1997 - 2007, Sussex County</b>				
	<b>Resident Labor Force</b>	<b>Resident Employment</b>	<b>Unemployment</b>	<b>Unemployment Rate</b>
1998	76,400	73,600	2,800	3.6
1999	78,300	75,600	2,700	3.4
2000	79,500	77,200	2,300	2.9
2001	80,200	77,300	2,900	3.7
2002	81,900	77,900	4,000	4.9
2003	82,700	78,400	4,300	5.2
2004	82,800	79,200	3,600	4.4
2005	83,700	80,400	3,300	3.9
2006	84,900	81,400	3,500	4.1
2007	84,700	81,300	3,300	3.9
2008	85,143	80,859	4,284	5.0

<b>Employment and Labor Force, 1997 - 2007, New Jersey</b>				
	<b>Resident Labor Force</b>	<b>Resident Employment</b>	<b>Unemployment</b>	<b>Unemployment Rate</b>
1998	4,242,400	4,047,100	195,300	4.6
1999	4,284,600	4,092,700	191,800	4.5
2000	4,287,800	4,130,300	157,500	3.7
2001	4,302,300	4,117,500	184,800	4.3
2002	4,370,800	4,117,300	253,500	5.8
2003	4,363,900	4,108,400	255,500	5.9
2004	4,373,000	4,157,500	215,500	4.9
2005	4,431,600	4,232,800	198,700	4.5
2006	4,492,800	4,283,600	209,200	4.7
2007	4,466,300	4,276,600	189,700	4.2
2008	4,496,700	4,251,200	245,500	5.5

#### **CLASS OF WORKER AND OCCUPATION**

The majority of workers in 2000 living in Byram Township were a part of the private wage and salary worker group (81%). The second largest category was government workers (14.7%) followed by those who were self-employed (4.1%). Those that worked within the private wage field were concentrated heavily in management /professional positions and sales and office occupations. These two categories of worker equaled 72.9% of employed residents within Byram Township (44.5% and 28.4% respectively).

Class of Worker, 2000 Byram Township		
	Number	Percent
<b>Total</b>	<b>4,478</b>	<b>100</b>
Private wage and salary worker	3,627	81.0
Government worker	657	14.7
Self-employed worker	184	4.1
Unpaid family worker	10	0.2

Occupation, 2000 Byram Township		
	Number	Percent
<b>Employed civilian population 16 years and over</b>	<b>4,478</b>	<b>100</b>
Management, professional, and related occupations	1,994	44.5
Service occupations	455	10.2
Sales and office occupations	1,271	28.4
Farming, fishing, and forestry occupations	5	0.1
Construction, extraction, and maintenance occupations	408	9.1
Production, transportation, and material moving occupations	345	7.7

## COMMUTING TO WORK

According to the 2000 Census, the mean travel time to work for those who lived in Byram Township was approximately forty minutes. More than 22% traveled more than an hour to get to work while 15.8% only had to travel less than fifteen minutes. The largest proportion of workers commuted by automobile (94.8%) and of that 94.8%, an overwhelming 86.2% of them drove alone while only 8.6% carpooled.

Travel Time To Work, 2000 Byram Township		
	Number	Percent
<b>Workers who did not work at home</b>	<b>4,271</b>	<b>100</b>
Less than 10 minutes	296	6.9
10 to 14 minutes	379	8.9
15 to 19 minutes	422	9.9
20 to 24 minutes	443	10.4
25 to 29 minutes	172	4
30 to 34 minutes	412	9.6
35 to 44 minutes	372	8.7
45 to 59 minutes	825	19.3
60 to 89 minutes	700	16.4
90 or more minutes	250	5.9
<b>Mean travel time to work (minutes)</b>	<b>38.3</b>	

<b>Means Of Commute, 2000 Byram Township</b>		
	<b>Number</b>	<b>Percent</b>
<b>Workers 16 years and over</b>	<b>4,398</b>	<b>100</b>
Car, truck, or van		
Drove alone	3,792	86.2
Carpooled	378	8.6
Public transportation	61	1.4
Motorcycle	7	0.2
Bicycle	0	0.0
Walked	24	0.5
Other means	9	0.2
Worked at home	127	2.9

### **COVERED EMPLOYMENT**

There is currently very limited information available on actual job opportunities within municipalities. The Department of Labor collects information on covered employment, which is employment and wage data for employees covered by unemployment insurance. The tables below provide a snapshot of private employers located within Byram Township. The first table reflects the number of jobs covered in private employment from 2004 through 2006. The second table reflects the disbursement of jobs by industry and salaries in 2003.

According to data from the New Jersey Department of Labor and Workforce Development, there was very little private employment in Byram Township from 2004-2006.

<b>Private Wage Covered Employment*</b> <b>2006-2008, Byram Township</b>			
<b>Year</b>	<b>Number of Jobs</b>	<b># Change</b>	<b>% Change</b>
2006	309	-	
2007	237	-72	-23.3
2008	226	-11	-4.6

\*Third Quarter Numbers

The table below reflects the disbursement of jobs by industry and salaries in 2003. It provides a snapshot of private employers located within Byram Township, and reflects disbursement of jobs by industry and salaries in 2003. Using third quarter data, the most dominant industry was retail/trade and paid the third highest wages of all the industries. The professional/technical services ranked second in employment, but was the highest paying industry of all, averaging an annual salary of \$52,138.

<b>Private Employment and Wages 2003, Byram Twp.</b>						
<b>Industry</b>	<b>Employment</b>				<b>Wages</b>	
	<b>March</b>	<b>June</b>	<b>Sept</b>	<b>Dec</b>	<b>Weekly</b>	<b>Annual</b>
Utilities	-	-	-	-	-	-
Construction	10	8	10	13	\$701	\$36,455
Manufacturing	-	-	-	-	-	-
Retail/Trade	27	25	28	26	\$576	\$29,969
Transportation/Warehousing	-	-	-	-	-	-
Finance/Insurance	-	-	-	-	-	-
Professional/Technical Services	10	11	11	15	\$1,003	\$52,138
Admin./Waste Services	-	-	-	-	-	-
Healthcare/Social Assistance	-	-	-	-	-	-
Arts/Entertainment/Recreation	-	-	-	-	-	-
Accommodations/Food Services	-	-	-	-	-	-
Other Services (except public administration)	9	8	8	9	\$234	\$12,147
<b>Total</b>	<b>156</b>	<b>319</b>	<b>316</b>	<b>176</b>	<b>\$362</b>	<b>\$18,807</b>

## FUTURE EMPLOYMENT

According to the New Jersey Transportation Planning Authority estimates, the population in Byram Township will increase by 970 between 2000 and 2015, an overall increase of 11.6%. Employment is forecasted to increase at a higher rate of 21.1%.

New Jersey Transportation Planning Authority						
Population & Employment						
<b>Byram Twp.</b>	<b>2000</b>	<b>2005</b>	<b>2010</b>	<b>2015</b>	<b># Change 2000-2015</b>	<b>% Change 2000-2015</b>
Population	8,320	8,650	8,980	9,290	970	11.6%
Employment	1,610	1,690	1,810	1,950	340	21.1%

#### **IV. DETERMINING FAIR SHARE OBLIGATION**

The Housing Element has been modified to incorporate Highlands RMP provisions as the basis for housing and employment growth projections. These projections have been recalculated using the Highlands Council Municipal Build-Out Analysis results for the Township, including consideration of water availability, septic system yield, and water and wastewater utility capacity. Housing and employment projections are required to determine the municipal "Growth Share" component of the overall Fair Share Housing obligation. Consistent with the Substantive Rules (N.J.A.C. 5:97) of the Council on Affordable Housing (COAH), the municipal affordable housing need is measured as a percentage of residential and non-residential growth from 2004 - 2018. COAH ratios require in general one (1) affordable unit for every four (4) new market rate housing units and one (1) affordable unit for every 16 new jobs (calculated on the basis of new non-residential square footage by Uniform Construction Code Use Group designation). Pursuant to COAH Rules, the overall housing obligation also includes a Rehabilitation Share and the Prior Round Obligation; each of these is offset in the final analysis by eligible credits, reductions and adjustments, as appropriate.

##### **Rehabilitation Share and Prior Round Obligation**

As per Appendices B and C of NJAC 5:97, Byram's rehabilitation share is 24 units and Prior Round obligation is 33 units.

<b>Byram Township Obligation</b>	
Rehabilitation Share	24
Prior Round Obligation	33

##### **Growth Share Obligation**

The Township is relying upon the RMP build-out analysis for determining the projected Municipal Growth Share Obligation. Workbook D, issued by COAH, provides 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. Within this workbook, the projected Growth Share Obligation of a municipality may be modified based on exclusions permitted by N.J.A.C. 5:97-2.4. The attached Workbook D details the projected growth share obligation for Byram based on COAH generated Growth Projections included in Appendix F(2) of the revised Third Round Rules, Highlands Council build-out figures and actual growth based on COs as published by the DCA Division of Codes and Standards in The Construction Reporter.

The attached Workbook D shows the Municipal Growth Share of Byram. As shown in Worksheet D, the Highlands RMP analysis results in a revision to the COAH-generated growth projection - Byram Township has residential growth share of 0 plus a non-residential growth share of 11.52 for a total Highlands Adjusted Growth Share Obligation of 12 affordable units.

<b>Byram Township Obligation</b>	
Rehabilitation Share 1999-2014	24
Prior Round Obligation 1987-1999	33
Growth Share	12
<b>Total Obligation</b>	<b>69</b>

## **V. ZONING ANALYSIS**

A zoning analysis, as required in the new Third Round regulations, is utilized to help determine how the Township will meet its expected growth and affordable housing need. This analysis covers how existing zoning and planned zoning changes provide adequate capacity to accommodate residential and non-residential growth projections and includes the following:

- An analysis of the available existing and planned infrastructure.
- The anticipated demand for types of uses permitted by zoning based on present and anticipated future demographic characteristics of the Township and anticipated land use patterns.
- The Township's economic development policies and constraints on development with existing or planned measures to address constraints.

### **Infrastructure**

A limited network of utilities serves the Township of Byram. Oil heat, individual septic systems, private neighborhood water companies, and individual wells comprise the primary utilities. The Township has no natural gas or town-wide potable water network. Only a small part of Byram is served by a sanitary sewer system, therefore, the primary method of wastewater disposal is through on-site septic systems.

The extreme environmental constraints placed on the Township by its topography, surface waters, surface geology, and soils and the limited development of regional systems have been the dominant factors in minimizing the utility network. In addition, the nature of utilities in the Township has been determined largely by the fragmented character of residential development, mostly centered on the Township's several lake communities, and by the Township's limited commercial sector. Although Byram maintains an identity as a lake resort community, most of the seasonal cottages are now year-round homes. This trend has placed a strain on the existing utility network of individual septic systems, small water companies, and private wells. The lack of sewers within the Township has caused the Township to enact legislation to regulate septic systems. New planning initiatives, on the local and State level, now support this approach and call upon municipalities like Byram to confine utility networks to limited growth centers and to prevent their spread into more rural areas.

#### **Sewer**

In addition to on-site septic systems, a small portion of the Township is served by a sewer facility. According to the Township's Master Plan, Byram Township is located in 3 designated

'208' drainage regions and three NJDEP designated '201' planning areas. The Musconetcong River Basin covers nearly all of eastern, central and southern Byram, while small portions of the far western and northern areas are within the Pequest and Wallkill regions. The Musconetcong Sewerage Authority (MSA), located immediately southeast of Byram on the Musconetcong River, is the only sewer facility that serves the immediate area. According to the MSA, the Township has a present sewage allocation of 100,000 gpd, with 62,268 gpd available for future development. Of that 62,268 gpd, Byram intends to serve most of the commercial development along Route 206, the municipal complex, and Township schools, along with a few homes along the route of the trunk line. The Township does have an additional allocation of 40,000 gallons, which is reserved for the proposed Village Center Mixed-Use Zone (approximately 60 acres in size). The MSA has submitted an updated Wastewater Management Plan to the DEP for their review in May 2008. Byram was included in the plan as a customer having a sewage gallonage of 100,000 gpd.

#### Water

Water services are largely provided by private neighborhood water companies and individual wells. Water service is supplied by a series of wells located throughout the service area including:

- Frenches Grove Water Association
- North Shore Water Association
- Briar Heights and Della Heights Property Owners Association
- Strawberry Point Property Owners Association
- Forest Lakes Water Company
- Colby Water Company
- Sparta Township Water Utility
- East Brookwood Property Owners Association Water Company
- Brookwood-Musconetcong River Property Owners Association
- Willor Manor Water Company
- Byram Homeowners Association Water Company

Since Byram relies on subterranean well water, there is concern for potential pollution with any new development. Where development is proposed, a rigorous set of standards needs to be employed to mitigate any affects on the watershed.

## **Anticipated Demand and Land Use Patterns**

### **Demand**

Byram Township is a "rural center" community 22.48 square miles in area, consisting of community areas with less developed environmentally constrained lands surrounding the community areas. Byram Township's 2004 Master Plan addressed its land use needs based on demographics, planning assumptions, stated vision and community goals and objectives. The Land Use Plan recommended the Township's proposed zoning regulations. These regulations established seven additional different zoning districts, in which all but three allow for varying types of residential and non-residential development.

Employment growth within the Township will increase (395 jobs per the Plan) in the next ten years because of the proposed Village Center. Residential growth is limited (104 households per the Plan) because of the zoning and environmental constraints that have been placed on it. The most notable growth constraint is the Highlands Act, which has restricted residential subdivisions in most of the Township.

### **Land Use**

The Township is comprised of a variety of land uses. According to the Township's Mod IV data, the land use category, "Farm (House/Qualified)" includes the highest percentage of acreage in the Township. "Public Property" ranks second, while residential land uses rank third. Apartments appear to be the lowest percentage of land use within the Township. The table below provides the approximate acreages and percentages of land uses within the Township.

<b>Existing Land Use, 2008</b>		
<b>Land Use</b>	<b>Acres</b>	<b>Percent</b>
Vacant	1,024.73	7.29
Residential (four families or less)	2,204.46	15.68
Farm (House/Qualified)	4669.38	33.21
Commercial	1058.55	7.53
Industrial	45.61	0.32
Apartments	1.58	0.01
Public School Property	117.32	0.83
Public Property	3,938.57	28.02
Church and Charitable Property	12.03	0.09
Other Exempt Properties	836.46	5.95
Data Not Available	149.36	1.06
<b>Total</b>	<b>14,058.05</b>	<b>100.00</b>

Aside from the existing land uses in the Township, the zoning of each parcel can vary. The current and anticipated demand for residential and employment growth, based on the analyses completed, can be met through Byram Township's current zoning. The projected projects outlined in this Plan fall under the existing zoning. The following sections detail the current zoning in Byram Township. The zoning scheme discussed below is illustrated in the Existing Land Use and Zoning map. The following is a general outline of zoning within Byram Township:

### Residential

Residential parcels constitute the majority in the Township. They represent 73.2% of the total number of parcels. Apartments are an insignificant land use classification in the Township, representing only three parcels and 0.1% of net taxable value. Almost 86% of the municipal tax base is generated from residential properties. Byram has five different residential zones.

#### *R-1*

The R-1 zone permits single-family homes, agricultural uses, home businesses, and commercial greenhouses. The R-1 zone has a maximum density of 1 unit per 10 acres with a minimum building lot of 1 acre.

The 10-Acre Density Residential Zone (R-1) is intended to preserve much of the constrained and undeveloped land in the Township. The R-1 10-Acre Density Residential Zone occurs in three large areas and several smaller areas. The first large area is bounded by the Andover Township border to the west, the Lackawanna Cut-off to the south, Andover-Mohawk Road, and properties fronting on Lee Hill Road to the north, and properties fronting on Amity Road to the east. This area includes Stag Lake, several smaller ponds, and significant steep slope areas and numerous streams and wetlands.

The second large area is bounded by properties fronting on Amity Road to the west, the Lackawanna Cut-off to the south, Sparta-Stanhope Road to the north, and the Hopatcong Borough border and properties fronting on Lackawanna Drive to the east. This area includes forested lands and significant steep slope areas.

The third large area is located south of the Lackawanna Cut-off and is surrounded by the residential areas of Lake Lackawanna to the east and Johnson Lake to the west. The zone is bounded by the Route 206 commercial corridor and the proposed IPR zone to the south. This includes Wolf Lake, forested lands, and significant steep slope areas.

The smaller areas include the lake bottoms of all privately held lakes, including Lake Lackawanna, Panther Lake, Forest Lake, Johnson Lake, Lake Mohawk, Roseville Pond, Kofferls Pond, and the privately held portions of the Cranberry Lake bottom. Their designation under the new R-1 Zone is based on the possibility that the lakes could either purposefully or catastrophically be drained by removal or failure of their dams. Numerous dams in New Jersey and the region have failed in recent years during extreme weather, which could create large meadow areas developable at their current zoning designations. The beds of privately held lakes represent the lowest density in the Township, which leads to the encouraging the maintenance of the dams and to remove any economic incentive to drain the lakes in this 'Township of Lakes.' While this is not the only measure designed to protect the existing lakes, it is a useful control.

There are two remaining areas designated within the R-1 10-Acre Density Residential Zone. The first area is on the Stanhope Borough border and is bounded by the East Brookwoods neighborhood and the Lackawanna Cut-off. The second is on the Andover Township border and is bounded by Allamuchy Mountain State Forest and Route 206.

#### R-2

The R-2 zone allows for a maximum density of 1 unit per 5 acres with a 1-acre minimum building lot. Permitted uses in the R-2 zone include single-family homes, agricultural uses, home businesses, and commercial greenhouses.

The R-2 5-acre Density Residential Zone is intended to provide low-density residential development opportunities in forested areas and serve as a transition between 10-acre R-1 zones and higher density residential areas. The R-2 5-acre Density Residential Zone occurs in five large areas and several smaller areas. The basic extent of the R-2 is the lower density areas surrounding or between higher density zones in the Lake Communities.

The largest R-2 5-Acre Density Residential zone is on both sides of Amity Road from the Lackawanna Cut-off in the south to the smaller lots fronting on Lee Hill Road to the north. This area then proceeds west along Lee Hill Road and crosses the road and continues north until it reaches the higher density zoning around Lake Mohawk. The R-1 10-acre Density Residential Zone surrounds this area to the east and west. A nearby area in the R-2 5-acre Density Residential Zone is bounded by Sparta Township to the north, Andover Township to the west, Andover-Mohawk Road to the south, and the higher density zoning around Lake Mohawk to the

east. The remaining portion of the R-2 5-acre Density Residential Zone north of the Lackawanna Cut-off is on either side of Lackawanna Drive from the Cut-off to the south and the CR Commercial Recreation Zone to the north. The area is flanked by R-1 to the west and the Hopatcong Borough border to the east.

The two largest areas south of the Lackawanna Cut-off surround Lake Communities. There is a large area of R-2 5-acre Density Residential Zone between the Cut-off and Lake Lackawanna that surrounds the large block of Township-owned open space north of Mansfield Drive. There are two smaller areas in the Lake Lackawanna vicinity. The other large area of R-2 5-acre Density Residential Zone surrounds and separates the higher density residential zoning around Johnson Lake, Panther Lake, and Forest Lake. There is a smaller, adjacent area of R-2 5-acre Density Residential Zone on the south side of Route 206 on the Andover Township border.

There are three smaller areas of R-2 5-acre Density Residential Zone surrounded by the State owned open space that lies between the Sussex Branch Trail and Route 206. These areas are on the Township's list of potential open space acquisitions, but remain in private ownership and will remain zoned for residential use until they can be acquired.

### R-3

The R-3 zone permits single-family homes, home businesses, and up to two boarders per family on lots with a minimum area of 40,000 square feet.

The largest area zoned R-3 is along the northern border with Sparta Township. The area is bound by the parcels fronting on Lee Hill Road to the south, the parcels fronting on Sparta-Stanhope Road to the east, and the R-1 Zone surrounding Lake Mohawk to the west. The only other area zoned R-3 in this part of the Township is to the west of Lake Mohawk, north of Andover-Mohawk Road, and bounded by the proposed R-2 5-acre Density Residential Zone to the west and the R-5 1/4-acre Residential Zone surrounding Lake Mohawk to the east.

There are nine separate areas of R-3 zoning that are in the other Lake Communities. Three surround Lake Lackawanna; one lies to the east of Johnson Lake; and five are in Cranberry Lake.

The remaining areas zoned R-3 are in the eastern part of the Township. The largest of these is the East Brookwood neighborhood and is generally composed of the lots that front on Brookwood Road, Briar Lane, Joan Drive, Debbie Drive, and Ross Road. The second is the collection of lots

that front on Lackawanna Drive, from the proposed Village Center to the south to the Neil Gylling Municipal Park north of Mansfield Drive. The final area is a small area between Allamuchy Mountain State Park and the Village Business.

#### R-4

The R-4 zone permits single-family homes, home businesses, and up to two boarders per family on lots with a minimum area of 20,000 square feet. The R-4 Zones are scattered throughout the Township.

There are no R-4 Zones north of the Lackawanna Cut-off. There are five areas of R-4 Zone in the Lake Communities—west of Panther Lake, west of Forest Lake, east of Johnson Lake, between Forest Lake and Johnson Lake, and in the Cranberry Lake community.

In addition, there is an R-4 Zone just north of the Neighborhood Commercial Zone along Route 206 in the Cranberry Lake vicinity. This area can be generally described as the lots fronting on a southern portion of Tamarack Road, Little Paint Way, C.O. Johnson Drive, Maple Road, Birch Road, and Johnson Boulevard.

The remaining R-4 Zones are in the eastern part of the Township. The largest of these is the northern half of the West Brookwood neighborhood and is generally composed of the lots that front on Waterloo Road, Newton Avenue, Cascade Road, Sussex Street, Mayne Avenue, Lauren Court, and Lockwood Avenue. The other R-4 Zone is in the East Brookwoods, consisting of the lots on Brookwood Drive.

#### R-5

The R-5 zone permits single-family homes and home businesses on lots with a minimum area of 10,000 square feet. These R-5 Zones are scattered throughout the Township.

There are four large R-5 concentrations in the Lake Communities, including most of the lots surrounding Lake Mohawk, Lake Lackawanna, and Forest Lake. The Cranberry Lake community also contains large areas of R-5. These Lake Community areas developed at this high density either as a legacy of seasonal cabins or as planned older communities.

There are three remaining areas zoned R-5—north of Tomahawk Trail and east of Sparta-Stanhope Road, not including parcels fronting on Carlson Lane; the southern half of the West

Brookwood neighborhood, generally composed of lots on Broad Avenue, Robert Street, Acorn Street, Adair Street, Bunker Drive, Ash Street, Beech Street, Chestnut Street, Union Street and Belton Road; and in the East Brookwoods, consisting primarily of parcels on Woods Edge Road, White Birch Road, Sand Hill Road, Wild Wood Road, Mountain Avenue, and Pleasant Hill Road.

### Village Center

On May 19, 2004, the State Planning Commission officially recognized a Designated Village Center (Designated VC) in Byram, which includes the Village Center Mixed-Use Zone (VC Zone, approximately 60 acres) at the corner of Route 206 and Lackawanna Drive, as well as the existing commercial areas along Route 206, the ShopRite Plaza, and the lower quarry parcel on Lackawanna Drive. The State now recognizes Byram's commitment to focusing development in a higher density center in order to accommodate the preservation of the remaining rural Environ, including the Township's forested lands and critical areas. Under the Highlands Water Protection and Planning Act, Designated Centers are excluded from the Highlands Core Preservation Area. Except for Byram's Designated Village Center (which includes its Village Center Mixed-Use Zone), where carefully-controlled growth will be allowed, the remainder of Byram is entirely within the Highlands Preservation Area and is subject to the land use controls and growth limitations instituted by the legislation and pursuant regulations.

#### VC Village Center Mixed-Use Zone

The Village Center Mixed-Use Zone (VC Zone) is intended to be the primary focal point of new development, in order to promote the implementation of the objectives and goals of the Township of Byram's Smart Growth Plan and to address its certified COAH plan. The VC Mixed-Use Zone takes advantage of its central location and proximity to community amenities and infrastructure.

The primary purpose of the VC Mixed-Use Zone is to provide for carefully planned development, through mixed-uses and specific commercial and residential components. To ensure the intent of this zone is met, a Form Based Code has been designed for this area, which is based on bulk/design standards, along with a "land use" regulating map and illustrative site layout and building use map. The VC Mixed-Use Zone is intended to provide pedestrian-oriented commercial services to future and existing residential neighborhoods, and to create a new, 'neo-traditional' 'Center' that serves as a community focus for the Township.

The intent of this zone is to encourage reasonable new development, while still providing for open space, common greens, and civic centers. The Village Center concept, through comprehensive project design, is to be the defining element for any new development. All new development proposals, as well as changes, alterations and rehabilitations to existing structures or uses are to be subject to the standards and objectives listed in the Village Center Form Based Code Ordinance and the Design Guidelines developed by the Township's Architectural Review Committee, which is established under the Village Center Form Based Code Ordinance.

The Village Center Mixed-Use Zone is approximately 60 acres in size and is located along Route 206. Development is highly restricted by the limited reserved sewerage capacity of 40,000 gallons for this specific area. This is the only area within the Township that sewerage gallonage is reserved for the anticipation of providing a realistic development opportunity for affordable housing. The area is bounded by Route 206 to the west, Lackawanna Drive to the north, the Wild West City Theme Park to the east, and the East Brookwood neighborhood (under the current R-2, R-3, and R-4 Residential zones) to the south.

#### *VB Village Business Zone*

The Village Business Zone is intended to complement and be architecturally influenced by the primary focal point of development in the Village Center Mixed-Use Zone (VC Zone).

The VB Zone plans for new commercial development and promotes the redesign or redevelopment of existing commercial development to establish a more village-like downtown that invites pedestrians and bicyclists and promotes certain architectural and landscape elements. The intent is to transform the high-speed, auto-oriented thoroughfare typical of highway-strip development into a neo-traditional 'Main Street' to attract residents and visitors.

The primary purpose of the VB Zone is to provide for complementary development in proximity to the Village Center Mixed-Use Zone through specific commercial uses and a limited number of apartment-style residential units above the first floor. All new development, as well as any alterations to or rehabilitation of existing structures or uses are subject to the VC Zone Design Guidelines defined in the Village Center Mixed-Use Ordinance and established by the Township's Architectural Review Committee. This zone is not intended for single-family, townhouse, or condominium residential development. The VB Zone consists primarily of the parcels fronting on Route 206, starting at the Stanhope Borough border to the south, continuing north to the IPR Zone, and including the Byram Plaza.

### Commercial

The Township of Byram contains one main commercial corridor along Route 206. The uses along the corridor range from small strip retail establishments to larger retailers such as Shop-Rite. In total, commercial land uses comprise only 2.4% of Township parcels and 2.3% of Township acreage. Byram has only two purely commercial zone districts.

#### *N-C Neighborhood Commercial*

The purpose of the N-C zone is to maintain existing commercial uses and encourage small-scale neighborhood retail and service establishments for residential neighborhoods and lake communities to provide convenient shopping within walking or biking distance. The uses in this district are intended to be of low intensity and compatible with the surrounding residential uses in order to promote implementation of the objectives and goals of the Township's Smart Growth Plan. Permitted uses include restaurants, drugstores, bookshops, antique stores, and bakeries. Outdoor cafes are permitted as a conditional use. Auto-centric uses such as service stations and drive-throughs are not permitted. The N-C zone requires a minimum tract size of 20,000 square feet and a minimum building size of 5,000 square feet.

The largest portion of the Neighborhood Commercial Zone consists of properties fronting on Route 206 from the IPR zone to the south, continuing north to the State Park-and-Ride lot at Cranberry Lake. There are four other small NC Zones proposed throughout the Township, on the Lake Lackawanna lakeshore, between Forest Lake and Johnson Lake on Roseville Road, at the intersection of Sparta-Stanhope Road and Amity Road, and in the Lake Mohawk area on Lee Hill Road.

#### *C-R Commercial Recreation*

The Commercial Recreation Zone encompasses all private campgrounds or recreational vehicle parks. The largest CR Zone is the Allamuchy Boy Scout Reservation, surrounded by Allamuchy Mountain State Park. There are five other private campgrounds in the Township that are in this zone at Panther Lake, Tomahawk Lake, Columbia Valley, Jefferson Lake, and the area along Lubbers Run associated with the Hudson Farm. Permitted uses in the C-R zone include amusement rides, golfing activities, and camping. The minimum lot size for the zone is 20 acres.

### Industrial

Only 171 acres of the township are used for Industrial purposes. The quarry located on Lackawanna Drive is the only Industrial center in Byram Township. Through legislation and the

new Highlands Act, the Quarry will expand very little if at all in the coming years. The Township has only one industrial zone: the IPR Industrial Professional Recreational District. The IPR Zone accommodates the existing quarry use and encourages the development of clean industrial facilities, professional office parks, or commercial recreation businesses. Permitted uses in the IPR include car washes, professional offices, light manufacturing, car rental, and medical offices. The zone has a minimum lot size of 21.5 acres and large setback requirements, up to 300 feet, to provide a buffer between the uses and Route 206 and Lackawanna Drive.

The IPR Zone is located on the north side of Route 206 between the VB Zone to the southeast and the NC Zone to the northwest. The zone is bounded to the north by the chain of mountain wetlands associated with the Lubbers Run tributary that flows down to and under Lackawanna Drive to join the Lubbers Run riparian corridor just north of the municipal complex

#### Other

The Township also has considerable open space and other miscellaneous space that is tax exempt and does not produce any employment or residential development. The Township does not expect growth in these miscellaneous areas.

#### Open Space (OS)

The Township created an Open Space Zone (OS Zone) to recognize areas under public ownership that are not planned for future development, including parcels currently in permanent open space protection or those that become protected in the future (where zoning would automatically change to OS once such parcels are preserved). Only areas actually in public ownership should be included in this zone, because of the highly restrictive nature of the requirements that will ensure their continued use as open space. Any commercial or residential uses are prohibited in the OS zone. Areas zoned OS are generally located south and west of Route 206.

#### Golf Course (GC)

The Township created a Golf Course Zone (GC Zone) for those areas already developed as golf courses. This zone recognizes these areas as golf courses and limits their development potential if the current use ceases.

### *Family Theme Recreation Park (FP)*

Only the Wild West City Theme Park is currently zoned FP, and there are no plans to change this use. The Wild West City FP Zone lies immediately northeast of the Village Center Mixed-Use Zone and is bounded by the parcels on Lackawanna Drive, Brookwood Drive, and Mansfield Drive.

### **Economic Policies and Constraints on Development**

Byram Township does not have an Economic Plan Element as part of its 2004 Master Plan, but the Land Use Plan clearly outlines how the Township wants economic development to occur within the municipality. The Township is small and not an employment intensive town, and the Land Use Plan and zoning maintain appropriate scaled non-residential development for the area. Byram Township has five zones in which non-residential development can occur. The most limited for new development is the IPR District. This is the only zone that allows for manufacturing uses, but these areas are restricted to existing industrial parks and older industrial areas and are not slated for any type of growth or expansion.

The target for economic development within the Township revolves around the mix of fast-food retail, office, medical and professional, and other uses along Route 206 and a more pedestrian orientated retail and assembly (i.e. restaurants, taverns, galleries, indoor recreation) uses in the Village Center Mixed-Use Zone. More specifically, the Village Center Mixed-Use Zone is designated as the core commercial area, emphasizing niche retailing with retail shops on the ground level and residential units on upper floors. The Village Center Mixed-Use Zone provides additional opportunity to provide employment through retail, service and entertainment space. Most office, assembly, and retail uses are permitted in these non-residential zones. The VB zone is targeted more for the larger single use, office, assembly and storage uses. This zone already includes a Shop-Rite and, along with the Village Center Mixed-Use Zone, is where the projected non-residential development will occur.

### **Environmental Constraints**

#### *Wetlands*

Wetlands cover 1,226 acres or approximately 8.6% of the Township. Wetlands provide natural flood control by storing excess water and slowly releasing it to surface waters. Wetlands also serve as groundwater recharge areas and as filtration systems, removing pollutants from the water table and storing them in biomass. As the total area of wetlands and their natural functions decrease, the overall quality and quantity of surface water is altered. Often, expensive man-made utilities are required to make up for the loss of wetlands.

A community that incorporates growth while maintaining or improving wetlands and wetland functions can achieve lower flood peaks, fewer droughts, more wildlife and wildlife habitat, and better surface water quality. Wetlands also provide recreational opportunities for boating, hiking, and bird watching. Freshwater wetlands occur in different parts of Byram, typically in the swales and valleys that parallel the ridgelines. These wetlands occur mostly along stream channels and in low-lying areas. There are concentrations of wetlands in the central eastern edge of the Township around Lake Lackawanna and along Lubbers Run and in the southwestern and southernmost areas around and beyond Cranberry Lake. There is a large concentration north of Forest Lake and smaller, scattered pockets throughout the Township.

#### *Water Supply Well Head Protection Areas*

Currently, all of Byram's residents and businesses depend on groundwater for their drinking water supply. Approximately half of the Township's homes draw from the eleven small water companies operating in Byram, and the other half draw from individual wells. Thus, protection of the quality and quantity of groundwater is critical. In addition to supplying drinking water, groundwater also supplies 'base flow' to Byram's lakes and streams, which helps feed these water bodies and helps sustain water levels in times of drought. This connection between groundwater and surface waters can move both ways, with contamination in lakes and streams entering surrounding groundwater and wells.

The October 2004 grant report, "Preliminary Assessment of Groundwater and Aquifers in Byram Township, New Jersey," prepared for the Environmental Commission, discusses the availability of groundwater in Byram, its susceptibility to contamination as well as specific episodes of contamination, and recommendations for managing and protecting Byram's drinking water supplies. The report includes a map of wellhead protection areas in and around Byram. Each public well is surrounded by concentric circles showing where contamination could eventually reach the well over periods of time ranging from three to five years. NJDEP maps extend the circles to 12 years. Wellhead protection ordinances restrict uses within these circles to those that do not pose unacceptable risks of contamination. Wellhead areas in the grant report cover extensive parts of Byram's southeastern tip, including substantial areas in neighboring Stanhope and Hopatcong.

The grant report also includes a model 'supply well evaluation' ordinance to help ensure that new wells have sufficient yield and quality and do not adversely impact existing, neighboring

wells. The grant report also recommends various other land use strategies and recommends that homeowners near known contaminated sites regularly test their wells.

#### *Floodplains*

Floodplains represent 825 acres or approximately 5.8% of the Township. Floodplains are a vital part of any river ecosystem, acting as water filters and wildlife nurseries. They are important for the maintenance of water quality, providing fresh water to wetlands and backwaters while diluting salts and nutrients. Floodplains are major centers of biological life in the river ecosystem and improve the overall health of the habitat used by many species of birds, fish, and plants. They are important biologically, as they represent areas where many species reproduce and as such are important for breeding and regeneration cycles.

NJDEP-identified floodplains occur in relatively small portions of the northern and central portions of the Township, with a large area north of Forest Lake and in the Panther Lake vicinity. The southern area of the township contains a larger proportion of floodplains in the vicinity of Cranberry Lake, Lake Lackawanna, and Jefferson Lake, where large areas of residential development have already occurred on the boundaries of these floodplains.

#### *Natural Heritage Priority Sites*

The Township has three Natural Heritage Priority sites. Natural Heritage Priority Sites (NHRS) indicate that rare species and/or natural communities may be present in a given area based on historical records of sightings or identification of an area as a probable habitat for rare or endangered species. Many areas of the Township are suitable habitat for Threatened and Endangered species at the state level. Some areas are also suitable habitat for Federal Threatened and Endangered species.

<b>Natural Heritage Priority Sites Details</b>			
Site Name	Description	Boundary Description	Biological significance
Bridge to Nowhere	Alluvial woods, wet woods, rich wooded uplands, and abandoned canal along stream	Includes extent of habitat for rare plants plus additional buffer	B4 (Standard Site, Moderate Significance)
Wolf Lake	Small lake in the Highlands with much aquatic vegetation	Plant species is aquatic and primary boundary includes lake. Secondary boundary includes upland buffer.	B4 (Standard Site, Moderate Significance)
Wrights Pond Bluffs	Steep slopes and open, rocky bluffs on hillside above large pond	Includes the habitat for three rare plant species plus buffer	B4 (Standard Site, Moderate Significance)

#### Steep Slopes

The Township Master Plan defines steep slopes as ranging from 15 to 25% and critical slopes as more than 25%. The Steep Slope maps reveal that a considerable percentage of the Township is covered by steep and critical slopes. Steep slopes cover 3,269 acres or approximately 22% of the Township, and critical slopes cover another 2,231 acres of approximately 15% of the Township resulting in 5,500 acres and 37% of the Township with slopes in excess of 15%. Disturbance of steep and critical slopes can affect plant life and drainage patterns, increase the amount and speed of runoff, and can cause erosion, soil creep, slumping (sections of soil shifting down and outward on the slope), and landslides.

Runoff carries eroded sediments to lowland areas and to wetlands, ponds, lakes and streams, where the resulting turbidity and siltation can damage or destroy aquatic life and disrupt the ability of wetlands to filter and purify water. This combination of increased runoff and siltation affects the ability of streams and wetlands to retain water, changing the pattern and rate of the water's rise and fall and causing increased flooding. Turbidity and siltation also contribute to the eutrophication process in lakes, speeding the natural aging process.

Dramatic runoff problems often result when slopes are covered with impervious surfaces, such as buildings, roads, driveways, and parking lots. Since water can't percolate into the soil, it runs off the site, picking up speed as it travels across these surfaces. This high velocity runoff erodes surrounding soils, carrying increased amounts of silt into nearby surface waters. Even altering the

vegetation on slopes, removing trees and ground cover can significantly alter the runoff characteristics of an area. Any type of disturbance in steep slope areas creates increased runoff, erosion and siltation. In addition to the obvious problems of runoff, erosion and landslides, altering the soils or vegetation on slopes may also reduce the percolation of water into the soil and disrupt the recharge of groundwater and aquifers. Aquifers in areas of steep bedrock, as in parts of northern New Jersey, do not contain much water. Poorly designed or excessive development that disrupts aquifer recharge, while increasing the demand for water for human consumption, can result in periodic or permanent water shortages. Aquifers can be damaged by the heavy road salting typical in hilly areas and from septic installation on slopes, where soils are thin or otherwise unsuitable for leach fields. In such areas, septic effluent may seep out on the face of the hillside.

Byram Township is mountainous, traversed by ridgelines and valleys, with its highest elevations distributed mostly in the southwest and northeast regions. Portions of the Township's central and west central area are strewn with steep slopes. Five major ridgeline areas occur in the Township. The first ridge runs along the Lackawanna Cut-off and rises to three prominent peaks of 1,096 feet, 1,120 feet, and 1,165 feet above mean sea level (MSL). The second ridge runs between Amity and Sparta-Stanhope Road (Rt. 605), reaching a height of 1,220 feet above MSL. The third ridge runs east of Lackawanna Drive to just north of Tamarack Road, forming a plateau about 1,000 feet above MSL. The fourth and fifth ridges rise above the stream connecting Frenches Pond and Cranberry Lake in the western portion of the township, rising to 1,070 feet and 1,063 feet above MSL. Byram Township has a Tract Disturbance Ordinance to provide for reasonable control of development within critical areas (surface waters, wetlands, steep slopes and floodplains) to minimize adverse impacts of development. Such impacts include, but are not limited to, erosion, siltation, flooding, surface slippage and subsidence, surface water runoff, habitat destruction, and pollution of potable water supplies from point and non-point sources. The ordinance recognizes that the integrity of the Township's and the region's water resources is strongly linked to prevent development on critical areas, as well as the general use of land resources. Therefore, appropriate management of these resources is an important concern for the health, safety and general welfare of the community. The Tract Disturbance Ordinance applies to all applications for development and approval, including subdivisions, site plans, and building permits. The only exceptions are for roadway or utility improvements undertaken by a government entity and for farming and forestry. The ordinance prohibits disturbance of critical areas, which are defined as surface water bodies, wetlands, slopes in excess of 25%, ridgelines and hillcrests, and floodplains and flood fringe areas.

### *Land Ownership*

A majority of land within the Township falls under private ownership. Approximately 3,997 acres are publicly owned, with the Township itself owning only about 123 acres. A majority of the land that the Township owns is currently developed.

The Township does own approximately ten individual vacant lots scattered throughout the Township, which these sites present an opportunity to provide affordable housing outside of the proposed Village Center. The Township plans to donate the vacant parcels to a non-profit entity (i.e. Habitat for Humanity) to develop affordable units. Also, the Township plans to donate two of these vacant lots to construct two group homes. These options present opportunities to address Byram's COAH obligation, in conjunction with the phased development in the Village Center.

### *Known Contaminated Sites*

The Township of Byram has several contaminated sites. These sites are under the oversight of the NJDEP Site Remediation Program and have or had contamination present at levels greater than the applicable clean up criteria for soil, ground water standards and/or maximum contamination levels (MSL's) of the Safe Drinking Water Standards. The Township currently does not have a plan to remediate these known sites.

<b>Known Contaminated Sites Byram, 2009</b>	
Shell Service Station 138521	27 Route 206
Consolidated School	55 Lackawanna Drive
Byram Twp Municipal Complex	10 Mansfield Drive
Willow Manor Water Company	Birch Road
Wolf Lake Landfill	30 Roseville Road
North Shore Water Associates	1 Hi To Ga Trail
East Brookwood Property Owners Assoc	Belton St
New Catherine Terrace Housing Develop	10 Catherine Terrace
Cranberry Lake Groundwater Contamination	Lakeview Trail
4 Adair St	4 Adair Street
2 Adair Street	2 Adair Street
48 Richmond Road Lake Spill	48 Richmond Road
45 River Road	45 River Road
Byram Twp Tce Regional Gw Contam	Various Locations
47 Lake Drive	47 Lake Drive
Route 206 Roadway Improvement Project	37 Route 206
130 Lackawanna Drive Oil Spill	130 Lackawanna Drive

## **Regional Planning Regulations**

### *State Development and Redevelopment Plan*

The State Planning Commission adopted the State Development and Redevelopment Plan (SDRP) on March 1, 2001. The SDRP also undergoes a periodic cross acceptance process with State, County, and local officials, thereby reconciling the State Plan with local conditions and zoning. The SDRP contains a number of goals and objectives regarding the future development and redevelopment of New Jersey. The primary objective of the SDRP is to guide development to areas where infrastructure is available. New growth and development should be located in 'centers,' which are compact forms of development, rather than in sprawl development. The overall goal of the SDRP is to promote development and redevelopment that will consume less land, deplete fewer natural resources, and use the State's infrastructure more efficiently. According to the SDRP, Township of Byram lies in two planning areas.

- Planning Area 4, Rural Planning Area, located in the north Central portion of the Township (28% of total Township land area).
- Encompassing Planning Area 5, Environmentally Sensitive Planning Area most of the rest of the Township (50% of Township Land Area).
- State Parks (22% of Township land area).

According to the SDRP, Planning Areas 4 and 5 should be sensitive to the existing environs and work to revitalize existing cities and towns and concentrate any growth or development in centers. Moreover the SDRP states that Rural Planning Areas need strong centers and that centers should attract private investment that might not otherwise occur.

Although the State Plan is meant to be used as a guide, consideration of these designations is taken into account, especially in terms of development, when State agency approval is necessary. Byram Township has been a part of the current round of Cross Acceptance and will be considering any changes made to the municipality's designation in the future plan. The center designation for the Village Center expires in 2010. The Township anticipates petitioning for plan endorsement.

### *New Jersey Highlands Water Protection and Planning Act - Planning Areas*

Byram Township is also within the Highlands Region. The Highlands Water Protection and Planning Act, signed into law in August 2004, serves to protect, preserve and enhance water resources, open space and natural resources within the Highlands Region, limit development

that is incompatible with such preservation, and encourage appropriate development consistent with the State Plan.

Approximately 98% of the landmass of Byram Township is designated "Preservation Area" in the Highlands Act and the Highlands Council Regional Master Plan (RMP). The remaining 2% of the landmass of the Township is located in the "Planning Area" of the Highlands Act and is a State Planning Commission approved "Town Center" on the State Development and Redevelopment Plan (SDRP). The Village Center Mixed-Use Zone is located entirely within the State approved Town Center and the Planning Area. The Village Center Mixed-Use Zone fronts on State Highway Route 206 and Lackawanna Drive and an existing sewer line runs through the property. The Village Center property is an inclusionary zoning site approved by COAH in the Round 2 Substantive Certification granted by COAH to Byram Township. The Highlands Council RMP designated the Village Center property as a "Protection Zone" contrary to the SDRP and to the multiple voluminous submissions that the Township of Byram requesting the Village Center be designated as "Existing Community Zone" on the RMP. The Township continues to request that the Highlands Council designate the Village Center and the entire Town Center as "Existing Community Zone" on the RMP.

The Planning Area is the portion of the Highlands that is not subject to the same mandatory land use controls as the Preservation Area; however, the Highlands Regional Master Plan has created a comprehensive approach to land use designed to protect drinking water supplies for most of northern New Jersey.

The Act states that goal of the regional master plan with respect to the entire Highlands Region shall be to protect and enhance the significant values of the resources. The Highlands Regional Master Plan and Land Use Capability Map (LUCM) were approved on July 17, 2008. Per the plan, implementation of the Regional Master Plan is guided by LUCM in that it provides a comprehensive evaluation of resource protection and potential growth areas. Both the Preservation Area and Planning Areas have been divided into three zones; Conservation Zone, Protection Zone and Existing Community Zone. The purposes of each zone are to:

- Protection Zone: protect and enhance natural resources that are important to maintaining water quality, quantity and other significant ecological processes by implementing growth control measures; and prioritize land acquisition and areas in need of restoration and enhancement of important resources. The Protection Zone is seen as

an area of high resource value lands for maintaining water quality and quantity. Land acquisition is a priority and development activities will be subject to stringent limitations.

- Conservation Zone: protect and enhance agricultural resources that are important to maintaining a viable agricultural industry; and prioritize farmland appropriate for preservation. The Conservation Zone is seen as an area with significant agricultural lands and interspersed environmental features with development potential being limited.
- Existing Community Zone: identify land appropriate for providing for economic growth opportunities with an emphasis on promoting the efficient use of previously developed lands; prioritize public investment in infrastructure in appropriate areas based on the Existing Community Zones; and provide opportunity for TDR Receiving Areas, which serve as voluntary development and redevelopment areas that allow for increased densities in specific sites that are not environmentally constrained and where infrastructure is available or feasible. The Existing Community Zone is an area that consists of concentrated development signifying existing communities.

The Highlands designations, as currently mapped, place an enormous strain on the Township, as 98% of the lands within Byram are now severely constrained for development. This constraint effects how Byram will able to grow, which will lead to an appropriate growth share obligation for the town. Therefore, the Township proactively zoned this area to provide the majority of its affordable housing obligation within the Village Center, where a limited amount of sewer gallonage has been reserved. However, the Township is faced with the reality that only a limited amount of proposed residential and commercial units proposed in the Village Center can be serviced by the sewer reserve of 40,000 gallons. Therefore, future development is halted until additional capacity is gained. It is anticipated that additional gallonage could possibly be secured in the near future, through the coordination of the Township and prospective developers.

Due to the very limited opportunities outside of the Village Center to provide for affordable housing, the Village Center is the primary area for future development. Byram is asking COAH to recognize the effects of the Highlands and the limited sewerage capacity on the ability to create the necessary affordable housing opportunities not only in the Village Center, but throughout the entire Township.

COAH has signed a Memorandum of Agreement with the Highlands Council regarding coordination of the two agencies on various issues. The Highlands Council's analysis indicates

that COAH's third round growth projections for Byram Township, is adjusted by more than 50%. This Housing Element/Fair Share Plan and the proposed Inclusionary Village Center district recognize this downward adjustment of the 57 (exclusions incorporated) Growth Share 3<sup>rd</sup> round COAH obligation to 12 units. In addition, the number of market units in the Village Center zone and any site plan in the zone will be reduced accordingly. Any site plan approval in the Village Center zone shall contain a condition imposing this reduction in the growth share affordable units and the market units. A developer's agreement between the Township Council and the developer shall be required for any development in the Village Center Zone. The developer's agreement shall contain provisions allowing the Township to enforce this reduction in the affordable and market units to the lower numbers approved by COAH.

On November 13, 2008 the Township adopted a resolution of a "Notice of Intent to petition the Highlands Council for Plan Conformance", along with a resolution seeking an extension of the deadline to petition for substantive certification pursuant to Executive Order 114 and the Memorandum of Understanding between the Highlands Council and the Council on Affordable Housing."

## **VI. CREDITS and ADJUSTMENTS**

Byram Township received Second Round certification on December 3, 2003. At that time, the Township had a rehabilitation obligation of 28 units and a new construction obligation of 34 units. As explained below, the plan was to meet the new construction obligation in the Village Center. At that time, Byram had met the 28-unit rehabilitation obligation at the time of certification.

### *Prior Cycle*

The Village Center was the only area within the Township where the Second Round Plan envisioned the affordable housing obligation could be met. Due to Highlands planning and current infrastructure, the area continued to be primary area where new affordable units could be built. The area was zoned for a 20% affordable set-aside, which at that time gave the Township a total of 25 affordable units. The Township had planned to address its obligation with family rentals, senior for sale units, and associated bonuses. Affordable housing units and market rate units to address the Prior Round obligation were not built, therefore, the Township does not have any credits to apply to its current Prior Round obligation.

### *Third Round*

On April 19, 2007, the Planning Board adopted a Third Round Housing Element and Fair Share Plan to address the Third Round Growth Share Obligation, which was slated from January 1, 2004 – January 1, 2014. The Township submitted its third round petition for substantive certification to COAH on May 14, 2007. At that time, as determined by Council, the Township had a rehabilitation obligation for 1999-2014 of 5 units, a 1987-1999 Prior Round Obligation of 25 units, and a Growth Share obligation of 29 units. The Township's total obligation, at that time, was a total of 59 units. The Township had anticipated addressing the Growth Share obligation through new construction in the Village Center, accessory apartments, and associated rental bonuses. Since the adoption of the 2007 Plan, none of the proposed units have been constructed. Therefore, the Township does not have any existing credits to apply toward its current growth share obligation.

## **VII. AMENDED AND REVISED FAIR SHARE PLAN**

The Highlands RMP analysis results in a revision to the COAH-generated growth projection, and the Township has residential growth share of zero (0) plus a non-residential growth share of 11.52 for a total Highlands Adjusted Growth Share Obligation of 12 affordable units. In addition to the Growth Share Obligation, as per Appendices B and C of NJAC 5:97, the Township needs to address a rehabilitation share of 24 units and a Prior Round obligation of 33 units.

The municipal Fair Share Plan has been redrawn to the extent necessary to address the affordable housing obligation, while at the same time complying with Highlands Area density and resource constraints and the referenced changes to the Fair Housing Act. Prior plans for the provision of affordable housing units, which have not yet been implemented, have been reevaluated for consistency with these provisions and altered accordingly.

As stated in the October 2008 Third Round regulations, a Fair Share Plan shall include at least the following requirements:

- Descriptions of any credits intended to address any portion of the fair share obligation.
- Descriptions of any adjustments to any portion of the fair share obligation.
- Descriptions of any mechanisms intended to address the prior round obligation, the rehabilitation share, and the growth share obligation.
- An implementation schedule that sets forth a detailed timetable for units to be provided within the period of substantive certification.
- Information and data to support a vacant land adjustment or a household and employment growth projection adjustment.
- Draft Fair Share Ordinances necessary for the implementation of the programs and projects designed to satisfy the fair share need.
- Demonstration that existing zoning or planned changed in zoning provide adequate capacity to accommodate any proposed inclusionary developments.
- Demonstration of existing or planned water and sewer capacity sufficient to accommodate all proposed mechanisms and;
- A spending plan, if the municipality intends on establishing an affordable housing trust fund.

The following outlines the measures that the Township will enlist to meet its Fair Share and constitutes the Township's Fair Share Plan.

### **Growth Share Obligation Requirements**

As noted previously, the Township has residential growth share of zero (0) plus a non-residential growth share of 11.52 for a total Highlands Adjusted Growth Share Obligation of 12 affordable units. Per the requirements of COAH's Third Round rules, Byram must meet the following minimums and maximums when addressing this obligation.

- Age-Restricted: A maximum of 25% of the Township's obligation can be met with age-restricted housing.
- Family: A minimum of 50% of the growth share obligation must be addressed with family housing.
- Rental: A minimum of 25% of the Township's obligation must be addressed with rental housing.
- Rental and Age-Restricted: No more than 50% of the Township's rental housing obligation can be met with age-restricted housing.
- Very Low Income: A minimum of 13% of the growth share obligation must be affordable to very low income households. Very low income households are defined as those households earning less than 30% of the regional median income.

### **Application of Existing Credits**

Byram does not have any existing credits to apply to its Prior Round or Growth Share obligation.

### **Proposed Mechanisms**

#### Rehabilitation

The Township of Byram plans to address its Rehabilitation obligation with through support from grant funding. In the 1990's, the Township was awarded a Small Cities grant from the Department of Community Affairs and intends to use this funding to support a rehabilitation program. As of October 6, 2008, the grant fund contained \$248,743.21. This fund is in a separate account with PNC Bank. The program will function by a potential applicant will apply for eligibility and if chosen, a bid process will begin, an inspection conducted, and contractor hired. The program anticipates recapping rehabilitation loan funds, if the units are sold prior to the end of the affordability controls. A 2% loan will be paid back, by the owner, on a payment plan (mortgage), which is based on the applicant's income. This percentage will go into a separate

interest bearing account to fund future rehabilitation. It is anticipated that the rehabilitation program will require minimal financial assistance from the Township's Affordable Housing Trust Fund. If any assistance is needed, it is anticipated only administrative costs will apply.

Byram will ensure that the structure of the program adheres to the Third Round regulations and will affirmatively market the program as outlined by the Uniform Housing Affordability Controls (UHAC). The administrating agent will maintain the necessary documentation for each rehabilitated unit and will complete and submit the required monitoring reports. Prior to the implementation of the rehabilitation, a revised Rehabilitation Manual will be submitted to COAH.

Prior Round Obligation

The Township proposes to address its 33 Prior Round obligation through zoned inclusionary development, with a 20% set-aside, in the mixed-use Village Center. Presently, the site is zoned VC Village Center Mixed-Use (adopted March 6, 2006). Previously, the site was zoned also zoned as the Village Center (adopted January 5, 2004). The proposed Village Center is composed of two lots, Block 365, Lot 2 (owned by HRS Drilling Company, Incorporated) and Block 365, Lot 5 (owned by Western World, Incorporated). The parcels have clear title and are free of encumbrances, which preclude development of affordable housing.

The Center is approximately 55 acres in size and is located along Route 206. The area is bound by Route 206 to the west (VB Village Business zone - existing commercial uses present), Lackawanna Drive (VB Village Business zone - adjacent to a strip mall development) and quarry operations to the north (IPR – Industrial Professional Recreational zone), the Wild West City Theme Park to the east (F-P Family Theme Park Zone), and the East Brookwood neighborhood (under the current R-2, R-3, and R-4 Residential zones) to the south. This site will be developed consistent with the Residential Site Improvement Standards, where applicable. The proposed Village Center is located in PA5 and within a designated center, which is one of the preferred locations for municipalities to address their affordable housing obligation.

Village Center Development – Prior Round Obligation				
Block/Lot	Address	Acreage	Ownership Information	Zoning (Adopted March 6, 2006)
1. Block 365, Lot 2	54 Rt. 206	7.26	HRS Drilling Company, Inc.	Village Center Mixed-Use

2. Block 365, Lot 5	Rt. 206	47.2	Western World, Inc.	Village Center Mixed-Use
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In addition, there are no wetlands or floodplains present on the entire site. Lubbers Run does run along the very southern portion of the parcel and it has been taken into consideration that no development can occur within the 200' buffer of the stream. Almost the entire Township falls under the State Endangered Forest classification, including the Village Center parcels. The Village Center also includes a very minor amount (less than 5%) of state threatened grassland and suitable habitat for forested wetlands. All potential development would avoid these areas and preserve them as open space or green area, as much as possible. Varying degrees of steep slopes are present and bisect the site. Given these conditions, the Township proposes these areas be preserved by the incorporation of a open space within the development. Finally, there are not any historic or architecturally significant resources on the site. Given these constraints, approximately 30 acres of the site is developable. The remaining acres would be preserved as open space or green area.

Based on the available 40,000 sewer capacity in the Village Center, approximately 130 residential units and 90,550 s.f. of non-residential development can be accommodated at this capacity (based on DEP daily sewage estimates and the affordable housing unit bedroom distribution). It is estimated that this proposed development, to address the Prior Round in the Village Center, will deplete the 40,000 sewer capacity. Therefore, the Township will only construct the proposed number of affordable (26 units) and market rate residential (104 units) and non-residential floor area that can be served by the limited sewer capacity. No additional development will ensue until supplementary sewer capacity is acquired for the site. Sufficient water capacity will be provided to the Village Center development, as well. Water will either be provided on-site or through a public utility in neighboring Mount Olive Township.

The affordable component of the development will consist of 6 two-bedroom Age Restricted for sale units; 5 one-bedroom family rental units; 9 two-bedroom family rental units; 6 three-bedroom family rental units; and 9 associated rental bonuses. Therefore, the entire Prior Round obligation of 33 has been addressed in the Village Center, with a yield of 2 surplus credits. According to NJAC 5:97-6.4(b)ii, "Inclusionary zoning in Planning Area 2 and designated centers shall permit residential development in a presumptive minimum gross density of 6 units/acre and a presumptive maximum affordable housing set-aside of 25% of the total number of units in the

development." The Village Center is a designated center, therefore, this regulation applies to the site.

In conjunction with planning for affordable housing within the Village Center, the Township created a Draft Form Based Code for the Village Center in 2008, which depicts the development within the Village Center and identifies preferred locations of building uses, public spaces, and preserved open space. The Draft Code is on file with the Township Clerk. The Village Center Form Based Code will be amended to reflect the changes based on this Fair Share Plan and conformance with COAH and Highlands regulations.

Based on the number of total residential units proposed (130) on approximately 25 acres of the site, the proposed density is 5.2 dwelling units per acre. However, the calculation of 130 units is based on the sewer capacity currently available for the site. COAH regulations anticipate a 6 d.u./acre to be the presumptive minimum gross density requirement for inclusionary zoning. However, Highlands regulations recognize 5 d.u./acre as the minimum gross density requirement for receiving zones in a Highlands Transfer of Development Rights ordinance. In light of sewer capacity constraints and the need to maintain appropriate densities for Highlands's communities, the Township is seeking a waiver of COAH regulations in light of Highlands's standards for the presumptive minimum gross density requirement for inclusionary zoning. Twenty percent of 130 units would generate a need of 26 units, only 24 of which are needed to address Prior Round obligation. Therefore, the 2 units will be left over as surplus credits (26-24=2).

It is planned that the Village Center will be constructed and funded by a private developer. A potential developer has not committed to the property to date, however, the promotion of the Village Center and interested parties in its development is widely known throughout the Township and surrounding areas. Byram has designated the New Jersey Housing Affordability Service (HAS), with the responsibility of ensuring the affordability of sales and rental units over time. The HAS will be responsible for those activities detailed in NJAC 5:93-9.1(a).

As an incentive to a potential developer, a density bonus has already been included through the proposed 5 d.u./acre presumptive density requirement. Prior to 2004, the zoning for the Village Center had a lower required density. Since that time, the density on this site has been increased to 5 d.u./acre to provide for affordable housing. This density bonus incentive has already been built into the zoning. Also, it is anticipated that a proposed 2.5% developer's fee for new non-residential construction and a 1.5% fee for residential in the Township will be

charged and then placed in the Housing Trust fund. These monies will be available for use by the Township to provide additional subsidies for affordable units, rental restrictions, and administrative costs.

Growth Share Obligation

In compliance with the above requirements, the Township proposes to address its 12 unit Growth Share obligation through municipally sponsored development and Group Homes.

*Municipally Sponsored Development*

To address the Growth Share obligation, the Township proposes development outside of the Village Center. Byram is extremely limited in viable options to provide a realistic development opportunity to provide affordable housing. However, of the minimal developable land outside of the Village Center, the Township proposes a number of municipally sponsored developments.

Of the Township owned vacant parcels, 8 for sale units are proposed to be constructed on 8 individually Township owned parcels. All sites have clear title and are free to encumbrances, which preclude development of affordable development. These units will be constructed by the non-profit organization, Morris Habitat for Humanity (102 Iron Mountain Rd. Suite H, Mine Hill, NJ). The site will be developed consistent with the Residential Site Improvement Standards, where applicable.

All of these units will be serviced by on-site well and septic systems. Sufficient capacity is available through these mechanisms. Six of these parcels are located within the existing West Brookwood subdivision, R-5 Zoning District (10,000 s.f. lots), PA5, which is just west of Route 206, as one enters the Township from the south. Nearby Block 56, Lot 47 is located within the R-4 Zoning District (20,000 s.f. lots), PA5, east of Route 206, as one enters the Township from the south. Block 249, Lot 28 is located along Lake Dr., near Lake Lackawanna in the R-5 Zoning District, PA4.

The R-4 and R-5 zones permit single-family residential uses. The R-4 property was previously zoned R-3, while the R-5 lots were previously designated as R-4. Despite these changes in zoning, single-family residential uses are permitted throughout each zone and only the names of the zones changed, the permitted lot area did not. The reason for the change in zone name pertained to removing the R-1A subset that was imposed by a previous court order.

All lots have frontage and access to existing subdivision streets. The West Brookwood parcels are surrounded by compatible residential land uses, such as the R-3 and R-4 zones. North of Block 56, Lot 47 is the Family Theme Park District (F-P). The F-P Zone primarily permits family themed recreation parks and accessory uses associated with family-oriented activities, such as restaurants, theaters, retail, picnic areas, campsites etc. These uses are compatible to a residential use. Similarly, Block 249, Lot 24 is adjacent to R-1 and R-3 residential zones. These lots represent favorable locations for additional residential developments, given the limited development opportunity throughout the entire Township and the Highlands, along with proximity to services provided on Route 206. Despite being located within PA5, these lots do not exhibit limiting topographical constraints or present a threat to the environment.

It does not appear these sites include Critical Habitats, are located within wetlands, are within the 100-year floodplain, or contain historic or architecturally significant resources. The West Brookwood parcels are located near the Musconetcong River and the lake property is near Lake Lackawanna. The most minimal percentage of slopes (0-8%) is present on the lots. After the consideration of the location of well and septic systems on the lot, the remaining portion of the lots is developable.

These units will be funded through the municipality donating each lot to Habitat for Humanity, which will construct the affordable unit on the lot. Once owned by the non-profit, it will conduct an extensive screening process and choose homeowners based on their need for affordable housing, their ability to repay a Habitat mortgage, and their readiness to partner with the organization.

The monthly mortgage payments from these affordable units go into Habitat's revolving fund, which is used to build more homes. A minimum amount of housing trust funds will be placed toward administrative fees and any preliminary investigation required prior to construction. A letter of interest from Morris Habitat for Humanity is included in. A pro-forma statement, an affirmative marketing plan, operating manual, and executed contract for COAH's review will be submitted, prior to the construction of these homes.

<b>Township Owned Vacant Lots - Municipally Sponsored Development</b>				
<b>Block/Lot</b>	<b>Address</b>	<b>Acreage</b>	<b>Ownership Information</b>	<b>Zoning District (Adopted March 6, 2006)</b>
1. Block 3, Lot 831	1 Glen Brook St.	0.160	Township of Byram	R5
2. Block 15, Lot 590	7 Bunker Dr.	0.115	Township of Byram	R5
3. Merge Block 16, Lot 125 & Block 16, Lot 85	21 Adair St. and 55 Ash St.	0.109 & 0.229 = 0.338 Total	Township of Byram	R5
4. Block 17, Lot 45	27 Acorn St.	0.172	Township of Byram	R5
5. Block 56, Lot 47	1 Shadybrook Rd.	0.207	Township of Byram	R4
6. Block 14, Lot 175	2 Bunker Dr.	0.103	Township of Byram	R5
7. Block 249, Lot 28	37 Lake Dr.	0.397	Township of Byram	R5
8. Block 7, Lot 305	33 Beech St.	0.344	Township of Byram	R5

#### *Group Homes*

In efforts to address the remaining obligation, Byram has planned for the construction of 2 group homes with 4 bedrooms each, on 2 Township owned parcels. One of the group homes (Block 8, Lot 747, 0.241 acres) will allocate all of its 4 bedrooms to Very Low Income units, while the second group home (parcel yet to be determined) will be constructed for low/moderate incomes. All sites have clear title and are free of encumbrances, which preclude development of affordable housing. This site is located within the R-5 Zoning District (adopted March 2006), which was previously zoned R-4 (adopted January 2004). As mentioned above, the R-5 zone permits 10,000 s.f. lots, is within PA5, and has frontage and access to local subdivision roads. This parcel is surrounded by compatible residential land uses, such as the R-3 and R-4 zones.

<b>Group Homes</b>				
<b>Block/Lot</b>	<b>Address</b>	<b>Acreage</b>	<b>Ownership Information</b>	<b>Zoning District (Adopted March 6, 2006)</b>
1. Block 8, Lot 747	85 River Rd.	0.24	Township of Byram	R5
2. Parcel Yet To Be Determined – Parcel will be checked for RMP consistency				

It is anticipated the Township will solicit the services of NewBridge, a non-profit community organization (21 Evans Place Pompton Plains, NJ) that provides housing services for individuals requiring supportive and special needs to construct the group home. NewBridge has met with the Township and has expressed interest. At the time of petition, the Township had not yet received a firm commitment from the agency. It is anticipated this organization will issue a firm commitment to the Township, and the required documentation will be submitted to COAH for their review.

In addition to the two parcels mentioned, the Township has consulted with an existing entity in Byram (Center for Humanistic Change) that is interested in constructing units to create a group home, as part of its existing facility. However, this entity was not able to commit by the petition deadline. This proposition is not included in the Township's obligation mechanisms, but the Township will continue to pursue this option and may include it as a future method to address the obligation and amend the Fair Share Plan, as necessary.

The group homes will be serviced by on-site well and septic systems. No floodplains or steep slopes are present on Block 8, Lot 747. Suitable wetland habitat is present on the site, but does not appear to present any constraints on development. The group homes will be funded through the municipality donating each lot to the group home agency, which will construct the home on the lot, or contract with a developer to build the home. A minimum amount of housing trust funds will be placed toward administrative fees and any preliminary investigation required prior to construction. A pro-forma statement, an affirmative marketing plan, construction schedule, and an executed contract for COAH's review will be submitted prior to the construction of these homes.

Adding the municipally sponsored homes, group homes, and group home bonuses, the Township is able to meet its Growth Share obligation of 12 units.

<b>Byram Township Fair Share Plan 2010-2020</b>	
<b>Rehabilitation Share</b>	<b>24</b>
Rehab Program	-24
<b>Remaining Rehab Share</b>	<b>0</b>
<b>Prior Round Obligation</b>	<b>33</b>
Village Center Inclusionary 2-Bed Age Restricted (FOR SALE)	6
Village Center Inclusionary 1-Bed (FAMILY RENTAL)	5
Village Center Inclusionary 2-Bed (FAMILY RENTAL)	9
Village Center Inclusionary 3-Bed (FAMILY RENTAL)	6
Rental Bonus Credits	9
<b>Total Credits/Reductions:</b>	<b>35</b>
<b>Remaining Prior Round Obligation:</b>	<b>0</b>
<b>Surplus Credits in the Prior Round:</b>	<b>2</b>
<b>Growth Share Obligation</b>	<b>12</b>
Surplus Credits From Prior Round	2
Municipally Sponsored Vacant Lots – Non-Profit Development (FAMILY FOR SALE)	8
Group Home (1 home w/ 4BR)	4
Very Low Income Group Home (1 home w/4BR)	4
Group Home Bonuses	2
<b>Total Credits/Bonuses:</b>	<b>20</b>
<b>Remaining Growth Share Obligation:</b>	<b>0</b>
<b>Surplus Credits From Prior Round and Growth Share:</b>	<b>8</b>

#### Development Fee Ordinance

Byram received approval for a development fee ordinance on November 18, 2003, which was adopted by the Township on January 20, 2004. Subsequently, the Township petitioned for Third Round Substantive Certification on May 14, 2007. On August 4, 2008, the Township Council adopted a resolution requesting approval of an amended development fee ordinance, which would increase development fees from 1% to 1.5% of equalized assessed value for residential developments and the non-residential development fee be set at 2.5% of the equalized assessed value. On September 26, 2008, COAH submitted a report which approved the revised development fee ordinance, but recommended as a condition of approval, the Township to prepare a revised development fee ordinance, which must be submitted, in addition to a revised spending plan, as part of its Third Round petition. See revised Development fee

ordinance. Monies generated by the ordinance will be used to fund the affordable units within the Village Center and associated administrative costs for all affordable housing in the Township.

### **Implementation Schedule**

As discussed above, the Township's prospective methods for addressing its obligation (Village Center Inclusionary Zoning, Municipally Sponsored Non-Profit Development, and Group Homes) will be funded through the Development Fee Ordinance that has been revised, per COAH's September 10, 2008 report condition of approval. Monies from the Development Fees will be placed into the Housing Trust Fund. Based in part upon the Spending Plan, which estimated revenues generated through the ordinance, the following implementation schedule was established for these methods. Any excess of funds shown in the Spending Plan would likely be used for additional affordable housing activity to occur within the Township. The Township does not anticipate any shortfall of anticipated revenues; therefore, the Township has not agreed to bond for associated funding.

The Spending Plan will be updated, as applicable. In addition, prior to the start of the rehabilitation program and affordable housing development, a revised rehabilitation manual and an affordability assistance manual will be submitted.

### Rehabilitation Program

To complete a total of 24 units by the end of 2020, Byram plans to rehabilitate at least 2 units a year. The Township understands that it must provide sufficient funds to complete no less than half of the obligation by the mid-point of substantive certification. As shown on the attached Spending Plan and in the table below, by the end of 2015, 12 units will have been rehabilitated and initially funded through Byram's housing trust fund. It will take time to develop and market the program initially; therefore a lower number would be completed in the beginning years, with the remainder being picked up throughout the rest of the Plan timeframe as follows:

<b>YEAR</b>	<b># of Units</b>
2011	2
2012	2
2013	2
2014	2
2015	4
2016	2
2017	2
2018	2
2019	2
2020	4
<b>TOTAL</b>	<b>24</b>

Prior Round and Growth Share Obligations

2013-2015 (or earlier if required documents are complete for submission)

The Township will submit required information and documentation to COAH and begin construction of 2 municipally sponsored non-profit units and support construction by private sector for development of the Village Center.

**2013-2015**

The Township will continue supporting construction by private sector for development of the Village Center. The Township will submit required information and documentation to COAH and begin construction of 4 municipally sponsored non-profit units, and one group home.

**2015-2017**

The Township will support construction by private sector for development of the Village Center and finish construction of 4 municipally sponsored non-profit units. The Township will submit required information and documentation to COAH and begin construction of final 2 municipally sponsored non-profit units and one group home.

**2017-2020**

The Township will finish construction of remaining municipally sponsored non-profit units; continue to support construction by private sector for development of the Village Center and any other associated affordable development.

## **Appendix A**

## **Workbook D**



## **Summary of Adjusted Growth Share Projection Based On Land Capacity**

(Introduction to Workbook D)

Municipality Code: **1904**

[Muni Code Lookup](#)

Municipality Name: **Byram Township**

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	373	55
Residential Exclusions	130	130
Net Residential Growth	243	-75
Residential Growth Share	48.60	0.00
Non-Residential Growth	110	184
Non-Residential Exclusions	0	0
Net Non- Residential Growth	110	184
Non-Residential Growth Share	6.88	11.52
Total Growth Share	55	12

The Highlands RMP analysis results in a revision to the COAH-generated growth projection. Byram Township may file this Workbook and use a Residential Growth Share of 0 plus a Non-residential Growth Share of 11.52 for a total Highlands Adjusted Growth Share Obligation of 12 affordable units

## Growth Projection Adjustment - Actual Growth

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

**Municipality Name:** Byram Township

### Residential COs Issued

As Published by D C S

56
48
6

Per Municipal Records (if different)

**Qualified** Residential Demolitions

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

[Get Demolition Certification Form](#)

Non-residential  
CO's by Use Group

	Square Feet Added (COs Issued) As Published by D C S	Square Feet Added (COs Issued) per Municipal Records (if different)	Square Feet Lost Demolition Permits Issued)	Jobs Per 1,000 SF	Total Jobs
B	4,115	4,115		2.8	11.52
M	0	0		1.7	0.00
F	0	0		1.2	0.00
S	71,100	71,100		1.0	71.10
H	0	0		1.6	0.00
A1	0	0		1.6	0.00
A2	4,856	4,856		3.2	15.54
A3	8,176	8,176		1.6	13.08
A4	0	0		3.4	0.00
A5	0	0		2.6	0.00
E	0	0		0.0	0.00
I	0	0		2.6	0.00
R1	0	0		1.7	0.00
<b>Total</b>	<b>88,247</b>	<b>88,247</b>	<b>0</b>		<b>111.24</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: Byram Township

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

Development Type	Number of COs Issued and/or Projected
Supportive/Special Needs Housing	
Accessory Apartments	
Municipally Sponsored and 100% Affordable	
Assisted Living	
Other	
<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
Village Center	y	130	104	26	104
		0			0
		0			0
		0			0
		0			0
<b>Total</b>		<b>130</b>	<b>104</b>	<b>26</b>	<b>104</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
<b>Total</b>	<b>0</b>	<b>0</b>

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

[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: Byram 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
373	110

#### 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	0	0
Septic System Yield	5	8	13
Total Residential Units	5	8	13
Non-Residential Jobs – Sewered	0	73	73

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 Byram 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		
Projected Growth From COAH Appendix F(2)	373	110	RMP Build-out results from Mod2 Table 4	13	73
<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	26		Inclusionary Development	26	
Supportive/Special			Supportive/Special		
Needs Housing	0		Needs Housing	0	
Accessory Apartments	0		Accessory Apartments	0	
Municipally Sponsored or 100% Affordable	0		Municipally Sponsored or 100% Affordable	0	
Assisted Living	0		Assisted Living	0	
Other	0		Other	0	
Market Units in Prior Round Inclusionary development built post 1/1/04	104		Market Units in Prior Round Inclusionary development built post 1/1/04	104	
<b>Subtract the following Non-Residential Exclusions per 5:97-2.4(b) from "Exclusions" tab</b>					
Affordable units Associated Jobs	0	0	Affordable units Associated Jobs	0	0
<b>Net Growth Projection</b>	<b>243</b>	<b>110</b>	<b>Net Growth Projection</b>	<b>-75</b>	<b>184</b>
<b>Projected Growth Share</b> (Residential divided by 5 and jobs divided by 16)	<b>48.60</b>	<b>6.88</b>	<b>Projected Growth Share</b> (Residential divided by 5 and jobs divided by 16)	<b>0.00</b>	<b>11.52</b>
<b>Total Projected Growth Share Obligation</b>	<b>55</b>	<b>Affordable Units</b>		<b>12</b>	<b>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](#)



## **Appendix B**

### **Land Use Board Resolutions**



**Byram Township's Planning Board Resolution Adopting the  
Housing Element and Fair Share Plan of May, 2010**

**WHEREAS**, the Planning Board of the Township of Byram, County of Sussex, State of New Jersey, adopted its current Housing Element and Fair Share Plan pursuant to N.J.S.A. 40:55D-28 May 17, 2010; and

**WHEREAS**, the Governing Body endorsed the Housing Element and Fair Share Plan on May 17, 2010; and

**WHEREAS**, the Governing Body petitioned the Council on Affordable Housing for substantive certification in December, 2008, and reserved its right and authority to amend the petition if the Township's affordable housing obligation was reduced by the COAH and Highlands Council coordination and if the Township conforms with the Highlands Council Regional Master Plan with amendments, adjustments, updates and/or revisions thereto; and

**WHEREAS**, the Highlands Council has adjusted or otherwise revised the RMP so that the Byram Township Village Center and revised Housing Element and Fair Share Plan of May, 2010 conform with the Highlands Council's RMP; and

**WHEREAS**, The Township of Byram has not yet received Round III substantive certification from the Council on Affordable Housing; and

**WHEREAS**, the Planning Board has determined to adopt the Amended Housing Element and Fair Share Plan of May, 2010; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing(s) on the amended Housing Element and Fair Share Plan of 2010 on May 17, 2010; and

**WHEREAS**, the Planning Board has determined that the amendment to the Housing Element and Fair Share Plan of 2010 is consistent with the goals and objective of the Byram Township's Master Plan and that adoption and implementation of the Housing Element and Fair Share Plan of May, 2010 are in the public interest and protect public health and safety and promote the general welfare.

**NOW THEREFORE BE IT RESOLVED** by the Planning Board of the Township of Byram, County of Sussex, State of New Jersey, that the Planning Board hereby adopts the amended Housing Element and Fair Share Plan of May, 2010.

  
George Shivas, Chairman of the Planning Board

I hereby certify that this is a true copy of the resolution adopting the amended Housing Element and Fair Share Plan of May, 2010 by Byram Township on May 17, 2010.

  
Doris J. Flynn  
Planning Board Secretary

**Byram Township's Land Use Board Resolution Adopting an  
Amendment to the Housing Element and Fair Share Plan**

**WHEREAS**, the Land Use Board of the Township of Byram, County of Sussex, State of New Jersey, adopted its current Housing Element and Fair Share Plan pursuant to N.J.S.A. 40:55D-28 April 19, 2007; and

**WHEREAS**, the Governing Body endorsed the Housing Element and Fair Share Plan on May 7, 2007; and

**WHEREAS**, the Governing Body petitioned the Council on Affordable Housing for substantive certification in May 7, 2007; and

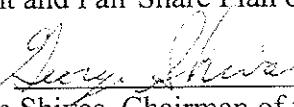
**WHEREAS**, The Township of Byram has not yet received Round III substantive certification from the Council on Affordable Housing; and

**WHEREAS**, the Land Use Board has determined to adopt the Housing Element and Fair Share Plan of 2008 and

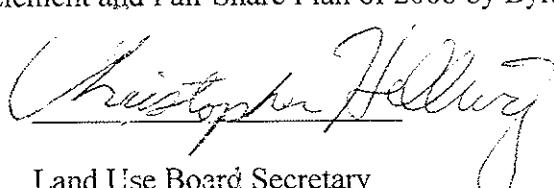
**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Land Use Board held a public hearing(s) on the amended Housing Element and Fair Share Plan of 2008 on December 8, 2008; and

**WHEREAS**, the Land Use Board has determined that the amendment to the Housing Element and Fair Share Plan of 2008 is consistent with the goals and objective of the Byram Township's Master Plan and that adoption and implementation of the Housing Element and Fair Share Plan of 2008 are in the public interest and protect public health and safety and promote the general welfare.

**NOW THEREFORE BE IT RESOLVED** by the Land Use Board of the Township of Byram, County of Sussex, State of New Jersey, that the Land Use Board hereby adopts the amended Housing Element and Fair Share Plan of 2008.

  
George Shivas, Chairman of the Land Use Board

I hereby certify that this is a true copy of the resolution adopting the amended Housing Element and Fair Share Plan of 2008 by Byram Township on December 8, 2008.

  
Land Use Board Secretary

## **Appendix C**

### **Governing Body Resolutions**



**TOWNSHIP OF BYRAM  
SUSSEX COUNTY, NEW JERSEY  
RESOLUTION NO. 59 - 2010**

**Byram Township's Governing Body Resolution Petitioning  
COAH with an Adopted Housing Element and Fair Share Plan**

**WHEREAS**, the Planning Board of Byram Township, Sussex County, State of New Jersey, adopted the Housing Element of the Master Plan on May 17, 2010; and

**WHEREAS**, a true copy of the resolution of the Planning Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:96-2.2(a)2; and

**WHEREAS**, the Planning Board adopted the Fair Share Plan on May 17, 2010; and

**WHEREAS**, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:96-2.2(a)2.

**NOW THEREFORE BE IT RESOLVED** that the Governing Body of Township of Byram, Sussex County, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan of May, 2010 as adopted by the Byram Township Planning Board; and

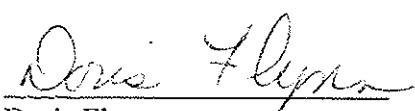
**BE IT FURTHER RESOLVED** that the Governing Body of Byram Township, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:96-3.2(a), submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

**BE IT FURTHER RESOLVED** that the Township by Resolution dated December 8, 2008 reserved its right and authority to apply to COAH for an amendment to the Petition or an amendment to the future Substantive Certification if the Township's affordable housing obligation was reduced as a result of COAH's coordination with the Highlands Council and if the Township conforms with the Highlands Council Regional Master Plan, as amended in the Planning Area; and

**BE IT FURTHER RESOLVED** that the Highlands Council and COAH have adjusted the Township affordable housing obligation and the Highlands Council has amended, adjusted or otherwise revised the Regional Master Plan to include Byram's Village Center and a revised Village Center Zone which will fulfill Byram Township's constitutional obligations under Mount Laurel II; and

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

**BE IT FURTHER RESOLVED** that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:96-3.5 within seven days of issuance of the notification letter from the Council on Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Municipal Clerk's office located at 10 Mansfield Drive, Byram Township, NJ, during the hours of 8:30 a.m. to 4:30 p.m. on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5.

  
Doris Flynn

Doris Flynn,  
Municipal Clerk

5/17/2010

Date

**TOWNSHIP OF BYRAM  
SUSSEX COUNTY, NEW JERSEY  
RESOLUTION NO. 165 – 2008**

**Byram Township's Governing Body Resolution Petitioning  
with an Adopted Housing Element and Fair Share Plan**

**WHEREAS**, the Land Use Board of Byram Township, Sussex County, State of New Jersey, adopted the Housing Element of the Master Plan on December 8, 2008; and

**WHEREAS**, a true copy of the resolution of the Land Use Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:96-2.2(a)2; and

**WHEREAS**, the Land Use Board adopted the Fair Share Plan on December 8, 2008; and

**WHEREAS**, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:96-2.2(a)2.

**NOW THEREFORE BE IT RESOLVED** that the Governing Body of Township of Byram, Sussex County, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the Byram Township Land Use Board; and

**BE IT FURTHER RESOLVED** that the Governing Body of Byram Township, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:96-3.2(a), submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

**BE IT FURTHER RESOLVED** that the Township hereby reserves it's right and authority to apply to COAH for an amendment to the Petition or an amendment to the future Substantive Certification if the Township's affordable housing obligation is reduced as a result of COAH's coordination with the Highlands Council and if the Township conforms with the Regional Master Plan in the Planning Area; and

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

**BE IT FURTHER RESOLVED** that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:96-3.5 within seven days of issuance of the notification letter from the Council on Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Municipal Clerk's office located at 10 Mansfield Drive, Byram Township, NJ, during the hours of 8:30 a.m. to 4:30 p.m. on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5.

Doris Flynn  
Doris Flynn,  
Municipal Clerk

12-8-2008

Date

COUNCIL MEMBER	Councilman Olson	Councilman Rafferty	Councilman Thompson	Councilman Oscovitch	Mayor Danielson
By:	x				
2nd		x			
Yes	x	x	x	x	x
No	x				
Abstain					
Absent					



**State of New Jersey**  
COUNCIL ON AFFORDABLE HOUSING  
101 SOUTH BROAD STREET  
PO Box 813  
TRENTON NJ 08625-0813  
(609) 292-3000  
FAX: (609) 633-6056  
[coahmail@dca.state.nj.us](mailto:coahmail@dca.state.nj.us)

JON S. CORZINE  
*Governor*

JOSEPH V. DORIA, JR.  
*Commissioner*  
LUCY I. VANDENBERG  
*Executive Director*

February 17, 2009

The Honorable Eskil S. Danielson  
Byram Township  
10 Mansfield Dr  
Stanhope, NJ 07874

Dear Mayor Danielson:

Your municipality filed a petition for substantive certification with the Council on Affordable Housing (COAH) on December 16, 2008. At the end of the 45-day objection period, no objections were received.

If you have questions regarding the status of your plan, please call Sean Thompson, COAH planner, at (609) 292-1716. All future correspondence about this petition must be copied to the Township's service list. Thank you and we look forward to working with you toward certification of your Housing Element and Fair Share Plan.

Sincerely,

Lucy Vandenberg, PP, AICP  
Executive Director

Enclosures

cc: Attached Service List  
Kathy McGlinchy, COAH monitor  
Sean Thompson, COAH planner  
Joanne Wiggins, COAH supervisor



**BYRAM TOWNSHIP  
10 MANSFIELD DR  
STANHOPE NJ 07874**

Acct Number:	<b>02100078</b>
Ad Number:	<b>00234071</b>
Insertions: 1	Total: <b>\$16.10</b>
Affidavit:	<b>\$7.50</b>
Total	<b>\$23.60</b>

**AFFIDAVIT OF PUBLICATION**

**NEW JERSEY, SUSSEX COUNTY, SS.**

Lois House , of full age being duly sworn, did depose and say that the notice hereto attached was published in THE NEW JERSEY HERALD and/or NEW JERSEY SUNDAY HERALD a newspaper printed and circulated in said county on 11/28/2008.,

Sworn and subscribed before me this 28th day of November 2008

**NOTICE OF MASTER PLAN  
AMENDMENT HEARING  
TOWNSHIP OF BYRAM,  
COUNTY OF SUSSEX  
DECEMBER 8, 2008 - 7:30  
P.M. - BYRAM TOWN HALL**

RE: Public Hearing on the 2008 Amendment to the Housing Element and Fair Share Plan Element of the Master Plan of the Township of Byram, Sussex County.

**PLEASE TAKE NOTICE,**  
that the Byram Township Planning Board will hold a public hearing on a 2008 Amendment to the Housing Element and Fair Share Plan of the Master Plan of the Township of Byram, which is an integral part of the Byram Township Master Plan. The hearing will take place on December 8, 2008 at 7:30 p.m. at the Byram Township Municipal Building located at 10 Mansfield Drive, Stanhope, New Jersey.

A copy of the Master Plan document is available for review in the Planning Department of the Byram Township Municipal Building, 10 Mansfield Drive, Stanhope, New Jersey during regular business hours Monday through Friday 8:30 a.m. to 4:30 p.m.  
Byram Township Planning Board  
Christopher Heliwig  
Secretary

Nov. 28, '08 pfs16.10  
00234071 NJH



MARY K. QUACKENBUSH  
NOTARY PUBLIC OF NEW JERSEY  
Commission Expires 04/01/2009

**Governing Body Resolution Petitioning with an  
Adopted Housing Element and Fair Share Plan**

**WHEREAS**, the Planning Board of Byram Township, Sussex County, State of New Jersey, adopted the Housing Element of the Master Plan on April 19, 2007; and

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

**WHEREAS**, the Planning Board adopted the Fair Share Plan on April 19, 2007; and

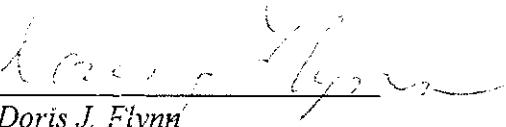
**WHEREAS**, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:95-2.2(a)2.

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

**BE IT FURTHER RESOLVED** that the Governing Body of Byram Township, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:95-3.2, submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

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

**BE IT FURTHER RESOLVED** that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:95-3.5 within seven days of issuance of the notification letter from the Council on Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the *Byram Township* municipal clerk's office located at *10 Mansfield Drive, Stanhope, NJ 07874*, during the hours of *8:30-4:30* on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:95-3.5.

  
\_\_\_\_\_  
Doris J. Flynn  
Municipal Clerk

  
\_\_\_\_\_  
Date



## **Appendix D**

### **Resolutions re: MHL**



**TOWNSHIP OF BYRAM**

**RESOLUTION NO. 166 - 2008**

**RESOLUTION APPOINTING A MUNICIPAL HOUSING LIAISON FOR  
BYRAM TOWNSHIP, SUSSEX COUNTY, NJ**

**WHEREAS**, the Governing Body of Byram Township petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan on December 8, 2008; and

**WHEREAS**, Byram Township's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1, et. seq.); and

**WHEREAS**, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq., Byram Township is required to appoint a Municipal Housing Liaison for the administration of Byram Township's affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq.; and

**WHEREAS**, Byram Township has amended Chapter 240-81 entitled Affordable Housing to provide for the appointment of a Municipal Housing Liaison to administer Byram Township's affordable housing program.

**NOW THEREFORE BE IT RESOLVED**, by the Governing Body of Byram Township in the County of Sussex, and the State of New Jersey that Christopher Hellwig is hereby appointed by the Governing Body of Byram Township as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with Article XIV, Section 240-81 of the Code of the Township of Byram.

This resolution was duly adopted by the Council of the Township of Byram at a meeting held on 12-08-2008.

  
Doris J. Flynn, RMC  
Doris J. Flynn, Township Clerk

COUNCIL MEMBER	Councilman Olson	Councilman Rafferty	Councilman Thompson	Councilman Oscovitch	Mayor Danielson
By:	x				
2nd				x	
Yes	x	x	x	x	x
No					
Abstain					
Absent					

## TOWNSHIP OF BYRAM

### ORDINANCE NO. 2 -2009

#### **AN ORDINANCE TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING BYRAM TOWNSHIP'S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT.**

**BE IT ORDAINED** by the Township Council of Byram Township in the County of Sussex County and State of New Jersey that the following amendments be made to Chapter 240-81 of Byram Township:

#### **Section 1. Purpose.**

The purpose of this article is to create the administrative mechanisms needed for the execution of Byram Township's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

#### **Section 2. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**MUNICIPAL HOUSING LIAISON** – The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for Byram Township.

**ADMINISTRATIVE AGENT** – The entity responsible for administering the affordability controls of some or all units in the affordable housing program for Byram Township to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low- and moderate-income households.

#### **Section 3. Establishment of Municipal Housing Liaison position and compensation; powers and duties.**

- A. Establishment of position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for Byram Township.
- B. Subject to the approval of the Council on Affordable Housing (COAH), the Municipal Housing Liaison shall be appointed by the Governing Body and may be a full or part time municipal employee.
- C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Byram Township, including the following responsibilities which may not be contracted out, exclusive of item 6 which may be contracted out:

- (1) Serving as Byram Township' primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households;
  - (2) Monitoring the status of all restricted units in Byram Township's Fair Share Plan;
  - (3) Compiling, verifying, and submitting annual reports as required by COAH;
  - (4) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
  - (5) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
  - (6) If applicable, serving as the Administrative Agent for some or all of the restricted units in Byram Township as described in F. below.
- D. Subject to approval by COAH, Byram Township may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which entity shall have the responsibility of administering the affordable housing program of Byram Township, except for those responsibilities which may not be contracted out pursuant to subsection C above. If Byram Township contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.
- E. Compensation. Compensation shall be fixed by the Governing Body at the time of the appointment of the Municipal Housing Liaison.
- F. Administrative powers and duties assigned to the Municipal Housing Liaison. The following tasks are delegated specifically to an approved Administrative Agent as part of a contract and will therefore be the responsibility of the Administrative Agent.
- (1) Affirmative Marketing
    - (a) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of Byram Township and the provisions of N.J.A.C. 5:80-26.15; and
    - (b) Providing counseling or contracting to provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

- (2) Household Certification
- (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
  - (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
  - (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
  - (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et. seq.;
  - (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
  - (f) Employing the random selection process as provided in the Affirmative Marketing Plan of Byram Township when referring households for certification to affordable units.
- (3) Affordability Controls
- (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
  - (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
  - (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;
  - (d) Communicating with lenders regarding foreclosures; and
  - (e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
- (4) Resale and rental

- (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
  - (b) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.
- (5) Processing request from unit owners
- (a) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
  - (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems; and
  - (c) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.
- (6) Enforcement
- (a) Securing annually lists of all affordable housing units for which tax bills are mailed to absentee owners and notifying all such owners that they must either move back to their unit or sell it;
  - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
  - (c) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;
  - (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
  - (e) Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;

- (f) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and
  - (g) Providing annual reports to COAH as required.
- (7) The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

**Section 4. Severability.**

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

**Section 5. Inconsistent Ordinances Repealed.**

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

**Section 6. Effective Date.**

This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

Introduced: January 5, 2009

Adopted: February 2, 2009

ATTEST:



Doris Flynn

Municipal Clerk



Eskil S. Danielson

Mayor

NOTICE is hereby given that the above-entitled Ordinance was introduced and passed first reading at a meeting of the Township Council of the Township of Byram, held at the Byram Township Municipal Building, Mansfield Drive, Byram Township, New Jersey, on the 5th day of January 2009. The said ordinance was further considered for final adoption at a meeting of the Byram Township Council, held at the Byram Municipal Building, 10 Mansfield Drive, Byram Township, New Jersey, on the 2nd day of February 2009 at 7:30 p.m. at which time all persons were given the opportunity to be heard concerning said ordinance it was finally passed and adopted and will be in full force in the Township according to law.

## **Appendix E**

**Petition Application, Project Sheets and Forms**





**STATE OF NEW JERSEY  
DEPARTMENT OF COMMUNITY AFFAIRS  
COUNCIL ON AFFORDABLE HOUSING  
PETITION APPLICATION**



This application is a guideline for creating a Housing Element and Fair Share Plan. A completed version of this application must be submitted as part of your petition for substantive certification to COAH. This application will be used by COAH staff to expedite review of your petition. This application can serve as your municipality's Fair Share Plan. A brief narrative component of the Fair Share Plan should be included with this application and can serve primarily to supplement the information included in the application form. Additionally, the narrative section of the Fair Share plan would include a description of any waivers being requested.

This form reflects COAH's newly adopted procedural and substantive rules and the amendments to those rules adopted on September 22, 2008. Footnotes and links to some helpful data sources may be found at the end of each section. **To use this document electronically, use the TAB KEY to navigate from field to field. Enter data or use the Right Mouse Button to check boxes.**

<b>MUNICIPALITY</b>	Byram Township	<b>COUNTY PLANNING AREA(S)</b>	Sussex County
<b>COAH REGION</b>	1		4, 5 & State Parks
<b>SPECIAL RESOURCE AREA(S)</b>			
<b>PREPARER NAME</b>	Paul Gleitz, P.P. Aicp	<b>TITLE</b>	Principal Planner
<b>EMAIL</b>	Pgleitz@Hgapa.Com	<b>PHONE NO.</b>	732-741-2900
<b>ADDRESS</b>	236 Broad Street Red Bank, Nj 07701	<b>FAX NO.</b>	732-741-2929
<b>MUNICIPAL HOUSING LIAISON</b>	Joe Sabatini	<b>TITLE</b>	Township Administrator
<b>EMAIL</b>	Jsbabatini@Byramtwp.Org	<b>PHONE NO.</b>	973-347-2500
<b>ADDRESS</b>	<u>10 Mansfield Dr. Byram Twp.</u> <u>Nj 07874</u>	<b>FAX NO.</b>	973-347-0502

Enter the date(s) that COAH granted Substantive Certification or that the Court granted a Judgment of Compliance (JOC) on the Housing Element and Fair Share Plan.

<b>History of Approvals</b>	<u>COAH</u>	<u>JOC</u>	<u>N/A</u>
First Round	_____	_____	<input checked="" type="checkbox"/>
Second Round	<u>11/18/2003</u>	_____	<input type="checkbox"/>
Extended Second Round	<u>5/14/2007</u>	_____	<input type="checkbox"/>

Does the Petition include any requests for a waiver from COAH Rules?  Yes  No  
If Yes, Please note rule section from which waiver is sought and describe further in a narrative section:5:97-6.4(b)2ii.

## **FILING/PETITION DOCUMENTS (N.J.A.C. 5:96-2.2/3.2 & N.J.A.C. 5:97-2.3/3.2)**

**All of the following documents must be submitted in order for your petition to be considered complete. Some documents may be on file with COAH. Please denote by marking the appropriate box if a document is attached to the Housing Element and Fair Share Plan or if you are using a document on file with COAH from your previous third round submittal to support this petition. Shaded areas signify items that must be submitted anew.**

<b>Included</b>	<b>On File</b>	<b>Required Documentation/Information</b>			
<input checked="" type="checkbox"/>		Certified Planning Board Resolution adopting or amending the Housing Element & Fair Share Plan			
<input checked="" type="checkbox"/>		Certified Governing Body Resolution endorsing an adopted Housing Element & Fair Share Plan and either (check appropriate box):			
		<input type="checkbox"/> Petitioning	<input type="checkbox"/> Filing	<input checked="" type="checkbox"/> Re-petitioning	<input type="checkbox"/> Amending Certified Plan
<input checked="" type="checkbox"/>		Service List (in the new format required by COAH)			
<input checked="" type="checkbox"/>		Adopted Housing Element & Fair Share Plan narrative (including draft and/or adopted ordinances necessary to implement the Plan)			
<input checked="" type="checkbox"/> <input type="checkbox"/> N/A		If applicable, Implementation Schedule(s) with detailed timetable for the creation of units and for the submittal of all information and documentation required by N.J.A.C. 5:97-3.2(a)4			
<input type="checkbox"/> <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	If applicable, Litigation Docket No., OAL Docket No., Settlement Agreement and Judgment of Compliance or Court Master's Report			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Municipal Master Plan (most recently adopted; if less than three years old, the immediately preceding, adopted Master Plan)			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Municipal Zoning Ordinance (most recently adopted) <sup>1</sup> Date of Last Amendment: _____ Date of Submission to COAH: _____			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Municipal Tax Maps (most up-to-date, electronic if available) Date of Last Revision: _____ Date of Submission to COAH: _____			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other documentation pertaining to the review of the adopted Housing Element & Fair Share Plan(list): _____			

### **FOR OFFICE USE ONLY**

Date Received \_\_\_\_\_  
Complete/Incomplete \_\_\_\_\_

Affidavit of Public Notice \_\_\_\_\_ Date Deemed \_\_\_\_\_  
Reviewer's Initials \_\_\_\_\_

<sup>1</sup> Pursuant to N.J.S.A. N.J.S.A. 52:27D-307, as amended by PL 2008 c.46, any residential development resulting from a zoning change made to a previously non-residentially-zoned property, where the change in zoning precedes or follows the application for residential development by no more than 24 months, shall require that a percentage be reserved for occupancy by low or moderate income households.

## **HOUSING ELEMENT**

**(N.J.A.C. 5:97-2 & N.J.S.A. 40:55D-1 et seq.)**

**The following issues and items must be addressed in the Housing Element for completeness review. Where applicable, provide the page number(s) on which each issue and/or item is addressed within the narrative Housing Element.**

1. The plan includes an inventory of the municipality's housing stock by<sup>1</sup>:

- Age;
- Condition;
- Purchase or rental value;
- Occupancy characteristics; and
- Housing type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated

Yes, Page Number: -13t17     No (incomplete)

2. The plan provides an analysis of the municipality's demographic characteristics, including, but not necessarily limited to<sup>2</sup>:

- Population trends
- Household size and type
- Age characteristics
- Income level
- Employment status of residents

Yes, Page Number: -8t12     No (incomplete)

3. The plan provides an analysis of existing and future employment characteristics of the municipality, including but not limited to<sup>3</sup>:

- Most recently available in-place employment by industry sectors and number of persons employed;
- Most recently available employment trends; and
- Employment outlook

Yes, Page Number: -18t22     No (incomplete)

4. The plan includes a determination of the municipality's present and prospective fair share for low and moderate income housing and an analysis of how existing or proposed changes in zoning will provide adequate capacity to accommodate residential and non-residential growth projections.  
AND

The analysis covers the following:

- The availability of existing and planned infrastructure;
- The anticipated demand for the types of uses permitted by zoning based on present and anticipated future demographic characteristics of the municipality;
- Anticipated land use patterns;
- Municipal economic development policies;
- Constraints on development including State and Federal regulations, land ownership patterns, presence of incompatible land uses or sites needing remediation and environmental constraints; and
- Existing or planned measures to address these constraints.

Yes, Page Number: -23t44       No (incomplete)

5. The plan includes a consideration of lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

Yes, Page Number: -23t44       No (incomplete)

6. The plan relies on household and employment projections for the municipality as provided in Appendix F of COAH's rules (if yes check the yes box below and check no in lines 6a-8).

Yes, Page Number: -23t24       No (go to 6a)

- 6a. The Plan relies on higher household and employment projections for the municipality as permitted under N.J.A.C. 5:97-2.3(d) (optional - see Fair Share Plan section starting on page 7 of this application).

Yes (go to 7 and 8)       No (go to 6b)

- 6b. The Plan relies on a request for a downward adjustment to household and employment projections for the municipality as provided in N.J.A.C. 5:97-5.6 (optional - see Fair Share Plan section starting on page 7 of this application).

Yes, Page Number: \_\_\_\_\_  No

7. If the municipality anticipates higher household projections than provided by COAH in Appendix F, the plan projects the municipality's probable future construction of housing for fifteen years covering the period January 1, 2004 through December 31, 2018 using the following minimum information for residential development:

- Number of units for which certificates of occupancy were issued since January 1, 2004;
- Pending, approved and anticipated applications for development;
- Historical trends, of at least the past 10 years, which includes certificates of occupancy issued; and
- The worksheet for determining a higher residential growth projection provided by COAH. (Worksheets are available at [www.nj.gov/dca/affiliates/coah/resources/gsworksheets.html](http://www.nj.gov/dca/affiliates/coah/resources/gsworksheets.html))

- Yes, Page Number: \_\_\_\_\_
- No (incomplete)
- Not applicable (municipality accepts COAH's projections)

8. If the municipality anticipates higher employment projections than provided by COAH in Appendix F, the plan projects the probable future jobs based on the use groups outlined in Appendix D for fifteen years covering the period January 1, 2004 through December 31, 2018 for the municipality using the following minimum information for non-residential development:

- Square footage of new or expanded non-residential development authorized by certificates of occupancy issued since January 1, 2004;
- Square footage of pending, approved and anticipated applications for development;
- Historical trends, of at least the past 10 years, which shall include square footage authorized by certificates of occupancy issued;
- Demolition permits issued and projected for previously occupied non-residential space; and
- The worksheet for determining a higher non-residential growth projection provided by COAH.

- Yes, Page Number: \_\_\_\_\_
- No (incomplete)
- Not applicable (municipality accepts COAH's projections)

9. The plan addresses the municipality's :

- Rehabilitation share (from Appendix B);
- Prior round obligation (from Appendix C); and
- Projected growth share in accordance with the procedures in N.J.A.C. 5:97-2.4.

Yes, Page Number: 46t58  No (incomplete)

10. If applicable, the plan includes status of the municipality's application for plan endorsement from the State Planning Commission.

Yes, Page Number: -42t44  No (incomplete)  Not Applicable

Petition date: \_\_\_\_\_ Endorsement date: \_\_\_\_\_

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<sup>1</sup> Information available through the U.S. Census Bureau at

[http://factfinder.census.gov/servlet/ACSSAFFHousing?\\_sse=on&\\_submenuId=housing\\_0](http://factfinder.census.gov/servlet/ACSSAFFHousing?_sse=on&_submenuId=housing_0)

<sup>2</sup> Information available through the U.S. Census Bureau at <http://factfinder.census.gov/home/saff/main.html>.

<sup>3</sup> Information available through the New Jersey Department of labor at

<http://www.wnjpin.net/OneStopCareerCenter/LaborMarketInformation/lmi14/index.html>

## FAIR SHARE PLAN (N.J.A.C. 5:97-3)

Please provide a summary of the Fair Share Plan by filling out all requested information. Enter N/A where the information requested does not apply to the municipality. A fully completed application may serve as the actual Fair Share Plan. A brief narrative should be attached to supplement the information included in the application form. Additionally, the narrative section of the Fair Share plan would fully describe, under a separate heading, any waivers that are being requested.

### **Determining the 1987-2018 Fair Share Obligation**

The following tables will assist you in determining your overall 1987-2018 fair share obligation. For each cycle of the affordable housing need and rehabilitation share, please use the “need” column to enter the number of units addressed in the municipal petition. Where the municipality has received and/or is proposing any adjustments to its rehabilitation share, prior round and/or growth share obligation, use the footnotes providing rule references and follow the procedures for determining the municipal need and/or for calculating any adjustments applicable to the municipality. Enter the affordable housing need as provided by COAH or that results from the adjustment under the “Need” column.

Line	<u>Need</u>
1 <input type="radio"/> Rehabilitation Share (From <u>N.J.A.C.</u> 5:97 Appendix B) <b>OR</b>	<u>24</u>
2 <input type="radio"/> Optional Municipally Determined Rehabilitation Share (If a municipally determined rehabilitation share is being used, attach the survey results as an exhibit to this application and indicate that it is attached as Exhibit _____.)	_____
3	<u>Need</u>
3 <input type="radio"/> Prior Round (1987-1999) Affordable Housing Obligation (From <u>N.J.A.C.</u> 5:97 Appendix C)	<u>33</u>
3 <input type="radio"/> Prior Round Adjustments: <input type="radio"/> 20% Cap Adjustment <input type="radio"/> 1000 Unit Cap Adjustment	_____
4      Total Prior Round Adjustments	<u>33</u>
5 <b>Adjusted Prior Round Obligation:</b> (Number in Appendix C minus Total Prior Round Adjustment(s))	<u>33</u>
6 <input type="radio"/> Prior Round Vacant Land Adjustment (Unmet Need) Realistic Development Potential(RDP) <sup>1</sup>	_____

<sup>1</sup> RDP = Adjusted Prior Round Obligation minus Vacant Land Adjustment

## Determining the Growth Share Obligation

All municipalities must complete the “COAH projections” table below. Only municipalities that anticipate higher projections or that are seeking a growth projection adjustment based on a demonstration that insufficient land capacity exists to accommodate COAH projections need complete the corresponding additional table. COAH has published three workbooks in Excel format to assist with preparing this analysis. All municipalities must complete Workbook A. Workbook B must be used when the municipality anticipates that its growth through 2018 is likely to exceed the growth through 2018 that has been projected by COAH and the municipality wants to plan accordingly. Workbook C must be used by municipalities seeking a downward adjustment to the COAH-generated growth projections based on an analysis of municipal land capacity. Workbooks may be found at the following web location:

[www.nj.gov/dca/affiliates/coah/resources/gsworksheets.html](http://www.nj.gov/dca/affiliates/coah/resources/gsworksheets.html).

The applicable workbook has been completed and is attach to this application as Exhibit \_\_\_\_\_.

Line      **○ Required 2004-2018 COAH Projections and Resulting Projected Growth Share**

Household Growth (From Appendix F)	<u>55</u>	Employment Growth (From Appendix F)	<u>184</u>
Household Growth After Exclusions (From Workbook A)	<u>-75</u>	Employment Growth After Exclusions (From Workbook A)	<u>184</u>
Residential Obligation (From Workbook A)	<u>0.00</u>	Non-Residential Obligation (From Workbook A)	<u>11.52</u>
7 Total 2004-2018 Growth Share Obligation			<u>12.00</u>

**○ Optional 2004-2018 Municipal Projections Resulting in Higher Projected Growth Share**

Household Growth After Exclusions (From Workbook B)	_____	Employment Growth After Exclusions (From Workbook B)	_____
Residential Obligation (From Workbook B)	_____	Non-Residential Obligation (From Workbook B)	_____
8 Total 2004-2018 Projected Growth Share Obligation			_____

**○ Optional Municipal Adjustment to 2004-2018 Projections and Resulting Lower Projected Growth Share**

Household Growth After Exclusions (From Workbook C)	_____	Employment Growth After Exclusions (From Workbook C)	_____
Residential Obligation (From Workbook C)	_____	Non-Residential Obligation (From Workbook C)	_____
9 Total 2004-2018 Growth Share Obligation			_____

10 **Total Fair Share Obligation** (Line 1 or 2 + Line 5 or 6 + Line 7, 8 or 9) 69

## **Summary of Plan for Total 1987-2018 Fair Share Obligation**

(For each mechanism, provide a description in the Fair Share Plan narrative. In the table below, specify the number of completed or proposed units associated with each mechanism.)

	<u><b>Completed</b></u>	<u><b>Proposed</b></u>	<u><b>Total</b></u>
<b>Rehabilitation Share</b>			<u><b>24</b></u>
<i>Less:</i> <i>Rehabilitation Credits</i>	_____	<u><b>24</b></u>	<u><b>24</b></u>
Rehab Program(s)	_____	<u><b>24</b></u>	<u><b>24</b></u>
<b>Remaining Rehabilitation Share</b>			<u><b>0</b></u>
<b>Prior Round (1987-1999 New Construction) Obligation</b>			<u><b>33</b></u>
<i>Less:</i> <i>Vacant Land Adjustment (If Applicable)</i>			
<i>(Enter unmet need as the adjustment amount. Unmet need = Prior round obligation minus RDP):</i>	_____		
Unmet Need	_____		
RDP	_____		
<b>Mechanisms addressing Prior Round</b>			
Prior Cycle Credits (1980 to 1986)			
Credits without Controls	_____	_____	_____
Inclusionary Development/Redevelopment	_____	<u><b>26</b></u>	<u><b>26</b></u>
100% Affordable Units	_____		
Accessory Apartments	_____		
Market-to-Affordable	_____		
Supportive & Special Needs	_____		
Assisted Living	_____		
RCA Units previously approved	_____		
Other	_____		
Prior Round Bonuses	_____	<u><b>9</b></u>	<u><b>9</b></u>
<b>Remaining Prior Round Obligation</b>			<u><b>-2</b></u>
<b>Third Round Projected Growth Share Obligation</b>			<u><b>12</b></u>
<i>Less:</i> <b>Mechanisms addressing Growth Share</b>			
Inclusionary Zoning	_____	_____	_____
Redevelopment	_____		
100% Affordable Development	_____	<u><b>8</b></u>	<u><b>8</b></u>
Accessory Apartments	_____		
Market-to-Affordable Units	_____		
Supportive & Special Need Units	_____	<u><b>8</b></u>	<u><b>8</b></u>
Assisted Living: post-1986 Units	_____		
Other Credits	_____	<u><b>2</b></u>	<u><b>2</b></u>
Compliance Bonuses	_____		
Smart Growth Bonuses	_____		
Redevelopment Bonuses	_____		
Rental Bonuses	_____	<u><b>2</b></u>	<u><b>2</b></u>
<b>Growth Share Total</b>		<u><b>20</b></u>	<u><b>20</b></u>
<b>Remaining (Obligation) or Surplus</b>	_____	<u><b>8</b></u>	<u><b>8</b></u>

## **PARAMETERS<sup>1</sup>**

<b><u>Prior Round 1987-1999</u></b>			
RCA Maximum	N/A	RCAs Included	N/A
Age-Restricted Maximum	8	Age-Restricted Units Included	6
Rental Minimum	9	Rental Units Included	20

<b><u>Growth Share 1999-2018</u></b>			
Age-Restricted Maximum	3	Age-Restricted Units Included	0
Rental Minimum	3	Rental Units Included	8
Family Minimum	6	Family Units Included	8
Very Low-Income Minimum <sup>2</sup>	2	Very Low-Income Units Included	4

<sup>1</sup> Pursuant to the procedures in N.J.A.C. 5:97-3.10-3.12

<sup>2</sup> Pursuant to N.J.S.A. 52:27D-329.1, adopted on July 17, 2008, at least 13 percent of the housing units made available for occupancy by low-income and moderate income households must be reserved for occupancy by very low income households.

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## Summary of Built and Proposed Affordable Housing

Provide the information requested regarding the proposed program(s), project(s) and/or unit(s) in the Fair Share Plan. Use a separate line to specify any bonus associated with any program, project and/or unit in the Plan. As part of completeness review, all monitoring forms must be up-to-date (i.e. 2007 monitoring must have been submitted previously or included with this application) and all proposed options for addressing the affordable housing obligation must be accompanied by the applicable checklist(s) (found as appendices to this application). Enter whether a project is proposed or completed and attach the appropriate form or checklist for each mechanism as appendices to the plan. Please note that bonuses requested for the prior round must have been occupied after December 15, 1986 and after June 6, 1999 for the third round.

Please make sure that a corresponding mechanism checklist is submitted for each mechanism being employed to achieve compliance. Separate checklists for each mechanism are available on the COAH website at [www.nj.gov/dca/affiliates/coah/resources/checklists.html](http://www.nj.gov/dca/affiliates/coah/resources/checklists.html).

**Table 1. Projects and/or units addressing the Rehabilitation Share**

Project/Program Name	Proposed (use Checklists) or Completed (use <u>Rehabilitation Unit Survey Form</u> )	Rental, Owner Occupied or Both	Checklist or Form Appendix Location <sup>1</sup>
1. <u>Municipal Program</u>	Proposed	Both	Submitted
2. _____	_____	_____	_____
3. _____	_____	_____	_____

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<sup>1</sup> If all completed units have already been reported to COAH as part of 2007 monitoring or subsequent CTM updates, there is no need to re-submit Rehabilitation Unit Survey Forms. If additional units have been completed subsequent to 2007 monitoring, the municipality may submit updated forms. If the plan relies only on completed units previously reported via 2007 monitoring, enter "on file" in this column.

**Table 2. Programs, Projects and/or units addressing the Prior Round.**

<b>Project/Program Name</b>	<b>Mechanism or Bonus Type</b>	<b>Proposed (use checklists) or Completed (use Project/Unit Program Information Forms)</b>	<b>Units Addressing Obligation (Note with "BR" where Special Needs bedrooms apply)</b>	<b>Number Addressing Rental Obligation)</b>	<b>Number Subject to Age-Restricted Cap</b>	<b>Checklist or Form Appendix Location<sup>1</sup></b>
1. Village Center Inclusionary Zone	<u>Inclusionary Zoning</u>	<u>Proposed</u>	<u>26</u>	<u>20</u>	<u>6</u>	X
2. Village Center Bonuses	<u>Rental Bonus</u>	<u>Proposed</u>	<u>9</u>	—	—	—
3.	—	—	—	—	—	—
4.	—	—	—	—	—	—
5.	—	—	—	—	—	—
6.	—	—	—	—	—	—
7.	—	—	—	—	—	—
8.	—	—	—	—	—	—
9.	—	—	—	—	—	—
10.	—	—	—	—	—	—
11.	—	—	—	—	—	—
12.	—	—	—	—	—	—
13.	—	—	—	—	—	—
14.	—	—	—	—	—	—
15.	—	—	—	—	—	—
<b>Subtotal from any additional pages used</b>					<u>0</u>	
<b>Total units (proposed and completed)</b>					<u>26</u>	
Total rental					<u>20</u>	
Total age-restricted					<u>6</u>	
Total very-low					<u>0</u>	
Total bonuses					<u>9</u>	
<b>Please add additional sheets as necessary.</b>						

<sup>1</sup> If all completed units have already been reported to COAH as part of 2007 monitoring or subsequent CTM updates, there is no need to re-submit monitoring forms. If additional units have been completed subsequent to 2007 monitoring, the municipality may submit updated forms. If the plan relies only on completed units previously reported via 2007monitoring, enter "on file" in this column.

**Table 3. Programs, Projects and/or Units Addressing the Third Round.**

Project Name	Mechanism or Bonus Type	Proposed (use checklist(s)) or Completed (use Project/Unit Program Information Form)	Units Addressing Obligation (Note with "BR" where Special Needs bedrooms apply)	Units Addressing Rental Obligation	Units Addressing Family Obligation	Units Subject to Age-restricted Cap	Checklist or Form Appendix Location <sup>1</sup>
16. Surplus Credits Inclusionary	Site Specific Zoning	<u>Proposed</u>	<u>2</u>	_____	_____	_____	_____
17. Non-Profit Development-For Sale	Municipally Sponsored	<u>Proposed</u>	<u>8</u>	_____	<u>8</u>	_____	<u>0</u>
18. Group Homes (2)	Special Needs	<u>Proposed</u>	<u>8</u>	<u>8</u>	_____	_____	<u>0</u>
19.		_____	_____	_____	_____	_____	_____
20.		_____	_____	_____	_____	_____	_____
21.		_____	_____	_____	_____	_____	_____
22.		_____	_____	_____	_____	_____	_____
23.		_____	_____	_____	_____	_____	_____
24.		_____	_____	_____	_____	_____	_____
25.		_____	_____	_____	_____	_____	_____
26.		_____	_____	_____	_____	_____	_____
27.		_____	_____	_____	_____	_____	_____
28.		_____	_____	_____	_____	_____	_____
29.		_____	_____	_____	_____	_____	_____
30.		_____	_____	_____	_____	_____	_____
<b>Subtotal from any additional pages used</b>		<b>0</b>			<b>Total units (proposed and completed)</b>	<b>16</b>	
Total family units		<u>8</u>			Total rental units	<u>8</u>	
Total age-restricted units		<u>0</u>			Total family rental units	<u>8</u>	
Total Supportive/Special Needs units		<u>2</u>			Total very-low units	<u>4</u>	
Total Special Needs bedrooms		<u>8</u>			Total bonuses	<u>2</u>	

**Please add additional sheets as necessary.**

<sup>1</sup> If all completed units have already been reported to COAH as part of 2007 monitoring or subsequent CTM updates, there is no need to re-submit monitoring forms. If additional units have been completed subsequent to 2007 monitoring, the municipality may submit updated forms. If the plan relies only on completed units previously reported via 2007 monitoring, enter "on file" in this column.

Please answer the following questions necessary for completeness review regarding the municipality's draft and/or adopted implementing ordinances.

## AFFORDABLE HOUSING TRUST FUND (N.J.A.C. 5:97-8)

1. Does the municipality have an affordable housing trust fund account? (**Note: Pursuant to P.L. 2008 c.46, municipalities that do not submit a fully executed escrow agreement will forfeit the ability to retain development fees.**)

Yes, Bank Name PNC Bank

(Choose account type)  Separate interest-bearing account

State of New Jersey cash management fund

No (Skip to the Affordable Housing Ordinance section)

2. Has an escrow agreement been executed?  Yes  No

**(If no, petition is incomplete. Submit an executed escrow agreement.)**

3. Is all trust fund monitoring up-to-date as of December 31, 2007?  Yes  No  
**(If no, petition is incomplete. Submit an updated trust fund monitoring report.)**

## **DEVELOPMENT FEE ORDINANCES (N.J.A.C. 5:97-8.3)**

1. Does the Fair Share Plan include a proposed or adopted development fee ordinance? (Note: Pursuant to P.L. 2008 c.46, municipalities that do not submit a development fee ordinance will forfeit the ability to retain non-residential development fees)

Yes.

Adopted OR  Proposed

No Skip to the next category; Payments-in-Lieu

2. If adopted, specify date of COAH/Court approval here: September 26, 2008

- Have there been any amendments to the ordinance since COAH or the Court approved the ordinance?

Yes, Ordinance Number. \_\_\_\_\_ Adopted on<sup>1</sup> December 8, 2008

No (Skip to the next category; Payments-in-Lieu)

- If yes, is the amended ordinance included with your petition?

Yes

No, (Petition is incomplete. Submit ordinance with governing body resolution requesting COAH approval of amended ordinance)

3. Does the ordinance follow the ordinance model **updated September 2008** and available at [www.nj.gov/dca/affiliates/coah/resources/planresources.html](http://www.nj.gov/dca/affiliates/coah/resources/planresources.html)? If yes, skip to question 5.

Yes       No

4. If the answer to 3. above is no, indicate that the necessary items below are addressed before submitting the Development Fee ordinance to COAH:

### **Information and Documentation**

The ordinance imposes a residential development fee of \_\_\_\_% and a Non-residential fee of 2.5 %

- A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d);
- A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e)
- A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d)
- A description of collection procedures per N.J.A.C. 5:97-8.3(f)
- A description of development fee appeals per N.J.A.C. 5:97-8.3(g)
- A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h)
- If part of a court settlement, submit court ordered judgment of compliance, implementation ordinances, information regarding period of time encompassed by the judgment of compliance and a request for review by the court

5. Does the ordinance include an affordability assistance provision per N.J.A.C. 5:97-8.8 (**Note: must be at least 30 percent of all development fees plus interest**)?

Yes (Specify actual or anticipated amount) \$555,336

No **Submit an amended ordinance with provisions for affordability assistance along with a governing body resolution requesting COAH approval of the amended ordinance.)**

- If yes, what kind of assistance is offered?

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- Has an affordability assistance program manual been submitted?     Yes     No

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<sup>1</sup> Any amendment to a previously approved and adopted development fee ordinance must be submitted to COAH along with a resolution requesting COAH's review and approval of the amendment prior to the adoption of said amendment by the municipality.

## **PAYMENTS-IN-LIEU OF CONSTRUCTING AFFORDABLE UNITS ON SITE (N.J.A.C. 5:97-8.4)**

1. Does the Fair Share Plan include an inclusionary zoning ordinance that provides for payments-in-lieu as an option to the on-site construction of affordable housing?  
 Yes  No (**Skip to the next category; Barrier Free Escrow**)
2. Does the plan identify an alternate site and/or project for the payment-in-lieu funds? (**Optional**)  
 Yes (**attach applicable checklist**)  
 No (identify possible mechanisms on which payment in lieu will be expended in narrative section of plan.)
3. Does the ordinance include minimum criteria to be met before the payments-in-lieu becomes an available option for developers? (**Optional**)  
 Yes (indicate ordinance section) \_\_\_\_\_  
 No

## **BARRIER FREE ESCROW/OTHER FUNDS (N.J.A.C. 5:97-8.5/8.6)**

1. Has the municipality collected or does it anticipate collecting fees to adapt affordable unit entrances to be accessible in accordance with the Barrier Free Subcode, N.J.A.C. 5:23-7?  
 Yes  No
2. Does the municipality anticipate collecting any other funds for affordable housing activities?  
 Yes (specify funding source and amount) \_\_\_\_\_  
 No

## **SPENDING PLANS (N.J.A.C. 5:97-8.10)**

1. Does the petition include a Spending Plan? (Note: Pursuant to P.L. 2008 c.46, municipalities that do not submit a Spending Plan will forfeit the ability to retain development fees.)  
 Yes       No
2. Does the Spending Plan follow the Spending Plan model **updated October 2008** and available at [www.nj.gov/dca/affiliates/coah/resources/planresources.html](http://www.nj.gov/dca/affiliates/coah/resources/planresources.html)? If yes, skip to next section - Affordable Housing Ordinance.  
 Yes       No
3. If the answer to 1. above is no, indicate that the necessary items below are addressed before submitting the spending plan to COAH:

### **Information and Documentation**

- A projection of revenues anticipated from imposing fees on development, based on actual proposed and approved developments and historical development activity;
- A projection of revenues anticipated from other sources (specify source(s) and amount(s));
- A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
- A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7;
- A schedule for the expenditure of all affordable housing trust funds;
- A schedule for the creation or rehabilitation of housing units;
- If the municipality envisions being responsible for public sector or non-profit construction of housing, a detailed pro-forma statement of the anticipated costs and revenues associated with the development, consistent with standards required by HMFA or the DCA Division of Housing in its review of funding applications;
- If the municipality maintains an existing affordable housing trust fund, a plan to spend the remaining balance as of the date of its third round petition within four years of the date of petition;
- The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan;
- A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation; and
- If not part of the petition, a resolution of the governing body requesting COAH review and approval of spending plan or an amendment to an approved spending plan.

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## AFFORDABLE HOUSING ORDINANCE (N.J.A.C. 5:80-26.1 et seq.)

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1. Does the Fair Share Plan include an Affordable Housing Ordinance?  
 Yes       No
2. Does the ordinance follow the ordinance model available at  
[www.nj.gov/dca/affiliates/coah/resources/planresources.html?](http://www.nj.gov/dca/affiliates/coah/resources/planresources.html?)       Yes       No
3. If the answer to 1. or 2. above is no, indicate that the required items below are addressed before submitting to COAH. If the required items are addressed in ordinances other than an Affordable Housing Ordinance, please explain in a narrative section of the Fair Share Plan.

### **Required Information and Documentation**

- Affordability controls
- Bedroom distribution
- Low/moderate-income split and bedroom distribution
- Accessible townhouse units
- Sale and rental pricing
- Municipal Housing Liaison
- Administrative Agent
- Reference to the Affirmative marketing plan or ordinance (N.J.A.C. 5:80-26.15)

## AFFORDABLE HOUSING ADMINISTRATION (As Applicable)

Items that must be submitted with the petition:

- Governing body resolution designating a municipal housing liaison (COAH must approve)

Items that must be submitted prior to COAH's grant of Substantive Certification:

- Operating manual for rehabilitation program
- Operating manual for affordability assistance
- Operating manual for an Accessory Apartment program
- Operating manual for a Market-to-Affordable program
- COAH approved administrative agent if municipal wide

Items that must be submitted prior to any time prior to marketing completed units:

- COAH approved administrative agent(s) is project specific
- Operating manual for sale units
- Operating manual for rental units
- Affirmative marketing plan or ordinance (N.J.A.C. 5:80-26.15)

## CERTIFICATION

I, \_\_\_\_\_, have prepared this petition application for substantive certification on behalf of \_\_\_\_\_. I certify that the information submitted in this petition is complete, true and accurate to the best of my knowledge. I understand that knowingly falsifying the information contained herein may result in the denial and/or revocation of the municipality's substantive certification.

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Signature of Preparer (affix seal if applicable)

Date

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Title

N.J.S.A. 2C:21-3, which applies to the certifications, declares it to be a disorderly person offense to knowingly make a false statement or give false information as part of a public record.

## Narrative Section

The Township is seeking a waiver of 5:97-6.4(b)2ii for the presumptive minimum gross density of an inclusionary zoning site. Based on the number of total residential units proposed (130) on approximately 25 acres of the site, the proposed density is 5.2 dwelling units per acre. However, the calculation of 130 units is based on the sewer capacity currently available for the site. COAH regulations anticipate a 6 d.u./acre to be the presumptive minimum gross density requirement for inclusionary zoning. However, Highlands regulations recognize 5 d.u./acre as the minimum gross density requirement for receiving zones in a Highlands Transfer of Development Rights ordinance. In light of sewer capacity constraints and the need to maintain appropriate densities for Highlands's communities, the Township is seeking a waiver of COAH regulations in light of Highlands's standards for the presumptive minimum gross density requirement for inclusionary zoning.

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## **REHABILITATION PROGRAM (N.J.A.C. 5:97-6.2)**

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### **General Description**

Municipality/County: Byram Township, Sussex County

Program Name: Local Rehabilitation Program

Number of proposed units to be rehabilitated: 24

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### **Information and Documentation Required with Petition**

- Determination of Rehabilitation Share
- Accept number in N.J.A.C. 5:97 – Appendix B; OR
- Exterior Housing Survey conducted by the municipality
- Information regarding the rehabilitation program on forms provided by the Council. (If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here  in lieu of submitting forms.)
- Documentation demonstrating the source(s) of funding
- Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall
- Schedule illustrating how the rehabilitation share will be addressed within the period of substantive certification

### **Information and Documentation Required Prior to Substantive Certification**

- Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- Draft or adopted rehabilitation operating manual that includes a description of the program procedures and administration including a copy of sample deed restriction and/or lien.
- Affirmative Marketing Plan for the re-rental of rehabilitated rental units, in accordance with UHAC

## **Rehabilitation Narrative Section**

Determination of Rehabilitation Share, see Housing and Fair Share Plan (COAH's number accepted).

Funding source will be through a Small Cities Grant the Township received in the 1990's.

Schedule for Rehabilitation program - See page 58 of Fair Share Plan.

Attached you will find a Rehabilitation Plan and Proposal from Norwescap, a draft resolution and contract which they have provided. Norwescap has been doing some preliminary work and has met with four families regarding the program. Norwescap has used the Township Municipal building as an interview facility, has visited the homes and taken pictures. Norwescap has a list of 14 people who have expressed interest in the program. The Township will engage Norwescap as the Administrative Agent for this program subsequent to Substantive Certification.

Draft or Adopted Operating Manual- This manual will be submitted prior to the start of rehabilitation. The Township will adopt a new manual in conformance with the one provided on the COAH website.

Affirmative Marketing Plan- A draft marketing plan based on the model document found on the COAH website will be completed by the Administrative Agent prior to the start of construction of affordable housing units.

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## PROJECT / PROGRAM INFORMATION FORM

**Changes to the highlighted areas are to be made directly into the CTM system. All other changes must be made on the form and submitted to COAH.**

### **PART A – PROJECT HEADER**

Municipality: \_\_\_\_\_Byram Township\_\_\_\_\_ County: \_\_\_\_\_Sussex County\_\_\_\_\_

Project or Program Name: \_\_\_\_\_Rehabilitation Program\_\_\_\_\_

<b>Project Status</b> (circle current status and enter date of action for that status)	<b>Date of Action</b>
Proposed/Zoned	_____2010-2018_____
Preliminary Approval	_____
Final Approval	_____
Affordable Units under Construction	_____
Completed (all affordable certificates of occupancy (C.O.) issued)	_____
Deleted from Plan (date approved by COAH) _____ )	_____

### **Project / Program Type (circle one)**

Assisted Living Facility	Alternative Living Arrangement	Accessory Apartment	
Buy – Down	Credits without Controls	ECHO	Municipally-Sponsored Rental Units <sup>1</sup>
100 Percent Affordable	Inclusionary	Rehabilitation	

### **If an Inclusionary project, identify type (circle all that apply)**

Units constructed on-site	Units constructed off-site	Combination	Contributory
Growth Share Ordinance			

### **If an Alternative Living Arrangement project, identify type (circle one)**

Transitional Facility for the Homeless	Residential Health Care Facility	Congregate Living Facility
Group Home	Boarding Homes (A through E) (only eligible for credit for 1987-99 plans)	

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<sup>1</sup> See N.J.A.C. 5:94-4.11

**PART B – PROJECT DETAIL (Complete all applicable sections)**COAH Rules that apply to project: Round 1 Round 2 **Round 3****Project Address:****Project Block/Lot/Qualifier** (list all) \_\_\_\_\_ Various Properties\_\_\_\_\_**Project Acreage:** \_\_\_\_\_ N/A \_\_\_\_\_**Project Sponsor:** (circle one) Municipally Developed Nonprofit Developed Private Developer**Project Developer:** \_\_\_\_\_ Byram Township\_\_\_\_\_**Planning Area** (circle all that apply)1 2 3 **4** 4B 5 5B

Highland Preservation Highlands Planning Area Pinelands Meadowlands

CAFRA Category 1 Watershed

**Credit Type** (circle one)Prior-cycle (1980 – 1986) Post-1986 completed Proposed/Zoned **Rehabilitation****Credit Sub-Type** (if applicable)

Addressing Unmet Need Extension of Controls

**Construction Type** (circle one) New (includes reconstruction and conversions) **Rehabilitation****Flags** (circle all that apply) Conversion Court Project Density Increase Granted Mediated Project

Result of Growth Share Ordinance High Poverty Census Tract Off-Site Partnership Project

RCA Receiving Project Reconstruction Part of Redevelopment Plan

**Project Waiver granted** yes **no** **Round waiver was granted** R1 R2 R3**Type of Waiver** \_\_\_\_\_**Number of market units proposed** \_0\_ **Number of market units completed** \_0\_**Condo Fee percentage** (if applicable) \_\_\_\_\_**Affordability Average Percentage**<sup>2</sup> \_\_\_\_\_**For Contributory or Combination Sites**

Total payment in lieu of building affordable units on site \_\_\_\_\_

Number of affordable units created with payment \_\_\_\_\_

**Municipal or RCA funds committed to project** \_\_\_\_\_**Municipal or RCA funds expended** \_\_\_\_\_

<sup>2</sup> “Affordability Average” means an average of the percentage of median income at which restricted units in an affordable development are affordable to low and moderate-income households.

**Funding Sources** (circle all that apply)

County HOME   County Rehab Funds   CDBG   Federal Home Loan Bank   HODAG   HUD   HUD 202  
HUD 236   HUD 811   HUD HOPE VI   HUD HOME   McKinney Funds   Fannie Mae Multi-Family  
UDAG   UHORP   USDA-FHA Rural Development   USDA-FHA - Section 515   Development Fees  
Municipal Bond   Municipal Funds   Payment in Lieu   Private Financing   RCA   Capital Funding  
Balanced Housing   Balanced Housing – Home Express   DCA – Low Income House Tax Credit   NPP  
DCA Shelter Support Services   DDD   DHSS   DHHS   HMFA Low Income House Tax Credit  
HMFA   HMFA HOME   MONI   Section 8   Small Cities   Other

**Effective date of affordability controls** \_\_\_\_\_

**Length of Affordability Controls** (in years) \_\_\_\_\_ or   Perpetual

**Administrative Agent** \_\_\_\_\_ Norwescap \_\_\_\_\_

## PART C – COUNTS

### Affordable Unit Counts

Total non-age-restricted 24   Sales 0   Rentals 0   Total age-restricted 0   Sales 0   Rentals 0

Complete the chart for the number of non-age-restricted and age-restricted units that are restricted for the following income categories (do not report on the income levels of residents currently residing in the units)

<u>Low Income</u>	<u>Non-age restricted</u>	<u>Age-restricted</u>
30% of median income <sup>3</sup>	_____	_____
35% of median income <sup>4</sup>	_____	_____
50% of median income	_____	_____
<u>Moderate Income</u>		
80% of median income	_____	_____

Note:   30% = less than or equal to 30 percent of median income  
35% = greater than 30 percent and less than or equal to 35 percent of median income  
50% = greater than 35 percent and less than or equal to 50 percent of median income  
80% = greater than 50 percent and less than 80 percent of median income

<sup>3</sup> Pursuant to N.J.A.C. 5:94-4.22 units deed restricted to households earning 30% or less of median income may be eligible for Bonus Credit for Very-Low Income Units. (RCA receiving units not eligible for bonus credits)

<sup>4</sup> Pursuant to N.J.A.C. 5:80-26.3(d) At least 10 percent of all low- and moderate-income rental units must be deed restricted to households earning no more than 35 percent of median income

**Bedroom Distribution of Affordable Units**

Sale units	efficiency low	_____	1 bedroom low	_____	2 bedroom low	_____	3 bedroom low	_____
	efficiency mod	_____	1 bedroom mod	_____	2 bedroom mod	_____	3 bedroom mod	_____
Rental units	efficiency low	_____	1 bedroom low	_____	2 bedroom low	_____	3 bedroom low	_____
	efficiency mod	_____	1 bedroom mod	_____	2 bedroom mod	_____	3 bedroom mod	_____

**Completed Units**

Number of affordable units completed in this project \_\_\_\_\_

Number of affordable units in this project lost through foreclosures, illegal sale or expired affordability controls \_\_\_\_\_

**PART D - (completed by Sending Municipality)**For Regional Contribution Agreements (RCA)

Sending Municipality	_____	County	_____
RCA Receiving Municipality	_____	County	_____
COAH approval date	_____		
Number of units transferred	_____	Cost per unit	_____
Total transfer amount	_____	Amount transferred to date	_____

For Partnership Program

Sending Municipality	_____	County	_____
Partnership Receiving Municipality	_____	County	_____
Name of Project	_____		
Credits for Sending Municipality	_____		
Total transfer amount	_____	Amount transferred to date	_____

Summary of Sending Municipality's contractual agreement with Partnership Receiving Municipality

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## **ZONING FOR INCLUSIONARY DEVELOPMENT (N.J.A.C. 5:97-6.4)**

(Submit separate checklist for each site or zone)

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### **General Description**

Municipality/County: Byram Township, Sussex County

Project Name/Zoning Designation: Village Center

Block(s) and Lot(s):Block 365, Lots 2&5

Total acreage:55 acres

Proposed density (units/gross acre): 5.2 d.u./acre

Affordable Units Proposed: 26

Family:20 Sale:0 Rental:20

Very low-income units:0 Sale:0 Rental:0

Age-Restricted: 6 Sale:6 Rental:0

Market-Rate Units Anticipated: 104

Non-Residential Development Anticipated (in square feet), if applicable: 90,500

Will the proposed development be financed in whole or in part with State funds, be constructed on State-owned property or be located in an Urban Transit Hub or Transit Village?  Yes  No

### **Bonuses for affordable units, if applicable:**

Rental bonuses as per N.J.A.C. 5:97-3.5: 9

Rental bonuses as per N.J.A.C. 5:97-3.6(a): 0

Very low income bonuses as per N.J.A.C. 5:97-3.7<sup>1</sup>: \_\_\_\_\_

Smart growth bonuses as per N.J.A.C. 5:97-3.18: \_\_\_\_\_

Redevelopment bonuses as per N.J.A.C. 5:97-3.19: \_\_\_\_\_

Compliance bonuses as per N.J.A.C. 5:97-3.17: \_\_\_\_\_

Date inclusionary zoning adopted: 1/15/2004 Date development approvals granted:

\_\_\_\_\_

\_\_\_\_\_

## **Information and Documentation Required with Petition**

- Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, check here  in lieu of submitting forms.)
- Draft or adopted zoning or land use ordinance, which includes the affordable housing requirement and minimum presumptive density for the site/zone.
- Copies of all decisions made on applications for affordable housing development subsequent to adoption of the current zoning

### **If payments in lieu of on-site construction of the affordable units is an option, submit:**

- Proposed or adopted ordinance establishing the amount of the payments
- Spending plan

### **A general description of the site or zone, including:**

- Name and address of owner
- Name and address of developer(s)
- Subject property street location
- Indicate if urban center or workforce housing census tract
- Previous zoning designation and date previous zoning was adopted
- Current zoning and date current zoning was adopted
- Description of any changes to bulk standards intended to accommodate the proposed densities
- Tax maps showing the location of site(s) with legible dimensions (electronic if available)

### **A description of the suitability of the site, including:**

- Description of surrounding land uses
- Demonstration that the site has street access
- Planning Area and/or Special Resource Area designation(s) i.e., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

### **A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:**

- Wetlands and buffers
- Steep slopes
- Flood plain areas

- Stream classification and buffers
- Critical environmental site
- Historic or architecturally important site/district
- Contaminated site(s); proposed or designated brownfield site
- Based on the above, a quantification of buildable and non-buildable acreage

**Agreements with developers or approvals for development of specific property, which shall include:**

- Number, tenure and type of units
- Compliance with N.J.A.C. 5:97-9 and UHAC
- Progress points at which the developer shall coordinate with the Municipal Housing Liaison

**Information and Documentation Required Prior to Marketing the Completed Units**

- Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual
- An affirmative marketing plan in accordance with UHAC

**Zoning Narrative Section**

The Township proposes to address its 33 Prior Round obligation through zoned inclusionary development, with a 20% set-aside, in the mixed-use Village Center. Presently, the site is zoned VC Village Center Mixed-Use (adopted March 6, 2006). Previously, the site was zoned also zoned as the Village Center (adopted January 5, 2004). The proposed Village Center is composed of two lots, Block 365, Lot 2 (owned by HRS Drilling Company, Incorporated) and Block 365, Lot 5 (owned by Western World, Incorporated). The parcels have clear title and are free of encumbrances, which preclude development of affordable housing.

The Center is approximately 55 acres in size and is located along Route 206. The area is bound by Route 206 to the west (VB Village Business zone - existing commercial uses present), Lackawanna Drive (VB Village Business zone - adjacent to a strip mall development) and quarry operations to the north (IPR – Industrial Professional Recreational zone), the Wild West City Theme Park to the east (F-P Family Theme Park Zone), and the East Brookwood neighborhood (under the current R-2, R-3, and R-4 Residential zones) to the south. This site will be developed consistent with the Residential Site

Improvement Standards, where applicable. The proposed Village Center is located in PA5 and within a designated center, which is one of the preferred locations for municipalities to address their affordable housing obligation.

In addition, there are no wetlands or floodplains present on the entire site. Lubbers Run does run along the very southern portion of the parcel and it has been taken into consideration that no development can occur within the 200' buffer of the stream. Almost the entire Township falls under the State Endangered Forest classification, including the Village Center parcels. The Village Center also includes a very minor amount (less than 5%) of state threatened grassland and suitable habitat for forested wetlands. All potential development would avoid these areas and preserve them as open space or green area, as much as possible. Varying degrees of steep slopes are present and bisect the site. Given these conditions, the Township proposes these areas be preserved by the incorporation of a open space within the development. Finally, there are not any historic or architecturally significant resources on the site. Given these constraints, approximately 30 acres of the site is developable. The remaining acres would be preserved as open space or green area.

Based on the available 40,000 sewer capacity in the Village Center, approximately 130 residential units and 90,550 s.f. of non-residential development can be accommodated at this capacity (based on DEP daily sewage estimates and the affordable housing unit bedroom distribution). It is estimated that this proposed development, to address the Prior Round in the Village Center, will deplete the 40,000 sewer capacity. Therefore, the Township will only construct the proposed number of affordable (26 units) and market rate residential (104 units) and non-residential floor area that can be served by the limited sewer capacity. No additional development will ensue until supplementary sewer capacity is acquired for the site. Sufficient water capacity will be provided to the Village Center development, as well. Water will either be provided on-site or through a public utility in neighboring Mount Olive Township.

The affordable component of the development will consist of 6 two-bedroom Age Restricted for sale units; 5 one-bedroom family rental units; 9 two-bedroom family rental units; 6 three-bedroom family rental units; and 9 associated rental bonuses. Therefore, the entire Prior Round obligation of 33 has been addressed in the Village Center, with a yield of 2 surplus credits. According to NJAC 5:97-6.4(b)ii, "Inclusionary zoning in Planning Area 2 and designated centers shall permit residential development in a presumptive minimum gross density of 6 units/acre and a presumptive maximum affordable housing set-aside of 25% of the total number of units in the development." The Village Center is a designated center, therefore, this regulation applies to the site.

In conjunction with planning for affordable housing within the Village Center, the Township created a Draft Form Based Code for the Village Center in 2008, which depicts the development within the Village Center and identifies preferred locations of building uses, public spaces, and preserved open space. The Draft Code is on file with the Township Clerk. The Village Center Form Based Code will be amended to reflect the changes based on this Fair Share Plan and conformance with COAH and Highlands regulations.

Based on the number of total residential units proposed (130) on approximately 25 acres of the site, the proposed density is 5.2 dwelling units per acre. However, the calculation of 130 units is based on the sewer capacity currently available for the site. COAH regulations anticipate a 6 d.u/acre to be the presumptive minimum gross density requirement for inclusionary zoning. However, Highlands regulations recognize 5 d.u./acre as the minimum gross density requirement for receiving zones in a Highlands Transfer of Development Rights ordinance. In light of sewer capacity constraints and the need to maintain appropriate densities for Highlands's communities, the Township is seeking a waiver of COAH regulations in light of Highlands's standards for the presumptive minimum gross density requirement for inclusionary zoning. Twenty percent of 130 units would generate a need of 26 units, only 24 of which are needed to address Prior Round obligation. Therefore, the 2 units will be left over as surplus credits (26-24=2).

It is planned that the Village Center will be constructed and funded by a private developer. A potential developer has not committed to the property to date, however, the promotion of the Village Center and interested parties in its development is widely known throughout the Township and surrounding areas. Byram has designated the New Jersey Housing Affordability Service (HAS), with the responsibility of ensuring the affordability of sales and rental units over time. The HAS will be responsible for those activities detailed in NJAC 5:93-9.1(a).

As an incentive to a potential developer, a density bonus has already been included through the proposed 5 d.u./acre presumptive density requirement. Prior to 2004, the zoning for the Village Center had a lower required density. Since that time, the density on this site has been increased to 5 d.u./acre to provide for affordable housing. This density bonus incentive has already been built into the zoning. Also, it is anticipated that a proposed 2.5% developer's fee for new non-residential construction and a 1.5% fee for residential in the Township will be charged and then placed in the Housing Trust fund. These monies will be available for use by the Township to provide additional subsidies for affordable units, rental restrictions, and administrative costs.

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<sup>1</sup> Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

# **PROJECT / PROGRAM INFORMATION FORM**

**Changes to the highlighted areas are to be made directly into the CTM system. All other changes must be made on the form and submitted to COAH.**

## **PART A – PROJECT HEADER**

Municipality: Byram Township County: Sussex County

County: Sussex County

Project or Program Name: \_\_\_\_\_ Village Center Mixed-Use Inclusionary Zone \_\_\_\_\_

**Project Status** (circle current status and enter date of action for that status) **Date of Action**

Proposed/Zoned \_\_\_\_\_ January 5, 2004\_\_\_\_\_

Preliminary Approval \_\_\_\_\_

Final Approval \_\_\_\_\_

## Affordable Units under Construction

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Completed (all affordable certificates of occupancy (C.O.) issued) \_\_\_\_\_

Deleted from Plan \_\_\_\_\_

### **Project/Paper Topic (indicate)**

## **Assisted Living Facility      Alternative Living Arrangement      Assisted Apartment**

Burns - Down - Credits without Controls - ECHO - Municipally Sponsored Rental Units<sup>1</sup>

100 Percent Affordable      Inclusionary      Rehabilitation

If an Inclusionary project, identify type (circle all that apply)

Units constructed on-site      Units constructed off-site      Combination      Contributory

## Growth Share Ordinance

If an Alternative Living Arrangement project, identify type (circle one)

### **Transitional Facility for the Homeless      Residential Health Care Facility      Congregate Living Facility**

<sup>1</sup> See N.J.A.C. 5:94-4.11

**PART B – PROJECT DETAIL (Complete all applicable sections)**COAH Rules that apply to project: Round 1  Round 2  Round 3

Project Address: \_\_\_\_\_Corner of Route 206 and Lackawanna Rd.\_\_\_\_\_

Project Block/Lot/Qualifier (list all) \_\_\_\_\_Block 365, Lots 2 &amp; 5\_\_\_\_\_

Project Acreage: \_\_\_\_\_55 acres\_\_\_\_\_

Project Sponsor: (circle one) Municipally Developed Nonprofit Developed  Private Developer

Project Developer: \_\_\_\_\_Unknown\_\_\_\_\_

Planning Area (circle all that apply)

1      2      3       4      4B       5      5BHighland Preservation  Highlands Planning Area Pinelands Meadowlands

CAFRA Category 1 Watershed

Credit Type (circle one)

Prior-cycle (1980 – 1986) Post-1986 completed  Proposed/Zoned Rehabilitation

Credit Sub-Type (if applicable)

Addressing Unmet Need Extension of Controls

Construction Type (circle one)  New (includes reconstruction and conversions) Rehabilitation

Flags (circle all that apply) Conversion Court Project Density Increase Granted Mediated Project

Result of Growth Share Ordinance High Poverty Census Tract Off-Site Partnership Project

RCA Receiving Project Reconstruction Part of Redevelopment Plan

Project Waiver granted yes  no **Round waiver was granted** R1 R2 R3

Type of Waiver \_\_\_\_\_

Number of market units proposed 104 Number of market units completed 0

Condo Fee percentage (if applicable) \_\_\_\_\_

Affordability Average Percentage<sup>2</sup> \_\_\_\_\_

For Contributory or Combination Sites

Total payment in lieu of building affordable units on site \_\_\_\_\_

Number of affordable units created with payment \_\_\_\_\_

Municipal or RCA funds committed to project \_\_\_\_\_

Municipal or RCA funds expended \_\_\_\_\_

<sup>2</sup> “Affordability Average” means an average of the percentage of median income at which restricted units in an affordable development are affordable to low and moderate-income households.

**Funding Sources** (circle all that apply)

County HOME   County Rehab Funds   CDBG   Federal Home Loan Bank   HODAG   HUD   HUD 202  
HUD 236   HUD 811   HUD HOPE VI   HUD HOME   McKinney Funds   Fannie Mae Multi-Family  
UDAG   UHORP   USDA-FHA Rural Development   USDA-FHA - Section 515   Development Fees  
Municipal Bond   Municipal Funds   Payment in Lieu   **Private Financing**   RCA   Capital Funding  
Balanced Housing   Balanced Housing – Home Express   DCA – Low Income House Tax Credit   NPP  
DCA Shelter Support Services   DDD   DHSS   DHHS   HMFA Low Income House Tax Credit  
HMFA   HMFA HOME   MONI   Section 8   Small Cities   Other \_\_\_\_\_

**Effective date of affordability controls** \_\_\_\_\_

**Length of Affordability Controls** (in years)   30   or   Perpetual

**Administrative Agent** \_\_\_\_\_

## PART C – COUNTS

### Affordable Unit Counts

Total non-age-restricted 20   Sales 0   Rentals 20   Total age-restricted 6   Sales 6   Rentals 0

Complete the chart for the number of non-age-restricted and age-restricted units that are restricted for the following income categories (do not report on the income levels of residents currently residing in the units)

<u>Low Income</u>	<u>Non-age restricted</u>	<u>Age-restricted</u>
30% of median income <sup>3</sup>	_____	_____
35% of median income <sup>4</sup>	_____	_____
50% of median income	_____	_____
<u>Moderate Income</u>	_____	_____
80% of median income	_____	_____

Note:   30% = less than or equal to 30 percent of median income  
35% = greater than 30 percent and less than or equal to 35 percent of median income  
50% = greater than 35 percent and less than or equal to 50 percent of median income  
80% = greater than 50 percent and less than 80 percent of median income

<sup>3</sup> Pursuant to N.J.A.C. 5:94-4.22 units deed restricted to households earning 30% or less of median income may be eligible for Bonus Credit for Very-Low Income Units. (RCA receiving units not eligible for bonus credits)

<sup>4</sup> Pursuant to N.J.A.C. 5:80-26.3(d) At least 10 percent of all low- and moderate-income rental units must be deed restricted to households earning no more than 35 percent of median income

**Bedroom Distribution of Affordable Units**

Sale units	efficiency low	_____	1 bedroom low	_____	2 bedroom low	_3____	3 bedroom low	_____
	efficiency mod	_____	1 bedroom mod	_____	2 bedroom mod	_3____	3 bedroom mod	_____
Rental units	efficiency low	_____	1 bedroom low	_2____	2 bedroom low	_5____	3 bedroom low	_3____
	efficiency mod	_____	1 bedroom mod	_3____	2 bedroom mod	_4____	3 bedroom mod	_3____

**Completed Units**

Number of affordable units completed in this project \_0\_\_\_\_\_

Number of affordable units in this project lost through foreclosures, illegal sale or expired affordability controls \_\_\_\_\_

**PART D - (completed by Sending Municipality)**For Regional Contribution Agreements (RCA)

Sending Municipality	_____	County	_____
RCA Receiving Municipality	_____	County	_____
COAH approval date	_____		
Number of units transferred	_____	Cost per unit	_____
Total transfer amount	_____	Amount transferred to date	_____

For Partnership Program

Sending Municipality	_____	County	_____
Partnership Receiving Municipality	_____	County	_____
Name of Project	_____		
Credits for Sending Municipality	_____		
Total transfer amount	_____	Amount transferred to date	_____

Summary of Sending Municipality's contractual agreement with Partnership Receiving Municipality

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**MUNICIPALLY SPONSORED AND 100 PERCENT AFFORDABLE  
DEVELOPMENTS (N.J.A.C. 5:97-6.7)**  
(Submit separate checklist for each site or project)

## **General Description**

Municipality/County: Byram Township, Sussex County

Project Name: Township-Owned Vacant Lots for Habitat for Humanity

Block(s) and Lot(s): 1. Block 3, Lot 831

2. Block 15, Lot 590

### 3. Merge Block 16, Lot 125 & Block 16, Lot 85

4. Block 17, Lot 45

5. Block 56, Lot 47

6. Block 14, Lot 175

7. Block 249, Lot 28

8. Block 7, Lot 305

Affordable Units Proposed: 8

Family: 8      Sale: 8      Rental: \_\_\_\_\_

Very low-income units: \_\_\_\_\_ Sale: \_\_\_\_\_ Rental: \_\_\_\_\_

Age-Restricted: \_\_\_\_\_ Sale: \_\_\_\_\_ Rental: \_\_\_\_\_

Bonuses, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: 0

Rental bonuses as per N.J.A.C. 5:97-3.6(a): 0

Very low income bonuses as per N.J.A.C. 5:97-3.7<sup>1</sup>: 0

Smart Growth Bonus as per N.J.A.C. 5:97-3.18: 0

Compliance Bonus as per N.J.A.C. 5:97-3.17: 0

Date zoning adopted: \_\_\_\_\_ Date development approvals granted: \_\_\_\_\_

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**Required Information and Documentation with Petition or in Accordance with an Implementation Schedule**

- Project/Program Information & Unit Inventory Forms (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here  in lieu of submitting forms.)

**Is the municipality providing an implementation schedule for this project/program.**

- Yes. Skip to and complete implementation schedule found at the end of this checklist.  
NOTE: The remainder of this checklist must be submitted in accordance with the implementations schedule.
- No. Continue with this checklist.

- Demonstration of site control or the ability to control the site, in the form of outright ownership, a contract of sale or an option to purchase the property

**A general description of the site, including:**

- Name and address of owner
- Subject property street location
- Subject property block(s) and lot(s)
- Subject property total acreage
- Indicate if urban center or workforce housing census tract
- Description of previous zoning
- Current zoning and date current zoning was adopted
- Tax maps showing the location of site(s) with legible dimensions (electronic if available)

**A description of the suitability of the site, including:**

- Description of surrounding land uses
- Demonstration that the site has street access
- Planning Area and/or Special Resource Area designation(s) e.g., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

**A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:**

- Wetlands and buffers
- Steep slopes
- Flood plain areas
- Stream classification and buffers
- Critical environmental site
- Historic or architecturally important site/district
- Contaminated site(s); proposed or designated brownfield site
- Based on the above, a quantification of buildable and non-buildable acreage
- RFP or Developer's Agreement
- Construction schedule with a minimum provision to begin construction within two years of substantive certification; including timetable for each step in the development process
- Pro-forma statement for the project
- Demonstration that the first floor of all townhouse or other multi-story dwelling units are accessible and adaptable per N.J.A.C. 5:97-3.14
- Evidence of adequate and stable funding; including municipal bond and/or general revenue funds where applicable

**Information and Documentation Required Prior to Marketing the Completed Units**

- Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- Draft or adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual in accordance with UHAC
- An affirmative marketing plan in accordance with UHAC

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**MUNICIPALLY SPONSORED AND 100 PERCENT AFFORDABLE DEVELOPMENTS  
(N.J.A.C. 5:97-6.7)**

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**IMPLEMENTATION SCHEDULE**

The implementation schedule sets forth a detailed timetable that demonstrates a “realistic opportunity” as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.

The timetable, information, and documentation requested below are required components of the implementation schedule.

Please note that all information and documentation requested below is required to be submitted to COAH no later than two years prior to the scheduled implementation of the mechanism. The fully completed checklist from above must be submitted at that time.

## **PROVIDE THE INFORMATION REQUESTED IN THE SECTIONS BELOW**

### **(A) Development schedule, including, but not limited to, the following:**

<b>Development Process Action</b>	<b>Date Anticipated to Begin</b>	<b>Date Anticipated to be Completed</b>	<b>Date Supporting Documentation to be Submitted to COAH</b>
Site Identification	1/1/2011	1/1/2018	1/1/2011
RFP Process	1/1/2011	1/1/2018	1/1/2011
Developer Selection	1/1/2011	1/1/2018	1/1/2011
Executed Agreement with provider, sponsor or developer	1/1/2011	1/1/2018	1/1/2011
Development Approvals	1/1/2011	1/1/2018	1/1/2011
Contractor Selection	1/1/2011	1/1/2018	1/1/2011
Building Permits	1/1/2011	1/1/2018	1/1/2011
Occupancy	1/1/2011	1/1/2018	1/1/2011

### **(B) Site specific information, including the following:**

<b>Site Information</b>	<b>Date Supporting Documentation to be Submitted to COAH</b>
Site Description	1/1/2011
Site Suitability Description	1/1/2011
Environmental Constraints Statement	1/1/2011

### **(C) Financial documentation including, the following:**

<b>Financial Documentation</b>	<b>Date Anticipated to be Completed</b>	<b>Date Supporting Documentation to be Submitted to COAH</b>
Documentation of Funding Sources	1/1/2011	1/1/2011
Project Pro-forma	1/1/2011	1/1/2011
Municipal resolution appropriating funds or a resolution of intent to bond in the event of a shortfall of funds	1/1/2011	1/1/2011

### **100% or Municipally Sponsored Narrative Section**

Of the Township owned vacant parcels, 8 for sale units are proposed to be constructed on 8 individually Township owned parcels. All sites have clear title and are free to encumbrances, which preclude development of affordable development. These units will be constructed by the non-profit organization, Morris Habitat for Humanity (102 Iron Mountain Rd. Suite H, Mine Hill, NJ). The site will be developed consistent with the Residential Site Improvement Standards, where applicable.

All of these units will be serviced by on-site well and septic systems. Sufficient capacity is available through these mechanisms. Six of these parcels are located within the existing West Brookwood subdivision, R-5 Zoning District (10,000 s.f. lots), PA5, which is just west of Route 206, as one enters the Township from the south. Nearby Block 56, Lot 47 is located within the R-4 Zoning District (20,000 s.f. lots), PA5, east of Route 206, as one enters the Township from the south. Block 249, Lot 28 is located along Lake Dr., near Lake Lackawanna in the R-5 Zoning District, PA4.

The R-4 and R-5 zones permit single-family residential uses. The R-4 property was previously zoned R-3, while the R-5 lots were previously designated as R-4. Despite these changes in zoning, single-family residential uses are permitted throughout each zone and only the names of the zones changed, the permitted lot area did not. The reason for the change in zone name pertained to removing the R-1A subset that was imposed by a previous court order.

All lots have frontage and access to existing subdivision streets. The West Brookwood parcels are surrounded by compatible residential land uses, such as the R-3 and R-4 zones. North of Block 56, Lot 47 is the Family Theme Park District (F-P). The F-P Zone primarily permits family themed recreation parks and accessory uses associated with family-oriented activities, such as restaurants, theaters, retail, picnic areas, campsites etc. These uses are compatible to a residential use. Similarly, Block 249, Lot 24 is adjacent to R-1 and R-3 residential zones. These lots represent favorable locations for additional residential developments, given the limited development opportunity throughout the entire Township and the Highlands, along with proximity to services provided on Route 206. Despite being located within PA5, these lots do not exhibit limiting topographical constraints or present a threat to the environment.

It does not appear these sites include Critical Habitats, are located within wetlands, are within the 100-year floodplain, or contain historic or architecturally significant resources. The West Brookwood parcels are located near the Musconetcong River and the lake property is near Lake Lackawanna. The most minimal percentage of slopes (0-8%) is present on the lots. After the consideration of the location of well and septic systems on the lot, the remaining portion of the lots is developable.

These units will be funded through the municipality donating each lot to Habitat for Humanity, which will construct the affordable unit on the lot. Once owned by the non-profit, it will conduct an extensive screening process and choose homeowners based on their need for affordable housing, their ability to repay a Habitat mortgage, and their readiness to partner with the organization.

The monthly mortgage payments from these affordable units go into Habitat's revolving fund, which is used to build more homes. A minimum amount of housing trust funds will be placed toward administrative fees and any preliminary investigation required prior to construction. A letter of interest from Morris Habitat for Humanity is included in. A pro-forma statement, an affirmative marketing plan, operating manual, and executed contract for COAH's review will be submitted, prior to the construction of these homes.

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<sup>1</sup> Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

## PROJECT / PROGRAM INFORMATION FORM

**Changes to the highlighted areas are to be made directly into the CTM system. All other changes must be made on the form and submitted to COAH.**

### **PART A – PROJECT HEADER**

Municipality: \_\_\_\_\_Byram Township\_\_\_\_\_ County: \_\_\_\_\_Sussex County\_\_\_\_\_

Project or Program Name: \_\_\_\_\_Municipally Sponsored 100% Affordable Habitat for Humanity Homes\_\_\_\_\_

**Project Status** (circle current status and enter date of action for that status)      Date of Action

Proposed/Zoned      \_\_\_\_\_2011\_\_\_\_\_

Preliminary Approval      \_\_\_\_\_

Final Approval      \_\_\_\_\_

Affordable Units under Construction      \_\_\_\_\_

Completed (all affordable certificates of occupancy (C.O.) issued)      \_\_\_\_\_

Deleted from Plan  
(date approved by COAH) \_\_\_\_\_ )

### **Project / Program Type (circle one)**

Assisted Living Facility      Alternative Living Arrangement      Accessory Apartment

Buy – Down      Credits without Controls      ECHO      Municipally-Sponsored Rental Units<sup>1</sup>

**100 Percent Affordable**      Inclusionary      Rehabilitation

### **If an Inclusionary project, identify type (circle all that apply)**

**Units constructed on-site**      Units constructed off-site      Combination      Contributory

Growth Share Ordinance

### **If an Alternative Living Arrangement project, identify type (circle one)**

Transitional Facility for the Homeless      Residential Health Care Facility      Congregate Living Facility

Group Home      Boarding Homes (A through E) (only eligible for credit for 1987-99 plans)

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<sup>1</sup> See N.J.A.C. 5:94-4.11

**PART B – PROJECT DETAIL (Complete all applicable sections)****COAH Rules that apply to project:**

Round 1

Round 2

Round 3

**Project Address:**

1. Block 3, Lot 831	1 Glen Brook St.
2. Block 15, Lot 590	7 Bunker Dr.
3. Merge Block 16, Lot 125 & Block 16, Lot 85	55 Ash St. and 21 Adair St.
4. Block 17, Lot 45	27 Acorn St.
5. Block 56, Lot 47	1 Shadybrook Rd.
6. Block 14, Lot 175	2 Bunker Dr.
7. Block 249, Lot 28	37 Lake Dr.
8. Block 7, Lot 305	33 Beech St.

**Project Block/Lot/Qualifier** (list all) \_\_\_\_\_ See above \_\_\_\_\_**Project Acreage:** \_\_\_\_\_ 1.83 acres \_\_\_\_\_**Project Sponsor:** (circle one) Municipally Developed  Nonprofit Developed  Private Developer**Project Developer:** \_\_\_\_\_ Habitat for Humanity \_\_\_\_\_**Planning Area** (circle all that apply)1      2      3       4      4B       5      5B

Highland Preservation	Highlands Planning Area	Pinelands	Meadowlands
CAFRA	Category 1 Watershed		

**Credit Type** (circle one)Prior-cycle (1980 – 1986)      Post-1986 completed  Proposed/Zoned  Rehabilitation**Credit Sub-Type** (if applicable)

Addressing Unmet Need      Extension of Controls

**Construction Type** (circle one)  New (includes reconstruction and conversions)  Rehabilitation**Flags** (circle all that apply) Conversion Court Project Density Increase Granted Mediated Project

Result of Growth Share Ordinance      High Poverty Census Tract Off-Site Partnership Project

RCA Receiving Project Reconstruction Part of Redevelopment Plan

**Project Waiver granted** yes  no **Round waiver was granted** R1 R2 R3**Type of Waiver** \_\_\_\_\_**Number of market units proposed** \_\_\_\_\_ 0 \_\_\_\_\_ **Number of market units completed** \_\_\_\_\_ 0 \_\_\_\_\_**Condo Fee percentage** (if applicable) \_\_\_\_\_

**Affordability Average Percentage<sup>2</sup>** \_\_\_\_\_

**For Contributory or Combination Sites**

Total payment in lieu of building affordable units on site \_\_\_\_\_

Number of affordable units created with payment \_\_\_\_\_

**Municipal or RCA funds committed to project** \_\_\_\_\_

**Municipal or RCA funds expended** \_\_\_\_\_

**Funding Sources** (circle all that apply)

County HOME   County Rehab Funds   CDBG   Federal Home Loan Bank   HODAG   HUD   HUD 202  
HUD 236   HUD 811   HUD HOPE VI   HUD HOME   McKinney Funds   Fannie Mae Multi-Family  
UDAG   UHORP   USDA-FHA Rural Development   USDA-FHA - Section 515   Development Fees  
Municipal Bond   Municipal Funds   Payment in Lieu   Private Financing   RCA   Capital Funding  
Balanced Housing   Balanced Housing – Home Express   DCA – Low Income House Tax Credit   NPP  
DCA Shelter Support Services   DDD   DHSS   DHHS   HMFA Low Income House Tax Credit  
HMFA   HMFA HOME   MONI   Section 8   Small Cities   Other Habitat for Humanity\_\_\_\_\_

**Effective date of affordability controls** \_\_\_\_\_

**Length of Affordability Controls** (in years)   30   or      Perpetual

**Administrative Agent** \_\_\_\_\_

## PART C – COUNTS

**Affordable Unit Counts**

Total non-age-restricted   8     Sales   8     Rentals   0     Total age-restricted   0     Sales   0     Rentals   

Complete the chart for the number of non-age-restricted and age-restricted units that are restricted for the following income categories (do not report on the income levels of residents currently residing in the units)

<u>Low Income</u>	<u>Non-age restricted</u>	<u>Age-restricted</u>
30% of median income <sup>3</sup>	_____	_____
35% of median income <sup>4</sup>	_____	_____
50% of median income	_____	_____
<u>Moderate Income</u>		

<sup>2</sup> “Affordability Average” means an average of the percentage of median income at which restricted units in an affordable development are affordable to low and moderate-income households.

<sup>3</sup> Pursuant to N.J.A.C. 5:94-4.22 units deed restricted to households earning 30% or less of median income may be eligible for Bonus Credit for Very-Low Income Units. (RCA receiving units not eligible for bonus credits)

<sup>4</sup> Pursuant to N.J.A.C. 5:80-26.3(d) At least 10 percent of all low- and moderate-income rental units must be deed restricted to households earning no more than 35 percent of median income

80% of median income

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Note: 30% = less than or equal to 30 percent of median income  
35% = greater than 30 percent and less than or equal to 35 percent of median income  
50% = greater than 35 percent and less than or equal to 50 percent of median income  
80% = greater than 50 percent and less than 80 percent of median income

**Bedroom Distribution of Affordable Units**

Sale units	efficiency low	_____	1 bedroom low	_____	2 bedroom low	_____	3 bedroom low	_____
	efficiency mod	_____	1 bedroom mod	_____	2 bedroom mod	_____	3 bedroom mod	_____
Rental units	efficiency low	_____	1 bedroom low	_____	2 bedroom low	_____	3 bedroom low	_____
	efficiency mod	_____	1 bedroom mod	_____	2 bedroom mod	_____	3 bedroom mod	_____

**Completed Units**

Number of affordable units completed in this project \_0\_\_\_\_\_

Number of affordable units in this project lost through foreclosures, illegal sale or expired affordability controls \_\_\_\_\_

**PART D - (completed by Sending Municipality)**For Regional Contribution Agreements (RCA)

Sending Municipality	_____	County	_____
RCA Receiving Municipality	_____	County	_____
COAH approval date	_____		
Number of units transferred	_____	Cost per unit	_____
Total transfer amount	_____	Amount transferred to date	_____

For Partnership Program

Sending Municipality	_____	County	_____
Partnership Receiving Municipality	_____	County	_____
Name of Project	_____		
Credits for Sending Municipality	_____		
Total transfer amount	_____	Amount transferred to date	_____

Summary of Sending Municipality's contractual agreement with Partnership Receiving Municipality

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## **SUPPORTIVE AND SPECIAL NEEDS HOUSING (N.J.A.C. 5:97-6.10)**

(Submit separate checklist for each site or project)

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### **General Description**

Municipality/County: Byram Township, Sussex County

Project or Program Name: Group Homes

Date facility will be constructed or placed into service: 2011-2015

Type of facility: Group Home

For group homes, residential health care facilities and supportive shared housing:

Affordable bedrooms proposed: 8 Age-restricted affordable bedrooms: 0

For permanent supportive housing:

Affordable units proposed: \_\_\_\_\_ Age-restricted affordable units: \_\_\_\_\_

### **Bonuses, if applicable:**

Rental bonuses as per N.J.A.C. 5:97-3.5: 0

Rental bonuses as per N.J.A.C. 5:97-3.6(a): 2

Very low income bonuses as per N.J.A.C. 5:97-3.7<sup>1</sup>: 0

Compliance bonuses as per N.J.A.C. 5:97-3.17: 0

Date development approvals granted: \_\_\_\_\_

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### **Information and Documentation Required with Petition or in Accordance with an**

### **Implementation Schedule**

**Is the municipality providing an implementation schedule for this project/program.**

- Yes. Skip to and complete implementation schedule found at the end of this checklist.  
NOTE: The remainder of this checklist must be submitted in accordance with the implementations schedule.
- No. Continue with this checklist.

- Project/Program Information & Unit Inventory Forms (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here  in lieu of submitting forms.)
- Demonstration of site control or the ability to control the site, in the form of outright ownership, a contract of sale or an option to purchase the property

**A general description of the site, including:**

- Name and address of owner
- Name and address of developer
- Subject property street location
- Subject property block(s) and lot(s)
- Subject property total acreage
- Indicate if urban center or workforce housing census tract
- Description of previous zoning
- Current zoning and date current zoning was adopted
- Tax maps showing the location of site(s) with legible dimensions (electronic if available)

**A description of the suitability of the site, including:**

- Description of surrounding land uses
- Demonstration that the site has street access
- Planning Area and/or Special Resource Area designation(s) e.g., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

**A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:**

- Wetlands and buffers
- Steep slopes
- Flood plain areas
- Stream classification and buffers
- Critical environmental site
- Historic or architecturally important site/district
- Contaminated site(s); proposed or designated brownfield site

- Based on the above, a quantification of buildable and non-buildable acreage
- Pro-forma statement for the project
- RFP or Developer's Agreement
- Construction schedule and timetable for each step in the development process
- Documentation of funding sources
- Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall

#### **Information and Documentation Required Prior to Marketing the Completed Units or Facility**

- For units not exempt from UHAC, an affirmative marketing plan in accordance with N.J.A.C. 5:97-6.10(c)
- If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency (including validation of the number of bedrooms or units in which low- or moderate-income occupants reside)

#### **SUPPORTIVE AND SPECIAL NEEDS HOUSING (N.J.A.C. 5:97-6.10)**

##### **IMPLEMENTATION SCHEDULE**

The implementation schedule sets forth a detailed timetable that demonstrates a “realistic opportunity” as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.

The timetable, information, and documentation requested below are required components of the implementation schedule.

Please note that all information and documentation requested below is required to be submitted to COAH no later than two years prior to the scheduled implementation of the mechanism. The fully completed checklist from above must be submitted at that time.

#### **PROVIDE THE INFORMATION REQUESTED IN THE SECTIONS BELOW**

##### **(A) Development schedule, including, but not limited to, the following:**

Development Process Action	Date Anticipated to Begin	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Site Acquisition	1/1/2011	2/1/2011	2/1/2011
RFP Process	2/1/2011	3/1/2011	3/1/2011

Developer Selection	3/1/2011	4/1/2011	4/1/2011
Executed Agreement with provider, sponsor or developer	4/1/2011	4/1/2011	5/1/2011
Development Approvals	6/1/2011	1/1/2012	2/1/2012
Contractor Selection	2/1/2012	5/1/2012	5/1/2012
Building Permits	1/1/2013	3/1/2013	3/1/2013
Construction	5/1/2013	12/1/2013	12/1/2013
Occupancy	1/1/2014	1/1/2015	1/1/2015

### **Supportive/Special Needs Narrative Section**

Byram has planned for the construction of 2 group homes with 4 bedrooms each, on 2 Township owned parcels. One of the group homes (Block 8, Lot 747, 0.241 acres) will allocate all of its 4 bedrooms to Very Low Income units, while the second group home (parcel yet to be determined) will be constructed for low/moderate incomes. All sites have clear title and are free of encumbrances, which preclude development of affordable housing. This site is located within the R-5 Zoning District (adopted March 2006), which was previously zoned R-4 (adopted January 2004). As mentioned above, the R-5 zone permits 10,000 s.f. lots, is within PA5, and has frontage and access to local subdivision roads. This parcel is surrounded by compatible residential land uses, such as the R-3 and R-4 zones. It is anticipated the Township will solicit the services of NewBridge, a non-profit community organization (21 Evans Place Pompton Plains, NJ) that provides housing services for individuals requiring supportive and special needs to construct the group home. NewBridge has met with the Township and has expressed interest. At the time of petition, the Township had not yet received a firm commitment from the agency. It is anticipated this organization will issue a firm commitment to the Township, and the required documentation will be submitted to COAH for their review.

In addition to the two parcels mentioned, the Township has consulted with an existing entity in Byram (Center for Humanistic Change) that is interested in constructing units to create a group home, as part of its existing facility. However, this entity was not able to commit by the petition deadline. This proposition is not included in the Township's obligation mechanisms, but the Township will continue to pursue this option and may include it as a future method to address the obligation and amend the Fair Share Plan, as necessary.

The group homes will be serviced by on-site well and septic systems. No floodplains or steep slopes are present on Block 8, Lot 747. Suitable wetland habitat is present on the site, but does not appear to present any constraints on development. The group homes will be funded through the municipality donating each lot to the group home agency, which will construct the home on the lot, or contract with a developer to build the home. A minimum amount of housing trust funds will be placed toward administrative fees and any preliminary investigation required prior to construction. A pro-forma statement, an affirmative marketing plan, construction schedule, and an executed contract for COAH's review will be submitted prior to the construction of these homes.

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<sup>1</sup> Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

## PROJECT / PROGRAM INFORMATION FORM

**Changes to the highlighted areas are to be made directly into the CTM system. All other changes must be made on the form and submitted to COAH.**

### **PART A – PROJECT HEADER**

Municipality: \_\_\_\_\_Byram Township\_\_\_\_\_ County: \_\_\_\_\_Sussex County\_\_\_\_\_

Project or Program Name: \_\_\_\_\_Group Homes (2)\_\_\_\_\_

<b>Project Status</b> (circle current status and enter date of action for that status)	<u>Date of Action</u>
Proposed/Zoned	____2011-2012_____
Preliminary Approval	_____
Final Approval	_____
Affordable Units under Construction	_____
Completed (all affordable certificates of occupancy (C.O.) issued)	_____
Deleted from Plan (date approved by COAH) _____ )	_____

### **Project / Program Type (circle one)**

Assisted Living Facility	<u>Alternative Living Arrangement</u>	Accessory Apartment
Buy – Down	Credits without Controls	ECHO
100 Percent Affordable	Inclusionary	Rehabilitation

### **If an Inclusionary project, identify type (circle all that apply)**

Units constructed on-site      Units constructed off-site      Combination      Contributory

Growth Share Ordinance

### **If an Alternative Living Arrangement project, identify type (circle one)**

Transitional Facility for the Homeless      Residential Health Care Facility      Congregate Living Facility  
Group Home      Boarding Homes (A through E) (only eligible for credit for 1987-99 plans)

<sup>1</sup> See N.J.A.C. 5:94-4.11

**PART B – PROJECT DETAIL (Complete all applicable sections)**COAH Rules that apply to project: Round 1 Round 2 **Round 3****Project Address:****Project Block/Lot/Qualifier** (list all) \_\_\_\_\_ Block 8, Lot 747\_\_\_\_\_**Project Acreage:** \_\_\_\_\_.241 acres\_\_\_\_\_**Project Sponsor:** (circle one) Municipally Developed Nonprofit Developed **Private Developer****Project Developer:** \_\_\_\_\_ NewBridge Services \_\_\_\_\_**Planning Area** (circle all that apply)1      2      3      **4**      4B      **5**      5B

Highland Preservation Highlands Planning Area Pinelands Meadowlands

CAFRA Category 1 Watershed

**Credit Type** (circle one)Prior-cycle (1980 – 1986) Post-1986 completed **Proposed/Zoned** Rehabilitation**Credit Sub-Type** (if applicable)

Addressing Unmet Need Extension of Controls

**Construction Type** (circle one) **New (includes reconstruction and conversions)** Rehabilitation**Flags** (circle all that apply) Conversion Court Project Density Increase Granted Mediated Project

Result of Growth Share Ordinance High Poverty Census Tract Off-Site Partnership Project

RCA Receiving Project Reconstruction Part of Redevelopment Plan

**Project Waiver granted** yes **no** **Round waiver was granted** R1 R2 R3**Type of Waiver** \_\_\_\_\_**Number of market units proposed** \_\_\_0\_\_\_ **Number of market units completed** \_\_\_0\_\_\_**Condo Fee percentage** (if applicable) \_\_\_\_\_**Affordability Average Percentage**<sup>2</sup> \_\_\_\_\_**For Contributory or Combination Sites**

Total payment in lieu of building affordable units on site \_\_\_\_\_

Number of affordable units created with payment \_\_\_\_\_

**Municipal or RCA funds committed to project** \_\_\_\_\_**Municipal or RCA funds expended** \_\_\_\_\_

<sup>2</sup> “Affordability Average” means an average of the percentage of median income at which restricted units in an affordable development are affordable to low and moderate-income households.

**Funding Sources** (circle all that apply)

County HOME   County Rehab Funds   CDBG   Federal Home Loan Bank   HODAG   HUD   HUD 202  
HUD 236   HUD 811   HUD HOPE VI   HUD HOME   McKinney Funds   Fannie Mae Multi-Family  
UDAG   UHORP   USDA-FHA Rural Development   USDA-FHA - Section 515   Development Fees  
Municipal Bond   Municipal Funds   Payment in Lieu   Private Financing   RCA   Capital Funding  
Balanced Housing   Balanced Housing – Home Express   DCA – Low Income House Tax Credit   NPP  
DCA Shelter Support Services   DDD   DHSS   DHHS   HMFA Low Income House Tax Credit  
HMFA   HMFA HOME   MONI   Section 8   Small Cities   Other

**Effective date of affordability controls** \_\_\_\_\_

**Length of Affordability Controls** (in years) \_\_\_\_\_ or Perpetual

**Administrative Agent** \_\_\_\_\_

## PART C – COUNTS

### Affordable Unit Counts

Total non-age-restricted 8   Sales 0   Rentals 8   Total age-restricted 0   Sales 0   Rentals  

Complete the chart for the number of non-age-restricted and age-restricted units that are restricted for the following income categories (do not report on the income levels of residents currently residing in the units)

<u>Low Income</u>	<u>Non-age restricted</u>	<u>Age-restricted</u>
30% of median income <sup>3</sup>	_____	_____
35% of median income <sup>4</sup>	_____	_____
50% of median income	_____	_____
<u>Moderate Income</u>	_____	_____
80% of median income	_____	_____

Note:   30% = less than or equal to 30 percent of median income  
35% = greater than 30 percent and less than or equal to 35 percent of median income  
50% = greater than 35 percent and less than or equal to 50 percent of median income  
80% = greater than 50 percent and less than 80 percent of median income

<sup>3</sup> Pursuant to N.J.A.C. 5:94-4.22 units deed restricted to households earning 30% or less of median income may be eligible for Bonus Credit for Very-Low Income Units. (RCA receiving units not eligible for bonus credits)

<sup>4</sup> Pursuant to N.J.A.C. 5:80-26.3(d) At least 10 percent of all low- and moderate-income rental units must be deed restricted to households earning no more than 35 percent of median income

**Bedroom Distribution of Affordable Units**

Sale units	efficiency low	_____	1 bedroom low	_____	2 bedroom low	_____	3 bedroom low	_____
	efficiency mod	_____	1 bedroom mod	_____	2 bedroom mod	_____	3 bedroom mod	_____
Rental units	efficiency low	_____	1 bedroom low	_____	2 bedroom low	_____	3 bedroom low	_____
	efficiency mod	_____	1 bedroom mod	_____	2 bedroom mod	_____	3 bedroom mod	_____

**Completed Units**Number of affordable units completed in this project 8

Number of affordable units in this project lost through foreclosures, illegal sale or expired affordability controls \_\_\_\_\_

**PART D - (completed by Sending Municipality)**For Regional Contribution Agreements (RCA)

Sending Municipality	_____	County	_____
RCA Receiving Municipality	_____	County	_____
COAH approval date	_____		
Number of units transferred	_____	Cost per unit	_____
Total transfer amount	_____	Amount transferred to date	_____

For Partnership Program

Sending Municipality	_____	County	_____
Partnership Receiving Municipality	_____	County	_____
Name of Project	_____		
Credits for Sending Municipality	_____		
Total transfer amount	_____	Amount transferred to date	_____

Summary of Sending Municipality's contractual agreement with Partnership Receiving Municipality

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## **Appendix F**

### **Highlands Petition Resolution**



**TOWNSHIP OF BYRAM  
SUSSEX COUNTY, NEW JERSEY  
RESOLUTION NO. 155 - 2008**

**NOTICE OF INTENT TO PETITION THE HIGHLANDS COUNCIL  
FOR PLAN CONFORMANCE**

**WHEREAS**, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq., finds and declares that protection of the New Jersey Highlands is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other key natural resources; and

**WHEREAS**, the Highlands Act creates a coordinated land use planning system requiring the Highlands Water Protection and Planning Council (Highlands Council) to prepare and adopt a Regional Master Plan for the Highlands Region and requiring that within nine to 15 months after September 8, 2008, each county and municipality located wholly or partially in the Preservation Area must submit a Petition for Plan Conformance to the Highlands Council for that portion of its jurisdiction lying within the Preservation Area; and

**WHEREAS**, the Highlands Act specifies that conformance with the Regional Master Plan (Plan Conformance) requires revisions to municipal and county master plans and development regulations as applicable to the development and use of land to align them with the goals, requirements, and provisions of the Regional Master Plan; and

**WHEREAS**, the Highlands Council's Plan Conformance Guidelines require that for jurisdictions with any lands in the Preservation Area, a Notice of Intent to conform to the Regional Master Plan must be submitted to the Highlands Council as soon as practicable, but not later than February 1, 2009 and that for any lands in the Planning Area, a Notice of Intent may be submitted at any time; and

**WHEREAS**, the Township of Byram lies within the Highlands Region as defined by the Highlands Act; and

**WHEREAS**, the Governing Body of the Township of Byram believes that it is in the best interest of the Byram Township to conform to the Regional Master Plan.

**NOW, THEREFORE BE IT RESOLVED**, that the Governing Body of the Township of Byram hereby provides the Highlands Council with this Notice of Intent to petition the Highlands Council for Plan Conformance for all lands lying within the Preservation Area.

**BE IT FURTHER RESOLVED**, this Notice of Intent additionally specifies that the Governing Body of the Township of Byram intends to include all lands lying within the Planning Area in the petition. In accordance with the Highlands Council's Plan Conformance Guidelines, this Notice of Intent is not binding with respect to lands within the Planning Area.

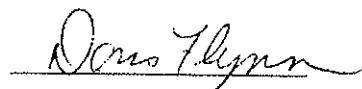
**BE IT FURTHER RESOLVED**, this Notice of Intent provides notice to the Highlands Council that the Governing Body of the Township of Byram has set December 8, 2009 as the target date for submission of a Petition for Plan Conformance. The Township of Byram hereby reserves its right and authority to Petition COAH for Substantive Certification prior to December 31, 2008.

**BYRAM TOWNSHIP MAYOR AND COUNCIL**

COUNCIL MEMBER	Councilman Olson	Councilman Rafferty	Councilman Thompson	Councilman Ocasio	Mayor Danielson
By:	X				
2nd				X	
Yes	X	X	Y	X	X
No					
Abstain					
Absent					

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on November 13, 2008.



Doris Flynn, Township Clerk

## **Appendix G**

### **Highland Extension Resolution**



**TOWNSHIP OF BYRAM  
SUSSEX COUNTY, NEW JERSEY  
RESOLUTION NO. 156 - 2008**

**RESOLUTION SEEKING AN EXTENSION OF THE DEADLINE TO  
PETITION FOR SUBSTANTIVE CERTIFICATION PURSUANT TO  
EXECUTIVE ORDER 114 AND THE MEMORANDUM OF UNDERSTANDING  
BETWEEN THE HIGHLANDS COUNCIL AND THE COUNCIL ON  
AFFORDABLE HOUSING**

WHEREAS, on September 5, 2008, Governor Corzine signed Executive Order 114 which requires the Council on Affordable Housing (COAH) and the New Jersey Highlands Council (Highlands) to enter into a Memorandum of Understanding (MOU) designed to coordinate the regulations of both agencies by maximizing affordable housing opportunities while preserving critical environmental resources; and

WHEREAS, COAH and the Highlands have prepared such an MOU, which was adopted by COAH on October 29, 2008 and by the Highlands Council on October 30, 2008; and

WHEREAS, conformance with the Highlands Regional Master Plan (Plan Conformance) requires revisions to municipal and county master plans and development regulations as applicable to the development and use of land to align them with the goals, requirements, and provisions of the Regional Master Plan; and

WHEREAS, COAH regulations establish a December 31, 2008 deadline for municipalities currently under the jurisdiction of COAH to submit third round petitions for substantive certification of a municipal housing element and fair share plan; and

WHEREAS, Byram Township hereby reserves its right and authority to petition COAH for substantive certification before December 31, 2008; and

WHEREAS, the MOU establishes a procedure that municipalities under the jurisdiction of both COAH and the New Jersey Highlands Water Protection and Planning Act may follow to seek an extension to the December 31, 2008 deadline set by COAH for the submission of third round petitions for substantive certification of a municipal housing element and fair share plan; and

WHEREAS, the MOU provides for an extension of the December 31, 2008 deadline to December 8, 2009 for any Highlands municipality under COAH's jurisdiction that, before December 31, 2008: 1) submits a duly adopted Notice of Intent to Petition in accordance with the Highlands Council's Plan Conformance Guidelines; and 2) submits a duly adopted resolution notifying COAH of its intent to petition COAH no later than December 8, 2009; and

WHEREAS, on November 13, 2008 the governing body of the Township of Byram adopted a resolution notifying the Highlands that the Township of Byram has set by December 8, 2009 as the target date for submission of a Petition for Plan Conformance.

NOW, THEREFORE, BE IT RESOLVED, that the Township of Byram hereby agrees that its deadline for the submission of a Housing Element and Fair Share Plan pursuant to N.J.A.C. 5:96-16 is extended from December 31, 2008 to December 8, 2009; and

BE IT FURTHER RESOLVED that the governing body of the Township of Byram hereby directs Township Manager Joseph Sabatini to immediately transmit a signed and sealed copy of this resolution to COAH; and

BE IT FURTHER RESOLVED that the governing body of the Township of Byram hereby directs Township Manager Joseph Sabatini to immediately transmit a signed and sealed copy of the November 13, 2008 duly adopted Notice of Intent to Petition in accordance with the Highlands Council's Plan Conformance Guidelines to COAH; and

BE IT FURTHER RESOLVED that the governing body of the Township of Byram intends to submit a petition for substantive certification of a third round Housing Element and Fair Share Plan to COAH not later than December 8, 2009.

BE IT FURTHER RESOLVED that the governing body of the Township of Byram may exercise and hereby reserves its right and authority to petition COAH for substantive certification before December 31, 2008 with the understanding Byram Township can benefit from the coordination of COAH and Highlands regarding the regulations of both agencies by maximizing affordable housing opportunities while preserving critical environmental resources.

**BYRAM TOWNSHIP MAYOR AND COUNCIL**

COUNCIL MEMBER	Councilman Olson	Councilman Pafferty	Councilman Thompson	Councilman Ossowich	Mayor Danielson
By:	X				
2nd				X	
Yes	X	X	Y	X	X
No					
Abstain					
Absent					

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on November 13, 2008.

  
Doris Flynn  
Township Clerk

## **Appendix H**

### **Existing Inclusionary Zone & Draft Form Based Code**



glare exceeding 0.5 footcandle, measurable at the property line of the lot occupied by such use. The only lighting permitted to illuminate the area shall be of such a nature that the direct source of light is not visible from any street or any adjoining property.

- (5) The design of any pitch-and-putt course, golf course, golf driving range or any permitted accessory use shall be of such a nature so as to ensure against the possibility of damage to any adjoining property or injury to any person using a public right-of-way. No barriers for the elimination of such hazards exceeding six feet in height shall be allowed within 200 feet of any public right-of-way.
  - (6) Grounds and camping sites shall be limited to seasonal operation between April 1 and October 31, subject to the following additional requirements:
    - (a) No campsite can be located within 50 feet of any property line.
    - (b) An adequate potable water supply must be provided in a manner approved by the Board of Health.
    - (c) Adequate sanitary facilities must be provided in a manner approved by the Board of Health.
- B. Height. No structure shall exceed a maximum of two stories in height or 28 feet in height, whichever is the lesser. [Amended 7-17-1995 by Ord. No. 5-1995]
- C. Maximum density of campsites. There shall be a minimum ground cover density as prescribed by the New Jersey Campground Code.
- D. Site plan review. Prior to the issuance of a building permit or certificate of occupancy, the Planning Board shall review and approve a site plan.
- E. Off-street parking. Off-street parking areas shall be provided to ensure one-hundred-percent off-street parking to all participants at all times under all conditions, including the requirements of § 240-38B.
- F. Residential use. There shall be no residential use within the C-R District, except that there shall be permitted on any lot, parcel or tract located within the C-R District one residential quarters for an owner, watchman or caretaker and his or her family. All other residential structures within the C-R District shall be prohibited.

**§ 240-59. VC Village Center Mixed-Use District. [Added 1-5-2004 by Ord. No. 22-2003]EN(160)**

- A. Purpose. The Village Center Mixed-Use Zone (VC Zone) is intended to be the primary focal point of new development in order to implement the objectives and goals of the Township's Smart Growth Plan, as well as satisfy its COAH certification and obligation. The zone is

intended to take advantage of its central location and proximity to community amenities and infrastructure. The primary purpose of the VC Zone is to provide for carefully planned development through mixed-uses and specific commercial and residential developments, oriented around new civic buildings and public spaces. The Village Center Zone is intended to provide pedestrian-oriented commercial services to planned and existing residential neighborhoods and to create a new "center" as a community focus for the Township. The commercial and residential areas within the Village Center Zone must be well integrated to create a neotraditional, pedestrian-oriented, village-like development. The intent of this district is to encourage new development while still providing for open space, common greens and civic centers. The Village Center concept, through comprehensive project design, shall be the defining element for any new development. All new development proposals, as well as proposed changes, alterations and rehabilitation of existing structures or uses, shall be subject to the standards and objectives in Article XIII of this chapter. All housing components are subject to the provisions of Article XIV (Affordable Housing). [Amended 11-7-2005 by Ord. No. 12-2005]

- B. Definitions. As used in this article, the following terms shall have the meanings indicated:  
[Added 3-15-2004 by Ord. No. 6-2004EN(161); amended 11-7-2005 by Ord. No. 12-2005]

**APARTMENTS** -- One or more rooms with cooking, sleeping and private sanitary facilities comprising an independent self-contained dwelling unit in a building containing three or more dwelling units. Apartments are rental units only.

**ARCHITECTURAL REVIEW COMMITTEE** -- An advisory panel to the Byram Township Planning Board, appointed annually by the Mayor. The Committee shall consist of five to eight members, to include two sitting members of the Planning Board, two members of the general public and a Township employee.

**BANQUET HALL/CATERING FACILITY** -- A facility for use by businesses engaged in selling prepared food (ready to be consumed) and beverages for celebrations, parties, seminars, meetings and similar functions where waiters serve the guests/participants.

**BED-AND-BREAKFAST FACILITY (B&B)** -- An owner-occupied premises where overnight accommodations and a morning meal are provided for compensation to transients who stay less than one week. The impact of a B&B should not be much greater than that of a private residence with frequent house guests. Food services shall be limited to breakfast for guests.

**CENTRAL GREEN** -- A large parcel of land (minimum five acres) set aside, dedicated, designated or reserved for public use or enjoyment, which may include such complimentary structures and improvements as are necessary and appropriate for entertainment or recreation, with such facilities being a small portion of the overall space.

**COMMUNITY PARK/POCKET PARK** -- A small parcel of land set aside, dedicated, designated or reserved for public use or enjoyment, which may include such complimentary structures and improvements as are necessary and appropriate for entertainment or recreation, with such facilities

being no more than 1/2 of the overall space.

COUNCIL ON AFFORDABLE HOUSING (COAH) -- New Jersey Council on Affordable Housing established by P.L. 1985, Chapter 222, Fair Housing Act (N.J.S.A. 27D-301 et seq.).

DESIGNATED VILLAGE CENTER (referred to as Designated VC) -- The area of commercial and mixed-use development officially declared by the State Planning Commission as Byram Township's Designated Village Center pursuant to the State Development and Redevelopment Plan. This area is approximately defined as those parcels immediately adjacent to Route 206, from Acorn Street to the northern boundary of the Byram Plaza parcel and including the Village Center Zone (VC Zone). Exact boundaries of the Designated Village Center are contained in the State Plan and the Highlands Protection Act.

DRIVE-UP SERVICE/FACILITY -- An establishment that by design, physical facilities, service or by packaging procedures encourages or permits customers to receive goods or services while remaining in their motor vehicle.

DWELLING UNIT -- One or more rooms designed, occupied or intended for occupancy as a separate living quarter, with cooking, sleeping and private sanitary facilities provided within the dwelling unit for the exclusive use of one or more persons living together and maintaining a common household.

EXTERNAL ATTACHED GARAGE -- A structure accessory to a residential dwelling used for the parking and storage of vehicles owned and operated by the residents thereof and not a separate enterprise available to the general public. Said garage must be adjacent and attached to the principal structure and shall not have any portion of the second floor above it and is not to be considered as living space.

FACADE DESIGN/LAYOUT ALTERATIONS -- Facade design or layout alterations are defined as, but not limited to, changes in building materials (brick, wood, native stone, clapboard or stylized shingles); changes in window location, size, shape or type; changes in roof type or orientation; inclusion or exclusion of shutters or style of shutters; inclusion or exclusion of awnings or style/shape of awnings; or any other variations deemed appropriate by the Architectural Review Committee.

INN -- A commercial facility for the housing and feeding of transients. An inn is commonly distinguished from a hotel or motel by its smaller size and purportedly more personal atmosphere. Full food and beverage service to lodgers or dining guests is allowed when proper zoning requirements are met.

INTERNAL ATTACHED GARAGE -- A structure accessory to a residential dwelling used for the parking and storage of vehicles owned and operated by the residents thereof and not a separate enterprise available to the general public. Said garage is integral to the principal structure and occupies a portion of the first floor not to be considered as living space.

**LANDSCAPE PLAN** -- A plan that identifies areas of tree preservation and methods of tree protection within the protected zone as well as areas of replanting. Within replanting areas, the common and botanical name of the proposed species, the number of plants of each species, the size of all plant materials, the proposed location of all plant materials and any unique features of the plant material shall be indicated.

**MIXED-USE BUILDING** -- A structure containing a combination of permitted uses. Residential shall be on the second floor only.

**NEIGHBORHOOD COMMONS** -- Lands within or related to a development, not individually owned or dedicated to public use, that is designed and intended for the common use and enjoyment of the residents and their guests, and may include such complimentary structures and improvements as are necessary and appropriate.

**OPEN SPACE** -- Permanently preserved, publicly owned lands accessible to and usable by all residents of Byram Township. Open space shall include but not be limited to a central green, neighborhood square(s) or commons, recreational playing fields, woodland walking and/or biking trails, footpaths, community or pocket parks or any combination of the above. Open space shall not include lawns and landscaped areas on private residential or commercial lots. Within the Village Center Zone, no more than 20% of the minimum required open space may be comprised of active recreation facilities, such as playing fields, tennis courts and the like.

**PERSONAL SERVICES** -- Establishments primarily engaged in providing services involving the care of a person or his/her personal goods or apparel, including but not limited to laundry, cleaning and pressing services; beauty and barbershops; shoe repair; health clubs; clothing retail; and domestic services.

**PROFESSIONAL OFFICE** -- The office of a professional maintained for the conduct of that profession, including but not limited to attorneys, medical practitioners, engineers, accountants, financial planners and architects.

**PROTECTED ZONES** -- All areas of a parcel that fall outside of the building area and which are required to remain an open space, together with all areas required as landscaping strips, according to provisions of zoning regulations or conditions of zoning approval.

**REPAIR SERVICES** -- Establishments primarily providing repair services to individuals and households, rather than businesses, including but not limited to appliance repair, shoe repair, watch or jewelry repair or repair of musical instruments (exclusive of automobile, small engine, motor, equipment and automobile parts refurbishing, rebuilding and repair).

**SERVICE ESTABLISHMENTS** -- Establishments primarily engaged in providing assistance, as opposed to products, to individuals and businesses, including but not limited to personal, health, educational, entertainment, recreation or repair service; (exclusive of automobile repair).

**SPECIMEN TREE** -- Any tree that has a caliper of greater than 18 inches, measured 4 1/2 feet

above the surrounding ground, or that has been determined by a certified arborist to be of high value because of its type, size, age or other professional criteria.

**STREET/PARK FURNITURE** -- Aboveground objects constructed to improve the appearance and/or function of a street or park in accordance with its planned use, including but not limited to outdoor seating, benches, bus shelters, sculptures, landscape planters, trash receptacles, fountains, telephone booths, kiosks and any other objects that have potential for enlivening and giving variety to streets, sidewalks, plazas and any other outdoor space open to the public.

**TOWNHOUSE** -- Attached single-family dwelling units, each having its own front and rear entrance and separated from adjoining units by one or more common fire-resistant walls, which are established in accordance with New Jersey Condominium Law and controlled by a condominium association that controls and maintains all structures, landscaping and other common elements as approved by the Planning Board and defined in bylaws and master deed(s).

**TWO- to FOUR-FAMILY DWELLING** -- A building on a single lot containing two to four dwelling units, each of which is totally separated from the others by an unpierced wall extending from ground to roof, and/or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to multiple dwelling units.

**VILLAGE CENTER** -- That area of Byram Township consisting of the Designated Village Center and Village Center Zone.

**VILLAGE CENTER ZONE** (referred to as VC Zone) -- The area zoned for mixed-use commercial and residential development and subject to Byram Township's Village Center Ordinance. It is located at the southeastern corner of Route 206 and Lackawanna Drive and is bounded on the south by Lubbers Run and on the east by the Family Theme Park Zone. The VC Zone is part of the Designated VC (Designated Village Center) and is the only part of the Designated VC zoned for single-family, townhouse, condominium or other nonapartment residential development.

**WHOLESALE STORE/WAREHOUSES** -- Establishments or places of wholesale business primarily used to sell or warehouse merchandise to retailers, industrial, commercial, institutional or professional business users, other wholesalers, individuals or companies.

C. Primary intended uses.

- (1) Retail stores, such as bookstore, clothing and accessory boutique, bakery, jeweler, florist, pharmacy.
- (2) Service establishments. [Amended 3-15-2004 by Ord. No. 6-2004]
- (3) Professional offices.
- (4) Financial institutions exclusive of drive-up service.
- (5) Restaurants exclusive of drive-up service.

- (6) Mixed-use buildings containing a combination of permitted uses. Residential shall be on the second floor only.
  - (7) Community and municipal buildings.
  - (8) Public open space.
  - (9) Apartments (on upper floors) of permitted commercial uses.
  - (10) Single-family detached dwellings.
  - (11) Townhouses.
  - (12) Two-to-four family dwellings.
  - (13) Senior housing.
  - (14) Live/work uses for licensed professionals, service providers and artisans.
  - (15) Bed-and-breakfast facilities; inns.
  - (16) Bars and taverns.
  - (17) Health and fitness centers.
  - (18) Open space land permanently protected through conservation easements.
- D. Prohibited uses. Any use not listed in § 240-59C, or deemed compatible by the Planning Board, is prohibited. This shall include, but is not limited to, the following:
- (1) Gasoline stations or auto repair, auto body uses.
  - (2) Commercial uses with a footprint of structure in excess of 10,000 square feet or requiring more than 40 parking spaces.
  - (3) Drive-up facilities and uses.
  - (4) Wholesale stores and/or warehouses.
  - (5) Industrial uses.
  - (6) Uses requiring delivery by tractor-trailer.
  - (7) Outdoor display or storage.
  - (8) Dump, junkyard, or environmentally destructive or contaminating uses.
  - (9) On-site dry-cleaning facilities.

- (10) Banquet hall/catering facilities.
- E. Zoning bulk requirements: [Amended 6-7-2004 by Ord. No. 12-2004; 11-7-2005 by Ord. No. 12-2005]
- (1) Minimum tract size shall be 65 acres gross.
  - (2) Minimum setback from Lubbers Run shall be 200 feet or the minimum setback required by NJDEP, whichever is greater.
  - (3) Minimum open space of 40%, which shall include a minimum five-acre centrally located green from which all development shall radiate. Mature or specimen trees shall be preserved, and trails and park amenities and furniture shall be included. This open space requirement shall not include lawn or landscaped areas on private residential or commercial lots.
  - (4) Total new commercial construction in the VC Zone shall occupy a minimum of 10% of the gross tract area, except as permitted by § 240-80D(2).
  - (5) The minimum residential construction in the VC Zone shall comply with the Township's substantive certification for affordable housing from COAH (25 units), plus any growth share obligation pursuant to the revised COAH regulations (Phase III). The number of market residential units shall not exceed 100. All housing shall be subject to the provisions of Article XIV.
  - (6) All residential housing types are encouraged, with the following minimum percentages:
    - (a) Total rental units shall be a minimum of nine units, as required by COAH. In all, not less than 34 housing units shall be income-restricted in accordance with the Township's fair share obligation.
    - (b) Senior housing shall constitute a minimum 25% of total.
    - (c) Single-family detached shall constitute a minimum of 25% and a maximum of 40% of the total.
    - (d) Housing types must be mixed throughout the site, and any one particular housing type cannot be concentrated into any one area of the site.
    - (e) Affordable units as defined by COAH must be mixed throughout the site and cannot be concentrated into any one area of the site.
  - (7) Table I. Area, Yard and Building Requirements for Mixed Use Commercial/Retail/Office and Apartment Units. Note: All development is subject to the additional requirements of § 240-80.

Minimum	Maximum
---------	---------

*Township of Byram  
PC/CodeBook for Windows*

Building depth	36 feet	100 feet
Building height*	2 stories	35 feet
Building square footage		10,000 square feet
Lot width	40 feet with rear alley 60 feet without alley	
Lot depth	100 feet	150 feet
Front yard setback	12 feet	18 feet
Rear yard setback	Sufficient space to accommodate off-street parking, with minimum 10 feet of buffer and landscaping	
Side yard setback (see diagram) EN(162)	Attached: (maximum 2 buildings) 0 feet one side; 8 feet the other  Detached: 8 feet both sides or 8 feet one side and 0 feet the other	
Parking requirements	As per Table V	In accordance with § 240-80

\*The ground floor level shall be a minimum of 14 feet high. The ground floor shall be level with the sidewalk.

- (8) Table II. Area, Yard and Building Requirements for Detached Single-Family Dwellings.  
Note: All development is subject to the additional requirements of § 240-80.

	Minimum	Maximum
Lot area	6,000 square feet, on average; up to 20% of the lots may be reduced to 5,000 square feet	
Building height*	N/A	2 stories/ 30 feet

*Township of Byram  
PC/CodeBook for Windows*

Lot depth	100 feet	180 feet
Street frontage	50 feet	65 feet
Lot width	50 feet	65 feet
Front yard setback	12 feet (principal building), 6 feet (front porch)	20
Rear yard setback principal building	30 feet	
Garage (attached or detached)	100% of all garages must be solely accessed from a side or rear alley	
Garage (attached or detached)	1-car garage	2-car garage
Attached garage (rear-loaded, rear setback)	20 feet from alley	N/A
Detached garage (rear loaded, rear setback)	20 feet from alley	N/A
Lot disturbance	N/A	50%
Principal building coverage	N/A	15% up to 2,000 square feet
Accessory buildings (shed)	Setback 5 feet	One @ 50 square feet/ height 10 feet
Accessory uses (pool, deck, gazebo, patio)	Setback 10 feet from all property lines; behind front yard setback on any street line	
Side yard setback	10 feet	12 feet
Parking requirement	As per RSIS standards and § 240-80	N/A

\*The ground floor level shall be a minimum of 9 feet high.

*Township of Byram  
PC/CodeBook for Windows*

- (9) Table III. Area, Yard and Building Requirements for Townhouses: Note: All development is subject to the additional requirements of § 240-80.

	<b>Minimum</b>	<b>Maximum</b>
Building height*	2 stories	2.5 Stories/35 feet (maximum 40 feet, including nonhabitable architectural features)
Minimum lot area	20,000 square feet	30,000 square feet
Lot width	130 feet	300 feet
Lot depth	130 feet	300 feet
Front yard setback	10 feet/each unit; offset 4 feet	20 feet
Rear yard setback	20 feet	N/A
Side yard setback	15 feet to exterior property line	24 feet to exterior property line
Garage (attached or detached)	100% of all garages must be solely accessed from a side or rear alley	
Attached garages per unit (internal or external garage)	1-car garage	2-car garage
Detached garages	Not permitted	Not permitted
Attached garage (rear-loaded, rear setback)	20 feet from alley	N/A
Number of bedrooms	1	30%, may be 3
Parking requirement	As required by RSIS and § 240-80	
Units per structure	4	6

\*The ground floor level shall be a minimum of 9 feet high.

(10) Table IV.

- (a) Area, Yard and Building Requirements for Two-to-Four-Family Dwellings. Note: All development is subject to the additional requirements of § 240-80.

	Minimum	Maximum
Building height (maximum)	2 stories	30 feet  of 35 feet, including nonhabitable architectural features)
Minimum lot area feet	7,200 square feet	15,000 square feet
Lot width	60 feet	100 feet
Lot depth Front yard setback	120 feet 12 feet (principal structure); 6 feet (front porch)	200 feet 20 feet
Rear yard setback	30 feet	N/A
Side yard setback side,	12 feet one side, but both must total 30 feet	15 feet one  but both sides must total 40 feet
Number of bedrooms	1 per unit	2 per unit
Units per structure	2	4

- (b) Parking Requirements for Two-to-Four-Family Dwellings. Note: All development is subject to the additional requirements of § 240-80.

- [1] Two parking spaces per unit are required for the Two-to-Four-Family Dwellings. All parking must be on site and not on street. The on-site parking needs can be

*Township of Byram  
PC/CodeBook for Windows*

met through a combination of surface parking, internal attached garages, external attached garages and detached garages. All garages must be solely accessed from a side or rear alley. Internal attached garages may include up to four spaces or parking bays. External attached garages and detached garages may not exceed two parking spaces or parking bays. On-site parking is subject to these additional requirements:

	<b>Minimum</b>	<b>Maximum</b>
Surface parking and garage (attached or detached)	100% of all garages must be accessed from a side or rear alley	
Attached garage (rear-loaded, rear setback)	20 feet from alley	N/A
Detached garage (rear-loaded, rear setback)	20 feet from alley	N/A
Surface parking (rear-loaded, rear setback)	10 feet from alley	N/A
Attached garage (rear-loaded, side setback)	10 feet	N/A
Detached garage (rear-loaded, side setback)	10 feet	N/A
Surface parking (rear-loaded, side setback)	5 feet with landscape buffer	N/A

(11) Table V. Parking shall be provided according to these minimum requirements, subject to maximums set forth in § 240-80O.

<b>Use</b>	<b>Minimum</b>
Offices	One space for each 400 square feet of gross floor area
Retail	One space for the first 500 square feet and one

	space for each additional 350 square feet
All residential	As per RSIS standards
Bed-and-breakfasts/ inns	One space per room plus 1 space per every 4 restaurant seats
Restaurants, bars and taverns	One space for every 3 seats or 3 persons, according to the occupancy maximum permitted by the Fire Code Official
Uses not specified	As determined by the Planning Board

- F. Conditional uses. The following conditional uses are subject to the standards and provisions set forth in Article XIII of this chapter. Where standards conflict, the objectives and standards set forth in Article XIII shall govern, except where federal or state regulations supercede:
- (1) Public utility facilities, when necessary for development build-out within the zone, or required by a federal or state agency.
- G. Supplemental standards. All development applications for the VC Village Center District are subject to the standards, principles and procedures set forth in Articles XIII and XIV of this chapter as well as Chapters 45 and 215. Where standards are in conflict those set forth in Articles XIII and XIV of this Chapter shall govern.
- H. COAH obligations. The Township's current (Round II) obligation of 34 affordable units would normally generate a maximum number of 170 residential units from a 20% set aside. However, nine of the affordable residential units will be affordable rental units and this reduces the maximum number of residential units to 125 when additional credits are received for affordable rental units. [Added 11-7-2005 by Ord. No. 12-2005]

**§ 240-60. IPR Industrial Professional Recreational District. [Added 3-6-2006 by Ord. No. 5-2006EN(163)]**

- A. Purpose and intent. The purpose and intent of the Industrial Professional Recreational District (IPR) is to:
- (1) Allow for the continued operation of the existing, legally nonconforming quarry and to encourage the development of clean industrial, professional office parks, learning

enterprises or commercial recreation/entertainment uses with the over-riding purpose of generating a broader base of quality local jobs.

- (2) Establish a daytime population to support the retail uses in the Village Center and Village Business Districts.
- (3) Include very large setback requirements, including three-hundred-foot setbacks along Route 206 and for quarry uses. These setbacks are to consist of preserved natural forested buffers to screen the uses in this zone from view and provide a natural corridor along Route 206 extending from the Village Business District on the southern portion of Route 206 to the Neighborhood Commercial Zone on the northern portion of Route 206 near Cranberry Lake. For the motorist, this will create the impression of two distinct retail areas, each with its own sense of place, rather than a generic highway-strip corridor typical of sprawl development.

**B. Permitted uses.**

- (1) Permitted uses are as follows:
  - (a) Professional office development.
  - (b) Car wash.
  - (c) Car rental.
  - (d) Light manufacturing, fabricating and assembly plant.
  - (e) Printing and publishing.
  - (f) Research laboratory.
  - (g) Agricultural, farm and horticultural use.
  - (h) Greenhouse and nursery.
  - (i) Commercial recreation business.
  - (j) Medical office park and/or clinic.
  - (k) Veterinary clinic.
  - (l) Private school or college.
  - (m) Charitable, environmental or land trust organization.
- (2) The intensity of operations shall not exceed the limitations imposed by the performance standards hereinafter set forth in this section.

**C. Prohibited uses.** A use which will in any manner create any dangerous, injurious, noxious or

**TOWNSHIP OF BYRAM  
SUSSEX COUNTY, NEW JERSEY**

**ORDINANCE NO. \_\_\_\_2010**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM TO  
AMEND CHAPTER 240-59 OF THE BYRAM TOWNSHIP CODE, ENTITLED "VC  
VILLAGE CENTER MIXED-USE DISTRICT"**

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Township Council of the Township of Byram as follows: Section 240-59 entitled, "VC Village Center Mixed-Use District" shall be and is hereby amended by the addition of the following:

**SECTION 240-59 VC Village Center Mixed-Use District and Form Based Code**

**A. AREA DESCRIPTION AND ANALYSIS**

For the purposes of this code, the Village Center Area (hereafter referred to as the Village Center) is composed of two lots, Block 365, Lot 2 (HRS Drilling Company, Incorporated) and Block 365, Lot 5 (Western World, Incorporated). It is approximately 60 acres in size and is located along Route 206. The area is bound by Route 206 to the west, Lackawanna Drive to the north, the Wild West City Theme Park to the east, and the East Brookwood neighborhood (under the current R-2, R-3, and R-4 Residential zones) to the south.

**B. PURPOSE**

The Village Center encompasses lands immediately adjacent to Lackawanna Drive and Route 206. This area contains the largest unconstrained land available for development in the Township with or near infrastructure. The Code envisions the highest density of development adjacent to Route 206 or Lackawanna Drive. Such development would consist of mixed-use retail with office and residential spaces on upper floors. The interior of the Village Center is intended to feature a central green with civic buildings having a high degree of pedestrian uses consistent with smart growth planning principles. Surrounding the green and in relation to protected open space should be a mix of housing types creating identifiable neighborhoods.

The Village Center is intended to be the primary focal point of new development in order to implement the objectives and goals of the Township's Smart Growth Plan, as well as satisfy its COAH certification and obligation. The area is intended to take advantage of its central location and proximity to community amenities and infrastructure. The primary purpose is to provide for carefully planned development through mixed-uses and specific commercial and residential developments, oriented around new civic buildings and public spaces. The area is intended to provide pedestrian oriented commercial services to future and

existing residential neighborhoods and to create a new "center" as a community focus for the Township. The commercial and residential areas within the Village Center must be well integrated to create a neo-traditional, pedestrian-oriented, village-like development. The intent of the plan is to encourage new development while still providing for open space, common greens, and civic centers. The Village Center concept, through comprehensive project design, shall be the defining element for any new development.

The Village Center is designated as the Township's smart growth approach to aid in satisfying its Second and Third Round COAH certification and obligation. The Village Center allows for additional commercial development if affordable rental apartments are included in mixed-use buildings, creating a mix of residential over commercial in the village. The Township specifically withheld the remaining sewer gallonage allotted to it to provide the density necessary to provide for affordable housing through the current COAH round. The property owner shall pay the Township for the gallongage. The number of rental units mandated by this plan will utilize the existing infrastructure and provide housing in the limited extent of the Highlands Planning Area, rather than attempting to increase density in the Preservation Area. The mandatory set aside of affordable units in the Village Center is to be internally subsidized by the market rate housing and the market commercial development.

**C. DEFINITIONS** As used in this article, the following terms shall have the meanings indicated:

**APARTMENTS** -- One or more rooms with cooking, sleeping and private sanitary facilities comprising an independent self-contained dwelling unit in a building containing three or more dwelling units. Apartments are rental units only.

**ARCHITECTURAL REVIEW COMMITTEE** -- An advisory panel to the Byram Township Planning Board, appointed annually by the Mayor. The Committee shall consist of five to eight members, to include two sitting members of the Planning Board, two members of the general public, and a Township employee.

**BANQUET HALL/CATERING FACILITY** -- A facility for use by businesses engaged in selling food and beverages for celebrations, parties, seminars, meetings, and similar functions where waiters serve no more than three hundred (300) guests/participants.

**BED-AND-BREAKFAST FACILITY (B&B)** -- An owner-occupied premises of no more than twelve (12) guest rooms where overnight accommodations and a morning meal are provided to transients for compensation. The impact of a B&B should not be much greater than that of a private residence with frequent houseguests. Food services shall be limited to breakfast for guests who shall not stay more than a few days.

CENTRAL GREEN -- A large parcel of land (minimum five acres) set aside, dedicated, designated or reserved for public use or enjoyment, which may include such complimentary structures and improvements as are necessary and appropriate for entertainment or recreation, with such facilities being a small portion of the overall space.

COMMUNITY PARK/POCKET PARK -- A small parcel of land set aside, dedicated, designated or reserved for public use or enjoyment, which may include such complimentary structures and improvements as are necessary and appropriate for entertainment or recreation, with such facilities being no more than 1/2 of the overall space.

COUNCIL ON AFFORDABLE HOUSING (COAH) -- New Jersey Council on Affordable Housing established by P.L. 1985, Chapter 222, Fair Housing Act (N.J.S.A. 27D-301 et seq.).

DRIVE-UP SERVICE/FACILITY -- An establishment that by design, physical facilities, service, or by packaging procedures, encourages or permits customers to receive goods or services while remaining in their motor vehicle.

DWELLING UNIT -- One or more rooms designed, occupied or intended for occupancy as a separate living quarter, with cooking, sleeping and private sanitary facilities provided within the dwelling unit for the exclusive use of one or more persons living together and maintaining a common household

EXTERNAL ATTACHED GARAGE – A structure accessory to a residential dwelling used for the parking and storage of vehicles owned and operated by the residents thereof and not a separate enterprise available to the general public that is adjacent and attached to the principal structure that does not have any portion of the second floor above it and is not to be considered as living space.

FACADE DESIGN/LAYOUT ALTERATIONS -- Facade design or layout alterations are defined as, but not limited to, changes in building materials (brick, wood, native stone, clapboard or stylized shingles); changes in window location, size, shape or type; changes in roof type or orientation; inclusion or exclusion of shutters or style of shutters; inclusion or exclusion of awnings or style/shape of awnings; or any other variations deemed appropriate by the Architectural Review Committee.

INN -- A commercial facility for the housing and feeding of transients. An inn is commonly distinguished from a hotel or motel by its smaller size and purportedly more personal atmosphere. Full food and beverage service to lodgers or dining guests is allowed when proper zoning requirements are met.

INTERNAL ATTACHED GARAGE – A structure accessory to a residential dwelling used for the parking and storage of vehicles owned and operated by the residents thereof and not a separate enterprise available to the general public that is integral to the principal structure and occupies a portion of the first floor not to be considered as living space.

**LANDSCAPE PLAN** -- A plan that identifies areas of tree preservation and methods of tree protection within the protected zone as well as areas of replanting. Within replanting areas, the common and botanical name of the proposed species, the number of plants of each species, the size of all plant materials, the proposed location of all plant materials, and any unique features of the plant material shall be indicated. The use of native species is required. The use of invasive species is prohibited.

**MIXED-USE BUILDING** -- A structure containing a combination of permitted uses. Residential shall be on the second floor only.

**NEIGHBORHOOD COMMONS** -- Lands within or related to a development, not individually owned or dedicated to public use, that are designed and intended for the common use and enjoyment of the residence and their guests, and may include such complimentary structures and improvements as are necessary and appropriate.

**OPEN SPACE** – Permanently preserved, publicly owned lands accessible to and usable by all residents of Byram Township. Open space shall include but not be limited to a central green, neighborhood squares or commons, recreational playing fields, woodland walking and/or biking trails, footpaths, community or pocket parks, or any combination of the above. Open space shall *not* include lawns and landscaped areas on private residential or commercial lots. Within the Village Center, no more than 20 percent of the minimum required open space may be comprised of active recreation facilities, such as playing fields, tennis courts, and the like.

**PERSONAL SERVICES** -- Establishments primarily engaged in providing services involving the care of a person or his/her personal goods or apparel, including but not limited to laundry, cleaning and pressing services; beauty and barber shops; shoe repair; health clubs; clothing retail; and domestic services.

**PROFESSIONAL OFFICE** -- The office of a professional maintained for the conduct of that profession, including but not limited to attorneys, medical practitioners, engineers, accountants, financial planners, and architects.

**PROTECTED ZONES** -- All areas of a parcel that fall outside of the building area and which are required to remain an open space, together with all areas required as landscaping strips, according to provisions of zoning regulations or conditions of zoning approval.

**REPAIR SERVICES** -- Establishments primarily providing repair services to individuals and households, rather than businesses, including but not limited to appliance repair, shoe repair, watch or jewelry repair or repair of musical instruments (exclusive of automobile, small engine, motor, equipment and automobile parts refurbishing, rebuilding and repair).

**SERVICE ESTABLISHMENTS** -- Establishments primarily engaged in providing assistance, as opposed to products, to individuals and businesses, including but not limited to personal, health, educational, entertainment, recreation or repair services (exclusive of automobile repair).

**SPECIMEN TREE** -- Any tree that has a caliper of greater than 18 inches, measured 41/2 feet above the surrounding ground or that has been determined by a certified arborist to be of high value because of its type, size, age, or other professional criteria.

**STREET/PARK FURNITURE** -- Aboveground objects constructed to improve the appearance and/or function of a street or park in accordance with its planned use, including but not limited to outdoor seating, benches, bus shelters, sculptures, landscape planters, trash receptacles, fountains, telephone booths, kiosks, and any other objects that have potential for enlivening and giving variety to streets, sidewalks, plazas, and any other outdoor space open to the public.

**TOWNHOUSE** -- Attached single-family dwelling units, each having its own front and rear entrance and separated from adjoining units by one or more common fire-resistant walls, which are established as and controlled by a condominium association under the guidelines of New Jersey condominium law, controlling and maintaining all structures, landscaping and other common areas as approved by the Planning Board and defined in by-laws and master deeds.

**2-to-4 FAMILY DWELLING** -- A building on a single lot containing 2-to-4 dwelling units, each of which is totally separated from the others by an unpierced wall extending from ground to roof, and/or an unpierced ceiling and floor extending from exterior wall to exterior wail, except for a common stairwell exterior to multiple dwelling units.

**VILLAGE CENTER MIXED-USE** – That area of Byram Township subject of this Form Based Code. The Village Center Area is composed of two lots, Block 365, Lot 2 and 5. The term Village Center is used in many Township documents and often refers to the general area at the corner of Route 206 and Lackawanna Drive. It has also been used to describe both the Designated Village Center and the Village Center Zone together. However, for the purposes of this document, Village Center is the focus of the subject Form Based Code.

**VILLAGE CENTER ZONE** (referred to as VC Zone) – The area zoned for mixed-use commercial and residential development and subject to Byram Township's Village Center Ordinance. The Village Center Zone consists of Block 365, Lots 1.01, 1.02, 1.03, 2, 3, 5 and 5.02. It is located at the southeastern corner of Route 206 and Lackawanna Drive and is bounded on the south by Lubbers Run and on the east by the Family Theme Park Zone. The VC Zone is part of the Designated VC (Designated Village Center) and is the only part of the Designated VC zoned for single-family, townhouse, condominium or other residential development.

**DESIGNATED VILLAGE CENTER** (referred to as Designated VC) -The area of commercial and mixed-use development officially declared by the State Planning Commission as Byram Township's Designated Village Center within the State Development and Redevelopment Plan. This area is approximately defined as those parcels immediately adjacent to Route 206, from Acorn Street to the northern boundary of the Byram Plaza parcel and including the Village Center Zone (VC Zone). Exact boundaries of the Designated Village Center are contained in the State Plan and the Highlands Protection Act.

**WHOLESALE STORE/WAREHOUSES** -- Establishments or places of wholesale business primarily used to sell or warehouse merchandise to retailers, industrial, commercial, institutional or professional business users, other wholesalers, individuals or companies.

#### **D. GOALS AND OBJECTIVES OF THE VC FORM BASED CODE**

The bulk standards and guidelines within the VC Mixed-Use District will be regulated by a Form Based Code.

##### **(1) GENERAL GOALS**

- a. To create an attractive diverse community of a planned development of a mixed-use development, open space, civic buildings and residential uses to create a vibrant center.
- b. To provide well-designed public places and open spaces to accommodate and promote active community use, which includes larger organized community events and activities.
- c. To build upon the planned neo-traditional retail development along Route 206 and to redevelop portions of existing development, in keeping with new zoning and design standards.
- d. To create open space trail linkages between the Township's schools, the Village Center and trails west of Route 206 leading to Allamuchy Mountain State Park and beyond.
- e. To protect the area from strip or big-box development.
- f. To coordinate investment for roads, water and sewerage facilities, schools, transportation, and other public facilities to support new growth in areas designated for growth.
- g. To enhance the visual character and beauty of the Township through preservation of important visual corridors, landscaping, and perpetuation of the architectural themes consistent with Waterloo Village and this plan.
- h. To support the State Development and Redevelopment Plan, which calls for limited development in the Township and surrounding region, and the Highlands Water Protection and Planning Act, which calls for limited development in the Highlands region.

##### **(2) ENVIRONMENTAL GOALS**

To support environmental goals, such as reduced land consumption, improved water and air quality, protection of natural resources and attractive landscapes, and permanent preservation of substantial open space.

- a. To integrate on-site natural features.
- b. To protect environmentally sensitive lands and deter sprawl by directing growth toward areas of the Township with existing infrastructure.

### **(3) LAND USE GOALS**

- a. To create an environment offering enhanced social, environmental, economic and aesthetic development design.
- b. To create a pedestrian-friendly center easily accessible from neighboring residential areas.
- c. To provide essential services to residents.
- d. To encourage housing on upper floors above retail stores in order to provide the necessary residential critical mass to make the project feasible.
- e. To develop an area at a density that creates a sense of place, encourages pedestrian activity and uses infrastructure efficiently.
- f. To create distinct gateways into the area.
- g. To preserve lake communities and rural environs.

### **(4) OPEN SPACE GOALS**

- a. To preserve substantial open space throughout the Township and protect natural resources and attractive landscapes.
- b. To provide open space amenities for all residents in the center and surrounding areas.
- c. To utilize landscaping and theme signage to accentuate the natural and built environment, connectivity and community identity.

### **(5) CIRCULATION GOALS**

- a. To create pedestrian walkways, bikeways, and other pathways to enhance both the ability and desirability of walking and bicycling.
- b. To design the interior roadways to meet the needs of motor vehicles, pedestrians and bicyclists.
- c. To establish a town-wide system of trails and greenways linking the area with neighborhoods, schools, recreational facilities, and community facilities.

### **(6) PARKING GOALS**

- a. To provide sufficient parking spaces to support demand while providing opportunities to reduce automobile trips through development design and opportunities for shared parking.
- b. To reduce curb cuts on Route 206 to allow more efficient and safe use of the state highway.
- c. To encourage lateral connections between parking lots.

### **(7) DESIGN GOALS**

- a. To create building design that ensures privacy, safety and contributes to the long-term desirability of the community.

- b. To require mixed-use buildings and new or redeveloped commercial construction to be located in close proximity to the street to create an inviting pedestrian-friendly environment.
- c. To foster small-town charm as a key design element for future development.

**(8) ECONOMIC GOALS**

- a. To promote economic development by encouraging retail, trade, service and tourism uses, particularly in relation to historic and recreational sites and cultural events. Such development should build upon attractions such as Waterloo Village, Wild West City and Tomahawk Lake.

**(9) UTILITY GOALS**

- a. To provide, maintain, and expand utilities, community facilities and services necessary for the area.
- b. To provide public water to service the area, including the Brookwoods and the Route 206 corridor.

**(10) HOUSING GOALS**

- a. To provide the affordable housing for Township citizens within the Township.
- b. To aid in meeting the Township Second and Third Round COAH obligation in the only remaining area of the Township with adequate utility infrastructure and sewer allocation within the Highlands Planning Area.
- c. To provide affordable housing for seniors, young professionals, young families and working adults in a traditional neighborhood.

**E. FORM BASED CODE DESIGN**

According to the Form Based Code Institute (2008), a Form Based Code is defined as *"a means of regulating development to achieve a specific urban form. The Code addresses the relationship between building facades and the public realm, the form, and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards are keyed to a regulating plan that designated the appropriate form and scale of development."* Form Based Codes are regulatory and are intended to serve as a tool to designate the locations where different building uses apply, while enforcing appropriate bulk standards and design guidelines, per the Township's ordinance.

The subject Form Based Code is comprised of two designs: Regulatory Map and an Illustrative Site Layout and Building Use Map.

**F. COMPONENTS OF THE CODE**

Village Center Form Based Code concept is designed to permit a mixture of land uses that collectively will generate less vehicular traffic and encourage pedestrian activity to the maximum extent possible. The area will consist of a dynamic mixture of shops, offices, entertainment, housing, recreation and community facilities. Accordingly, this design envisions the best aspects of small village downtowns,

while providing connections to greenways and trails. A village green is the central focal point of the center. The green is surrounded by a mix of housing types, civic uses, retail shops and has multiple connections to nearby retail uses along Route 206 and trail ways. Entertainment and mixed uses are arranged to enhance community life. Small locally owned stores benefit from foot traffic generated between them and nearby parking. Housing located in the center, creates a 24-hour presence and is convenient for seniors and others who place a high value on convenience and proximity to activity.

A mixture of land uses is a critical component in creating a vibrant center. While the existence of attractive buildings aids in establishing the market for the center, a mix of land uses results in diversity necessary for a successful center. Typically, the most successful centers encourage uses ranging from retail sales and service, office on upper floors, public buildings, public spaces, entertainment and residences. Almost without exception, all successful centers have residents living within and around the center, which encourages "after hour" vitality. In creating a center, one of the primary goals is to encourage this diverse mixture of people, stores, services, and attractions.

#### **(1) Mixed Use (Village Center)**

The Mixed Use Area will include commercial retail sales uses such as general retailers, specialty shops, boutiques, art galleries, small grocers, pharmacies, drug stores, bakeries, specialty food, restaurants, sandwich shops, coffee houses, small movie theatres, entertainment spots, hotels/bed and breakfasts, health and fitness clubs, and other similar businesses. Buildings are required to be three stories in height and front the street. Uses that require large amounts of first floor storage space such as a warehouse store are prohibited and should be located outside of the Village Center.

#### **(2) Single-Family Residential**

The Single-Family Residential Areas will include single-family residential dwellings with density ranges from 4.2 to 8.7 dwellings units per acre. Lot sizes typically range from approximately 6,000 square feet to 8,000 square feet, up to a maximum of 10,000 square feet.

#### **(3) Medium-Density Residential**

The Medium-Density Residential Areas will include housing densities between 8.7 to 12.1 units per acre and will include a mixture of residential uses including townhouses and two to four dwellings.

#### **(4) Village Center Core**

The Core of the Village Center contains the highest density of development adjacent to Route 206 and/or Lackawanna Drive. Such development would consist of mixed-use retail with office and residential spaces on upper floors.

#### **(5) Village Green**

The Byram Village Green will be a public landscape that will belong to everyone and will be the primary focal point of the Center. The green is proposed to be large and prominent and provide space for community events, such as outdoor concerts, fireworks displays, etc. A public library, community center, post office and a municipal building could be located either directly on or along the perimeter of the Township green. This plan requires the placement of civic buildings either directly on or on the perimeter of the Township green. The green area should have sidewalks and benches both on its perimeter and throughout.

The open spaces, public facilities, and common areas shall be subject to the statutory provisions of the MLUL and the Planned Development findings required in NJSA 40:55D-45. The Form Based Code and the regulatory map are also based on the Official Map statute NJSA 40:55D-32 and the Reservation of Public Areas NJSA 40:55D-44. The proposed open space and public areas shall be owned by a private open space organization or public entity. Through this ordinance, the developer shall receive an incentive, through either a density bonus for residential construction or an increase in square footage (i.e. 80,000 s.f. to 100,000 s.f.) for non-residential construction, if the proposed public areas and open spaces areas are dedicated to the Township at no cost.

#### **(6) Regulating Plan**

The Regulating Plan serves as the zoning map in the VC. The Regulating Plan specifically depicts the street network, open space, building use designation, and overall land use plan of the VC. The Regulating Plan also regulates locations of the various residential and commercial uses, and green spaces permitted within the VC Zone. The Regulating Plan ensures compliance with the bulk standards and design guidelines presented in this Code. Any deviation from the land uses designated in the Regulatory Plan requires a use variance. The Land Use Board shall have authority to grant c and d variances and site plan exceptions from the regulating plan.

#### **(7) Illustrative Site Layout/Building Use Plan**

The Illustrative Site Layout/Building Use Plan serves as the preferred relationship of buildings, commercial areas, and parking, based on the Regulatory Plan and the remainder of the bulk requirements and design standards. The Illustrative Plan specifically depicts the parcel layout, pedestrian network, open space amenities, and overall preferred building locations for the VC. However, it is recognized that the core principles of the Illustrative Plan contained herein can be applied in many different and creative ways. Therefore, although the proposed design elements depicted in the Illustrative Plan are binding in principle as elements of the final outcome, flexibility is allowed in the manner that these improvements are ultimately designed and built by the property owner/applicant.

It is proposed that a maximum deviation of 20% of the parcel layout, pedestrian network, open space amenities, and overall preferred building locations of the VC, depicted in the Illustrative Plan is permitted. Deviation from this requirement would require a design waiver from the Illustrative Plan. Applications shall follow the Planned Development findings as stated in NJSA 40:55D-45:

"Every ordinance pursuant to this article that provides for planned development shall require that prior to approval of such planned developments the planning board shall find the following facts and conclusions:

- a. That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning ordinance standards pursuant to subsection 52c. of this act [40:55D-65];
- b. That the proposal for maintenance and conservation of the common open space are reliable, and the amount, location and purpose of the common open space are adequate;
- c. That provision through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate;
- d. That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established;
- e. In the case of proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

The Regulating Plan and Illustrative Site Layout and Building Use Map that follow are based on the Form Based Code standards. The following presents a description of the various building types which guided the designs.

#### **(8) Compliance with COAH Regulations**

The Village Center and any development herein shall comply with COAH regulations and shall obtain COAH affordable housing credits for the Township.

COAH has signed a Memorandum of Agreement with the Highlands Council regarding coordination of the two agencies on various issues. The MOA and various communications from COAH and the Highlands Council indicate that COAH's third round growth projections for Highlands municipalities, like Byram Township, may be adjusted by up to 50%, if the municipality conforms its Planning Area Master Plan and land use ordinances to the RMP. This Housing Element/Fair Share Plan and the proposed Inclusionary Village Center district recognize this possibility of a downward adjustment of the 57 (exclusions incorporated) Growth Share 3<sup>rd</sup> round COAH obligation to a lower number to be determined in the future by COAH and the Township. In addition, the number of market units in the Village Center zone and any site plan in the zone shall be reduced accordingly. Any site plan approval in the Village Center zone shall contain a condition imposing this reduction in the growth share affordable units and the market units. A developer's agreement between the Township Council and the developer shall be required for any development in the Village Center Zone. The developer's agreement shall contain provisions allowing the Township to enforce this reduction in the affordable and market units to the lower numbers approved by COAH.

On November 13, 2008 the Township adopted a resolution of a "Notice of Intent to petition the Highlands Council for Plan Conformance", along with a resolution seeking an extension of the deadline to petition for substantive certification pursuant to Executive Order 114 and the Memorandum of Understanding between the Highlands Council and the Council on Affordable Housing."

**INSERT MAP 1**

**INSERT MAP 2**

**INSERT REGULATING PLAN  
DESIGN HERE**

**INSERT ILLUSTRATIVE PLAN  
DESIGN HERE**

(a) Single-Family Residential

- [1] 51 single-family detached dwelling units.
- [2] Lot sizes range from a minimum of 6,000 s.f. to a maximum of 10,000 s.f.
- [3] Building coverage of approximately 35%.
- [4] Maximum building height of 2 stories/30 feet.
- [5] Rear alleys provide access to parking and trash collection.

(b) Medium Density:

- [1] Town Homes
  - i. 44 town homes.
  - ii. Act as a transition between the mixed-use core and single-family areas.
  - iii. Lot sizes range from a minimum of 20,000 s.f. to a maximum of 30,000 s.f.
  - iv. Each town home is (conceptually) 25 feet wide and 40 feet deep.
  - v. Minimum building height of 2 stories; and a Maximum building height of 2.5 stories/35 feet.
  - vi. Visitor parking provided in accessible locations.
  - vii. Rear alleys provide access to parking and trash collection.

[2] Two-Four Family Buildings

- i. 21 residential units in two-four family buildings, located within residential areas in the northern and southeastern portions of the site.
- ii. Maximum building height of 3 stories or 35 feet.
- iii. Rear-access parking located within the building, at the stilt-level (ground floor).

(c) Mixed Use

- [1] The buildings of the Village Center shall contain 136 units of architecturally distinct mixed-use buildings that contain approximately 60,000 to 70,000 and/or 30,000 to 35,000 s.f. of building foot print area.
- [2] Mixed-use retail with office and residential spaces (apartments) on upper floors.
- [3] Minimum building height of 2 stories/25 feet; and a Maximum building height of 3 stories/35 feet.
- [4] Centralized rear parking areas to increase efficiency and minimize curb cuts.
- [5] Parallel parking throughout the mixed-use core.
- [6] Public plazas highly encouraged.

(d) Civic Buildings

- [1] Two - five civic buildings with a building foot print area of approximately 12,000 s.f.
- [2] Architecturally unique buildings that have a dominant presence on the village green.

\*\*The residential capacity of the design would allow for approximately a 252 units, 100,000 s.f. non-residential development, green space, and public areas.

## **G. ARCHITECTURAL DESIGN GUIDELINES**

The Architectural Design Guidelines serve as the preferred types of designs intended for development within the VC, along with illustrations of designs NOT preferred. Deviation from these guidelines must be reviewed with the proposed development application presented to the Planning Board. Any deviation from the design guidelines would be considered through a waiver request to the Planning Board. See Appendix A for the complete Architectural Design Guidelines.

## **H. PHASING:**

- a. Phase I: 132 units will be constructed in the first phase of development within the VC, of which 105 units will be market-rate and 27 as affordable housing units. Non-residential construction of a total of 100,000 s.f. will begin. Additional units shall be constructed, only after additional adequate sewer capacity if obtained.
- b. Phase II: Pending acquisition of additional sewer capacity, the remaining 120 units will be constructed in the VC, of which 95 will be market-rate units and 25 as affordable units.
- c. 50% of the Commercial uses must receive a Certificate of Occupancy before the first Single-Family Building Permit can be granted.
- d. 100% of the Commercial uses must receive a Certificate of Occupancy before the first Single-Family Certificate of Occupancy can be granted.

## **I. VISUAL DESIGN GUIDELINES**

Appendix A of this document includes Visual Design Guidelines which were created by the Architectural Review Committee to assist development in the Village Center to better understand the vision and intent of the Form Based Code.

## J. TABLE OF TRACT STANDARDS

The **Byram VC - Village Center Mixed-Use Zone** shall be considered a Form Based Code Development, in accordance with the Municipal Land Use Law requirements. The development will be consistent with the standards and intent set forth in this code. The Planning Board shall find the following facts and conclusions:

- a. That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning ordinance standards pursuant to subsection 52c. of this act;
- b. That the proposals for maintenance and conservation of the common open space are reliable, and the amount, location, and purpose of the common open space are adequate;
- c. That provision through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate;
- d. That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established.
- e. In the case of a proposed development, which contemplates construction over a period of years, that in the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

The **Byram VC - Village Center Mixed-Use Zone** shall be developed in accordance with the standards contained in this section and the standards contained in Articles XIII (Smart Growth) and XIV (Affordable Housing) of the Byram Township Land Development Ordinance, as well as Chapters 45 and 215. Where standards are in conflict, the provisions or standards of this section shall control.

<i>Provision</i>	<i>Requirement</i>
Minimum tract size	Entire Village Center area
Maximum Total Tract Impervious Coverage	50% of total tract area.
Commercial Space (buildings and associated parking)	Minimum of 10% of the gross tract area (not to exceed 125,000 square feet of leaseable floor area); OR contiguous area up to 15% of the gross tract area (not to exceed 180,000 square feet of leaseable floor area) if it includes second-story residential units. To qualify for the 15% figure, new commercial buildings shall be of two-story construction at least 25% of the second-story space shall be designated for residential units.

Residential	<p>Shall comply with the Township's Substantive Certification for Affordable Housing from COAH under the Second Round rules and anticipate Substantive Certification for Affordable Housing from COAH under the Third Round rules (as described below).</p> <p>All affordable housing shall be subject to the provisions of Chapter 240, Article XIV of the Byram Township Code titled Affordable Housing.</p>
All residential housing types are encouraged, with the following parameters and minimum/maximum percentages:	
<ul style="list-style-type: none"> <li>a. The minimum residential construction in the VC Zone shall comply with the Township's substantive certification for affordable housing from COAH, consisting of 33 Prior Round units, and 57 Growth Share units. The number of market-rate residential units shall not exceed 200. All housing shall be subject to the provisions in Article XIV.</li> <li>b. All residential inclusionary developments in the VC shall be required to set aside a mandatory 20% of the dwelling units for the construction of low and moderate income housing, at a minimum density of 6 d.u./acre, in accordance with COAH regulations. The relative number of one, two and three bedroom units shall conform to COAH standards.</li> <li>c. Very Low, Low and Moderate income units shall be constructed in the VC, per COAH regulations.</li> <li>d. All affordable units shall be income-restricted, in accordance with the Township's Second and Third Round fair share obligation.</li> <li>e. The housing units are to be a mix of Single Family, residential above retail, Townhouse, and 2-4 Family Units.</li> <li>f. Senior housing shall constitute a minimum of 25% of total.</li> <li>g. Single-family detached shall constitute 20% of total.</li> <li>h. All Housing Types must be mixed throughout the site and any one particular housing type cannot be concentrated into any one area of the site.</li> </ul>	
Minimum public open space	40% of total tract area, which shall include a centrally-located green from which all development shall radiate. Mature or specimen trees shall be preserved, and trails and park amenities and furniture shall be included. This open space requirement shall not include lawn or landscaped areas on private residential or commercial lots.
Minimum municipal use area	2 acres located on the central green, which shall include a 10,000 square foot building for municipal purposes, such as use by the Township administration for offices, community meeting space, to serve the public interest of the residents of Byram Township.
Minimum Perimeter Setback to Village Center Boundary	15 feet
Minimum setback	200 feet or the minimum setback required by NJDEP,

from Lubbers Run	whichever is greater.
Streets and Drives	Shall comply with the New Jersey Residential Site Improvement Standards (RSIS).
Maximum building height	In accordance with the building type standards.
Signage	In accordance with the signage standards in § 240-80.
Parking	Residential - In accordance with the RSIS standards. Non-Residential – In accordance with Township Combined Land Use Ordinance.
Use Area Boundaries	Any minor deviation shall be subject to the discretion of the Planning Board. Minor deviation shall be considered within 5% of the land area. A maximum of 20% deviation is permitted.

#### K. PERMITTED USES – VILLAGE CENTER

<i>Mixed-Use Village Core</i>	<i>Single-Family Residential</i>	<i>Medium-Density Residential</i>	<i>Byram Village Green</i>
<ul style="list-style-type: none"> <li>• Retail sales and services such as general retailers, specialty shops, boutiques, art galleries, small grocers, drug stores, specialty food stores and other similar businesses (exclusive of auto related uses)</li> <li>• Restaurants and eating establishments such as sandwich shops, coffee houses exclusive of drive-up service.</li> <li>• Banks and financial institutions exclusive of drive-up service.</li> <li>• Small movie theatres - one or two screen cinemas with maximum seating capacity of 500.</li> <li>• Health and fitness clubs, wellness centers, urgent care centers and surgical centers (non-retail uses).</li> <li>• Offices; Art schools and cooking schools; Live/work uses for licensed professionals, service</li> </ul>	<ul style="list-style-type: none"> <li>• Single-family homes</li> <li>• Public uses</li> </ul>	<ul style="list-style-type: none"> <li>• Townhouses</li> <li>• Multi-family, including multi-story common entrance condominium buildings</li> <li>• Public uses</li> </ul>	<ul style="list-style-type: none"> <li>• Farmers market, outdoor entertainment and amphitheatres</li> <li>• Community and municipal buildings such as public library, community center, post office and a municipal building</li> <li>• Public uses</li> </ul>

<p>providers and artisans.</p> <ul style="list-style-type: none"> <li>• Indoor recreational uses (exclusive of adult entertainment uses); pubs, taverns, bars, brew pubs, wineries including retail sales and tasting.</li> <li>• Apartments (above ground level); Low and moderate affordable housing (above ground level). When used to meet the minimum rental percentage, residential units above commercial uses shall comply with COAH standards and those set forth in § 240-81, Affordable Housing. A separate residential entrance shall be required and constructed within the building footprint. These apartments count toward the maximum housing component allowed under this ordinance.</li> <li>• Public and quasi-public uses such as museums or civic space.</li> <li>• Bed-and-breakfast facilities; inns; hotel condominiums only if operated in connection with a full service hotel.</li> </ul>			
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#### L. ADDITIONAL STANDARDS AND ACCESSORY USES – VILLAGE CENTER

<i>Mixed-Use Village Core</i>	<i>Single-Family Residential</i>	<i>Medium-Density Residential</i>	<i>Byram Village Green</i>
Drive up service and auto-related uses are prohibited			
Parking, signage, outdoor dining, public spaces/plazas/open space, merry-go-rounds, miniature trains, glockenspiels, and other accessory uses and structures customary and incidental to the principal permitted uses.	Uses customary and incidental to the principal use.	Uses customary and incidental to the principal use.	Parking, signage, and other accessory uses and structures customary

			and incidental to the principal permitted uses.
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## M. PROHIBITED USES – VILLAGE CENTER

Any use not listed in §240-59l, or deemed compatible by the Planning Board, is prohibited. This shall include, but is not limited to, the following:

- (1) Gasoline stations or auto repair, auto body uses.
- (2) Commercial uses with a footprint of structure in excess of 10,000 square feet or requiring more than 40 parking spaces.
- (3) Drive-up facilities and uses.
- (4) Wholesale stores and/or warehouses.
- (5) Industrial Uses.
- (6) Uses requiring delivery by tractor-trailer.
- (7) Outdoor display or storage.
- (8) Dump, junkyard, or environmentally destructive or contaminating uses.
- (9) On-site dry-cleaning facilities.
- (10) Banquet hall/catering facilities.

## N. BUILDING TYPE STANDARDS

Any deviation from the following building types-standards creates a variance.

### (1) Single - Family Residential Area

The Single-family Residential Areas will include single-family residential dwellings with density ranges from 4.2 to 8.7 dwellings units per acre. Lot sizes typically range from approximately 6,000 square feet to 8,000 square feet, up to a maximum of 10,000 square feet.

Table I. Area, Setback & Building Requirements for Detached Single-Family Dwellings. Note: All development is subject to the additional requirements of §240-80.

Standard	Minimum	Maximum
Lot area	6,000 square feet, on average; up to 20% of the lots may be reduced to 5,000 square feet	10,000 square feet
Building height*	N/A	2 stories/30 feet
Lot depth	100 feet	180 feet
Street frontage	50 feet	65 feet
Lot width	50 feet	65 feet
Front yard setback	12 feet (principal building), 6 feet (front porch)	20 feet
Rear yard setback principal building	30 feet	

Garage (attached or detached)	100% of all garages must be solely accessed from a side or rear alley.	
Garage (attached or detached)	1-car garage	2-car garage
Attached garage (rear-loaded, rear setback)	20 feet from alley	N/A
Detached garage (rear loaded, rear setback)	20 feet from alley	N/A
Lot disturbance	N/A	50%
Principal building coverage	N/A	15% up to 2,000 square feet
Accessory buildings (shed)	Setback 5 feet	One @ 50 square feet/height 10 feet
Accessory uses (pool, deck, gazebo, patio)	Setback 10 feet from all property lines; behind front yard setback on any street line	N/A
Side yard setback	10 feet	12 feet
Parking requirement	As per RSIS standards and § 240-80	N/A

\*The ground floor level shall be a minimum of 9 feet high.

#### ***Single - Family Residential Illustrative Examples***

(Additional Examples: See Appendix A for Design Guideline Illustrations.)

#### **(2) Medium-Density Residential Area**

The Medium-Density Residential Areas will include housing densities between 8.7 to 12.1 units per acre and will include a mixture of residential uses including townhouses and two-four family dwellings.

##### **(a) Townhouses**

Table II. Area, Setback and Building Requirements. Note: All development is subject to the additional requirements of §240-80.

Standard	Minimum	Maximum
Building height*	2 stories	2.5 Stories/35 feet (exclusive non-habitable architectural features); total maximum 40 feet
Minimum lot area	20,000 square feet	30,000 square ft.
Lot width	130 feet	300 feet
Lot depth	130 feet	300 feet
Front yard setback	10 feet/each unit; offset 4 feet	20 feet
Rear yard setback	20 feet	N/A
Side yard setback	15 feet to exterior property line	24 feet to exterior property line

Garage (attached or detached)	100% of all garages must be solely accessed from a side or rear alley.	
Attached garages per unit (internal or external garage)	1-car garage	2-car garage
Detached garages	Not permitted	Not permitted
Attached garage (rear-loaded, rear setback)	20 feet from alley	N/A
Number of bedrooms	One	30% may be 3
Parking requirement	As required by RSIS and §240-80	
Units per structure	4	6

\*The ground floor level shall be a minimum of 9 feet high.

#### ***Medium Density (Townhomes) Residential Illustrative Examples***

(Additional Examples: See Appendix A for Design Guideline Illustrations.)

#### **(b) Two-to-Four-Family Dwellings**

Table III. Area, Setback and Building Requirements. Note: All development is subject to the additional requirements of §240-80.

Standard	Minimum	Maximum
Building height	2 stories	30 feet (exclusive of non-habitable architectural features); total maximum 35 feet
Minimum lot area	7,200 square feet	15,000 sq.ft.
Lot width	60 feet	100 feet
Lot depth	120 feet	200 feet
Front yard setback	12 feet (principal structure); 6 feet (front porch)	20 feet
Rear yard setback	30 feet	N/A
Side yard setback	12 feet one side, but both sides must total 30 feet	15 feet one side, but both sides must total 40 feet
Number of bedrooms	1 per unit	2 per unit
Units per structure	2	4
Parking Requirements	1. Two parking spaces per unit are required for the Two-to-Four-Family Dwellings. 2. All parking must be on-site and no parking calculation can include on-street parking. 3. The on-site parking needs can be met through a combination of surface parking, internal attached garages, external attached garages and detached garages. 4. 100% of all garages must be solely accessed from a side or rear alley.	

Standard	Minimum	Maximum
	5. Internal attached garages may include up to four spaces or parking bays. 6. External attached garages and detached garages may not exceed two parking spaces or parking bays.	

(i) Parking.

The on-site parking requirements are subject to these additional requirements.

	Minimum	Maximum
Surface Parking and Garage (attached or detached)	100% of all garages must be accessed from a side or rear alley.	
Attached garage (rear-loaded, rear setback)	20 feet from alley	N/A
Detached garage (rear loaded, rear setback)	20 feet from alley	N/A
Surface Parking (rear loaded, rear setback)	10 feet from alley	N/A
Attached garage (rear-loaded, side setback)	10 feet	N/A
Detached garage (rear loaded, side setback)	10 feet	N/A
Surface Parking (rear loaded, side setback)	5 feet with landscape buffer	N/A

**Medium Density (Two-Four Family) Residential Illustrative Examples**

(Additional Examples: See Appendix A for Design Guideline Illustrations.)

**(3) Mixed-Use Village Core**

The Mixed-Use Village Core contains the highest density of development adjacent to Route 206 and/or Lackawanna Drive. Such development would consist of mixed-use retail with office and residential spaces on upper floors.

Table IV. Area, Setback and Building Requirements. Note: All development is subject to the additional requirements of §240-80.

	Minimum	Maximum
Building depth	36 feet	100 feet
Building height*	2 stories - 25 feet	3 stories - 35 feet
Building Square Footage	NA	10,000 square feet
Lot width	40 feet with rear alley	
	60 feet without alley	

Lot depth	100 feet	150 feet
Front yard Setback	12 feet	18 feet
Rear yard setback	Sufficient space to accommodate off-street parking, with minimum 10 feet of buffer and landscaping.	
Side yard setback	Attached:(maximum 2 bldgs.) 0 feet one side; 8 feet on the other	
	Detached: 8 feet both sides or 8 feet one side and 0 feet the other	

\*The ground floor level shall be a minimum of 14 feet high. The ground floor shall be level with the sidewalk.

Table ii. Parking shall be provided according to these minimum requirements, subject to maximums set forth in §240-80.

Use	Minimum
Offices	One space for each 400 square feet of gross floor area
Retail	One space for the first 500 square feet and one space for each additional 350 square feet
All residential	As per RSIS standards
Bed-and-breakfasts/inns	One space per room plus 1 space per every 4 restaurant seats
Restaurants, bars and taverns	One space for every 3 seats or 3 persons, according to the occupancy maximum permitted by the Fire Code Official
Uses not specified	As determined by the Planning Board

### ***Mixed Use Illustrative Examples***

(Additional Examples: See Appendix A for Design Guideline Illustrations.)

#### **(4) Byram Village Green**

A village green is the central focal point of the center. The interior of the Village Center is intended to feature a central green with civic buildings having a high degree of pedestrian uses.

The Byram Village Green will be a public landscape that will belong to everyone and will be the primary focal point of the Center. The green is proposed to be prominent and provide space for community events, such as outdoor concerts, fireworks displays, etc. A public library, community center, post office, and a municipal building could be located either directly on or along the perimeter of the Township green. This plan requires the placement of civic buildings either directly on or on the perimeter of the Township green. The green area should have sidewalks and benches both on its perimeter and throughout.

#### **Location and Design Intent:**

1. The proposed municipal use lot and the municipal building shall be located and designed to add to the visual amenities of the Village Center by

- maximizing the visibility of the civic building, creating a visual terminus from the central green.
2. The municipal building shall be designed in accordance with all other design guidelines for all structures in the Village Center, unless the design concept for the municipal building is such that it enhances the Village Center in such a manner as to be more beneficial than strict adherence to the design guidelines for all structures in the Village Center.
  3. The municipal user lot and municipal building shall be transferred to the Township for public use.

*Examples: See Appendix A for Design Guideline Illustrations.*

***Central Green Illustrative Examples***

(Additional Examples: See Appendix A for Design Guideline Illustrations.)

**Table V. Building Type Zoning Standards Summary Table - Village Center**

Any deviation from the following bulk standards creates a use variance.

<b>Bulk Standards</b>	<b>Single-Family Residential</b>	<b>Medium-Density Residential (Townhomes)</b>	<b>Medium-Density Residential (2-4 Family)</b>	<b>Mixed Use Town Core</b>
Lot Area	6,000 sft. average; up to 20% of lots can be 5,000 sft.; maximum area of any lot 10,000 sft.	20,000-30,000 s.f.	7,200-15,000 s.f.	
Lot Width	50-65 feet	130-300 feet	60-100 feet	40' with rear alley; 60' without rear alley
Lot Depth	100-180 feet	130-300 feet	120-200 feet	100 feet
Building Depth				36-100 feet
Building Sq. Footage				10,000 sft. maximum
Building Height	2 stories/30 feet	2 stories – 2.5 stores/35 feet(exclusive non-habitable architecture features); total Max 40 feet	2 stories – 30 feet (exclusive non-habitable architecture features); total Max 35 feet	2 stories/25 feet – 3 stories/35 feet; ground floor minimum 14 feet high and level with sidewalk
Rear Setback	30 feet min.	20 feet min.	30 feet min.	10 feet buffer with additional parking area
Side Setback	10-12 feet	15 feet exterior	12 one side, both	Attached:

<i><b>Bulk Standards</b></i>	<i><b>Single-Family Residential</b></i>	<i><b>Medium-Density Residential (Townhomes)</b></i>	<i><b>Medium-Density Residential (2-4 Family)</b></i>	<i><b>Mixed Use Town Core</b></i>
		property line – 24 feet exterior property line	sides must total 30 feet. (Min) 15 feet one side, both sides must total 40 feet (Max)	(Max 2 bldgs.) 0 feet one side & 0 feet the other
Front Setback	12 feet (principal structure), 6 feet (front porch) (Min) 20 feet (Max)	10 feet/unit; offset 4 feet – 20 feet	12 feet (principal structure), 6 feet (front porch) (Min) 20 feet (Max)	12-18 feet
Parking	RSIS & §240-80	RSIS & §240-80	See Table i	See Table ii

**O. CONDITIONAL USES** The following conditional uses are subject to the standards and provisions set forth in Article XIII of this chapter. Where standards conflict, the objectives and standards set forth in Article XIII shall govern, except where federal or state regulations supercede:

- (1) Public utility facilities, when necessary for development build-out within the zone, or required by a federal or state agency.

**P. SUPPLEMENTAL STANDARDS** All development applications for the VC Village Center District are subject to the standards, principles, and procedures set forth in Articles XIII and XIV of this chapter as well as Chapters 45 and 215. Where standards are in conflict, those set forth in Articles XIII and XIV of this chapter shall govern.

**Q. COAH OBLIGATIONS** The Township's Third Round total affordable housing obligation of 114 units, consisting of: 24 Rehabilitation Share units, 33 Prior Round units, and 57 Growth Share units. The Prior Round and the majority of the Growth Share obligation will be Phase I of the VC development, while the Growth Share will be addressed in Phase II of the VC development.



## **Appendix I**

### **Proof of Ownership**



## Property Detail

Block:	15	Prop Loc:	7 BANKER DR	Owner:	TOWNSHIP OF BYRAM	Square Ft:	0
Lot:	590	District:	1904 BYRAM	Street:	10 MANSFIELD DR	Year Built:	
Qual:		Class:	15C	City State:	STANHOPE, NJ 07874	Style:	

## Additional Information

Prior Block:	Acct Num:	TTL91-04	Addl Lots:	EPL Code:	4 1 47		
Prior Lot:	Mtg Acct:		Land Desc:	.115 AC	Statute:	54:04-03.03	
Prior Qual:	Bank Code:	32767	Bldg Desc:		Initial:	000000 Further: 000000	
Updated:	02/14/01	Tax Codes:	Class4Cd:	0	Desc:	FORECLOSURE	
Zone:	R-4	Map Page:	4.01	Acreage:	0	Taxes:	0.00 / 0.00

## Sale Information

Sale Date:	00/00/00	Book:	Page:	Price:	0	NU#:	0
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Sr1a	Date	Book	Page	Price	NU#	Ratio	Grantee
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## TAX-LIST-HISTORY

Year	Owner Information	Land/ Imp/ Tot	Exemption	Assessed
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2008	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	4400	0	4400
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2007	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	4400	0	4400
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2006	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	4400	0	4400
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2005	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	4400	0	4400
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## Property Detail

Block:	16	Prop Loc:	55 ASH ST	Owner:	TOWNSHIP OF BYRAM	Square Ft:	0
Lot:	125	District:	1904 BYRAM	Street:	10 MANSFIELD DR	Year Built:	
Qual:		Class:	15C	City State:	STANHOPE, NJ 07874	Style:	

## Additional Information

Prior Block:	Acct Num:	Addl Lots:	L126-127	EPL Code:	4 1 47
Prior Lot:	Mtg Acct:	Land Desc:	.109 AC	Statute:	54:04-03:03
Prior Qual:	Bank Code:	Bldg Desc:		Initial:	000000 Further: 000000
Updated:	11/06/02 Tax Codes:	Class4Cd:	0	Desc:	TAX LIEN FORECLOSURE
Zone:	R-4 Map Page:	Acreage:	0	Taxes:	0.00 / 0.00

## Sale Information

Sale Date:	00/00/00	Book:	Page:	Price:	0	NU#:	0
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Sr1a	Date	Book	Page	Price	NU#	Ratio	Grantee
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## TAX-LIST-HISTORY

Year	Owner Information	Land/ Imp/ Tot	Exemption	Assessed
2008	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	4000	0	4000
2007	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	4000	0	4000
2006	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	4000	0	4000
2005	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	4000	0	4000

## Property Detail

Block:	16	Prop Loc:	21 ADAIR ST	Owner:	TOWNSHIP OF BYRAM	Square Ft:	0
Lot:	85	District:	1904 BYRAM	Street:	10 MANSFIELD DR	Year Built:	
Qual:		Class:	15C	City State:	STANHOPE, NJ 07874	Style:	

## Additional Information

Prior Block:	Acct Num:	TTL89-08	Addl Lots:	L86-88	EPL Code:	4 1 47	
Prior Lot:	Mtg Acct:		Land Desc:	.229 AC	Statute:	54:04-03.03	
Prior Qual:	Bank Code:	32767	Bldg Desc:		Initial:	000000 Further: 000000	
Updated:	11/06/02	Tax Codes:	Class4Cd:	0	Desc:	FORECLOSURE	
Zone:	R-4	Map Page:	4.01	Acreage:	0	Taxes:	0.00 / 0.00

## Sale Information

Sale Date:	00/00/00	Book:	Page:	Price:	0	NU#:	0
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Sr1a	Date	Book	Page	Price	NU#	Ratio	Grantee
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## TAX-LIST-HISTORY

Year	Owner Information	Land/ Imp/ Tot	Exemption	Assessed
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2008	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	8800	0	8800
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2007	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	8800	0	8800
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2006	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	8800	0	8800
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2005	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	8800	0	8800
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## Property Detail

Block:	17	Prop Loc:	27 ACORN ST	Owner:	TOWNSHIP OF BYRAM	Square Ft:	0
Lot:	45	District:	1904 BYRAM	Street:	10 MANSFIELD DR	Year Built:	
Qual:		Class:	15C	City State:	STANHOPE, NJ 07874	Style:	

## Additional Information

Prior Block:	Acct Num:	TTL88-05	Addl Lots:	L46-47	EPL Code:	4 1 47	
Prior Lot:	Mtg Acct:		Land Desc:	.172 AC	Statute:	54:04-03.03	
Prior Qual:	Bank Code:	32767	Bldg Desc:		Initial:	000000 Further: 000000	
Updated:	02/14/01	Tax Codes:	Class4Cd:	0	Desc:	FORECLOSURE	
Zone:	R-4	Map Page:	4.01	Acreage:	0	Taxes:	0.00 / 0.00

## Sale Information

Sale Date:	00/00/00	Book:	Page:	Price:	0	NU#:	0
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Sr1a	Date	Book	Page	Price	NU#	Ratio	Grantee
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## TAX-LIST-HISTORY

Year	Owner Information	Land/ Imp/ Tot	Exemption	Assessed
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2008	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	6800	0	6800
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2007	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	6800	0	6800
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2006	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	6800	0	6800
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2005	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	6800	0	6800
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Block:	56	Prop Loc:	1 SHADYBROOK RD	Owner:	TOWNSHIP OF BYRAM	Square Ft:	0
Lot:	47	District:	1904 BYRAM	Street:	10 MANSFIELD DR	Year Built:	
Qual:		Class:	15C	City State:	STANHOPE, NJ 07874	Style:	

#### Additional Information

Prior Block:	Acct Num:	TTL91-09	Addl Lots:	L48-B	EPL Code:	4 1 47
Prior Lot:	Mtg Acct:	OL90-06	Land Desc:	.207 AC	Statute:	54:04-03.03
Prior Qual:	Bank Code:	32767	Bldg Desc:		Initial:	000000 Further: 000000
Updated:	02/14/01	Tax Codes:	Class4Cd:	0	Desc:	FORECLOSURE
Zone:	R-3	Map Page:	Acreage:	0	Taxes:	0.00 / 0.00

#### Sale Information

Sale Date:	00/00/00	Book:	Page:	Price:	0	NU#:	0
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Sr1a	Date	Book	Page	Price	NU#	Ratio	Grantee
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#### TAX-LIST-HISTORY

Year	Owner Information	Land/ Imp/ Tot	Exemption	Assessed
2008	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	8000	0	8000
2007	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	8000	0	8000
2006	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	8000	0	8000
2005	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	8000	0	8000

## Property Detail

Block:	14	Prop Loc:	2 BANKER DR	Owner:	TOWNSHIP OF BYRAM	Square Ft:	0
Lot:	175	District:	1904 BYRAM	Street:	10 MANSFIELD DR	Year Built:	
Qual:		Class:	15C	City State:	STANHOPE, NJ 07874	Style:	
<b>Additional Information</b>							
Prior Block:		Acct Num:		Addl Lots:	L176-178	EPL Code:	4 1 47
Prior Lot:		Mtg Acct:		Land Desc:	.103 AC	Statute:	54:04-03.03
Prior Qual:		Bank Code:	0	Bldg Desc:		Initial:	000000 Further: 000000
Updated:	03/14/95	Tax Codes:		Class4Cd:	0	Desc:	TAX LIEN FORECLOSURE
Zone:	R-4	Map Page:	4.01	Acreage:	0	Taxes:	0.00 / 0.00
<b>Sale Information</b>							
Sale Date:	00/00/00	Book:	Page:	Price:	0 NU#: 0		
Sr1a	Date	Book	Page	Price	NU#	Ratio	Grantee
<b>TAX-LIST-HISTORY</b>							
Year	Owner Information	Land/ Imp/ Tot	Exemption	Assessed			
2008	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	4000	0	4000			
2007	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	4000	0	4000			
2006	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	4000	0	4000			
2005	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	4000	0	4000			

Block:	249	Prop Loc:	37 LAKE DR	Owner:	TOWNSHIP OF BYRAM	Square Ft:	0
Lot:	28	District:	1904 BYRAM	Street:	10 MANSFIELD DR	Year Built:	
Qual:		Class:	15C	City State:	STANHOPE, NJ 07874	Style:	

**Additional Information**

Prior Block:	Acct Num:	TTL92-26	Addl Lots:	EPL Code:	4 1 47
Prior Lot:	Mtg Acct:		Land Desc: .397 AC	Statute:	54:04-03.03
Prior Qual:	Bank Code:	32767	Bldg Desc:	Initial:	000000 Further: 000000
Updated:	11/14/02	Tax Codes:	Class4Cd: 0	Desc:	FORECLOSURE
Zone:	R-4	Map Page:	6.02	Acreage:	0
				Taxes:	0.00 / 0.00

**Sale Information**

Sale Date:	00/00/00	Book:	Page:	Price:	0	NU#:	0
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Sr1a	Date	Book	Page	Price	NU#	Ratio	Grantee
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**TAX-LIST-HISTORY**

Year	Owner Information	Land/ Imp/ Tot	Exemption	Assessed
2008	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	70600	0	70600
2007	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	70600	0	70600
2006	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	70600	0	70600
2005	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	70600	0	70600

## Property Detail

Block:	7	Prop Loc:	33 BEECH ST	Owner:	TOWNSHIP OF BYRAM	Square Ft:	768
Lot:	305	District:	1904 BYRAM	Street:	10 MANSFIELD DR	Year Built:	1955
Qual:		Class:	15C	City State:	STANHOPE, NJ 07874	Style:	3

## Additional Information

Prior Block:	Acct Num:	TTL90-04	Addl Lots:	L306,303	EPL Code:	4 1 47	
Prior Lot:	Mtg Acct:		Land Desc:	.22 ACRES	Statute:	54:04-03.03	
Prior Qual:	Bank Code:	32767	Bldg Desc:	1SCB	Initial:	000000 Further: 000000	
Updated:	01/11/05	Tax Codes:	Class4Cd:	0	Desc:	FORECLOSURE	
Zone:	R-4	Map Page:	4.01	Acreage:	0	Taxes:	0.00 / 0.00

## Sale Information

Sale Date:	00/00/00	Book:	Page:	Price:	0	NU#:	0
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Sr1a	Date	Book	Page	Price	NU#	Ratio	Grantee
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## TAX-LIST-HISTORY

Year	Owner Information	Land/ Imp/ Tot	Exemption	Assessed
2008	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	49400	0	49400
2007	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	49400	0	49400
2006	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	49400	0	49400
2005	TOWNSHIP OF BYRAM 10 MANSFIELD DR STANHOPE, NJ 07874	49400	0	76100

## **Appendix J**

**Morris Habitat for Humanity Letter -  
Municipally Sponsored Project**





102 Iron Mountain Road, Suite H, Mine Hill, NJ 07803

973.891.1934

F: 973.891.1938

info@morrishabitat.org

www.morrishabitat.org

**Board of Directors**

**Executive Committee**

Gordon Lorig, AREC

Associates, LLC

President

November 12, 2008

Ruth Ryan

Chubb & Son Insurance

Vice President

David Vollmayer

Action International

Treasurer

Kathleen Kneis

GMAC Residential

Secretary

Directors

Carole Conaghan

Community Partner

Janice Davey

Rutgers

Jim Downs

The Downs Group

Paul Drago, AIA

NK Architects

Beth Everett

SAIC

John Lester

Community Partner

Gary McDowell

Lakeland Bank

Christopher Scanzera

Deloitte & Touche

Peter Zarras

Microsoft Corporation

Christopher Hellwig, P.P., AICP

Planning Director

Byram Township

10 Mansfield Drive

Stanhope, New Jersey 07874

**RE: LETTER OF INTEREST – AFFORDABLE HOUSING PROJECTS**

Dear Chris:

Morris Habitat for Humanity is very interested in working with Byram Township to assist you in achieving your affordable housing obligation established by COAH. We are excited about the possibility of developing eight (8) for-sale units on municipally owned lots. Upon completion of your Housing Element, please contact me to discuss the projects further.

If you have any questions or comments, or require additional information, please do not hesitate to call.

Very truly yours,

A handwritten signature in blue ink that reads "L. DeCoursey".

Liz DeCoursey

Director, Property Acquisition

cc: Blair Wilson, Executive Director, MHfH

Blair Schleicher-Wilson  
Executive Director



Community Partner

"Morris Habitat - Moving faith to action"



## **Appendix K**

### **Existing and Proposed Affordable Housing Ordinance**



*Township of Byram  
PC/CodeBook for Windows*

<b>Building Area by Use</b>	<b>Square Feet</b>	<b>Total</b>	
Residential above commercial			
Retail			
Office			
Civic use			
<b>Dwelling Units by Type</b>	<b>Senior Units</b>	<b>Total Number of Units</b>	<b>Percent of Total Dwelling Units</b>
Single family			
Multifamily			
Townhouse			
Commercial with second-story apartment			
		Total	
<b>COAH Units</b>	<b>Senior Units</b>	<b>Total Number of Units</b>	
Single family			
Multifamily			
Townhouse			
Commercial with second-story apartment			
		Total	

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## **ARTICLE XIV, Affordable Housing [Adopted 1-20-2004 by Ord. No. 1-2004]**

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### **§ 240-81. Affordable housing.**

This article of the Byram Township Code sets forth regulations regarding low- and moderate-income housing units in Byram Township that are consistent with the provisions of N.J.A.C. 5:93-1 et seq., as effective on June 6, 1994. These rules are pursuant to the Fair Housing Act of 1985 and Byram Township's constitutional obligation to provide for its fair share of low-

and moderate-income housing.

**§ 240-82. Mandatory set-aside of units.**

- A. All residential inclusionary developments in the VC Village Center District shall be required to set aside a mandatory 20% of the dwelling units for the construction of low- and moderate-income housing in accordance with the provisions of this article.
- B. The developer shall provide that half of the low- and moderate-income units constructed be affordable by low-income households and that the remaining half be affordable by moderate-income households.
- C. Subdivision and site plan approval shall be denied by the Board unless the developer complies with the requirements to provide low- and moderate-income housing pursuant to the provisions of this article. The Board may impose any reasonable conditions to ensure such compliance.

**§ 240-83. Allocation of units.**

- A. Byram Township's new construction or inclusionary component will be divided equally between low- and moderate-income households as per N.J.A.C. 5:93-2.20.
- B. Except for inclusionary developments constructed pursuant to low-income tax credit regulations:
  - (1) At least half of all units within each inclusionary development will be affordable to low-income households;
  - (2) At least half of all rental units will be affordable to low-income households; and
  - (3) At least 1/3 of all units in each bedroom distribution pursuant to N.J.A.C. 5:93-7.3 will be affordable to low-income households.

**§ 240-84. Inclusionary developments.**

Inclusionary developments that are not restricted to senior citizens will be structured in conjunction with realistic market demands so that:

- A. The combination of efficiency and one-bedroom units is at least 10% and no greater than 20% of the total low- and moderate-income units;
- B. At least 30% of all low- and moderate-income units are two-bedroom units;
- C. At least 20% of all low- and moderate-income units are three-bedroom units; and

D. Low- and moderate-income units restricted to senior citizens may utilize a modified bedroom distribution. At a minimum, the number of bedrooms will equal the number of senior citizen low- and moderate-income units within the inclusionary development.

**§ 240-85. Determination of maximum rents and sale prices.**

- A. In conjunction with realistic market information, the following criteria will be used in determining maximum rents and sale prices:
- (1) Efficiency units will be affordable to one-person households;
  - (2) One-bedroom units will be affordable to 1.5-person households;
  - (3) Two-bedroom units will be affordable to three-person households;
  - (4) Three-bedroom units will be affordable to 4.5-person households;
  - (5) Median income by household size will be established by a regional weighted average of the uncapped Section 8 income limits published by HUD as per N.J.A.C. 5:93-7.4(b);
  - (6) The maximum sales price of low- and moderate-income units within each inclusionary development will be affordable to households earning no more than 70% of median income. In averaging an affordability range of 55% for sales units, moderate-income sales units must be available for at least two different prices, and low-income sales units must be available for at least two different prices;
  - (7) For both owner-occupied and rental units, the low- and moderate-income units will utilize the same heating source as market units within an inclusionary development;
  - (8) Low-income units will be reserved for households with a gross household income less than or equal to 50% of the median income approved by COAH; moderate income units will be reserved for households with a gross household income less than 80% of the median income approved by COAH as per N.J.A.C. 5:93-7.4(g); and
  - (9) The regulations outlined in N.J.A.C. 5:93-9.15 and 9.16 will be applicable for purchased and rental units.
- B. For rental units, developers and/or municipal sponsors may:
- (1) Establish one rent for a low-income unit and one for a moderate-income unit for each bedroom distribution;
  - (2) Gross rents, including an allowance for tenant-paid utilities, will be established so as not to exceed 30% of the gross monthly income of the appropriate household sale as per N.J.A.C. 5:93-7.4(f). The tenant-paid utility allowance will be consistent with the utility

allowance approved by HUD for use in New Jersey; and

- (3) The maximum rents of low- and moderate-income units within each inclusionary development will be affordable to households earning no more than 60% of median income. In averaging an affordability range of 52% for rental units, developers and/or municipal sponsors of rental units may establish one rent for a low-income unit and one rent for a moderate-income unit for each bedroom distribution.

C. For-sale units:

- (1) The initial price of a low- and moderate-income owner-occupied single-family housing unit will be established so that after a down payment of 5%, the monthly principal, interest, homeowner and private mortgage insurances, property taxes (based on the restricted value of the low- and moderate-income unit) and condominium or homeowner fee do not exceed 28% of the eligible gross monthly income.
- (2) Master deeds of inclusionary developments will regulate condominium or homeowner association fees or special assessments of low- and moderate-income purchasers at 100% of those paid by market purchasers. This percentage is consistent with the requirement of N.J.A.C. 5:93-7.4(e). Once established within the master deed, this percentage will not be amended without prior approval from COAH. [Amended 9-7-2004 by Ord. No. 14-2004]
- (3) Byram Township will follow the general provisions concerning uniform deed restriction liens and enforcement through certificates of occupancy or reoccupancy on sale units as per N.J.A.C. 5:93-9.3.
- (4) Byram Township will require a certificate of reoccupancy for any occupancy of a low- or moderate-income sales unit resulting from a resale as per N.J.A.C. 5:93-9.3(c).
- (5) Municipal, state, nonprofit and seller options regarding sale units will be consistent with N.J.A.C. 5:93-9.5 through N.J.A.C. 5:93-9.8. Municipal rejection of repayment options for sale units will be consistent with N.J.A.C. 5:93-9.9.
- (6) The continued application of options to create, rehabilitate or maintain low- and moderate-income sale units will be consistent with N.J.A.C. 5:93-9.10.
- (7) Eligible capital improvements prior to the expiration of controls on sale units will be consistent with N.J.A.C. 5:93-9.11.
- (8) The regulations detailed in N.J.A.C. 5:93-9.12 through N.J.A.C. 5:93-9.14 will be applicable to low- and moderate-income units that are for sale units.

**§ 240-86. Zoning for inclusionary developments.**

- A. In zoning for inclusionary developments the following is required: Low- and moderate-income

units will be built in accordance with N.J.A.C. 5:93-5.6(d):

<b>Minimum Percentage of Low/Moderate Income Units Completed</b>	<b>Percentage of Market Housing Units Completed</b>
0	25
10	25 +1 unit
50	50
75	75
100	90
	100

- B. A design of inclusionary developments that integrates low- and moderate-income units with market units is encouraged as per N.J.A.C. 5:93-5.6(f).

#### **§ 240-87. Development fees.**

A development fee ordinance was adopted by Byram Township on March 4, 2002, and approved by COAH. See Article XIII, Development Fees, in Chapter 215 of the Byram Township Code.

#### **§ 240-88. Management of low- and moderate-income units.**

- A. To provide assurances that low- and moderate-income units are created with controls on affordability over time and that low- and moderate-income households occupy these units, Byram Township has designated the New Jersey Housing Affordability Service (HAS), formally known as the Affordable Housing Management Service (AHMS), with the responsibility of ensuring the affordability of sales and rental units over time. The Housing Affordability Service will be responsible for those activities detailed in N.J.A.C. 5:93-9.1(a). The developers of inclusionary sites shall be responsible for the HAS fee.
- B. In addition, the Housing Affordability Service will be responsible for utilizing the verification and certification procedures outlined in N.J.A.C. 5:93-9.1(b) in placing households in low- and moderate-income units.
- C. Newly constructed low- and moderate-income sales units will remain affordable to low- and moderate-income households for at least 30 years.
- D. The Housing Affordability Service will require all conveyances of newly constructed units to contain the deed restriction and mortgage lien adopted by COAH and referred to as Technical Appendix E, as found in N.J.A.C. 5:93.
- E. Housing units created through the conversion of a nonresidential structure will be considered a new housing unit and will be subject to thirty-year controls on affordability. The Housing

Affordability Service will require COAH's appropriate deed restriction and mortgage lien.

**§ 240-89. Rehabilitated units.**

- A. Rehabilitated owner-occupied single-family housing units that are improved to code standard will be subject to affordability controls for at least six years; and
- B. Rehabilitated renter-occupied housing units that are improved to code standard will be subject to affordability controls for at least 10 years.

**§ 240-90. Rental units.**

- A. Newly constructed low- and moderate-income rental units will remain affordable to low- and moderate-income households for at least 30 years. The Housing Affordability Service will require the deed restriction and lien and deed of easement referred to as Technical Appendix H, as found in N.J.A.C. 5:93; and
- B. Affordability controls in accessory apartments will be for a period of at least 10 years, except if the apartment is to receive a rental bonus credit pursuant to N.J.A.C. 5:93-5.15; then the controls on affordability will extend for 30 years (N.J.A.C. 5:93-5.9);
- C. Alternative living arrangements will be controlled in a manner suitable to COAH that provides assurances that such a facility will house low- and moderate-income households for at least 10 years, except if the alternative living arrangement is to receive a rental bonus credit pursuant to N.J.A.C. 5:93-5.15, then the controls on affordability will extend for 30 years (N.J.A.C. 5:93-5.9). Group homes for the developmentally disabled that have received capital funding from the New Jersey Division of Developmental Disabilities and where the terms of such grant are for twenty years and renewable at the end of the initial term shall be determined to have acceptable affordability controls in accordance with COAH's requirements and are eligible for a rental bonus credits pursuant to COAH's regulations.

**§ 240-91. Elimination of unnecessary costs for inclusionary developments.**

Section 14(b) of the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., incorporates the need to eliminate unnecessary cost-generating features from Byram Township's land use ordinances. Accordingly, Byram Township will eliminate development standards that are not essential to protect the public welfare and to expedite or fast track municipal approvals/denials on inclusionary development applications. Byram Township will adhere to the components of N.J.A.C. 5:93-10.1 through N.J.A.C. 5:93-10.3.

**§ 240-92. Byram Township's fair share obligation.**

Byram Township's current fair share obligation is 34 units, of which 34 units is its realistic development potential (RDP) or new construction obligation. This article will apply to all developments constructed in Byram Township that contain low- and moderate-income units and any future inclusionary developments that may occur in the Township's Village Center District.

**Residential Schedule of Space Regulations**

**Residential Schedule of Space Regulations**  
[Amended 3-6-2006 by Ord. No. 5-2006]

<b>Zone</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>
Lot area	10 acres, with minimum building lot of 40,000 square feet	5 acres, with minimum building lot of 40,000 square feet	40,000 square feet	20,000 square feet	10,000 square feet
Front yard	50 feet 75 feet <sup>1</sup>	50 feet 75 feet <sup>1</sup>	50 feet 75 feet <sup>1</sup>	35 feet	35 feet
Side yard (each)	20 feet	20 feet	20 feet	15 feet	15 feet
Rear yard	50 feet	50 feet	50 feet	40 feet	20 feet
Minimum lot width (at setback)	150 feet	150 feet	150 feet	100 feet	100 feet
Maximum building envelope size	40% of lot or 30,000 square feet, whichever is less	40% of lot or 30,000 square feet, whichever is less	40% of lot or 30,000 square feet, whichever is less	40% of lot or 30,000 square feet, whichever is less	40% of lot or 30,000 square feet, whichever is less
Maximum lot disturbance	50%	50%	50%	50%	50% of lot or 10,000

**TOWNSHIP OF BYRAM  
SUSSEX COUNTY, NEW JERSEY**

**ORDINANCE NO. \_\_\_\_\_ 2010**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BYRAM TO AMEND CHAPTER  
240-81 OF THE BYRAM TOWNSHIP CODE, ENTITLED "AFFORDABLE HOUSING"**

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Township Council of the Township of Byram as follows: Section 240-81 entitled, "Affordable Housing" shall be and is hereby amended by the addition of the following:

**Article XIV, Affordable Housing (Adopted 1-20-2004 by Ord. No. 1-2004 and Proposed  
amendments pursuant to 2008 COAH regulations)**

**§240-81 Affordable housing.**

This article of the Byram Township Code sets forth regulations regarding low-and moderate-income housing units in Byram Township that are consistent with the provisions of N.J.A.C. 5:93-1., et seq., as effective on June 6, 1994 and NJAC 5:96 et seq. and 5:97 et seq. effective October 20, 2008 and A-500. These rules are pursuant to the Fair Housing Act of 1985 and Byram Township's constitutional obligation to provide for its fair share of low-and moderate-income housing. The affordable housing required in any development or construction in the Township shall be consistent with COAH's regulations and shall obtain credit for the Township.

**§ 240-82 Mandatory set-aside of units.**

- A. All residential inclusionary developments in the VC Village Center District shall be required to set aside a mandatory 20% of the dwelling units for the construction of low-and moderate-income housing in accordance with the provisions of this article. A minimum of 13% of the Growth Share obligation must be reserved for Very Low Income housing.
- B. The developer shall provide that half of the low-and moderate-income units constructed be affordable by very low and low-income households and that the remaining half be affordable by moderate-income households.
- C. Subdivision and site plan approval shall be denied by the Board unless the developer complies with the requirements to provide very low, low, and moderate-income housing pursuant to the provisions of this article. The Board may impose any reasonable conditions to ensure such compliance.

**§ 240-83 Allocation of units.**

- A. Byram Township's new construction or inclusionary component will be divided equally between low and moderate-income households as per N.J.A.C. 5:93-2.20. The low income units shall include the required very low income component.
- B. Except for inclusionary developments constructed pursuant to low-income tax credit regulations:
  - (1) At least  $\frac{1}{2}$  units of all units within each inclusionary development will be affordable to low-income households. This half shall include the required 13% very low income component;
  - (2) At least  $\frac{1}{2}$  of all rental units will be affordable to low-income households; and
  - (3) The bedroom distribution pursuant to N.J.A.C. 5:93-7.3 shall be consistent with COAH regulations.

**§ 240-84 Inclusionary developments.**

Inclusionary developments that are not restricted to senior citizens will be structured in conjunction with realistic market demands so that:

- A. The combination of efficiency and one-bedroom units is at least 10% and no greater than 20% of the total low and moderate-income units;
- B. At least 30% of all low-and moderate-income units are two-bedroom units;
- C. At least 20% of all low-and moderate-income units are three-bedroom units; and
- D. Low and moderate-income units restricted to senior citizens may utilize a modified bedroom distribution. At a minimum, the number of bedrooms will equal the number of senior citizen low-and moderate-income units within the inclusionary development.

**§ 240-85 Determination of maximum rents and sale prices.**

- A. In conjunction with realistic market information, the following criteria will be used in determining maximum rents and sale prices:
  - (1) Efficiency units will be affordable to one-person households;
  - (2) One-bedroom units will be affordable to 1.5 person households;
  - (3) Two-bedroom units will be affordable to three-person households;
  - (4) Three-bedroom units will be affordable to 4.5 person households;
  - (5) Median income by household size will be established by a regional weighted average of the uncapped Section 8 income limits published by HUD as per N.J.A.C. 5:93-7.4(b);
  - (6) The maximum sales price of low-and moderate-income units within each inclusionary development will be affordable to households earning no more than 70% of median income. In averaging an affordability range of 55% for sales units, moderate-income sales units must be available for at least two different prices, and low-income sales units must be available for at least two different prices;
  - (7) For both owner occupied and rental units, the low-and moderate-income units will utilize the same heating source as market units within an inclusionary development;
  - (8) Low-income units will be reserved for households with a gross household income less than or equal to 50% of the median approved by COAH; moderate-income units will be reserved for households with a gross household income less than 80% of the median income approved by COAH as per N.J.A.C. 5:93-7.4(g); and
  - (9) The regulations outlined in N.J.A.C. 5:93-9.15 and 5:93-9.16 will be applicable for purchased and rental units.
- B. For rental units, developers and/or municipal sponsors may:
  - (1) Establish one rent for a low-income unit and one for a moderate-income unit for each bedroom distribution;
  - (2) Gross rents, including an allowance for tenant-paid utilities, will be established so as not to exceed 30% of the gross monthly income of the appropriate household sale as per N.J.A.C. 5:93-7.4(f). The tenant-paid utility allowance will be consistent with the utility allowance approved by HUD for use in New Jersey; and
  - (3) The maximum rents of low-and moderate-income units within each inclusionary development will be affordable to households earning no more than 60% of median income. In averaging an affordability range of 52% for rental units, developers and/or municipal sponsors of rental units may establish one rent for a low-income unit and one rent for a moderate-income unit for each bedroom distribution.

- C. For sale units:
- (1) The initial price of a low-and moderate-income owner-occupied single-family housing unit will be established so that after a down payment of 5%, the monthly principal, interest, homeowner and private mortgage insurances, property taxes (based on the restricted value of the low-and moderate-income unit) and condominium or homeowner fee do not exceed 28% of the eligible gross monthly income.
  - (2) Master deeds of inclusionary developments will regulate condominium or homeowners' association fees or special assessments of very low, low, and moderate-income purchasers at 100% of those paid by market purchasers. This percentage is consistent with the requirement of N.J.A.C. 5:93-7.4(e). Once established within the master deed, this percentage will not be amended without prior approval from COAH (amended 9-7-2004 by Ord. No. 14-2004 and to be amended to refer to COAH regulations of 2008 and A-500).
  - (3) Byram Township will follow the general provisions concerning uniform deed restriction liens and enforcement through certificates of occupancy or reoccupancy on sale units as per N.J.A.C. 5:93-9.3.
  - (4) Byram Township will require a certificate of occupancy for any occupancy of a very low, low, or moderate-income sales unit resulting from a sale as per N.J.A.C. 5:93-9.3©.
  - (5) Municipal, state, nonprofit and seller options regarding sale units will be consistent with N.J.A.C. 5:93-9.5 through 5:93-9.8. Municipal rejection of repayment options for sale units will be consistent with N.J.A.C. 5:93-9.9.
  - (6) The continued application of options to create, rehabilitate or maintain low-and moderate-income sale units will be consistent with N.J.A.C. 5:93-9.10.
  - (7) Eligible capital improvements prior to the expiration of controls on sale units will be consistent with N.J.A.C. 5:93-9.11.
  - (8) The regulations detailed in N.J.A.C. 5:93-9.12 through 5:93-9.14 will be applicable to low-and moderate-income units that are for sale units.

#### **§ 240-86 Zoning for inclusionary developments.**

A. In zoning for inclusionary developments the following is required: Low-and moderate-income units will be built in accordance with N.J.A.C. 5:93-5.6(d).

<b>Minimum Percentage of Low/Moderate-Income Units Completed</b>	<b>Percentage of Market Housing Units Completed</b>
10	25
50	25+1 unit
75	50
100	75
	90
	100

B. A design of inclusionary developments that integrates low-and moderate-income units with market units is encouraged as per N.J.A.C. 5:93-5.6(f).

#### **§ 240-87 Development fees.**

A Development Fee Ordinance was adopted by Byram Township on March 4, 2002, and approved by COAH. Amendments to this ordinance were adopted by Byram Township on August 4, 2008, and then was approved by COAH on September 26, 2008. As a condition of

approval, COAH requires a revised Development Fee Ordinance be adopted. A revised Development Fee Ordinance was adopted by Township Council on December 1, 2008. At the time of petition, COAH had not yet approved the revised ordinance. See Article XIII, Development Fees, in Chapter 215 of the Byram Township Code.

**§ 240-88 Management of low-and moderate-income units.**

- A. To provide assurances that low-and moderate-income units are created with controls on affordability over time and that low-and moderate-income households occupy these units, Byram Township has designed the New Jersey Housing Affordability Service (HAS), formally known as the Affordable Housing Management Service (AHMS), with the responsibility of ensuring the affordability of sales and rental units over time. The Housing Affordability Service will be responsible for those activities detailed in N.J.A.C. 5:93-9.1(a). The developers of inclusionary sites shall be responsible for the HAS fee.
- B. In addition, the Housing Affordability Service will be responsible for utilizing the verification and certification procedures outlined in N.J.A.C. 5:93-9(b) in placing households in low-and moderate-income units.
- C. Newly constructed low-and moderate-income sales units will remain affordable to low and moderate-income households for at least 30 years. The deeds shall provide the Township the right to extend the rental and sales restrictions additional thirty year periods thereafter.
- D. The Housing Affordability Service will require all conveyances of newly constructed units to contain the deed restriction and mortgage lien adopted by COAH and referred to as Technical Appendix E, as found in N.J.A.C. 5:93.
- E. Housing units created through the conversion of nonresidential structure will be considered a new housing unit and will be subject to thirty year controls on affordability. The Housing Affordability Service will require COAH's appropriate deed restriction and mortgage lien.

**§ 240-89 Rehabilitate units.**

- A. Rehabilitated owner-occupied single family units that are improved to code standards will be subject to affordability controls for at least six years; and
- B. Rehabilitated renter-occupied housing units that are improved to code standard will be subject to affordability controls for at least 10 years.

**§ 240-90 Rental units.**

- A. Newly constructed low-and moderate-income units will remain affordable to low-and moderate-income households for at least 30 years. The Housing Affordability Service will require the deed restriction and lien and deed of easement referred to as Technical Appendix H, as found in N.J.A.C. 5:93.
- B. Affordability controls in accessory apartments will be for a period of at least 30 years, pursuant to N.J.A.C. 5:93-5.15;
- C. Alternative living arrangements will be controlled in a manner suitable to COAH that provides assurances that such a facility will house low-and moderate-income households for at least 10 years; except if the alternative living arrangement is to receive a rental bonus credit pursuant to N.J.A.C. 5:93-5.15, then the controls of affordability will extend for 30 years (N.J.A.C. 5:93-5.9). Group homes for the developmentally disabled that have received capital funding from the New Jersey Division of Developmental Disabilities, and where the terms of such grant are for 20 years and renewable at the end of the term, shall be determined to have acceptable affordability controls in accordance with

COAH's requirements and are eligible for rental bonus credits pursuant to COAH's regulations. Update with supportive housing 5:96-6.11

**§ 240-91 Elimination of unnecessary costs for inclusionary developments.**

Section 14(b) of the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., incorporates the need to eliminate unnecessary cost generating features from Byram Township's land use ordinances. Accordingly, Byram Township will eliminate development standards that are not essential to protect the public welfare and to expedite or fast track municipal approvals/denials on inclusionary development applications. Byram Township will adhere to the components of N.J.A.C. 5:93-10.3.

**§ 240-92 Byram Township's Fair Share Obligation.**

Byram Township's current Fair Share obligation is 114 units (24 Rehabilitation, 33 Prior Round & 57 Growth Share, incorporating exclusions). This article will apply to all developments constructed in Byram Township that contain very low, low, and moderate-income units and any future inclusionary developments that may occur in the Township's Village Center District. Any affordable units proposed and constructed in Byram Township shall comply with COAH regulations and shall obtain COAH affordable housing credits for the Township.

## **Appendix L**

### **Development Fee Ordinance and Resolution**



**TOWNSHIP OF BYRAM  
SUSSEX COUNTY, NEW JERSEY**

**ORDINANCE NO. 3 - 2009**

**AN ORDINANCE TO AMEND CHAPTER 215 OF THE BYRAM TOWNSHIP CODE,  
ENTITLED "SUBDIVISION & SITE PLAN REVIEW" TO ESTABLISH  
STANDARDS FOR THE COLLECTION, MAINTENANCE AND EXPENDITURE  
OF DEVELOPMENT FEES FOR THE PURPOSE OF PROVIDING LOW AND  
MODERATE INCOME HOUSING**

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Byram that Article XII, "Miscellaneous Provisions" in Chapter 215 of the Byram Township Code, entitled "Subdivision & Site Plan Review" shall be and is hereby amended by the addition of the following:

**SECTION 1.**

**§ 215-60. Purpose**

- a) In Holmdel Builder's Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- b) Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.
- c) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

## **§ 215-61. Basic requirements**

- a) This ordinance shall not be effective until approved by COAH pursuant to *N.J.A.C.* 5:96-5.1.
- b) Byram Township shall not spend development fees until COAH has approved a plan for spending such fees in conformance with *N.J.A.C.* 5:97-8.10 and *N.J.A.C.* 5:96-5.3.

## **§ 215-62. Definitions**

- a) The following terms, as used in this ordinance, shall have the following meanings:
  - i. "**Affordable housing development**" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.
  - ii. "**COAH**" or the "**Council**" means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.
  - iii. "**Development fee**" means money paid by a developer for the improvement of property as permitted in *N.J.A.C.* 5:97-8.3.
  - iv. "**Developer**" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
  - v. "**Equalized assessed value**" means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).
  - vi. "**Green building strategies**" means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

## **§ 215-63. Residential Development fees**

- a) Imposed fees

- i. Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and a half percent (1.5%) of the equalized assessed value for residential development provided no increased density is permitted.
- ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a “d” variance) has been permitted, developers shall pay a development fee of six percent (6%) of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one and a half percent of the equalized assessed value on the first two units; and the specified higher percentage of six percent (6%) of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

- b) Eligible exactions, ineligible exactions and exemptions for residential development
  - i. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
  - ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
  - iii. Developers of any charitable or not-for-profit entity formed and legally existing in accordance with the laws of the State of New Jersey shall be exempt from paying a development fee.

#### **§ 215-64. Non-residential Development fees**

- a) Imposed fees
  - i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to

- two and one-half percent (2.5%) of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
  - iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
- b) Eligible exactions, ineligible exactions and exemptions for non-residential development
- i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half percent (2.5%) development fee, unless otherwise exempted below.
  - ii. The two and a half percent (2.5%) fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
  - iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
  - iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
  - v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-

residential development fees under these circumstances may be enforceable by Byram Township as a lien against the real property of the owner.

### **§ 215-65. Collection procedures**

- a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- b) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- c) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g) Should Byram Township fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
- h) Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible

for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

- i) Appeal of development fees
  - 1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by Byram Township. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
  - 2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by Byram Township. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

#### **§ 215-66. Affordable Housing trust fund**

- a) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Affordable Housing Liaison for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
  1. payments in lieu of on-site construction of affordable units;
  2. developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
  3. rental income from municipally operated units;
  4. repayments from affordable housing program loans;
  5. recapture funds;
  6. proceeds from the sale of affordable units; and
  7. any other funds collected in connection with Byram Township's affordable housing program.

- c) Within seven days from the opening of the trust fund account, Byram Township shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, PNC Bank, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- d) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

#### **§ 215-67. Use of funds**

- a) The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the Byram Township's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.
- b) Funds shall not be expended to reimburse Byram Township for past housing activities.
- c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
  - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
  - ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate

income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income. The use of development fees in this manner may entitle Byram Township to bonus credits pursuant to N.J.A.C. 5:97-3.7.

- iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d) Byram Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- e) No more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

#### **§ 215-68. Monitoring**

- a) Byram Township shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with Byram Township's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

#### **§ 215-69. Ongoing collection of fees**

- a) The ability for Byram Township to impose, collect and expend development fees shall expire with its substantive certification unless Byram Township has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for

substantive certification, and has received COAH's approval of its development fee ordinance. If Byram Township fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). Byram Township shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall Byram Township retroactively impose a development fee on such a development. Byram Township shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

**SECTION 2.** If any section, subsection, clause or phrase of this Chapter is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining adoption and publication according to law.

Introduced: 2/2/2009

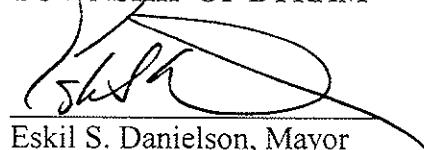
Adopted: 2/17/09

ATTEST:



Doris Flynn, Township Clerk

TOWNSHIP OF BYRAM

  
Eskil S. Danielson, Mayor

NOTICE is hereby given that the above titled Ordinance was introduced and passed first reading at a meeting of the Township Council of the Township of Byram, held at the Byram Township Municipal Building, Mansfield Drive, Byram Township, New Jersey, on the 2nd day of February 2009. The said ordinance was further considered for final adoption at a meeting of the Township Council of the Township of Byram, held at the Byram Municipal Building, Mansfield Drive, Byram Township, New Jersey, on the 17th day of February 2009 at 7:30 p.m. at which time all persons were given the opportunity to be heard concerning said ordinance, and it was finally passed and adopted and will be in full force in the Township according to law.

Doris J. Flynn, RMC

Township Clerk

**RESOLUTION# \_\_\_\_ - 2008**

**RESOLUTION REQUESTING REVIEW AND APPROVAL OF THE BYRAM  
TOWNSHIP DEVELOPMENT FEE ORDINANCE**

**WHEREAS**, the Governing Body of Byram Township, Sussex County petitioned the Council on Affordable Housing (COAH) for substantive certification on December 2008; and

**WHEREAS**, P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), permits municipalities that are under the jurisdiction of COAH or of a court of competent jurisdiction and that have a COAH-approved spending plan to impose and retain fees on residential and non-residential development; and

**WHEREAS**, subject to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), N.J.A.C. 5:97-8.3 permits a municipality to prepare and submit a development fee ordinance for review and approval by the Council on Affordable Housing (COAH) that is accompanied by and includes the following:

1. A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d);
2. A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e);
3. A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d);
4. A description of collection procedures per N.J.A.C. 5:97-8.3(f);
5. A description of development fee appeals per N.J.A.C. 5:97-8.3(g); and
6. A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h).

**WHEREAS**, Byram Township has prepared a draft development fee ordinance that establishes standards for the collection, maintenance, and expenditure of development fees consistent with COAH's regulations at N.J.A.C. 5:97-8 and in accordance with P.L.2008, c.46, Sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

**NOW THEREFORE BE IT RESOLVED** that the Governing Body of Byram Township, Sussex County requests that COAH review and approve Byram Township's development fee ordinance.

---

Doris Flynn  
Municipal Clerk



**State of New Jersey**  
**COUNCIL ON AFFORDABLE HOUSING**  
**101 SOUTH BROAD STREET**  
**PO Box 813**  
**TRENTON NJ 08625-0813**  
**(609) 292-3000**  
**FAX: (609) 633-6056**  
**coahmail@dca.state.nj.us**

September 26, 2008

JON S. CORZINE  
*Governor*

JOSEPH V. DORIA, JR.  
*Commissioner*

LUCY J. VANDENBERG  
*Executive Director*

The Honorable Eskil S Danielson  
 Township of Byram  
 10 Mansfield Dr  
 Stanhope, NJ 07874

**RE: Development Fee Ordinance Amendment  
 Township of Byram, Sussex County**

Dear Mayor Danielson:

The Council on Affordable Housing (COAH) is in receipt of the amendment to your development fee ordinance.

Enclosed please find a copy of a COAH report and resolution approving Township of Byram's amendment to its development fee ordinance with revisions. The Township must file the revised ordinance with COAH within seven days of adoption. In addition, your municipality must submit an updated spending plan to be reviewed and approved by COAH prior to the grant of third round substantive certification and before it may disburse any funds obtained through this ordinance.

Kindly call Judith Adams at (609) 984-4958 if you have any questions.

Sincerely,

Lucy Vandenberg  
 Executive Director

- c: attached service list  
 Sean Thompson, Supervising Planner  
 Judith Adams, COAH Planner  
 Larissa DeGraw, COAH



**RESOLUTION APPROVING DEVELOPMENT FEE ORDINANCE AMENDMENT  
TOWNSHIP OF BYRAM/SUSSEX COUNTY**

WHEREAS, the Township of Byram, Sussex County, received second round substantive certification of its Housing Element and Fair Share Plan from the Council on Affordable Housing (COAH) on December 3, 2003; and

WHEREAS, Byram Township's second round substantive certification included a development fee ordinance approved by COAH on November 18, 2003; and

WHEREAS, on May 14, 2007, the Township of Byram petitioned COAH with the Township's third round petition for substantive certification; and

WHEREAS, on August 4, 2008, the Byram Township Council adopted a resolution requesting the Council's approval of an amendment to the Township's development fee ordinance (copy of proposed amendment attached herewith as Exhibit A); and

WHEREAS, on July 17, 2008 Governor Corzine signed P.L. 2008 c.46, portions of which impact local non-residential development fee ordinances; and

WHEREAS, the proposed amendment will increase residential development fees from one half of one percent to one and one half percent of the equalized assessed value for residential developments; and

WHEREAS, the increase in the residential development fees is allowable under N.J.A.C. 5:97 which became effective on June 2, 2008; and

WHEREAS, COAH has reviewed the proposed amended development fee ordinance for compliance with N.J.A.C. 5:97-8 and has prepared a report dated September 10, 2008 (report attached herewith as Exhibit B) determining that the changes in the development fee ordinance comply with the requirements set forth in these sections; and

WHEREAS, the September 10, 2008 report recommended as a condition of the approval that Byram Township prepare a revised development fee ordinance as part of its Third Round Petition for Substantive Certification to be submitted by December 31, 2008 or in accordance with the deadline established for municipalities opting in to the Highlands Regional Master Plan pursuant to a Memorandum of Understanding (MOU) to be executed by the Highlands Council and COAH.

NOW, THEREFORE, BE IT RESOLVED, that COAH approves Byram Township's revised development fee ordinance subject to the requirement that Byram Township prepare a revised development fee ordinance, consistent with P.L. 2008 c.46, as part of its Third Round Petition for Substantive Certification to be submitted by December 31, 2008 or in accordance with the deadline established for municipalities opting in to the Highlands Regional Master Plan pursuant to a Memorandum of Understanding (MOU) to be executed by the Highlands Council and COAH; and

Township of Byram,  
Sussex County  
September 10, 2008

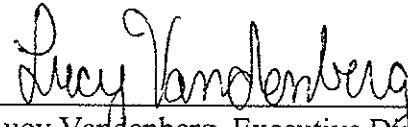
BE IT FUTHER RESOLVED that any aspect of the revised development fee ordinance that conflicts with P.L. 2008 c.46 is hereby rendered null and void; and

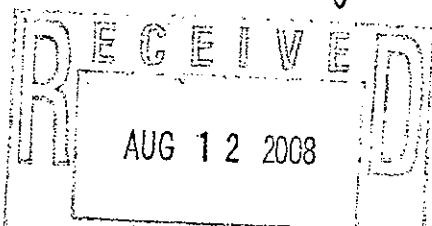
BE IT FURTHER RESOLVED that the approval of Byram Township's development fee ordinance empowers Byram Township to impose and collect development fees and does not empower Byram Township to expend monies without COAH's approval of a spending plan; and

BE IT FURTHER RESOLVED that Byram Township shall receive approval of a development fee spending plan prior to the grant of third round substantive certification and before it may disburse any of these funds; and

BE IT FURTHER RESOLVED that in the event Byram Township withdraws its petition, is denied third round substantive certification by COAH, allows its certification to lapse, or its substantive certification or ordinance is revoked by COAH, this development fee ordinance shall be null and void and all funds collected there under shall be remitted to the New Jersey Affordable Housing Trust Fund.

Date: 9/16/08

  
\_\_\_\_\_  
Lucy Vandenberg, Executive Director  
Council on Affordable Housing



**TOWNSHIP OF BYRAM**  
**RESOLUTION NO. 124 - 2008** COUNCIL ON AFFORDABLE HOUSING

**Resolution Requesting Review and Approval of Development Fee  
Ordinance**

**WHEREAS**, the Governing Body of Byram Township, County of Sussex, petitioned the Council on Affordable Housing (COAH) for substantive certification on May 7, 2007; and

**WHEREAS**, N.J.A.C. 5:94-6.1 permits a municipality to prepare and submit a development fee ordinance for review and approval by the Council on Affordable Housing that is accompanied by and includes the following:

1. A description of the types of developments that will be subject to fees consistent with N.J.A.C. 5:94-6.8; and
2. A description of the amount and nature of the fees imposed, not to exceed the limits established in N.J.A.C. 5:94-6.6 and 6.7; and

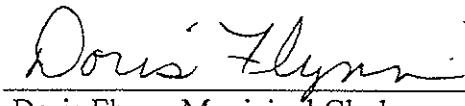
**WHEREAS**, Byram Township has prepared a development fee ordinance that is consistent with N.J.A.C. 5:94-6.

**NOW THEREFORE BE IT RESOLVED** that the Governing Body of Byram Township, County of Sussex, requests that COAH review and approve Byram Township's development fee ordinance.

**BYRAM TOWNSHIP COUNCIL**

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on August 4, 2008.

  
Doris Flynn, Municipal Clerk

**TOWNSHIP OF BYRAM  
Sussex County, New Jersey**

**ORDINANCE NO. 20 – 2008**

**AN ORDINANCE TO INCREASE DEVELOPMENT IMPACT FEES IN  
SECTIONS 215-62 AND 215-63 OF THE BYRAM TOWNSHIP CODE**

**BE IT ORDAINED** by the Byram Township Council that Development Impact Fees in Sections 215-62 and 215-63 of the Byram Township Code be increased in accordance with the Council on Affordable Housing's new rules and Public Law 2008 c.46, as follows:

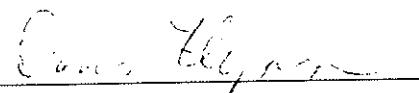
**Section 1.** The residential development fee set forth in Section 215-62.A shall be one and one-half percent (1-1/2%) of the equalized assessed value.

**Section 2.** The nonresidential development fee set forth in Section 215-63.A shall be two and one-half percent (2-1/2%) of the equalized assessed value and shall be consistent with Public Law 2008 c.46.

**Section 3.** If any section, subsection, clause or phrase of this Chapter is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Chapter.

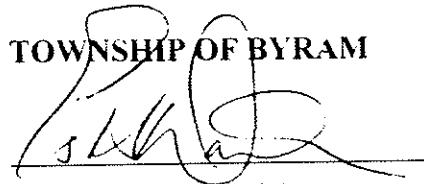
**SECTION 3.** This chapter shall take effect twenty (20) days after final passage and publication according to law.

ATTEST:



Doris Flynn, Clerk

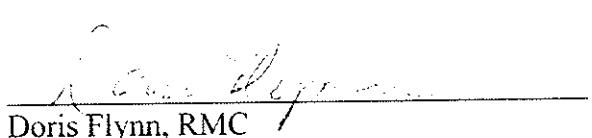
**TOWNSHIP OF BYRAM**



Eskil S. Danielson, Mayor

**NOTICE**

NOTICE is hereby given that the above-entitled Ordinance was introduced and passed first reading at the meeting of the Township Council of the Township of Byram held at the Byram Township Municipal Building, 10 Mansfield Drive, Byram Township, New Jersey, on October 6, 2008. The said Ordinance was further considered for final passage at a meeting of the Byram Township Council held in the Municipal Building on the 3rd day of November, 2008, beginning at 7:30 p.m., at which time and place all persons interested were given an opportunity to be heard concerning said Ordinance. It was finally passed and adopted and will be in full force in the Township according to the law.

  
Doris Flynn, RMC

**NEW JERSEY COUNCIL ON AFFORDABLE HOUSING  
REVIEW OF DEVELOPMENT FEE ORDINANCE AMENDMENT  
TOWNSHIP OF BYRAM/SUSSEX COUNTY  
REGION # 2**

**Prepared by Judith F. Adams, AICP, Senior Planner  
September 10, 2008**



## **I. BACKGROUND**

Byram Township, Sussex County received second round substantive certification of its Housing Element and Fair Share Plan addressing its total 1987-1999 fair share obligation on December 3, 2003. Byram Township received approval for a development fee ordinance on November 18, 2003, which was adopted by Byram Township on January 20, 2004 as ordinance number 2-2004. On May 14, 2007, Byram Township petitioned COAH for third round substantive certification.

On August 4, 2008, the Byram Township Council adopted a resolution requesting the Council's approval of a development fee ordinance. COAH received this resolution and the proposed ordinance to increase development fees on August 12, 2008. The development fee ordinance is the subject of this review pursuant to N.J.A.C. 5:97-8.

## **II. PROPOSED ORDINANCE**

The proposed amendment to Byram Township's development fee ordinance increases the percentage that the municipality will impose on residential and nonresidential developments. Specifically, the amendment will revise Sections 215-62 and 215-63 of the Byram Township Code as follows:

Section 1. The residential development fee set forth in Section 215-62.A shall be one and one-half percent ( $1\frac{1}{2}\%$ ) of the equalized assessed value.

Section 2. The nonresidential development fee set forth in Section 215-62.A shall be two and one-half percent ( $2\frac{1}{2}\%$ ) of the equalized assessed value.

Section 3. If any section, subsection, clause or phrase of this Chapter is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Chapter.

The remainder of the development fee ordinance is unchanged.

Township of Byram,  
Sussex County  
September 10, 2008

### III. ORDINANCE REVIEW AND RECOMMENDATION

Byram Township has requested approval of its proposed ordinance to increase development fees. The proposed amendment increases residential development fees from one half of one percent to one and one half percent of the equalized assessed value for residential development and from one percent to two and one half percent for nonresidential development.

N.J.A.C. 5:97-8.3(c)1 allows municipalities to impose a maximum of one and one half percent (increased from the previous maximum of one percent) of the equalized assessed value on residential development. The proposed amendment meets the criteria of N.J.A.C. 5:97-8.3,(c)1.

With regard to non-residential development fees, on July 17, 2008 Governor Corzine signed P.L. 2008, c.46 portions of which impact local development fee ordinances. This new legislation creates a statewide development fee of two and one-half percent (2.5%) for non-residential development.

In conjunction with Byram Township's revised Third Round Petition, which must be submitted to COAH by December 31, 2008 or in accordance with the deadline established for municipalities opting in to the Highlands Regional Master Plan pursuant to a Memorandum of Understanding (MOU) to be executed by the Highlands Council and COAH, Byram should review and revise its development fee ordinance to ensure consistency with P.L. 2008 c.46. A model development fee ordinance consistent with P.L. 2008 c.46 is available at <http://www.nj.gov/dca/coah/sampledocs/dforordinance0908.doc>. Any portion of Byram Township's development fee ordinance that conflicts with P.L. 2008 c.46 is null and void.

Based upon the review above, the COAH staff recommends approval of the ordinance to increase development fees with the following conditions:

1. Byram Township shall review and revise its development fee ordinance for consistency with P.L.2008 c.46. The revised ordinance shall be part of Byram Township's Third Round Petition for Substantive Certification to be submitted by December 31, 2008 or in accordance with the deadline established for municipalities opting in to the Highlands Regional Master Plan pursuant to a Memorandum of Understanding (MOU) to be executed by the Highlands Council and COAH.

Township of Byram,  
Sussex County  
September 10, 2008

2. The revised development fee ordinance must be submitted to COAH within seven days of adoption by the governing body.

The Township must receive approval of an updated development fee spending plan prior to the grant of third round certification and before it may disburse any of its development affordable housing trust funds. In the event Byram Township withdraws its petition, fails to obtain substantive certification, allows its certification to lapse, or its substantive certification is revoked by COAH, this ordinance is null and void and all funds collected thereunder shall be remitted to the New Jersey Affordable Housing Trust Fund.

Reviewed by:

Pamela C. Bell  
Deputy Attorney General

9/16/08

Date

## **Appendix M**

### **Escrow Agreement for Housing Trust Fund**



## **Escrow Agreement for Housing Trust Fund**

**NOTE:** *In order for COAH to execute a three-party escrow agreement, the municipality must submit three copies of the agreement, all with original signatures from the municipal representative and the bank representative.*

This Escrow Agreement made this first day of December, 2008, by and between the Council on Affordable Housing (COAH) and Byram Township and PNC Bank (the Bank).

**WHEREAS**, a municipality may impose, collect and spend development fees and establish an affordable housing trust fund that includes, development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Byram Township's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq.; and

**WHEREAS**, on September 26, 2008 COAH approved the Byram Township's Amended Development Fee Ordinance establishing standards for the collection, maintenance and expenditure of development fees consistent with COAH's rules and P.L.2008, c.46 (C. 52:27D-329.1 et al) and requiring that funds shall only be applied directly toward implementation of Byram Township's COAH-certified Fair Share Plan or Court Judgment of Compliance; and

**WHEREAS**, on December 1, 2008 the governing body of Byram Township adopted Ordinance No.\_\_\_\_, the Development Fee Ordinance of Byram Township, amending the Municipal Code; and

**WHEREAS**, COAH has not yet approved a spending plan for Byram Township, Byram Township acknowledges that no expenditure of development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Byram Township's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. may occur prior to COAH's approval of a spending plan; and

**WHEREAS**, the Development Fee Ordinance requires an interest-bearing housing trust fund to be established for the purpose of receiving collected development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached

development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with [insert municipal name]’s affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. and provides that no money shall be expended from the housing trust fund unless the expenditure conforms to the Development Fee Ordinance, a spending plan approved by COAH and the conditions set out at N.J.A.C. 5:97-8.7-8.9; and

**WHEREAS**, COAH’s approval of the Development Fee Ordinance further requires Byram Township, within seven days of opening the trust fund account authorized by the ordinance, to enter into an escrow agreement with COAH pursuant to N.J.A.C. 5:97-8.2(a) to enable COAH to monitor disbursement of collected development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Byram Township’s affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. and to direct the forfeiture of such funds after proper notice if their imposition, collection and/or expenditure are not in conformance with the terms of the approved Development Fee Ordinance, the conditions set out at N.J.A.C. 5:97-8.13(a), the spending plan approved by COAH, and P.L.2008, c.46 (C. 52:27D-329.1 et al); and

**WHEREAS**, the Development Fee Ordinance further provides that if COAH determines that the imposition, collection, and/or expenditure of development fees are not in conformance with the terms of the approved Development Fee Ordinance, approved spending plan, and P.L.2008, c.46 (C. 52:27D-329.1 et al), COAH may, after a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., revoke a Development Fee Ordinance approval and direct the transfer of funds including future collection of non-residential development fees to the New Jersey Affordable Housing Trust Fund.

**NOW THEREFORE**, COAH, Byram Township and the Bank agree as follows:

1. Designation of Escrow Agent

COAH and Byram Township hereby designate PNC Bank (the Bank) as their escrow agent, upon terms and conditions set forth herein, for the purpose of (a) receiving development fees, payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Byram Township’s affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. collected by Byram Township, (b) holding such sums in the escrow account hereinafter described, and (c) disbursing the monies upon the direction of the Township Manager of Byram Township consistent with the spending plan approved by COAH.

2. Escrow Account

Byram Township shall deposit all development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Byram Township's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. with the escrow agent and said escrow agent shall establish a separate, interest bearing account to be known as the Affordable Housing Trust Fund (the Account) and shall deposit therein such initial funds, as well as all subsequent development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Byram Township's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. received from Byram Township. At no time shall the escrow agent co-mingle the funds deposited in the Account with any other funds or accounts held or maintained by the escrow agent, nor shall the escrow agent at any time set off any amount on deposit in the Account against (a) any indebtedness owed to the escrow agent by Byram Township or any other party, (b) any other obligation owed to the escrow agent by Byram Township or any other party, or (c) any claim which the escrow agent may have against Byram Township or any other party.

3. Application of Amounts on Deposit

The funds in the Account shall only be used for eligible affordable housing activities of Byram Township as set forth in a spending plan approved by COAH. The Bank shall disburse funds in the Account upon the direction of the Township Manager of Byram Township, unless notified otherwise by COAH.

4. Cessation of Disbursements from Funds and Forfeiture of Funds to the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320)

COAH shall have the authority to halt disbursements by Byram Township from the Account upon written notice to the Bank and to direct all remaining funds to the New Jersey Affordable Housing Trust Fund. COAH shall have such authority if it determines, after notice to Byram Township, that the municipality is not in compliance with all conditions set out in N.J.A.C. 5:97-8.13(a), the Spending Plan and the Development Fee Ordinance. Upon receipt of written notice to cease disbursements from the Account, the Bank shall immediately halt disbursements by Byram Township until further written notice from COAH. The Bank shall allow the transfer of funds by COAH to the New Jersey Affordable Housing Trust Fund on behalf of Byram Township. COAH shall provide the Byram Township municipal clerk and chief financial officer with copies of all written notices.

In the event that any of the following conditions, as set out in N.J.A.C. 5:97-8.13(a) occur, COAH shall be authorized on behalf of Byram Township and consistent with its rules and P.L.2008, c.46 (C. 52:27D-329.1 et al), to transfer all development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Byram Township's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq., to the New Jersey Affordable Housing Trust Fund :

- a. Failure to meet deadlines for information required by COAH in its review of a Housing Element and Fair Share Plan, development fee ordinance or plan for spending fees;
- b. Failure to address COAH's conditions for approval of a plan to spend development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Byram Township's affordable housing program within the deadlines imposed by COAH;
- c. Failure to address COAH's conditions for substantive certification within deadlines imposed by COAH;
- d. Failure to submit accurate annual monitoring reports pursuant to N.J.A.C. 5:97-8.12(a) within the time limits imposed by COAH;
- e. Failure to implement the Spending Plan and expend the funds within the time schedules specified in the Spending Plan, including the requirement to spend the remaining trust fund balance pursuant to N.J.A.C. 5:97-8.10(a)8 and collected fees pursuant to P.L.2008, c.46 (C.52:27D-329.2(8.d) & C.52:27D-329.3(9.b)) within four years;
- f. Expenditure of development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with Byram Township's affordable housing program on activities not permitted by COAH;
- g. Revocation of certification; or
- h. Other good cause demonstrating that the revenues are not being used for the approved purpose.

##### 5. Standard of Care; Indemnification

The Bank shall use reasonable care and due diligence in the performance of all of its duties hereunder. Byram Township shall indemnify COAH and hold it harmless from and against all liabilities, losses or damages incurred under COAH with respect to any action COAH may

take under this escrow agreement with the exception of liabilities, losses or damages solely caused by negligent acts, omissions, errors or willful misconduct by COAH.

6. Records and Accounts

The Bank shall keep accurate financial records and accounts of all transactions relating to the Account, including but not limited to all deposits to the Account, disbursements from the Account and interest earned on the Account which shall be made available for inspection by COAH and Byram Township, or their respective designees, at any reasonable time. Byram Township shall provide COAH with reports on a quarterly basis, which set forth the amount, date and description of all activity from the Account as well as other information COAH may require to monitor the Account.

7. Notices

All notices, certificates or other communications hereunder shall be delivered by hand or mailed by certified mail to the parties at the following addresses:

a. If to COAH:

Executive Director  
New Jersey Council on Affordable Housing  
101 South Broad Street  
PO Box 813  
Trenton, NJ 08625-0813

b. If to Municipality:

Municipal Clerk and Chief Financial Officer  
Byram Township  
10 Mansfield Drive  
Stanhope, NJ 07874

c. If to Bank:

PNC Bank

Any of the parties may hereby designate different or additional addresses by notice in writing given to the other parties.

8. Further Assistance

The parties hereto shall authorize, execute, acknowledge and deliver such further resolutions, assurances and other instruments as may be necessary or desirable for better assuring, conveying, granting, assigning and confirming the rights and interests granted hereunder.

9. Agreement Subject to the Fair Housing Act

This agreement is subject to the Fair Housing Act, P.L.2008, c.46 (C. 52:27D-329.1 et al) and the rules of COAH set forth at N.J.A.C. 5:97-8.1 et seq., and nothing contained herein shall be interpreted to limit or restrict in any way the discretion and authority vested in COAH by the Act or rules.

**10. Amendments**

This agreement may not be amended, supplemented or modified except by a written instrument executed by all the parties hereto.

**IN WITNESS WHEREOF**, the parties hereto have executed this agreement as of the date set forth above.

---

Date

Joseph Sabatini, on behalf of Byram Township

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Date

Lucy Vandenberg, Executive Director  
on behalf of the New Jersey Council  
on Affordable Housing (COAH)

---

Date

\_\_\_\_\_, on behalf of PNC Bank

## **Appendix N**

### **Spending Plan**



# **Byram Township**

## **Affordable Housing Trust Fund Spending Plan**

### **INTRODUCTION**

The Township of Byram Township, Sussex County, has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.). Revisions to a development fee ordinance creating a dedicated revenue source for affordable housing was approved by COAH on September 26, 2008 and adopted by the municipality on December 1, 2008. The ordinance and associated amendments have been included in the Township's petition for subcertification. The ordinance establishes the Township of Byram affordable housing trust fund for which this spending plan is prepared.

As of December 31, 2008, Township of Byram has collected \$20,962, expended \$ 0, resulting in a balance of \$20,962. All development fees and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in PNC Bank for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

## **1. REVENUES FOR CERTIFICATION PERIOD**

To calculate a projection of revenue anticipated during the period of third round substantive certification, Township of Byram considered the following:

(a) Development fees:

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

(b) Payment in lieu (PIL):

No payments in lieu are anticipated.

(c) Other funding sources:

No other funding sources are anticipated.

(d) Projected interest:

At the time of petition, the exact interest rate on the projected revenue in the municipal affordable housing trust fund was not able to be obtained. As a result, an approximate low interest rate was employed to perform the calculations. The Spending Plan will be updated, as applicable.

**Projected Revenues-Housing Trust Fund - 2009 - 2020**

SOURCE OF FUNDS	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Total
(a) Development fees:													
1. Approved Development													\$0
Collected in 2009	\$6,954												\$6,954
Collected in 2010		\$0											\$0
2. Development Pending Approval													\$0
3. Projected Development													\$0
One Main Street - Resi.			\$14,985.00	\$24,975.00	\$24,975.00	\$14,985.00							\$79,920
Partridge Run - Resi.			\$4,995.00	\$4,995.00	\$9,990.00	\$4,995.00							\$24,975
Cocchi/McGowan - Resi.			\$14,985.00	\$4,995.00	\$4,995.00								\$24,975
Carpenter Road - Resi.			\$4,995.00		\$4,995.00		\$4,995.00		\$4,995.00	\$4,995.00			\$24,975
Forest Lake - Resi.			\$4,995.00		\$4,995.00					\$4,995.00			\$14,985
West Brookwood - Resi.			\$4,995.00			\$4,995.00			\$4,995.00				\$14,985
Pride Homes - Resi.			\$4,995.00										\$4,995
Old Stone - Resi.			\$4,995.00										\$4,995
Camelot - Resi.			\$4,995.00	\$4,995.00									\$9,990
Village Center Offices					\$60,375.00								\$60,375
Village Center Retail					\$161,000.00	\$161,000.00	\$40,250.00						\$362,250
Village Center Restaurants					\$72,450.00	\$68,425.00							\$140,875
(b) Payments in Lieu of Construction													\$0
(c) Other Funds (Specify source(s))													\$0
Subtotal	\$6,954	\$0	\$64,935	\$39,960	\$343,775	\$254,400	\$45,245	\$0	\$9,990	\$9,990	\$0	\$0	\$775,249
(d) Interest	\$64	\$64	\$163	\$97	\$794	\$948	\$925	\$559	\$454	\$361	\$244	\$123	\$4,798
<b>Total</b>	<b>\$7,018</b>	<b>\$64</b>	<b>\$65,098</b>	<b>\$40,057</b>	<b>\$344,569</b>	<b>\$255,348</b>	<b>\$46,170</b>	<b>\$559</b>	<b>\$10,444</b>	<b>\$10,351</b>	<b>\$244</b>	<b>\$123</b>	<b>\$780,047</b>

The Township of Byram projects a total of \$780,047 in fees and interest to be collected between 2009 and 2020. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

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

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by the Township of Byram:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with the Township of Byram's development fee ordinance for both residential and non-residential developments in accordance with COAH's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

(b) Distribution of development fee revenues:

The Township will distribute funds with the oversight of the Affordability Housing Administrator and the Municipal Housing Liaison to manage the projects outlined in this spending plan.

## **3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS**

The Township of Byram will dedicate a total of \$400,500 to new construction programs and projects as follows:

(a) **Rehabilitation and new construction programs and projects (N.J.A.C. 5:97-8.7)**

- Group Home Pre-Development: \$60,000
- Very Low Income Group Home Pre-Development: \$60,000
- Village Center Pre-Development: \$163,500
- Municipally Sponsored Vacant Lots: \$117,000

(b) **Affordability Assistance (N.J.A.C. 5:97-8.8)**

Projected minimum affordability assistance requirement:

**Affordability Assistance:** \$240,308 for assistance for affordable units proposed in the Township.

Actual development fees and interest through 12/31/2008		\$20,962
Development fees projected 2009-2020	+	\$775,249
Interest projected 2009-2020	+	\$4,798
Less housing activity expenditures through 12/31/2008	-	\$0
<b>Total</b>	=	\$801,009
30 percent requirement	x 0.30 =	\$240,303
Less Affordability assistance expenditures through 12/31/2004	-	\$0
<b>PROJECTED MINIMUM Affordability Assistance Requirement 1/1/2005 through 12/31/2020</b>	=	\$240,303
<b>PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 1/1/2005 through 12/31/2020</b>	÷ 3 =	\$80,101

The Township of Byram will dedicate \$240,308 from the affordable housing trust fund to render units more affordable, including at least \$80,101 to render units more affordable to households earning 30 percent or less of median income by region, to buy down existing low income rental units for very low income households.

**(c) Administrative Expenses (N.J.A.C. 5:97-8.9)**

The Township of Byram projects that \$160,201 will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

- Administration and setup expenses of the proposed Byram Township Small Cities Grant Rehabilitation Program, two group homes, Village Center development, and the development of municipally sponsored vacant lots; and
- Other expenses associated with the implementation the Housing and Fair Share Plan and the monitoring of current and future housing programs for Byram Township.

#### **4. EXPENDITURE SCHEDULE**

The Township of Byram intends to use affordable housing trust fund revenues for the initial coordination of the rehabilitation of housing units, Township sponsored Habitat for Humanity homes, and two Group Homes. Where applicable, the creation/rehabilitation funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.

Program	# of Units	Projected Expenditure Schedule 2009- 2020											
		2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	
Group Home Pre-Development	4				\$60,000								
Very Low Income Group Home Pre-Development	4						\$60,000						
Village Center Pre-Development	26	\$10,000	\$10,000	\$ 5,000	\$18,500	\$20,000	\$20,000	\$20,000	\$15,000	\$15,000	\$15,000	\$15,000	
Municipally Sponsored Vacant Lots	8		\$27,000		\$60,000		\$30,000						
Administration Costs		\$12,000	\$12,000	\$12,000	\$26,000	\$12,000	\$26,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,201	
Affordability Assistance			\$20,000	\$24,000	\$24,000	\$24,000	\$24,000	\$24,000	\$24,000	\$24,000	\$26,000	\$26,308	
<b>Total</b>		<b>\$0</b>	<b>\$22,000</b>	<b>\$69,000</b>	<b>\$41,000</b>	<b>\$188,500</b>	<b>\$56,000</b>	<b>\$160,000</b>	<b>\$56,000</b>	<b>\$51,000</b>	<b>\$51,000</b>	<b>\$53,000</b>	<b>\$53,509</b>

## **5. EXCESS OR SHORTFALL OF FUNDS**

The Township does not anticipate a shortfall of funds required for implementing all measures discussed in the Housing Element and Fair Share Plan. Therefore, the Township of Byram will not bond for a shortfall of funds.

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used to support additional methods of providing affordable housing within the Township, including housing rehabilitation, 100% affordable municipal projects, group homes or additional affordable housing projects.

## **SUMMARY**

The Township of Byram intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the Housing Element and Fair Share Plan dated May 17, 2010.

The Township of Byram has a balance of \$20,962 as of December 31, 2008 and anticipates an additional \$780,047 in revenues before the expiration of substantive certification for a total of \$801,009. The municipality will dedicate \$60,000 to the development of a group home, \$60,000 to the development of a very low income group home, \$163,500 to predevelopment costs of the Village Center, \$117,000 towards the development of municipally owned vacant lots, \$160,201 towards administrative costs and \$240,308 to render units more affordable. The municipality will dedicate any excess funds towards additional methods including housing rehabilitation, 100% affordable municipal projects, group homes or additional affordable housing projects.

<b>SPENDING PLAN SUMMARY</b>		
Balance as of 12/31/2008		\$20,962
<b>Projected REVENUE 2009-2020</b>		
Development fees	+	\$775,249
Payments in lieu of construction	+	\$0
Other funds	+	\$0
Interest	+	\$4,798
<b>TOTAL REVENUE</b>	=	\$801,009
<b>EXPENDITURES</b>		
Group Home Pre-Development	-	\$60,000
Very Low Income Group Home Pre-Development	-	\$60,000
Village Center Pre-Development	-	\$163,500
Municipally Sponsored Vacant Lots	-	\$117,000
Affordability Assistance	-	\$240,308
Administrative Costs	-	\$160,201
<b>TOTAL PROJECTED EXPENDITURES</b>	=	\$801,009
<b>REMAINING BALANCE</b>	=	\$0

## **Appendix O**

### **Inventory of Sites Changed From Non-residential to Residential Use**



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## **Inventory of Sites Changed From Non-residential to Residential Use**

### **(P.L 2008 c.46)**

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Pursuant to N.J.S.A. N.J.S.A. 52:27D-307, as amended by PL 2008 c.46, any residential development resulting from a zoning change made to a previously non-residentially-zoned property, where the change in zoning precedes or follows the application for residential development by no more than 24 months, shall require that a percentage be reserved for occupancy by low or moderate income households.

Municipalities must document at the time of petition, repetition or submission of amendment sites that have been or are proposed to be rezoned or that are the subject of a use variance from nonresidential to residential uses as follows: all sites that were rezoned from nonresidential to residential uses since July 17, 2006 where a developer has made an application for development after July 17, 2008. This would include both applications to the municipal planning board and to the municipal zoning board. Such sites shall include affordable housing as a percentage of the units constructed on site based on economic feasibility.

The determination of economic feasibility will be made based upon the presumptive densities and set-asides in COAH's rules pursuant to N.J.A.C. 5:97-6.4(b)2 (for-sale housing) and N.J.A.C. 5:97-6.4(b)6 (rental housing). A site zoned for inclusionary development will be presumed to be economically feasible if it meets these minimum densities and maximum set-asides.

Owner/Developer Name	Block	Lot	Previous Zoning	New Residential Density	Use Change Date	Development Application Date	Total Units	Total Affordable Units	Use Change Granted By

## **Change of Use Narrative Section**

Byram Township does not have any applications that are applicable to this inventory.

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## **Appendix P**

### **Rehabilitation Program Information**



## **BYRAM TOWNSHIP GRANT MANAGEMENT PLAN**

### **A. CERTIFICATION**

The information contained in this Small Cities CDBG Program, Byram Township Grant Management Plan, together with its supporting documentation has been reviewed by representatives of NORWESCAP.

NORWESCAP understands that the Small Cities CDBG Program may rely on the information contained herein in making their determination as to the feasibility of the proposed Byram Township Housing Rehabilitation Program.

NORWESCAP asserts that the Program will be complete in its entirety of the applicability of all rules and statutory regulations as set forth by the CDBG Small Cities Program; pursuant to 24 CFR, Citizen Participation - Section 106(a), Environmental Review Section 58.5 and 58.6, Conflict of Interest - Sections 570 and 570k.611.

At program's end, NORWESCAP will have satisfied the mission of rehabilitating a minimum of twenty-four low and moderate income units according to the Small Cities CDBG Program regulations which stipulate conformance to the national objectives. The defined program particularly addresses the objective "to undertake community development activities that principally benefit persons of low and moderate income."

Byram Township and NORWESCAP are proponents of affordable housing and both agencies fully understand that it is a constitutional obligation. Most importantly, the Byram Township Grant Management Plan 1.) provides a realistic opportunity for low and moderate income households, 2.) is consistent with sound comprehensive regional planning and the goals, policies, and objectives of the State Development and Redevelopment Plan, and 3.) is a feasible means of achieving the outcomes of the grant agreement.

  
John J. Korp      Date  
Associate Director  
NORWESCAP

## **B. MISSION STATEMENT - INTRODUCTION**

Byram Township will have satisfied preserving affordable housing through our own Housing Rehabilitation Program. It is our mission to rehabilitate twenty-four housing units with the assistance of CDBG grant funding and furthermore; satisfying the regulations as set forth by the New Jersey Council on Affordable Housing.

Byram intends to create a Township wide scattered-site rehabilitation program; which will bring substandard homes, owned by low and moderate income households, up to and beyond standard conditions. With the rehabilitation of approximately twenty-four housing units at an average cost of \$11,400 per unit will be spent on code abatement rehabilitation. Preventative maintenance and weatherization are secondary improvements that may be considered. Units will remain affordable for a year period through the use of a mortgage instrument as defined by COAH.

A carefully programmed housing rehabilitation plan has been designed. The plan has a tested administration program. The program includes a rehabilitation schedule, income controls, affordability controls, site controls, a marketing plan, staff descriptions, administrative procedures, a Citizen Participation Plan, a Statement of Efforts to Affirmatively Further Fair Housing, and policy and procedures for the consultant services.

## **C. PURPOSE AND DESCRIPTION OF PROGRAM**

It is the purpose of the Byram Township Housing Rehabilitation Program through provisions designed to facilitate the rehabilitation of twenty-four deficient low and moderate-income housing units.

Each rehabilitation will, upon completion, result in a safe and sound dwelling unit and the satisfactorily improvement of deficient components of the eligible unit. The deficient components of the housing unit will be initially identified and determined by the Housing Development Administrator and Inspector. The participating homeowner must agree, in writing, with all of the requirements of the Program.

The homeowner will be determined eligible through established annual income limits that are defined by the number of persons per household and determined by H.U.D. income eligibility guidelines. A particular obligation will be the creation of a lien that will be placed on the deed of the property owner for the amount of the actual rehabilitation cost. The Township will be specified as a lien holder and if the property is sold prior to the fulfillment of the obligations specified; the homeowner will be required to repay the Township of Byram for the value of the lien. The Township shall use the recaptured money to rehabilitate additional deteriorated housing or for such other purposes as DCA deems appropriate for the use of affordable housing trust fund monies.

It must be realized at the onset of such a project that the reason for such a project is properties in need. In order for the project to become a reality, it is the Township of Byram's and NORWESCAP's intention for the rehabilitation process to become a familiar and understandable project in the minds of the area residents. Finally, it is our commitment that the residents' quality of life will be improved by the tangible results of the Housing Rehabilitation Program.

#### **D. DESCRIPTION OF PROJECT AREA AND EXISTING HOUSING STOCK**

According to the FFEIC Geocoding System, there are 2428 total housing units in the Township and the median age of structures is forty-nine years. Because of the large gap within the time span of development, this older community is experiencing great problems as the physical structures are deteriorating. These inadequacies have spurred complications and residential units have been burdened with code violations and are becoming deteriorated. The complication that arises is that it is highly unlikely for these households to afford the regular upkeep that is necessary; let alone expensive repairs. Unless preventative programs, such as the Byram Housing Rehabilitation Program are installed; the escalating rate of deterioration is apt to continue. NORWESCAP and the Municipality will act as intermediaries due to the cost of maintaining the inadequate units and the households' very low and low moderate-income status.

On a daily basis, NORWESCAP works with energy audits, weatherization, and home rehabilitation. NORWESCAP manages an eleven unit senior affordable rental property in the downtown. As well, NORWESCAP administers a CDBG Housing Rehabilitation program in Sussex Borough. Thus, we have a clear perspective of the needs in the Byram Township on a quantifiable basis. The infusion of the Housing Rehabilitation Program will assist in stabilizing the community. The Housing Rehabilitation Program will effectuate profound changes in neighborhoods.

The components of the program are interdependent upon each other. The plan is well-defined and has moved from pre-development and development to action. As we understand, housing rehabilitation and stabilization is an ongoing process. Standard permanent housing will become readily available because we will continually attempt to make Byram a better place to live. We truly believe that through the Housing Rehabilitation Program and the Small Cities CDBG grant funding, we will be successful in the struggle to upgrade the existing housing stock.

**NORWESCAP**  
Northwest New Jersey Community Action Program, Inc.

**E. PROGRAM MANAGEMENT PLAN**

The Byram Township Housing Rehabilitation Program will be implemented through a series of controls and management systems. They will include income eligibility controls, affordability controls, site controls, rehabilitation controls, and documented efforts to affirmatively further fair housing. A strategic selection process and an experienced administration staff as well as including well-defined staff responsibilities, a proven documentation system, a marketing plan, a rehabilitation schedule, and administrative processes will ensure the desired outcome of rehabilitated housing units.

John Korp, Associate Director, will be responsible in overseeing the proper management and execution of the Project. John Korp may be reached at NORWESCAP Corporate Headquarters, 350 Marshall Street, Phillipsburg, NJ. The telephone number is 908-454-7000, extension 160 and facsimile 908-454-3768.

Lynn Harrison, Housing Development Administrator, will provide the overall program management. Ms. Harrison has extensive experience in implementing Regional Contribution Agreement (RCA) Rehabilitation Programs, Neighborhood Preservation Balanced Housing Programs, Rental Rehabilitation Programs, HOUSING Rental Rehabilitation Program, Section 8 Existing Housing Programs, Economic Development projects, and various community development projects. Her position with the municipality is based on a consultant agreement. At Program's end, the Township of Byram will have successfully completed all Program requirements. This will include all compliance regulations as set forth by the auspices of the New Jersey Department of Community Affairs, Small Cities CDBG Block Grant Program and the New Jersey Council on Affordable Housing.

A committee may be formed to review projects, review fiscal management, and other pertinent C.O.A.H. issues. The Committee may consist of the Associate Director, Committee Representative, Chief Financial Officer and Housing Development Administrator.

## F. FISCAL MANAGEMENT AND OBLIGATION OF FUNDS

Lynn Snyder, Chief Financial Officer, will maintain fiscal management of the Program and will be responsible to maintain a separate budget account as defined by the Small Cities and Small Cities Program. Ms. Snyder will perform periodic reviews to assure accuracy and accountability.

The Township of Byram will adhere to the following funding schedule:

Year	Units	Total Funding and Municipal Share
2009/2010	24	\$292,800.00

### Hard Costs

$$24 \text{ Units} \times \$10,400/\text{unit} = \$249,600$$

### Administration

#### NORWESCAP

\$43,200

Housing Development Administrator- program administration

Inspector-

Inspections, creating work specifications, cost estimates

Office Manager-

general administrative services

CFO-

fiscal accountability

# NORWESCAP

Northwest New Jersey Community Action Program, Inc.

## G. PROGRAM AND CONSTRUCTION SCHEDULE

First Quarter Jan. - March	Second Quarter April - June	Third Quarter July - August	Fourth Quarter Sept. - Dec.
Administration Setup. Citizen Participation Plan Environmental Review Grant Management Plan (completed)			
Affirmative Marketing	Affirmative Marketing	Affirmative Marketing	Affirmative Marketing
Determining Income Eligible Households	Determining Income Eligible Households	Determine Income Eligible Households	
Prepare 4 Work Specs. - Out to Bid	Complete Construction-4 units		
	Prepare 10 Work Specs - Out to Bid	Complete Construction-10 units  Host Public Hearing - Halfway Mark	
		Prepare 10 Work Specs - Out to Bid	Complete Construction-10 units
Case Management	Case Management	Case Management	Case Management
			CDBG Final Reporting

## **H. HOUSING AND COMMUNITY DEVELOPMENT NEEDS**

The Housing Rehabilitation Program is intended to provide a vehicle for eligible homeowners to gain access to grant funding. Furthermore, it is intended to provide technical assistance to eligible homeowners for rehabilitating homes occupied by low or moderate-income households.

A clear and concise action plan has been devised. The condition of the housing stock and the climate of the real estate market have hastened the decline of viable standard housing. The Housing Rehabilitation Program will be the forerunner in studying neighborhoods, and formulating short and long-range goals. This grant funding assists substantially in attaining housing goals.

In order for the Program to be successful, it is our intention for the housing rehabilitation process to become a familiar and understandable project in the minds of the Township's residents. It is our commitment that the residents' quality of life will be improved by the tangible results of the project. It will create a new sense of community pride and furthermore will make the Township of Byram a more attractive place to live.

## **I. HOUSING OBJECTIVES**

The Township will provide for methods of achieving the goal of access to affordable housing in order to meet the municipality's present and prospective housing needs as defined by the NJ Small Cities Program through;

1. Preserve the Township's low and moderate-income housing inventory.
2. Reverse deterioration.
3. Provide decent housing to its residents.
4. Preserve Byram's fine character.
5. Inspire non-subsidized spin-off improvements throughout the Township.
6. Create public/private partnerships.

## **J. STATEMENT OF ACTIONS IN ORDER TO AFFIRMATIVELY FURTHER FAIR HOUSING**

NORWESCAP is responsible for (a) affirmatively marketing the rehabilitation program; (b) determining the eligibility of applicants who seek to participate in the Program; (c) maintaining a file on each applicant; (d) overseeing the rehabilitation work in accordance with all applicable laws; (e) ensuring that upon completion of the rehabilitation work that the units are up to code; (f) making sure that appropriate deed restrictions are placed on the rehabilitated units; (g) monitoring the deed restrictions and notifying the Township attorney of any violations; (h) and otherwise making sure that the rehabilitation program complies with all applicable laws. The detailed procedures for determining eligibility are described herein.

**NORWESCAP**  
Northeast New Jersey Community Action Program, Inc.

The Township of Byram will adopt the Statements in order to affirmatively further fair housing. The Plan is in compliance with federal fair housing laws, which include Title VIII of the Civil Rights Act of 1968 and the Fair Housing Act of 1988. As well, the Plan is in compliance with the State Law N.J.S.A. 10:5-1, the New Jersey Law against Discrimination. The Plan identifies actions to be taken in order to provide information to and otherwise attract eligible persons from all racial, ethnic, and gender groups to available housing units in Byram Township.

The message that will be communicated to the public is that the Housing Rehabilitation Program is a grant for homeowners with low or moderate income and the homeowners will maintain income occupancy standards in order to fix major code problems through a simple Township Program staffed by caring and professional staff from NORWESCAP. The message will be carried through Public Service Announcements, Press Releases, Brochures, and public speaking engagements with citizens' groups. The Affirmative Marketing Plan will identify actions to be taken to provide information to and otherwise attract eligible persons from all racial, ethnic, and gender groups. NORWESCAP will make special efforts to reach those segments of the populations least likely to be aware of such housing programs.

Contractors will be solicited for participation. The benefits will be made clear and concise; providing thorough work specifications and guaranteed payment upon completion. A list of interested contractors will be cultivated.

Byram Township ensures that the Program will continually be affirmatively marketed and all standards will be maintained as set forth in the Federal and State Affirmative Marketing Plan regulations.

An annual assessment of the Affirmative Marketing Plan will be conducted by reviewing statistical information generated from the documents submitted. Additionally, a questionnaire may be used to elicit opinions from various segments of the population. Following the annual assessment, any portion(s) of the Affirmative Marketing Plan that are not effective will be modified; such changes will be determined after a thorough review of those parts of the plan which did not produce desired outcomes.

1. **Applicability**

Provisions and requirements of this Plan shall apply to all residents and prospective residents of Byram Township.

2. Analysis of Impediments to Fair Housing

The impediments to fair housing have been reviewed in regard to current conditions in Byram. It is important to note that Byram is a populated community of 9000 with physical boundaries that span 22.48 square miles. Thus, the occurrences of discrimination to fair housing would be presumed scarce simply because of the numbers of housing units in Byram overall (2428 housing units). When observing the community, currently or historically, there has never been any recorded circumstance or incidents that Byram has encountered or promoted in regard to discrimination to affirmatively further fair housing. It will be the authority of the Housing Development Administrator and the Fair Housing Officer to ensure compliance with these regulations as well as to immediately remedy and alleviate any such issues that may arise in the future.

3. Supporting factors in analysis that indicate no current impediments to Fair Housing Subsidized H.U.D. Rental Units.

- Because of HUD mandates such issues will not evolve.
- The local lending institutions have policies in place to soundly deter discrimination in lending practices because of race, ethnicity, gender, and/or handicap persons.
- The Sussex County Board of Realtors has never received an informal or formal complaint of discrimination in housing availability and opportunities in Byram. The Board of Realtors has adopted an Affirmative Marketing Agreement that must be abided by all brokers and realtors. As well, the Board of Realtors provides ongoing instruction in order to affirmatively further fair housing throughout Sussex County.
- Byram Township confirmed that there have been no incidences or complaints made from persons to the Municipality in regard to being discriminated against for any reason.
- Byram has advocated the need for the rehabilitation of substandard homes of low and moderate-income families. Through this process, Byram will have displayed sensitivity with this issue and it is evident that the Township of Byram will indeed further fair housing to all races, ethnicities, genders, and/or persons with disabilities.

4. Procedures to Affirmatively Further Fair Housing
  - The Township of Byram will make special efforts to reach those segments of the population, especially those of minority race, ethnicity, and/or handicapped households. Data will be collected on the characteristics of household of those benefitting from an improvement or service that has been provided through the Housing Rehabilitation Program. Efforts will include but not be limited to the following:
    - The Sale and Rental of Dwellings; the Township of Byram and NORWESCAP will ensure that discrimination does not interfere in any way for the possible tenancy of a rental unit and/or purchase of a residential property. It will be made known through the Fair Housing Officer the actions that may be taken if a person(s) believe their right of fair housing has been impeded in any way in the Township of Byram.
    - Housing Brokerage Services; All local real estate offices and all other offering property for sale, will be made fully aware of their responsibility to assist all possible renters/buyers that desire to reside in Byram Township; regardless of their race, ethnicity, gender and/or handicapped persons.
    - Financing Assistance for Dwellings; The local lending institutions will be made fully aware of their responsibility of not to redline a certain neighborhood and/or the responsibility to treat fairly all prospective mortgagees that desire to purchase a Housing in Byram Township; regardless of their race, ethnicity, gender, and/or disability. NORWESCAP will provide housing counseling as needed.
    - Public Policies and Actions Affecting Site Approval and Rehabilitation Requirements for the Housing Rehabilitation Program; the policies to promote fair housing will be most easily carried through by the Housing Development Administrator.
    - Administrative Policies Concerning Community Development and Housing Activities Which Affect Opportunities of Minorities Community-Wide; It will be required of all community development and housing activities in Byram, administrative policies that clearly spell out the actions that the particular project will incorporate in order to actively promote fair housing and further more alleviate the impediments of fair housing for minorities. NORWESCAP will provide fair housing counseling services to all that require such and refer the persons for enforcement of fair housing laws to the appropriate State and Federal agencies.

# NORWESCAP

Northwest New Jersey Community Action Program, Inc.

- A Public Information Campaign and Methods To Be Used To Inform the Public About Fair Housing Laws Shall Include the Following; a). Use of the Equal Housing Opportunity logotype and slogan in order to publicly display fair housing opportunities available in Byram. b). Uses of the slogan/logo will include written communication, fliers, and newsletters. Additionally, fair housing information will be posted in key area of the Byram Municipal Building. c). The location and telephone number of NORWESCAP will be displayed prominently in the Municipal building. d). Byram will actively participate in voluntary partnerships with public and private organizations, locally and/or regionally in order to promote fair housing.
- Assessment. The Township of Byram will conduct an annual assessment of the Plan by reviewing statistical information generated from documents submitted. Additionally, a questionnaire may be used to elicit opinions from various segments of the population including the general public and community groups.
- Remediation. Following the annual assessment, any portion of the Plan, which is not effective, will be modified. Such changes will be determined after a thorough review of those parts of the Plan, which did not produce desired outcomes. Byram will consistently promote fair housing and will utilize the Civil Rights Section of New Jersey State Law for applicability and guidance in order to properly facilitate the process of providing fair housing opportunities for all.

## **K. ELIGIBLE PARTICIPANTS AND INCOME GUIDELINES**

### **Categories of Participants:**

#### **Homeowners - Housing Rehabilitation Program**

The grant applicant must be the title owner and occupant of the property.

#### **Income Limits for Participation of Owner-Occupied Units.**

Will be determined by Income Guidelines (effective March 19, 2009).

##### **Low Income**

(Below 50% of Median)

Gross Annual Income

##### **Moderate Income**

(Below 80% of Median)

Gross Annual Income

1	30150	44800
2	34450	51200
3	38750	57200
4	43050	64000
5	46500	69100
6	49950	74250
7	53400	79250
8	56850	84500

The documented income limits are provided by the New Jersey Council on Affordable Housing and are adjusted periodically. At a minimum, fifty percent of the grant recipients' annual income will fall below the very low-income category or 50% below the median and the remaining 50% of grant recipients' income will fall in low income category or between 50-80% of the median for Sussex County.

### **Client Application**

The interested applicant will submit a preliminary application. The application requests general information in order to formulate an overall estimate of gross annual income of the household. Therefore, at the beginning, the applicant as well as the Housing Development Administrator will have a good understanding of the income of the income of the occupants of the substandard housing.

When the applicant has provided all income information; and when the Housing Development Administrator has received all third party verification forms, the Administrator shall calculate the gross annual income of the household occupying the deteriorated unit. If the income of this household falls below the guideline levels, the Housing Development Administrator will complete, in duplicate, a Certification of Eligible Household form.

If the household has been found to not income qualify, a letter indicating the annual income of the household and why the owner is not eligible for the Program. The letter will give the ineligible owner an opportunity to meet to discuss the reason(s) for ineligibility. The request must be made within ten days upon receipt of the letter. If there is no response, the ineligible owner must also fill out a new application if the owner wishes to be considered for future purposes.

#### **L. AVAILABLE BENEFITS TO PARTICIPANTS AND APPLICANT PROCESS**

The Initial Inquiry about Program - When NORWESCAP receives a telephone call in the office visit concerning general program related requirements; arrangements will be made for a meeting with the interested resident in the resident's home. At this meeting, the Program will be described in detail, and an inspection will be performed. At this time, if the applicant is interested and if the household occupying the substandard unit seems to meet the income requirements, a preliminary application will then be completed.

##### **Program Financing**

##### **Where Participant Owns and Occupies the Property**

If the applicant owns and occupies the property and qualifies as low or moderate income, the Township shall grant 100 percent of the monies needed to rehabilitate the substandard unit, provided that the qualified applicant accept a year deed restriction on the property to ensure that the Township's credit for maintaining affordability controls is protected. The average grant award will be approximately \$10,400.00.

#### **M. REQUIREMENTS OF APPLICANT**

##### **1. Income Eligibility Controls**

The threshold criteria for an applicant to be eligible are based upon whether the household occupying the substandard housing unit qualifies at low or moderate. Eligibility will be verified through documents provided by the applicant in the case of owner-occupied housing. NORWESCAP will also utilize third party verification forms to determine eligibility. In addition to income, NORWESCAP will request a property report indicating the Owner of Record, book and page, and outstanding liens from a recognized company.

## 2. Owner-Occupied Housing

To prove low or moderate incomes, the applicant will provide one or more of the following:

- Copy of Deed
- IRS Forms 1040 (past three years)
- Statement of Taxes paid Current
- Pay stubs dated within 120 days of the application
- Appropriate SS/SSI, pension, unemployment documentation
- Income reports from banks, stocks and bonds, etc.
- Dept records indicating liens or other debts
- Value of Assets, including the value in equity in real property, savings, stocks, bonds and other forms of capital investments
- All other income

## N. ADMINISTRATION, RESPONSIBILITIES, AND STAFFING

NORWESCAP is the agency designated to coordinate and oversee the implementation of the Program. NORWESCAP will administer the Program through contractual agreement with Byram Township.

### STAFFING

The Program will have six staff areas assigned. They are the Associate Director who will oversee the proper administration of the Program, the Housing Development Administrator, who will guide the implementation of the Program and will handle the day-to-day administration, the Inspector/Code Official, who will determine the code deficiencies, the Specifications Writer will design the job specifications, the Chief Financial Officer will be responsible for fiscal accountability, and the Office Manager will coordinate processes.

### UNIT SELECTION

The Housing Development Administrator will choose from a pool of applicants, the units to be approved for the Program. The decision will be based on the need of the applicant and the quantity of work needed. Units deemed to be in emergency need by the Housing Development Administrator may be given priority. The Housing Development Administrator will use the rehabilitation schedule to regulate the number of units chosen. All applicants will be drawn from the waiting list on a first come/first serve basis.

**NORWESCAP**  
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**HOUSING DEVELOPMENT ADMINISTRATOR**

- Marketing/Public Information
- DCA Reports
- MFHA Project Plan Reviews (if needed)
- Requisition and Purchase Order Approval
- Coordinate activities between Byram, DCA, and any other pertinent groups
- Budget preparation
- Approval of work specifications
- Approval of jobs awarded
- Maintain files/documents
- Monitor Rehabilitation Process - start to finish
- Maintain list of interested contractors
- Coordinates services with Inspector/Code Official
- Interview/Assist applicants
- Collect/Verify Income Eligibility Controls
- Collect/Verify Ownership/Affordability Controls
- Approve and disseminate bid specifications
- Award bid/issue contractual agreements for Rehabilitation
- Issue Proceed Orders
- Approve contractor invoices
- Approve change orders
- Pre-construction conferences
- Issue Certificate of Completions
- COAH Reports

**INSPECTOR/CODE OFFICIAL/Specification Writer**

- Initial Property Inspection/"Certificate of Substandard Conditions"
- Prepare work specifications
- Prepare cost estimates
- Inspect/Monitor Contractors Work
- Final Inspection/"Certificate of Standard Conditions"
- Ensure all completed work complies with municipal ordinances

**CHIEF FINANCIAL OFFICER**

- Maintain an adequate financial management system
- Disperse grant monies

## WORK DELINEATIONS (Examples)

### **Activities:**

### **Responsibility of...**

- |   |   |
|---|---|
| 1. Application, including income and ownership documentation    | Applicant                                 |
| 2. Administrator's inspection/determination of completeness     | Administrator                             |
| 3. Preliminary inspection/Certificate of substandard Conditions | Inspector                                 |
| 4. Case Management Program Agreement                            | Office Manager<br>Administrator/Applicant |
| 5. Preparation of Rehabilitation Spec's / Bid Documents         | Inspector                                 |
| 6. Award Bids/Sign Contracts                                    | Contractor/Applicant                      |
| 7. Proceed Order  | Administrator                             |
| 8. Monitor/Inspect Work   | Administrator/Inspector                   |
| 9. Final Inspection/Certificate of Standard                     | Inspector                                 |
| 10. Certificate of Completion                                   | Administrator                             |
| 11. Payment   | Financial Officer                         |

## **O. HOME IMPROVEMENT STANDARDS**

The Housing Development Administrator will assist the homeowner and ensure that the homeowner is fully aware of each and every step of the rehabilitation process.

### 1. Eligible Improvements

Eligible improvements include at least one major system; roofing, plumbing, heating, electrical, mechanical, structural, well, sewer, energy, health and fire safety problems.

## 2. Ineligible Improvements

Ineligible improvements include improvements made that have no affiliation to code violations. Ineligible improvements may also include cosmetic improvements. No improvements may be made to commercial properties. If the project is a mixed-use building; costs will be clearly and precisely separated and grant funding will only be utilized on the residential units in the building.

## 3. Rehabilitation Standards

The rehabilitation standard will be set forth primarily by the Basic Existing Structure Code (B.O.C.A.); which is the guideline utilized for housing inspections in Byram Township.

# P. CONTRACTOR REQUIREMENTS

## 1. Selection of a Contractor

The contractor selection will be based on the bidding process. The Township along with NORWESCAP will be responsible to conduct the bidding process from beginning to end. The Housing Development Administrator will offer assistance when needed. Descriptive work specifications will be sent to eligible local contractors. The contractor who submits the lowest qualified bid will be awarded the job.

If there are cost discrepancies of the submitted proposals, NORWESCAP will reassess the bid sheets. Proposals may be declined, if not deemed adequate, complete, or appropriate.

If the owner of a deteriorated unit prefers a particular contractor and the contract does not demand the lowest bid, the owner may opt to pay the difference of cost.

## 2. Number of Estimates Required

A minimum of one estimate is required. If the bid submitted is 20% below and/or above the cost estimate, the work will be re-bid through the bidding process.

## 3. Contractor Qualifications

All contractors must provide up-to-date and adequate liability insurance. This documentation must be provided to NORWESCAP and the Township prior to the submission of a bid.

If jobs require electrical and/or plumbing work, those contractors must have secured licensing.

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The determination of the number of jobs a contractor may have at any one time will be based upon the number of all jobs contracted out, the size of the jobs, and the reasonableness in order for the job to be completed in a timely fashion.

In the event of non-completion of a job, payment will not be disbursed. Payment will only be made when the final inspection has been made and all work is entirely complete.

Contract periods will range from sixty to ninety days, depending on the scope of work.

## 4. Marketing for Contractors

Advertisements will be placed in the local newspaper in order to seek qualified local contractors. Advertisements will depict meeting times and dates. The Housing Development Administrator will describe the bidding and rehabilitation process.

Contractors must complete an application. The application will request such information as proof of licensing, references from recently completed work, proof of adequate insurance, list of suppliers, etc.

NORWESCAP will review the applications. The Housing Development Administrator may reject contractors if they do not possess the qualifications that are expected.

Marketing will take place continuously throughout the term of the Program. This mechanism will keep the bidding process clean and prevent stagnation in the bidding process.

## 5. Rejection of a Contractor

At any time after a contractor has been selected, the Municipality and/or NORWESCAP may remove his eligibility from the bidding list for nonconformance of one or more of the set standards.

## Q. STEP BY STEP PROCESS OF A SUBSTANDARD UNIT

### 1. Inspection/Certification of Structure as Substandard

The Housing Development Administrator will perform the inspection. The Housing will be certified substandard if code violations are evident.

### 2. Work Specification/Cost Estimate

If the property has been certified substandard, the Administrator will proceed with the detailed work specifications. At the same time, a cost estimate will be calculated.

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**3. Decision Regarding Award and Amount of Grant**

The decision regarding the award will be announced after the Housing, rental unit, and applicant have both been technically certified eligible. The amount of the grant or loan will be directly related to the cost estimate that was prepared by the Housing Development Administrator.

**4. Initial Inspection of the Housing or Rental Property**

When the resident is income qualified, the Housing Rehabilitation Inspector will perform the technical inspection.

**5. Work Specifications**

When the inspection has been completed, the Inspector will, in detail, make a list of all code violations in the Housing and detailed work specifications.

**6. Cost Estimates**

In the Inspector's work specifications, he will clearly indicate the materials that must be used as well as the construction process to be utilized for every substandard system. The Inspector will assess the cost of the materials and labor. This assessment of cost will be based upon his or her knowledge as well as procuring costs from local contractors and local supply houses.

**7. Interim Inspections**

The Inspector will frequently visit the property to ensure that the work is being completed in a satisfactory and timely manner.

**8. Final Inspection**

The Inspector and Housing Development Administrator will sign off and ensure all described work is completed.

**9. Public Bid by Contractor\***

\*Public Bid notices will be placed in the local newspaper in accordance with all New Jersey public bidding law regulations. Applicable laws. This process will only be utilized if the cost estimates exceed the prescribed threshold established by the N.J. Department of Labor and Workforce Development.

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**10. Contract Signing**

The owner and contractor will sign a contractual agreement. The Housing Development Administrator will witness the signing of the contract. In conjunction with the executed contract, the contractor will sign a proceed order. The proceed order guarantees that work will commence within thirty days and be completed no later than the designated contract term from the date of the signed contract.

**11. Filing of Lien**

When the amount of the rehabilitation grant to be funded has been determined, a secondary mortgage and mortgage note will be executed to commit the funding. Mortgage documents shall be recorded with the Sussex County Recording Office. The owner-occupied projects will have a six-year lien.

**12. Inspection of Work in Progress**

The Inspector will conduct interim inspections of work in progress regularly. The Housing Development Administrator will additionally visit regularly to offer assistance to the owner and to the contractor.

**13. Progress Payments during Construction**

A contractor may make application for progress payments if the contractor prior to the signing of the contractual agreement had requested a schedule of progress payments. Stipulations and itemization of progress will be determined on a job per job basis. NORWESCAP may approve or disapprove a progress payment application. If the contractor does not request a progress payment, one final payment will be dispersed at work's end.

**14. Final Inspection**

A final inspection will be performed when the contractor(s) have informed NORWESCAP that the work is complete. If, indeed, the work has been completed to plan and deficiencies have been abated, the Administrator will issue a "Certificate of Standard".

**R. STANDARD FOR INFORMAL HEARING PROCESS**

If the Program staff renders a decision that a homeowner, developer and/or contractor deem inappropriate, the following steps will be taken:

The Housing Development Administrator will formerly notify the unsatisfied party of the alleged problem and attempt to offer a solution.

If the unsatisfied party remains dissatisfied for one reason or other, the unsatisfied party must formally respond within ten business days. The response must state the reasons for dissatisfaction.

NORWESCAP will schedule a date for an informal hearing. All involved persons will be invited to attend. NORWESCAP will attempt to remedy the problem(s) at the informal hearing. Continued dissatisfaction may deem advice from the Municipal legal council.

## **S. AFFORDABILITY CONTROLS**

### **1. Participating Binding Obligation**

NORWESCAP will ensure through contractual obligation that every owner occupied low and moderate-income unit will continue to be occupied by such households for a period of six years.

A secondary mortgage (lien) shall be filed and recorded to ensure the full repayment of such funding to the office of the Housing Development Administrator in the event that either the owner-occupant transfers title or moves from the unit prior to the end of the lien period.

Owners who personally continue to occupy their rehabilitated units for a specified period of years will not be required to repay the funds and the lien agreement will expire at the term.

In the event of the death of all the borrowers of owner occupied units prior to the end of the term, the mortgage note shall be due and payable unless the beneficiaries of the borrowers are income eligible and personally occupy the property. The mortgage note shall be due and payable in the event that the beneficiaries of the borrowers vacate or transfer title to the property within the term.

### **2. Re-use of Program Income**

Even though there have been provisions made for recapture; in the case of default it is believed that the recapture clause may only be rarely activated. If the funding is reimbursed to Township of Byram because of a property transferal, the Township of Byram will utilize the recaptured funds to rehabilitate substandard housing occupied by low or moderate households or in such other fashions as DCA regulations permit with respect to the use of trust fund monies. Furthermore, the Township of Byram will expend the funds in the same fashion as conveyed in this Byram Township Grant Management Plan.

## **T. PROGRAM MARKETING STRATEGIES**

Recognizing the need to provide public relations and distribution of information relating to the Housing Rehabilitation Program and promote fair housing, the staff will disseminate relevant information in the following manner:

Press Releases - articles concerning availability of the Program as well as achievements of the Program will be released in the local and regional newspapers. Publicity will be done in a positive approach and a record will be kept of publications. The issuance of periodic press releases will be published in the Newark Star Ledger and The New Jersey Herald.

Brochures - a complete brochure of available services will be printed, and will be made available to households of Byram Township. These brochures will also be distributed during Housing counseling and mailed upon request.

Walk-In Information - will be provided to area residents who desire to come to the office and discuss possibilities on a one to one basis.

Through the Housing rehabilitation process, the Program staff will consistently promote fair housing and will utilize the Civil Rights Section of N.J. State Law for applicability and guidance in order to properly facilitate the administration of the program.

## **U. ADMINISTRATIVE PROCEDURES**

The step-by-step procedures describe the administrative process of applications of homeowners for housing rehabilitation.

### **STEP 1. The Application**

Interested homeowners within Byram Township must fill out and submit an application form to the Byram Housing Rehabilitation Program. Applications will be available between the hours 9:00 a.m. and 3:00 p.m., Monday through Friday.

### **STEP 2. The Interview**

After all submitted applications are reviewed; applicants will be notified of the date and time of their interview with the Housing Development Administrator.

The applicant must furnish proof of Homeownership, verification of total household income and other administrative requests.

The applicant's case file is established and is entered into the rehabilitation log.

**STEP 3. The Approval**

When eligibility is determined, the Code Official/Inspector conducts a complete inspection of the property, noting any serious housing conditions that are a health and safety hazard, plus the owner's intended property improvements. "Before" rehabilitation pictures are taken at this time.

**STEP 4. The Work Write-Up**

The Inspector will prepare a work write-up (scope of work to be performed) with specifications in sufficient detail for proposals by the contractors. A separate work write-up, with the cost estimate included, will be provided to the NPP Coordinator as a guide to judge legitimate proposals.

**STEP 5. The Award**

The homeowner will select a minimum of three (3) contractors from the list of registered contractors. If the homeowner recommends contractors not on the list, contractors may apply for registration at this time. Contractors on the disbarred list are not permitted to place a proposal on the job.

NORWESCAP will send the specifications to program participating contractors selected by the homeowner. Contractors are notified to submit a proposal on the exact work write-up. The contractor with the lowest acceptable proposal receives the award. The homeowner may choose a higher priced contractor, but must pay the difference between the lowest acceptable proposal and their chosen proposal price. The Program may limit contractors from working on more than three (3) contracts any one time.

NORWESCAP will send rejection notices to the unsuccessful contractors.

**STEP 6. The Contract**

The Byram Housing Rehabilitation Program prepares an approved, legal, contractual agreement between the owner and the contractor.

NORWESCAP will conduct a pre-construction conference with the homeowner and the contractor. They will review the final work write-up and the contractual agreement between the two parties. The homeowner and the contractor will each sign the original, two (2) copies of the Contract Agreement and the Notice to Proceed Order. Each will receive copies of all documents.

The Housing Development Administrator and the Homeowner will sign the Mortgage and Mortgage Note (if applicable). The lien commences upon the date the final inspection is completed. The amount of lien is entered when the job is completed.

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## STEP 7. The Inspections

The Inspector will conduct periodic inspections of work-in progress. The rehabilitation specialist also visits the property upon the request of either the Homeowner or the contractor. The Inspector will monitor the contractor's performance and take photographs before and after the inspection.

## STEP 8. The Final Inspection

The Code Official makes the final inspection when the work is completed. The homeowner and housing inspector sign a release from indicating that the work is complete and satisfactory.

## STEP 9. The Final Payment

When the Housing Development Administrator receives all of the contractor's bills, they are submitted with a voucher to NORWESCAP's C.F.O. for review and approval.

## STEP 10. The Follow-up

One copy of the lien is sent to the Homeowner with a letter indicating the Mortgage expiration date, file number, etc.

A copy is forwarded to the Byram Clerk's Office located in Newton, New Jersey.

**TOWNSHIP OF BYRAM  
COUNTY OF SUSSEX  
NEW JERSEY**

**- PROPOSAL -**

FOR: Administration of the Byram Township Housing Rehabilitation Program

TO: Christopher Hellwig, Planning Director

The undersigned having carefully examined the letter, specifications, and form of contract for the work named above, agrees to contract to carry out and complete said work as specified and delineated at the prices stated in the schedule of Prices following.

It is understood that the award, if made will on all labor, materials, equipment, appliances, delivery and administration of the Housing Rehabilitation Program.

**- SCHEDULE OF PRICES -**

ITEM NO.	DESCRIPTION	PRICE
	For all work as per our proposal in response to the requirement of the letter and discussion dated 12/12/2008. Approximately 24 housing units will be rehabilitated at approximately \$10,400.00/unit. The amount spent on each housing unit may vary and it is dependent on Byram Township's funding availability. The administrative fee is set forth by the Small Cities Division of the New Jersey Department of Community Affairs (\$1,800.00/unit).	\$ 292,800.00

Date 12/23/2008

Name of Firm NORWESCAP, Inc.

Name & Title Terry Newhard, CEO/Executive Director  
(authorized person)

Signature Terry Newhard

Address 350 Marshall Street

Phillipsburg, NJ 08865

## CORPORATE DISCLOSURE STATEMENT

Chapter 33 of the Public Laws of 1977 (N.J.S.A. 52:25-24.21) provides in pertinent part that no partnership or corporation shall be awarded any state, county, municipal or school district contract for the performance of any work or the furnishing of any materials or supplies unless prior to the receipt of the bid or accompanying the bid of said partnership or corporation, there is submitted a statement containing the following information:

1. If the bidder is a partnership, then the statement shall set forth the names and addresses of all partners who own a 10% or greater interest in the partnership.
2. If the bidder is a corporation, then the statement shall set forth the names of all stockholders in the corporation who own 10% or more of its stock of any class.
3. If a corporation owns all or part of the stock of the corporation or partnership submitting this bid, then the statement shall include a list of the stockholders who own 10% or more of the stock of any class of that corporation.
4. If the bidder is a sole proprietor, he shall complete section III.

### **BIDDER MUST COMPLETE ONE OF THE FOLLOWING STATEMENTS:**

- I. STOCKHOLDERS OR PARTNERS OWNING 10% OR MORE of the company submitting the bid:

Name	Address	Percent
------	---------	---------

(Use Reverse Side If Additional Space Is Needed)

- I. I certify the above to be a complete listing of all shareholders or partners owning 10% or more of this company, and if any listed shareholder is a corporation or partnership, there is no stockholder or partner owning 10% or more of that corporation or partnership.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

- II. I hereby certify that NO STOCKHOLDERS OR PARTNER OWNS 10% OR MORE of the company submitting the bid.

\_\_\_\_\_  
12/23/2008  
(Date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Chief Executive Officer  
(Title)

- III. I hereby certify this bid is being submitted by an individual who operates as a SOLE PROPRIETORSHIP.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

## NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY

COUNTY OF WARREN

I, Terry Newhard, Executive Director, of the Northwest NJ Community Action Program, Inc., a multi-county non-profit human services corporation with corporate administrative offices located at 350 Marshall Street in the Town of Phillipsburg, County of Warren, and the State of New Jersey, being duly sworn according to law on my oath depose and say that:

I am the CEO/Executive Director of the firm Northwest NJ Community Action Program, Inc. the bidder making the proposal for the above named project, and that I executed the said proposal with full authority so to do: that said bidder has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint to free competitive pricing in connection with the above named project; and that all statements contained in said proposal and in this affidavit are true and correct, and made with full knowledge that the County of Warren relies upon the truth of the statements contained in said proposal and in the statements contained in this affidavit in awarding the contract for the said project.

I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by Northwest NJ Community Action Program, Inc. (NORWESCAP) .

(N.J.S.A. 52:34-15)

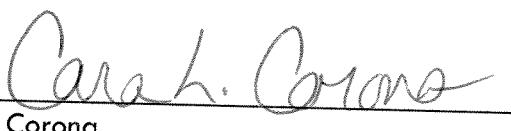


Terry Newhard, CEO/Executive Director

12-29-08

(Date)

Subscribed and Sworn to  
before me this 29<sup>th</sup> day  
of December, 20 08.



Cara L. Corona

Cara Corona

## **EXECUTIVE SUMMARY**

### **STATE OF INTENT**

This document constitutes NORWESCAP's proposal to the Township of Byram to plan, administer, and implement the Township's Small Cities Community Development Block Grant Program. Described below are NORWESCAP's qualifications to perform the tasks and NORWESCAP's management proposal.

Any questions relating to this proposal should be directed to Mr. John Korp, Associate Director for Housing & Community Development, at NORWESCAP's corporate offices, (908) 454-7000, ext. 160, [korpj@norwescap.org](mailto:korpj@norwescap.org).

### **CORPORATE BACKGROUND**

NORWESCAP was founded in 1965 to strengthen the community by providing cost effective, coordinated services to those in need, thereby increasing hope and self esteem, encouraging goal achievement, and improving self sufficiency.

Corporate offices are located at 350 Marshall Street, Phillipsburg, New Jersey, 08865, tel: (908) 454-7000, Fax #: (908) 859-0729 which support activities conducted at local field offices.

NORWESCAP is dedicated to executing programs for grantors with the highest quality service available by employing highly trained personnel. NORWESCAP's management is trained in a variety of disciplines and have accumulated many years of direct-line experience.

At any given time, NORWESCAP engages in projects that it's able to complete successfully with existing personnel. NORWESCAP does not offer to perform a project beyond its scope. NORWESCAP always selects projects that can be executed with the particular skills in mind of its administrative and programmatic staff.

As a result of this approach, NORWESCAP seeks only a limited number of projects during a year. In this way, each grantor is assured that the program conducted is NORWESCAP's most important program and therefore always gets personal attention from top management.

This proposal is representative of NORWESCAP's acceptance of the goals established by the Township of Byram for the administration of the Small Cities Community Development Program. NORWESCAP is the embodiment of the County's intentions because:

- The key NORWESCAP staff have the necessary background and fiscal experience to plan, administer, and manage this program. The scale of NORWESCAP's past and current endeavors are compatible with this project.
- NORWESCAP's fiscal management system ensures compliance with applicable Federal and State regulations.

- NORWESCAP is cognizant of the policies, procedures, and program guidelines of the Department of Housing and Urban Development Block Grant Program.
- NORWESCAP has a working relationship with the public authorities (County, State, Federal) who perform the regulatory and partnership role necessary for a successful program implementation.
- NORWESCAP is a professionally oriented grants management corporation that can successfully implement this project. The goals and tactics are identical to existing programs, and the venture will blend well with our mission as a Community Action Program.

## **RELATED EXPERIENCE**

NORWESCAP, Inc. has over thirty years of experience in housing programs for the low-income population in our service territory. NORWESCAP has entered into contractual agreements with public utilities as well as the Federal and State Government to provide residential energy conservation assistance. In addition, NORWESCAP administered the USDA Rural Development Preservation Grant Program (HPG). This has complemented our award-winning comprehensive weatherization activities.

Utilizing existing funding sources, NORWESCAP has addressed the vast energy conservation needs of eligible households with mechanical and architectural retrofit tactics. By studying all the available options, NORWESCAP has been able to realize a 14% energy savings per household and a substantial increase in the level of comfort and safety. This management concept will be adapted for the County's Small Cities Community Development Program.

Since the first NORWESCAP administered USDA HPG Program in 1988, 93 eligible rural households have been assisted. \$390,500 in HPG funds was leveraged with \$310,450 of other funds to finance repair and rehabilitate single family housing. An estimated \$67,000 in in-kind services were also leveraged to maximum the program benefits. The assistance grants were utilized to remove or correct health and safety hazards and to make needed repairs to improve the general living conditions of the residents. Past HPG assistance grants included sanitary water and waste disposal systems, roof replacements, electrical services and re-wiring, heating systems, energy conservation measures, interior surface repairs, chimneys, and replacement of exterior steps for safe egress.

In addition to our extensive project management experience in housing rehabilitation and energy conservation initiatives, NORWESCAP has worked with the public and private sector to develop and manage affordable housing. NORWESCAP successfully completed the substantial renovation of Sussex Seniors, a 11-unit elderly housing project located in Sussex Borough, Sussex County in 1993. The lower level and first floor commercial space are devoted to our early childhood services. The second thru fourth floor space contain 11 apartments, 4 efficiencies and 7 one bedroom units. The project was financed by the Casino Reinvestment Development Authority, HOME funds, Small Cities Community Development Block Grant, an Office of Housing Advocacy Partnership Award, and a FHLB Affordable Housing Program subsidy. Robin Hill, a 36-unit mixed-use housing complex located in Hampton Borough, Hunterdon County was completed in 1998. The project-based rent assistance complex has 16 one bedroom and 20 two bedroom units. The project was financed with a subsidy from the FHLB Affordable Housing Program and a 50yr. 1% loan from USDA Rural Development. Both are providing cost-effective housing opportunities.

**TOWNSHIP OF BYRAM**  
**RESOLUTION NO. \_\_\_\_\_-2010**

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACTUAL  
AGREEMENT FOR THE PURPOSE OF HOUSING REHABILITATION**

Whereas the Township of Byram along with Northwest New Jersey Community Action Program, Inc. (NORWESCAP, Inc.) will execute a contractual agreement for the purpose of housing rehabilitation of substandard units in the Municipality.

BE IT THEREFORE RESOLVED, that the Township of Byram does hereby authorize the execution of the contractual agreement. The Municipality will upon the execution of such a contract, authorize the expenditure of funds pursuant to the terms of the Grant Management Plan. Byram Township has funds set aside for this Housing Rehabilitation Program which includes housing repair funds totaling \$249,600.00 in order to refurbish twenty-four homes and the administrative fee of \$43,200.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Byram, County of Sussex, State of New Jersey, that it hereby concurs with the affordable housing goals and the Grant Management Plan of NORWESCAP, Inc.

ATTEST:

I certify that the foregoing resolution was adopted by the Byram Township Council at a meeting held on \_\_\_\_\_.

---

Doris Flynn, Municipal Clerk

**TOWNSHIP OF BYRAM AND NORWESCAP  
HOUSING REHABILITATION PROGRAM  
CONTRACT**

This agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2010 , by and between the Northwest NJ Community Action Program, Inc. , a non-profit Community Action Program, of 350 Marshall Street , Phillipsburg, NJ 08865, (NORWESCAP – The Consultant) and the Township of Byram, of 10 Mansfield Drive, Stanhope, NJ 07874.

The Township of Byram hereby enters into this Agreement for services with the Consultant in consideration of and pursuant to the terms and conditions set forth herein.

1. The Consultant will perform those services described in the Grant Management Plan between Township of Byram and NORWESCAP.

The Program will be complete in its entirety of the applicability of all rules and statutory regulations as set forth by the Grant Management Plan.

**NORWESCAP**  
Northwest New Jersey Community Action Program, Inc.

At Program's end, NORWESCAP and Township of Byram will have satisfied the mission of rehabilitating a minimum of twenty-four low and moderate income units according to the regulation which stipulate conformance. The defined program particularly addresses the objective "to undertake community development activities that principally benefit persons of low and moderate income."

2. The Consultant's services under this Agreement shall commence on 09/01/09 and end on 12/31/2011, unless sooner terminated pursuant to the terms hereof.
3. The Consultant may utilize Township of Byram's equipment, supplies or facilities. The Consultant's Identification Number is 221777156.
4. The Township of Byram will make payment for services upon satisfactory delivery of completion of the services. The total amount for administration and delivery of services is \$43,200.00. (The amount not to exceed \$249,600.00 for housing rehabilitation activities). The Grant Management Plan, the Plan delineates responsibilities of The Consultant and The Township of Byram; and the integration of services to ensure proper and satisfactory delivery of services.

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The Consultant agrees to maintain such records and follow such procedures as defined by the Township of Byram. The Township of Byram will have full access and the right to examine any pertinent documents, papers, records, and books of The Consultant and involving transactions to this local program and contract. The Consultant will send monthly itemized bills based upon completion of service.

5. The Township of Byram agrees to indemnify and hold NORWESCAP, its offices, agents and employees, harmless from and against any and all actions, suits, damages, liability or other proceedings that may arise as the result of performing services hereunder.

**A. Business Automobile Liability Insurance:**

The Consultant shall maintain business automobile liability insurance or equivalent form with a limit of not less than \$1,000,000 for each accident. Such insurance shall include coverage for owned, hired and non-owned vehicles.

**B. Workers Compensation Insurance:**

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The Consultant shall procure and maintain workers compensation and employers liability insurance as required by New Jersey state law and with a limit of not less than \$500,000.

The Consultant shall furnish Township of Byram with properly executed Certificates of Insurance which shall clearly evidence all insurance required in this Agreement and which provide that such insurance may not be canceled, except on thirty (30) days prior written notice to The Township of Byram. The Consultant shall furnish copies of insurance policies if requested by the Township of Byram.

7. While performing services hereunder, the Consultant is an independent contractor and not an officer, agent, or employees of Township of Byram.
8. The Consultant agrees to report to the Township of Byram any event encountered in the course of performance of this Agreement which results in injury to the person or property of third parties, or which may otherwise subject the Consultant or the Township of Byram to liability. The Consultant shall report any such event to the Township of Byram immediately upon discovery.

*"Fighting Poverty. Creating Opportunities. Changing Lives."*

The Consultant's obligation under this section shall only be to report the occurrence of any event to the Township of Byram and to make any other report provided for by their duties or applicable law. Consultant's obligation to report shall not require disclosure of any information subject to privilege or confidentiality under law. Reporting to the Township of Byram under this section shall not excuse or satisfy any obligation of Consultant to report any event to law enforcement of other entities under the requirements of any applicable law.

9. This Agreement may be terminated by either party upon fifteen (15) days written notice. In the event the Consultant breaches any of the terms or conditions hereof, this Agreement may be terminated by the Township of Byram at any time with or without notice. If termination for such a default is effected by the Township of Byram, any payments due to Consultant at the time of termination may be adjusted to cover any additional costs to the Township of Byram because of Consultants default. Upon termination the Township of Byram may take over the work, and may award another party an agreement to complete the work under this Agreement. If after the Township of Byram terminates for a default by Consultant it is determined that the Consultant was not at fault, then

the Consultant shall be paid for eligible services rendered and expenses incurred up to the date of termination.

10. This Agreement depends upon the continued availability of appropriated funds and executed grant contracts/agreements from the State of New Jersey, Department of Community Affairs for this purpose. If for any reason the Township of Byram fails to appropriate funds or execute grant contracts, or funds become unavailable by operation of law funds reductions, this Agreement will be terminated by the Township of Byram. Termination for any of these reasons is not a default by the Township of Byram nor does it give rise to a claim against the Township of Byram.
11. This Agreement may not be assigned without the express prior written consent of the Township of Byram. This Agreement may not be amended except in writing, which writing shall be expressly identified as a part hereof, and be signed by an authorized representative of each of the parties hereto.
12. This Agreement shall be governed by and construed in accordance with the laws of the State of New Jersey.

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13. The Consultant will comply with all federal, state and local laws, regulations, ordinances, guidelines, permits and requirements applicable to providing services pursuant to this Agreement, and will be solely responsible for obtaining current information on such requirements.
14. The Consultant may not use subcontractors to perform the services described herein without the express prior written consent of the Township of Byram. The Consultant will include provisions in its subcontracts requiring its subcontractors to comply with the applicable provisions of this Agreement, to indemnify the Township of Byram, and to provide insurance coverage for the benefit of the Township of Byram in a manner consistent with this Agreement. The Consultant will cause its subcontractors, agents, and employees to comply, with applicable federal, state and local laws, regulations, ordinances, guidelines, permits and requirements and will adopt such review and inspection procedures as are necessary to assure such compliance.
15. Any notice or other communication required under this Agreement shall be in writing and sent to the address set forth above. Notices shall be given by and to Doris Flynn, Business Administrator, on behalf of the Township of

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Byram, and by Terry Newhard, Executive Director, or such authorized designees as either party may from time to time designate in writing. Notices or communications to or between the parties shall be deemed to have been delivered when mailed by first class mail, provided that notice of default or termination shall be sent by registered or certified mail, or, if personally delivered, when received by such party.

16. In the event that any court of competent jurisdiction shall hold any provision of this Agreement unenforceable or invalid, such holding shall not invalidate or render unenforceable any other provision hereof.
17. All other prior discussions, communications and representations concerning the subject matter of this Agreement are superseded by the terms of this Agreement, and except as specifically provided herein, this Agreement constitutes the entire agreement with respect to the subject matter hereof.
18. The Age Discrimination Act of 1975, As Amended (42 U.S.C. 6161, et seq.):

The law provides that no person will be excluded from participation, denied

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program benefits or subjected to discrimination on the basis of age under any program or activity receiving federal funding assistance.

19. Section 504 of the Rehabilitation Act of 1973, As Amended (29 U.S.C. 794): The law provides that no otherwise qualified individual will, solely by reason of his other handicap, be excluded from participation (including employment), denied program benefits or subjected to discrimination under any program or activity receiving the Byram Township funds.

20. Executive Order 11246, As Amended:

The Consultant and subcontractors, if any, will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Consultant and subcontractors, if any, will take affirmative action to ensure that the applicants are employed, and that the employees are treated during employment, without regard to their race, color, religion, sex, or national origin.

**21. Conflict of Interest:**

No program, employee or agent of the Consultant who will participate in the selection, the award, or the administration of this program may obtain a personal or financial interest or benefit from the activity or have an interest in any contract, the sub-contract, or agreement with respect thereto, or the proceeds there under either for themselves or those with whom they have family or business ties, during their tenure. It is further required that this stipulation be included in all subcontracts to this contract. Upon written request, exception may be granted upon a case by case basis when it is determined that such an exception will serve to further the purposes of the Act and the effective and efficient administration of the program.

**NORWESCAP**  
Northwest New Jersey Community Action Program, Inc.

This Agreement represents the entire agreement between the Consultant and supersedes all prior negotiations, written or oral.

In Witness Whereof, the parties signify their agreement effective the date above first written by the signatures affixed below.

Township of Byram

By: \_\_\_\_\_  
Name

Northwest New Jersey  
Community Action Program,  
Inc. (NORWESCAP, Inc.)

By: \_\_\_\_\_  
Name

Business Administrator  
Director

Executive

*"Fighting Poverty. Creating Opportunities. Changing Lives."*

**NORWESCAP**  
Northwest New Jersey Community Action Program, Inc.

Title

Title

---

Date

---

Date

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## **Appendix Q**

### **Service List**





**MUNICIPALITY, COUNTY  
SERVICE LIST**  
N.J.A.C. 5:96-3.7



A municipality that petitions the Council on Affordable Housing (COAH) for substantive certification or is otherwise participating in COAH's substantive certification process must include an updated service list in order for COAH to review its submittal. At the time it files or petitions for substantive certification a municipality must provide COAH with a Service List which includes the following information (Please print clearly):

1. Current names and addresses of owners of sites included in previously certified or court settled plans that were zoned for low- and moderate-income housing and/or were to pay a negotiated fee(s). Owners of sites that have been completely developed may be excluded; **SEE ATTACHED LIST.**

<b>PROJECT NAME</b>		<b>BLOCK</b>	_____
		<b>LOT</b>	_____
<b>PROPERTY OWNER</b>	_____	<b>TITLE</b>	_____
<b>EMAIL</b>	_____	<b>PHONE NO.</b>	_____
<b>ADDRESS</b>	_____	<b>FAX NO.</b>	_____
	_____		

<b>PROJECT NAME</b>		<b>BLOCK</b>	_____
		<b>LOT</b>	_____
<b>PROPERTY OWNER</b>	_____	<b>TITLE</b>	_____
<b>EMAIL</b>	_____	<b>PHONE NO.</b>	_____
<b>ADDRESS</b>	_____	<b>FAX NO.</b>	_____
	_____		

<b>PROJECT NAME</b>		<b>BLOCK</b>	_____
		<b>LOT</b>	_____
<b>PROPERTY OWNER</b>	_____	<b>TITLE</b>	_____
<b>EMAIL</b>	_____	<b>PHONE NO.</b>	_____
<b>ADDRESS</b>	_____	<b>FAX NO.</b>	_____
	_____		

<b>PROJECT NAME</b>		<b>BLOCK</b>	_____
		<b>LOT</b>	_____
<b>PROPERTY OWNER</b>	_____	<b>TITLE</b>	_____
<b>EMAIL</b>	_____	<b>PHONE NO.</b>	_____
<b>ADDRESS</b>	_____	<b>FAX NO.</b>	_____



MUNICIPALITY, COUNTY  
SERVICE LIST  
N.J.A.C. 5:96-3.7



	_____		_____
<b>PROJECT NAME</b>	_____	<b>BLOCK</b>	_____
<b>PROPERTY OWNER</b>	_____	<b>LOT</b>	_____
<b>EMAIL</b>	_____	<b>TITLE</b>	_____
<b>ADDRESS</b>	_____	<b>PHONE NO.</b>	_____
	_____	<b>FAX NO.</b>	_____

<b>PROJECT NAME</b>	_____	<b>BLOCK</b>	_____
<b>PROPERTY OWNER</b>	_____	<b>LOT</b>	_____
<b>EMAIL</b>	_____	<b>TITLE</b>	_____
<b>ADDRESS</b>	_____	<b>PHONE NO.</b>	_____
	_____	<b>FAX NO.</b>	_____



MUNICIPALITY, COUNTY  
SERVICE LIST  
N.J.A.C. 5:96-3.7



2. The names and addresses of owners of all new or additional sites included in the Fair Share Plan;

<b>PROJECT NAME</b>	<u>Village Center</u> <u>Inclusionary</u> <u>Development</u>	<b>BLOCK</b>	<u>365</u>
<b>PROPERTY OWNER</b>	HRS Drilling Company, Incorporated	<b>LOT</b>	<u>2</u>
<b>EMAIL</b>		<b>TITLE</b>	
<b>ADDRESS</b>	<u>P.O. Box 850 Route 183</u> <u>Netcong, NJ 07857</u>	<b>PHONE NO.</b>	
		<b>FAX NO.</b>	

<b>PROJECT NAME</b>		<b>BLOCK</b>	
<b>PROPERTY OWNER</b>		<b>LOT</b>	
<b>EMAIL</b>		<b>TITLE</b>	
<b>ADDRESS</b>		<b>PHONE NO.</b>	
		<b>FAX NO.</b>	

<b>PROJECT NAME</b>		<b>BLOCK</b>	
<b>PROPERTY OWNER</b>		<b>LOT</b>	
<b>EMAIL</b>		<b>TITLE</b>	
<b>ADDRESS</b>		<b>PHONE NO.</b>	
		<b>FAX NO.</b>	

<b>PROJECT NAME</b>		<b>BLOCK</b>	
<b>PROPERTY OWNER</b>		<b>LOT</b>	
<b>EMAIL</b>		<b>TITLE</b>	
<b>ADDRESS</b>		<b>PHONE NO.</b>	
		<b>FAX NO.</b>	

<b>PROJECT NAME</b>		<b>BLOCK</b>	
<b>PROPERTY OWNER</b>		<b>LOT</b>	
<b>EMAIL</b>		<b>TITLE</b>	
<b>ADDRESS</b>		<b>PHONE NO.</b>	
		<b>FAX NO.</b>	



MUNICIPALITY, COUNTY  
SERVICE LIST  
N.J.A.C. 5:96-3.7



	_____		_____
<b>PROJECT NAME</b>	_____	<b>BLOCK</b>	_____
<b>PROPERTY OWNER</b>	_____	<b>LOT</b>	_____
<b>EMAIL</b>	_____	<b>TITLE</b>	_____
<b>ADDRESS</b>	_____	<b>PHONE NO.</b>	_____
	_____	<b>FAX NO.</b>	_____



**MUNICIPALITY, COUNTY  
SERVICE LIST**  
N.J.A.C. 5:96-3.7



3. Except for Mayors, Clerks, Municipal Attorneys and Municipal Housing Liaisons, which are automatically added to every Service List by COAH, the names and addresses of all municipal employees or designees that the municipality would like notified of all correspondence relating to the filing or petition;

<b>NAME</b>	<u>Paul Gleitz, P.P., AICP</u>	<b>TITLE</b>	<u>Principal Planner</u>
<b>EMAIL</b>	<u>pgleitz@hgapa.com</u>	<b>PHONE NO.</b>	<u>732-741-2900</u>
<b>ADDRESS</b>	<u>Heyer, Gruel &amp; Associates 236 Broad Street Red Bank, NJ 07701</u>	<b>FAX NO.</b>	<u>732-741-2929</u>

<b>NAME</b>	<u>                  </u>	<b>TITLE</b>	<u>                  </u>
<b>EMAIL</b>	<u>                  </u>	<b>PHONE NO.</b>	<u>                  </u>
<b>ADDRESS</b>	<u>                  </u>	<b>FAX NO.</b>	<u>                  </u>

<b>NAME</b>	<u>                  </u>	<b>TITLE</b>	<u>                  </u>
<b>EMAIL</b>	<u>                  </u>	<b>PHONE NO.</b>	<u>                  </u>
<b>ADDRESS</b>	<u>                  </u>	<b>FAX NO.</b>	<u>                  </u>

<b>NAME</b>	<u>                  </u>	<b>TITLE</b>	<u>                  </u>
<b>EMAIL</b>	<u>                  </u>	<b>PHONE NO.</b>	<u>                  </u>
<b>ADDRESS</b>	<u>                  </u>	<b>FAX NO.</b>	<u>                  </u>

<b>NAME</b>	<u>                  </u>	<b>TITLE</b>	<u>                  </u>
<b>EMAIL</b>	<u>                  </u>	<b>PHONE NO.</b>	<u>                  </u>
<b>ADDRESS</b>	<u>                  </u>	<b>FAX NO.</b>	<u>                  </u>

<b>NAME</b>	<u>                  </u>	<b>TITLE</b>	<u>                  </u>
<b>EMAIL</b>	<u>                  </u>	<b>PHONE NO.</b>	<u>                  </u>
<b>ADDRESS</b>	<u>                  </u>	<b>FAX NO.</b>	<u>                  </u>



**MUNICIPALITY, COUNTY  
SERVICE LIST**  
N.J.A.C. 5:96-3.7



4. The names and addresses of relevant County, Regional and/or State entities; AND

<b>NAME</b>	_____	<b>TITLE</b>	_____
<b>EMAIL</b>	_____	<b>PHONE NO.</b>	_____
<b>ADDRESS</b>	_____	<b>FAX NO.</b>	_____

<b>NAME</b>	_____	<b>TITLE</b>	_____
<b>EMAIL</b>	_____	<b>PHONE NO.</b>	_____
<b>ADDRESS</b>	_____	<b>FAX NO.</b>	_____

<b>NAME</b>	_____	<b>TITLE</b>	_____
<b>EMAIL</b>	_____	<b>PHONE NO.</b>	_____
<b>ADDRESS</b>	_____	<b>FAX NO.</b>	_____

<b>NAME</b>	_____	<b>TITLE</b>	_____
<b>EMAIL</b>	_____	<b>PHONE NO.</b>	_____
<b>ADDRESS</b>	_____	<b>FAX NO.</b>	_____

<b>NAME</b>	_____	<b>TITLE</b>	_____
<b>EMAIL</b>	_____	<b>PHONE NO.</b>	_____
<b>ADDRESS</b>	_____	<b>FAX NO.</b>	_____



MUNICIPALITY, COUNTY  
SERVICE LIST  
N.J.A.C. 5:96-3.7



5. Names of known interested party(ies).

<b>NAME</b>	<u>Byram Land Development, LLC</u>	<b>TITLE</b>	_____
<b>EMAIL</b>	_____	<b>PHONE NO.</b>	_____
<b>ADDRESS</b>	<u>P.O. Box 367 Millington, NJ 07946</u>	<b>FAX NO.</b>	_____

<b>NAME</b>	_____	<b>TITLE</b>	_____
<b>EMAIL</b>	_____	<b>PHONE NO.</b>	_____
<b>ADDRESS</b>	_____	<b>FAX NO.</b>	_____

<b>NAME</b>	_____	<b>TITLE</b>	_____
<b>EMAIL</b>	_____	<b>PHONE NO.</b>	_____
<b>ADDRESS</b>	_____	<b>FAX NO.</b>	_____

<b>NAME</b>	_____	<b>TITLE</b>	_____
<b>EMAIL</b>	_____	<b>PHONE NO.</b>	_____
<b>ADDRESS</b>	_____	<b>FAX NO.</b>	_____

<b>NAME</b>	_____	<b>TITLE</b>	_____
<b>EMAIL</b>	_____	<b>PHONE NO.</b>	_____
<b>ADDRESS</b>	_____	<b>FAX NO.</b>	_____

<b>NAME</b>	_____	<b>TITLE</b>	_____
<b>EMAIL</b>	_____	<b>PHONE NO.</b>	_____
<b>ADDRESS</b>	_____	<b>FAX NO.</b>	_____

The Honorable Eskil S. Danielson  
 Mayor  
 Township of Byram  
 10 Mansfield Dr  
 Stanhope, New Jersey 07874

*James Oscovitch*

Thomas F. Collins, Jr., Esq., PP  
 Vogel, Chait, Collins and Schneider  
 25 Lindsley Drive  
 Suite 200  
 Morristown, New Jersey 07960-4454

Doris Flynn  
 Municipal Clerk  
 Township of Byram  
 10 Mansfield Dr  
 Stanhope, New Jersey 07874

Christopher Hellwig, PP, AICP  
 Planning Director  
 Township of Byram  
 10 Mansfield Drive  
~~Stanhope, New Jersey 07874~~ *Deceased*

Jacqui Adam  
 Allies, Inc.  
 1262 White Horse-Hamilton Sq Rd  
 Bldg A, Ste 101  
 Hamilton, New Jersey 08690

Christine Danis, PP, AICP  
 Regional Planner  
 New Jersey Highlands Council  
 100 North Road  
 Route 513  
 Chester, New Jersey 07930-2322

Wilma E. Frey  
 New Jersey Conservation Foundation  
 170 Longview Road  
 Far Hills, New Jersey 07931

Karl Hartkopf  
 Office of Smart Growth, Dept of Community Affairs  
 101 South Broad Street  
 PO Box 204  
 Trenton, New Jersey 08625

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 Homeless Solutions  
 6 Dumont Place  
 3rd Floor  
 Morristown, New Jersey 07960

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 Sussex County Division of Planning  
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 Newton, New Jersey 07860

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 AvalonBay Communities, Inc.  
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 Iselin, New Jersey 08830

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 Andover, New Jersey 07821

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 Woodhaven, New York 11421

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Andover, New Jersey 07821

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Manhasset, New York 11030

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Randolph, New Jersey 07869

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Lawrence Harbor, New Jersey 08879

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Andover, New Jersey 07821

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Kearny, New Jersey 07032

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Lafayette, New Jersey 07848

**Viola DeBenedetto**  
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Cedar Knolls, New Jersey 07927

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Andover, New Jersey 07821

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Andover, New Jersey 07821

**Steven & Evelyn Downing**  
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Andover, New Jersey 07821

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Toms River, New Jersey 08757

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Sandwich Cape Cod, Massachusetts 02563

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Andover, New Jersey 07821

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Sparta, New Jersey 07871

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Livingston, New Jersey 07039

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Flanders, New Jersey 07836

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c/o J Dean  
8 Brookwood Drive  
Stanhope, New Jersey 07874

Bartolo Failla  
37 Brookwood Drive  
Stanhope, New Jersey 07874

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Stanhope, New Jersey 07874

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West Caldwell, New Jersey 07006

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Staten Island, New York 10301

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Stanhope, New Jersey 07874

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Rockstream, New York 14878

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Bloomfield, New Jersey 07003

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Andover, New Jersey 07821

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Manager  
Township of Byram  
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Stanhope, New Jersey 07874

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**Glenn Hendry**  
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Andover, New Jersey 07821

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Clifton, New Jersey 07013

**Karen Jackowski**  
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Stanhope, New Jersey 07874

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Andover, New Jersey 07821

Dong & Suk Jung  
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Stanhope, New Jersey 07874

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Stanhope, New Jersey 07874

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Andover, New Jersey 07821

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West Orange, New Jersey 07052

**Percival Leach**  
Waterloo Road  
Stanhope, New Jersey 07874

**Elizabeth Leadbeater**  
89 Glenside Tr  
Sparta, New Jersey 07871

**Von Lengerkec**  
c/o First Union National Bank  
P.O. Box 40062 R Miller  
Jacksonville, Florida 32202

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Andover, New Jersey 07821

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Stanhope, New Jersey 07874

**William & Sophia Little**  
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Stanhope, New Jersey 07874

**Joseph Lombardi**  
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Andover, New Jersey 07821

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Sparta, New Jersey 07871

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Mountainside, New Jersey 07092

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Andover, New Jersey 07821

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Stanhope, New Jersey 07874

Marian Mansfield  
18 Bank Street  
Stanhope, New Jersey 07874

Lawrence & Kathleen Marshall  
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Andover, New Jersey 07821

James Mason  
18 Sleepy Hollow Road  
Andover, New Jersey 07821

Diane L. Mauriello  
327 5th Street  
Palisades Park, New Jersey 07650

John Mavrikidis  
18 Overlook Avenue  
West Orange, New Jersey 07052

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490 First Street  
Brooklyn, New York 11215

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e/o Russell Rose  
151 North Shore Road  
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Township of Byram  
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East Orange, New Jersey 07017

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Andover, New Jersey 07821**

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Municipal Engineer  
Harold Pellow & Associates Inc.  
17 Plains Road  
Augusta, New Jersey 07822-2009**

**Warren & Pauline Stroud  
283 Pleasant Hill Road  
Flanders, New Jersey 07836**

**Charles Sutter  
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Old Forge, Pennsylvania 18517**

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Stanhope, New Jersey 07874

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Andover, New Jersey 07821

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Stanhope, New Jersey 07874

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East Hanover, New Jersey 07936

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Stanhope, New Jersey 07874

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1900 South Avenue  
Staten Island, New York 10314

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243 Crystal Street  
North Arlington, New Jersey 07032

Louis Veltri  
c/o M Krug  
9 Indian Path Road  
Englishtown, New Jersey 07726

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Belvidere, New Jersey 07823

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Garfield, New Jersey 07026

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Verona, New Jersey 07044

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New York, New York 10024

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William Woodie  
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Stanhope, New Jersey 07874

Flanders L. Yark  
37 Cranberry Ledge Road  
Andover, New Jersey 07821

Arnell Partners  
c/o A. Lieber  
171 Andover-Mohawk Road  
Andover, New Jersey 07821

Bieri Family Partnership  
51 Eastgate Drive  
Camp Hill, Pennsylvania 17011

Blessed Katerin Tekakwitha Parish  
427 Stanhope Road  
Sparta, New Jersey 07871

Cardia  
c/o Replogle  
30 Roseville Road  
Stanhope, New Jersey 07874

Cranberry LK Comm CL  
Box 360  
Andover, New Jersey 07821

D. J. & Ann McConnell  
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Stanhope, New Jersey 07874

DDV Associates  
c/o Driscoll  
3927 Torrey Pines Boulevard  
Sarasota, Florida 34238

E G Anderson, Inc.  
270 Whiley Road  
Groton, Massachusetts 10450

East Brookwood Estates Prop. Owners  
P.O. Box 575  
Stanhope, New Jersey 07874

East Brookwood Property Owners Assoc.  
P.O. Box 575  
Stanhope, New Jersey 07874

Ed Patmos & Ruth Fredericks  
205 Wes End Avenue  
Apt. 2M  
New York, New York 10023

Exxon Corporation  
P.O. Box 53  
Houston, Texas 77001

FFD Services LLC  
6 Meadow LN  
North Caldwell, New Jersey 07006

Forest West Homeowners  
c/o Kaufholi  
22 Lynn Drive  
Andover, New Jersey 07821

Guerra & Grilo Assoc  
206 Ferry Street  
Newark, New Jersey 07102

Hemlock Acres, Inc.  
8 Reiss Avenue  
Stanhope, New Jersey 07874

Hopatcong Land Development  
75 Sparta Avenue  
Unit B  
Newton, New Jersey 07860

Hudson Guild Farm  
441 West 26th Street  
New York, New York 10001

J & M Land Co.  
P.O. Box 238  
Northfield, New Jersey 08225

Kenvil Mtg. Co.  
P.O. Box 234  
Kenvil, New Jersey 07847

Lake Mohawk Country Club  
21 The Boardwalk  
Sparta, New Jersey 07871

MALC Enterprises LLC  
225 Sparta Avenue  
Sparta, New Jersey 07871

Mardec Realty Assoc.  
13 46 Wilkens Court  
Fair Lawn, New Jersey 07410

NJ Natural Lands Trust  
22 South Clinton Avenue  
CN 404  
Trenton, New Jersey 08625

Owners Maint Corp  
c/o Helmsley  
230 Park Avenue, Suite 659  
New York, New York 10169

Panther Lake Camping Resort, Inc.  
6 Panther Lake Road  
Andover, New Jersey 07821

Plastics Corp of NJ, Inc.  
9 Peachtree Hill Road  
Livingston, New Jersey 07039

Raimo of Stanhope, Inc.  
49 Route 206  
Stanhope, New Jersey 07874

Rockwood Properties, LLC  
340 Route 206 North  
Andover, New Jersey 07821

Roman Catholic Diocese of Paterson  
777 Valley Road  
Clifton, New Jersey 07013

Saracco Associates  
481 C. Windemere Avenue  
Mount Arlington, New Jersey 07856

Sparta Township Water Utility  
65 Main Street  
Sparta, New Jersey 07871

St. Clement Pope  
154 Mount Pleasant Avenue  
Dover, New Jersey 07801

Western World, Inc  
Post Office Box 37  
Netcong, New Jersey 07857