

NOTICE - The public will be admitted to the April 27 Meeting, maintaining proper social distancing. Facemasks or coverings will be required of the public.

FREEHOLD TOWNSHIP COMMITTEE AGENDA

REGULAR MEETING

April 27, 2021

8:00 P.M.

1. Meeting Called To Order
2. Announcement to Open Public Meetings Act:

“In accordance with the Open Public Meetings Law, (c. 231 P.L. 1975), this Meeting was announced on January 6, 2021 by: 1.) posting a notice on the bulletin board in the Municipal Building reserved for that purpose, 2.) by forwarding such notice to the offices of the official newspapers of the Township and 3.) by filing such notice with the Township Clerk”

3. Pledge of Allegiance
4. Roll Call
5. Approval of Previous Minutes

REPORTS

6. The Report of the Tax Collector for the Month of March 2021:

Net Receipt:	General Fund	\$ 1,355,630.18
	Water Account	\$ 434,092.49
	Sewer Account	\$ 793,112.29

PRESENTATIONS

7. “Life-Saving Certificates” – Ilana Adler & Jake Adler
8. Proclamation – “In Honor of Veterans’ Annual Sale of VFW Buddy Poppies” – May, 2021
9. Proclamation – “Arbor Day” – April 30, 2021

NEW BUSINESS

10. O-21-6 – Bond Ordinance Authorizing Various Capital Improvements in and for the Township of Freehold, in the County of Monmouth, New Jersey, Appropriating \$15,088,000 Therefor and Authorizing the Issuance of \$13,687,000 Bonds or Notes to Finance Part of the Cost Thereof
11. O-21-7 – Bond Ordinance Authorizing Various Water/Sewer Capital Improvements in and for the Township of Freehold, in the County of Monmouth, New Jersey Appropriating \$6,054,000 Therefor and Authorizing the Issuance of \$6,054,000 Bonds or Notes to Finance the Cost Thereof
12. O-21-8 – Ordinance Authorizing the Leasing of Certain Capital Equipment by the Township of Freehold, New Jersey from the Monmouth County Improvement Authority and the Execution of a Lease and Agreement Relating Thereto
13. O-21-9 – An Ordinance Amending Chapter 190, Land Use, Article XI, Zones and Schedule of Requirements of the Revised General Ordinances of the Township of Freehold, County of Monmouth, State of New Jersey
14. R-21-90 – Resolution Declaring Acceptance and Final Payment of Contract 20-3; Michael J. Tighe Park Administration Building Bathroom Addition and Alteration
15. R-21-91 – Resolution Approving Consolidated Bills List

FORMAL ACTION – CONSENT AGENDA RESOLUTIONS

Matters listed under the items of “Consent Agenda” are required to conduct the day-to-day operations of the Township, and will be enacted by one (1) motion in the form listed below. There will be no separate discussion of these items. If discussion of any item is desired, that item will be considered separately.

16. R-21-92 – Resolution Amending Health Care Benefits Buy Outs Pursuant to Chapter 47, Subsection 47-26 of the Revised General Ordinances of the Township of Freehold
17. R-21-93 – Resolution Cancelling Taxes and Disbursing Overpayments of Taxes
18. R-21-94 - Resolution Approving Fireworks Displays at the Freehold Township Day and Concert in the Park at Michael J. Tighe Park
19. R-21-95 – Resolution Approving Overnight Play at IPlay America
20. R-21-96 - Resolution Authorizing Execution of a Shared Services Agreement with Borough of Highlands for Licensed Operational Services for Highlands Borough Utilities
21. R-21-97 – Resolution Authorizing Execution of an Agreement for Payment in Lieu of Taxes Pursuant to N.J.S.A. 55:14K.1 et seq. with PIRHL Developers, LLC Concerning Property Identified as Block 83, Lot 9 on the Freehold Township Tax Maps

22. R-21-98 – Resolution Authorizing the Award of Contract for Maintenance and Repair Supplies for Underground Utilities for the Utilities Department
23. R-21-99 – Resolution Authorizing the Award of a Contract for the Purchase of Horizontal Recycler/Grinder Parts for the Department of Public Works
24. R-21-100 – Resolution Amending Resolution R-21-72 Adopted on March 23, 2021 Authorizing Contracts for Sports Camp Director Services as an Extraordinary Unspecifiable Service
25. R-21-101 – Resolution Extending Contract 20-4; Hearing Ventilation and Air Conditioning Maintenance in Freehold Township for One (1) Additional Year
26. R-21-102 – Resolution Authorizing Execution of Developer’s Agreement for Regent Oaks at Freehold, Subdivision No. 890-13, Block 71, Lot 8
27. R-21-103 – Resolution Authorizing Execution of Developer’s Agreement for Regent Oaks at Freehold (Clubhouse), Site Plan No. 854-14, Block 71, Lot 8

AUDIENCE

TOWNSHIP COMMITTEE COMMENTS

ADJOURNMENT

7:00 P.M. – EXECUTIVE SESSION

* Open Public Meetings Act – Resolution R-21-E – Executive Session

1. ATTORNEY-CLIENT PRIVILEGE

1A. Affordable Housing Development Fees

1B. Park Access and Parking



2020 Affordable Housing Settlement & Land Use Presentation

The Battle of Affordable Housing

- Since the beginning of 2012, the Freehold Township Committee has been in a fierce and protracted legal battle with a State appointed adversary, developers and property owners fighting for the rights of our residents in Freehold Township.
- Our opponents want to build as many homes in Freehold Township as they can, using the supply of affordable homes as a lever to build market rate homes.
- The Township Committee wants to respect and adhere to the zoning principles that have been the bedrock of our Community, and fought since 2012 in Court, at great expense and effort, with success.
- The Township has an unblemished track record of building affordable homes since 1987 and has maintained full compliance in ensuring that their responsibilities were met.

Supreme Court of NJ – March 1975

Mount Laurel Doctrine –

Southern Burlington County NAACP v. Township of Mount Laurel

67 N.J. 151 (1975) (*Mount Laurel I*)

92 N.J. 158 (1983) (*Mount Laurel II*)

“every... municipality must, by its land use regulations, presumptively make realistically possible an appropriate variety and choice of housing. More specifically, presumptively it cannot foreclose the opportunity of the classes of people mentioned for low and moderate income housing and in its regulations must affirmatively afford that opportunity, at least to the extent of the municipality’s fair share of the present and prospective regional need therefor.”

The Path since Mount Laurel Decisions

The Timeline

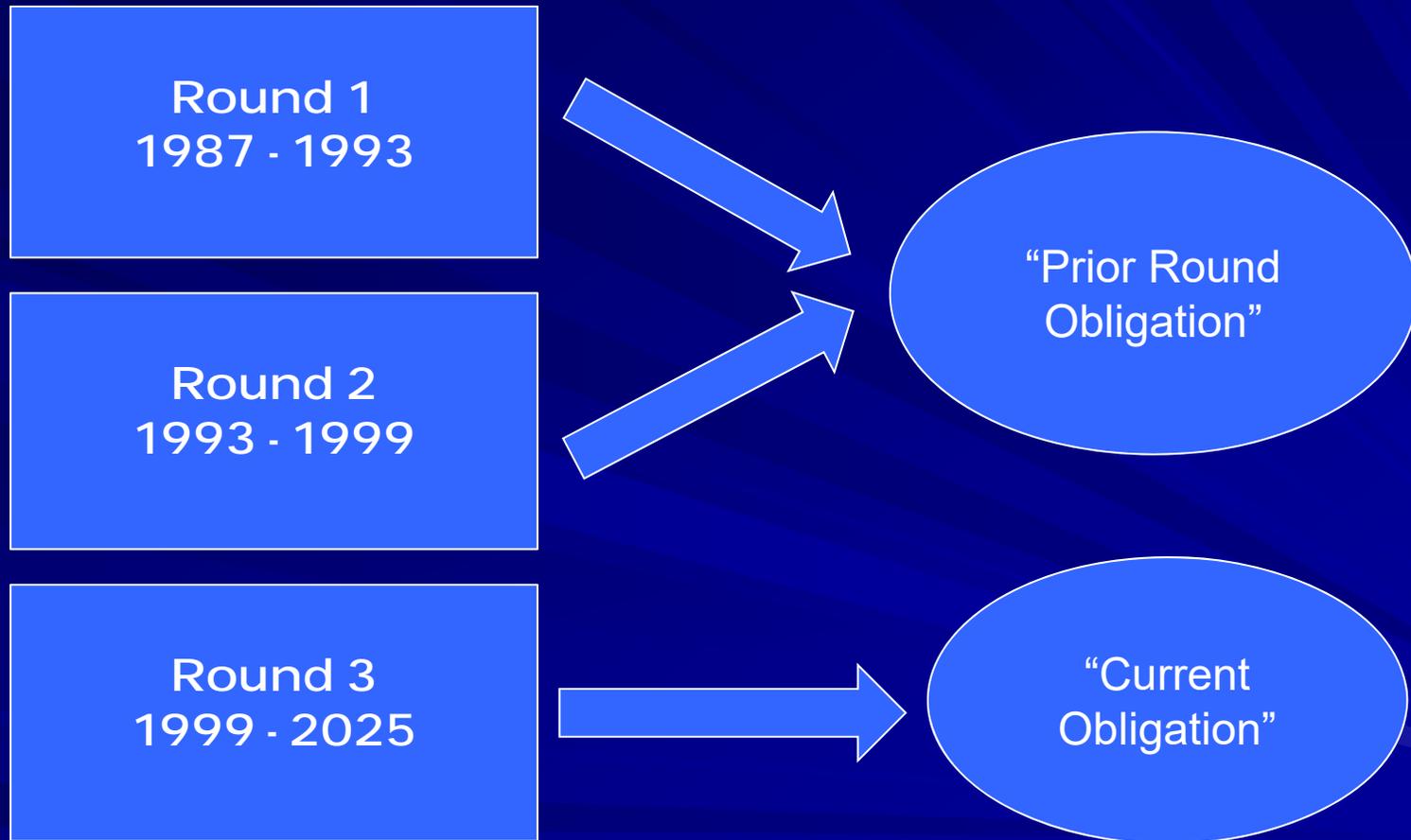
- Mount Laurel I (1975) – The Constitutional Obligation is Established
- Mount Laurel II (1983)
 - Creation of Municipal Affordable Housing Obligations
 - Court Approves Housing Plans for Municipalities
 - Court creates “Builder’s Remedy” lawsuits
- Fair Housing Act (1985)
 - Council on Affordable Housing (COAH) Established
 - COAH tasked with administration of the Fair Housing Act
- COAH Rules and Regulations (1986 to 2014) (*Mount Laurel III - 1986*)
 - For 20 years, COAH promulgated two (2) rounds of rules
 - Allowed towns to plan long-term for affordable development
 - Third Round rules included a “growth share,” which were overturned
- Supreme Court invalidates the “growth share” methodology (2013)
 - Methodology violated the Fair Housing Act
 - Court orders new rules to be adopted
- COAH fails to adopt rules for Round 3 (2014)

The Current Landscape

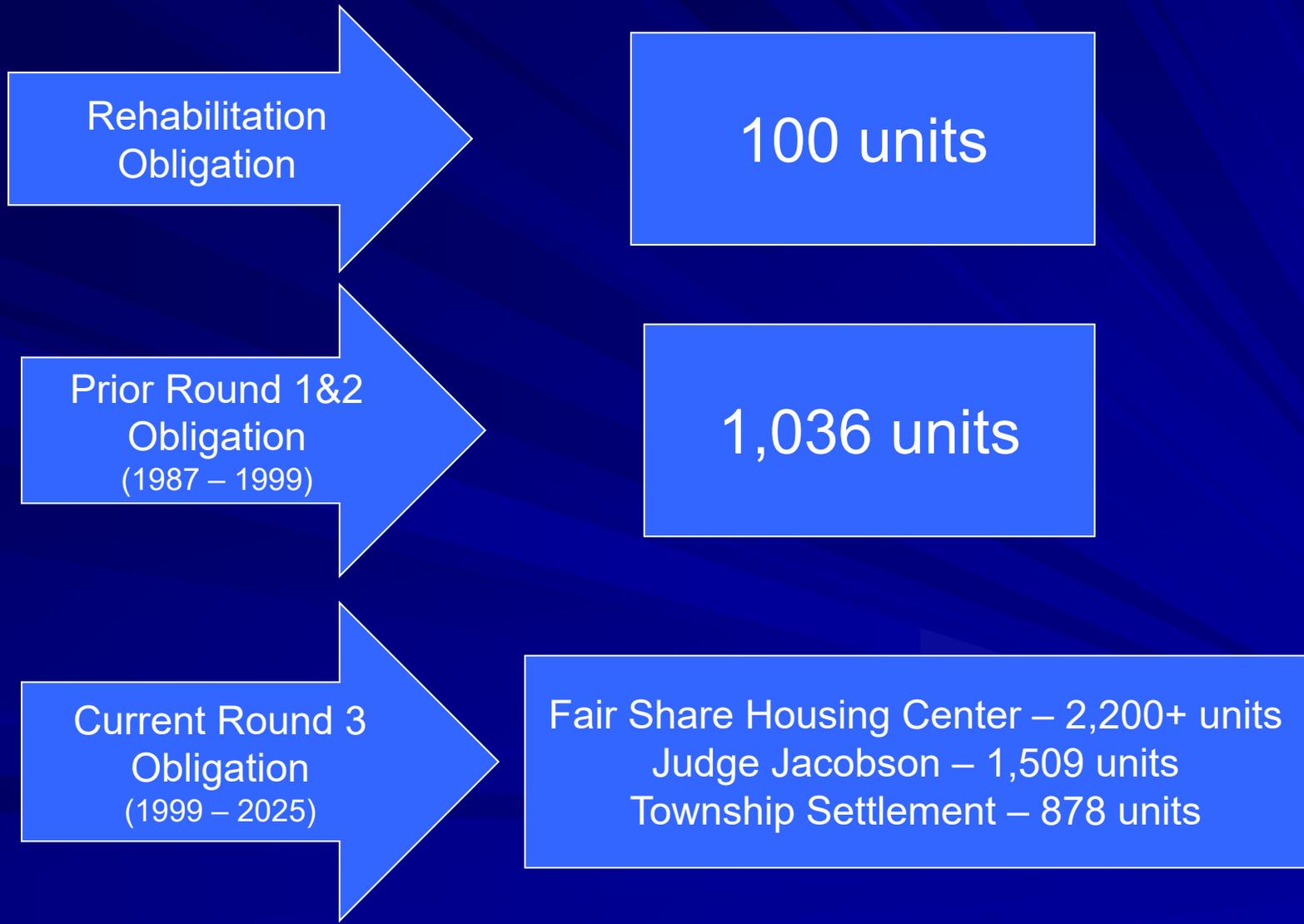
Fair Share Housing Center

- In 2014, Fair Share Housing Center (FSHC) filed a motion to compel the State to adopt rules for municipal affordable housing obligations.
- In 2015, the Supreme Court, frustrated with the State's inaction in having Third Round rules established, transferred approval of municipal housing plans from COAH to the Courts. The decision is known as Mount Laurel IV.
- As instructed by the Supreme Court, municipalities filed Declaratory Judgement (DJ) Actions with the Superior Courts in their jurisdiction to have their affordable housing plans approved.
- FSHC became the Court-recognized advocate for low and moderate income families and the de facto objector to the municipal DJ actions

Past and Present Obligations



Freehold Township – Total Obligation



Freehold Township's DJ Action

Freehold Township filed their DJ action to start the process of continuing their immunity to Builder's Remedy lawsuits, and having their affordable housing plan being the process of approval.

The following group of objectors came forward:

1. Fair Share Housing Center (FSHC)
 - Appointed advocate for low and moderate income families
 - Objector to our overall plan and obligation numbers
2. Land Bank, LLC, owner
 - Block 71, Lot 8
 - 50 acres on Route 9 South, just North of Route 524
3. K. Hovnanian, contract developer
 - Block 72, Lot 88
 - 23 acres on Three Brooks Road
4. Macerich / M&M, contract developers and owners
 - Block 70.05, Lot 17
 - 74 acres on Route 537 and Route 9 near Raceway Mall

Freehold Township's Case

The "Jacobsen Ruling"

In March of 2018, a decision by Judge Mary Jacobsen, involving West Windsor and Princeton, was used as a basis for the Court's starting point in local municipal obligation.

Municipalities now had their "Jacobsen Number," which was a number derived by spreadsheets compiled by Richard Reading, a Special Master in the case, which broke down the regional need for affordable housing, to individual municipal obligations.

**THE FREEHOLD TOWNSHIP JACOBSEN
NUMBER WAS
1,509**

which is the Court's opinion and mandate regarding how many affordable homes need to be built in the Township.

Freehold Township's Case

Why settle any affordable housing case?

- Court trials have ended in disastrous numbers for towns who chose that route over settlement
 - Englewood Cliffs – 1,000 units in a town of population 5,000 awarded at trial by judge.
 - South Brunswick – 1,533 units, population 43,000
- Developers, in Trials, are often granted approvals that bind the Township and the Boards with high densities and can award their own zoning standards.
- Trials may end in a municipality being stripped of their immunity to “builders remedy” lawsuits, resulting in even more development as property owners step forward thereafter.
- *“if a municipality chooses not to voluntarily comply, it brings upon itself the potential that multiple builders will force it to comply. The choice is the municipality’s”* – Judge E. Serpentelli, J.W. Field Co., Inc. v. Franklin Twp.

Freehold Township's Case

Why settle Freehold Township's case?

- **The Court recommended settlement of the DJ Actions for several reasons:**
 - Cost to the taxpayers of protracted litigation
 - Not having a judge and special master in control of the Township's final zoning decisions with regard to objectors
 - Allowing an arm's length negotiation of competing interests between the market-rate units, affordable units and overall creditworthiness of potential development
 - Expediency for the overburdened courts in these matters
- **The Township's Jacobsen number was artificially high due to the lack of recognition of environmentally unsuitable land for development.**
 - Settlement allowed for Turkey Swamp and the areas adjacent to the Metedeconk River and Manasquan River to be recognized as unsuitable for higher density development.
 - Our negotiations eliminated many parcels that, "by the rules," may have been considered for affordable housing, but were not counted in our numbers.

Freehold Township's Case

What was the basis for our settlement?

Freehold Township's argument was that it does not have the available vacant land to allow 1,500 affordable units to be built with their 6,000 market rate counterparts.

We needed to prove this with a:

VACANT LAND ADJUSTMENT

To determine the Township's

REALISTIC DEVELOPMENT POTENTIAL

Getting to the RDP...

Any parcel with over one (1) acre of contiguous land, by the rules, is counted towards the Township's obligation at a density of six (6) units per acre, with a 20% affordable set-aside.

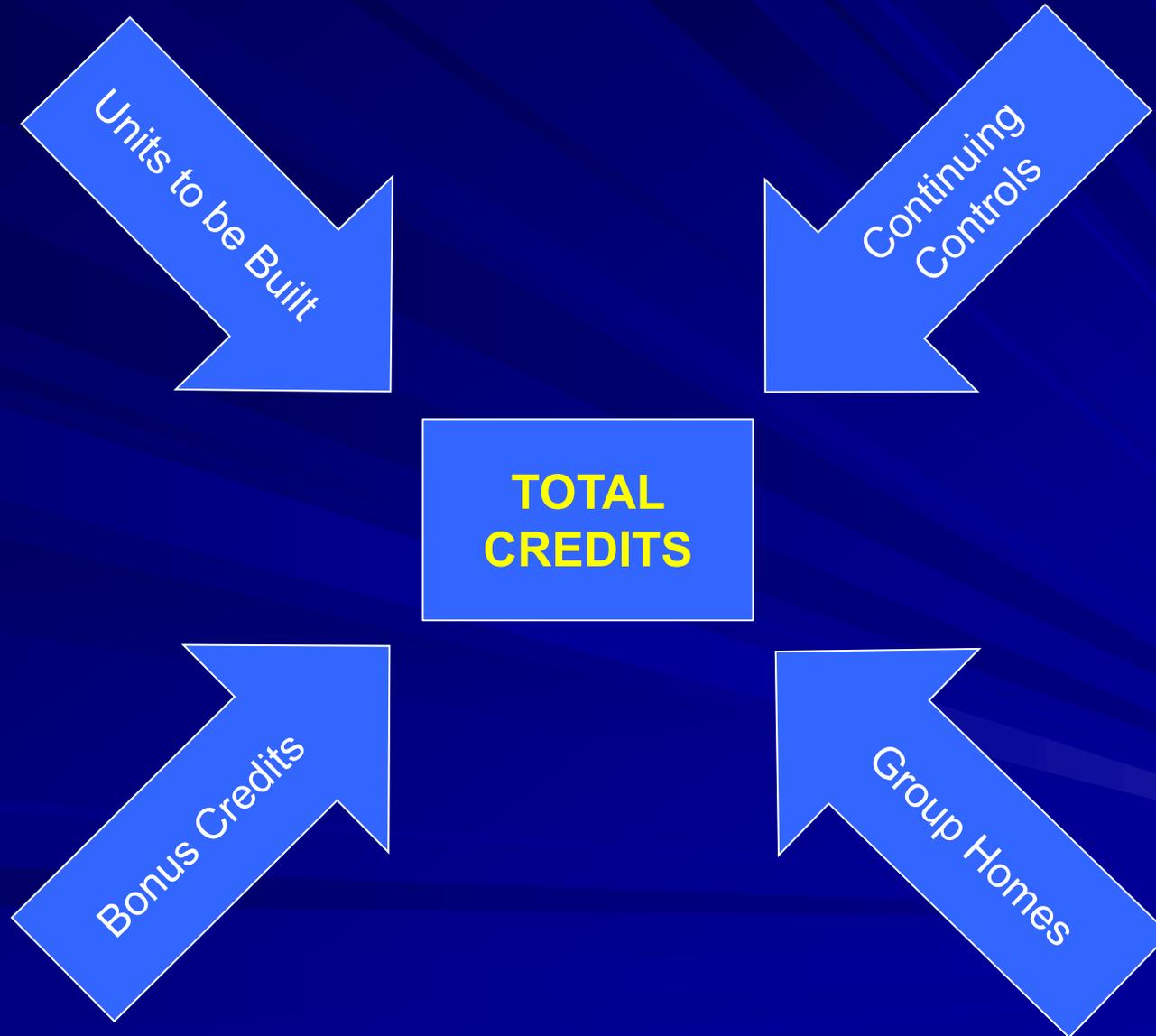
Argument #1: The realistic potential for high density development in the Township's unsewered area is zero.

Argument #2: A parcel or parcels that had, in the recent past, received an approved subdivision or site plan for development, does not have a realistic development potential and generates no RDP.

Argument #3: A parcel that has significant barriers to residential development, or can be considered unsuitable for residential development, generates an RDP at a reduced density or no RDP.

Argument #4: Township held properties that are deed restricted for public purpose, or are preserved farmland or open space, generate no RDP.

Crediting = Units + Bonuses + Credits



How does Freehold Township Achieve its Obligation?

For many years, Freehold Township has looked to protect the Township's zoning strategy by progressively requiring developers to build affordable units and, in the past, requiring certain units to be deed-restricted forever.

The following Round 3 Credits were established before the DJ Action began or soon thereafter:

1. 75 affordable units in group homes throughout the Township count towards the affordable housing obligation (this includes 75 bonus credits for a total of 150 credits.)
2. 204 affordable units in Wyndham Place, Independence Square and Strickland Farms were deed-restricted "***in perpetuity.***" Therefore, they are counted again in Round 3 because they would have expired.
3. The Edge at Freehold, Parkside at Freehold and Wemrock Senior Living, all approved prior to the negotiated settlement, provided a total of 158 credits for those three developments.
4. Additional Round 2 carryover credits and credits from Heritage Village and Kershaw Commons accounted for 63 credits.

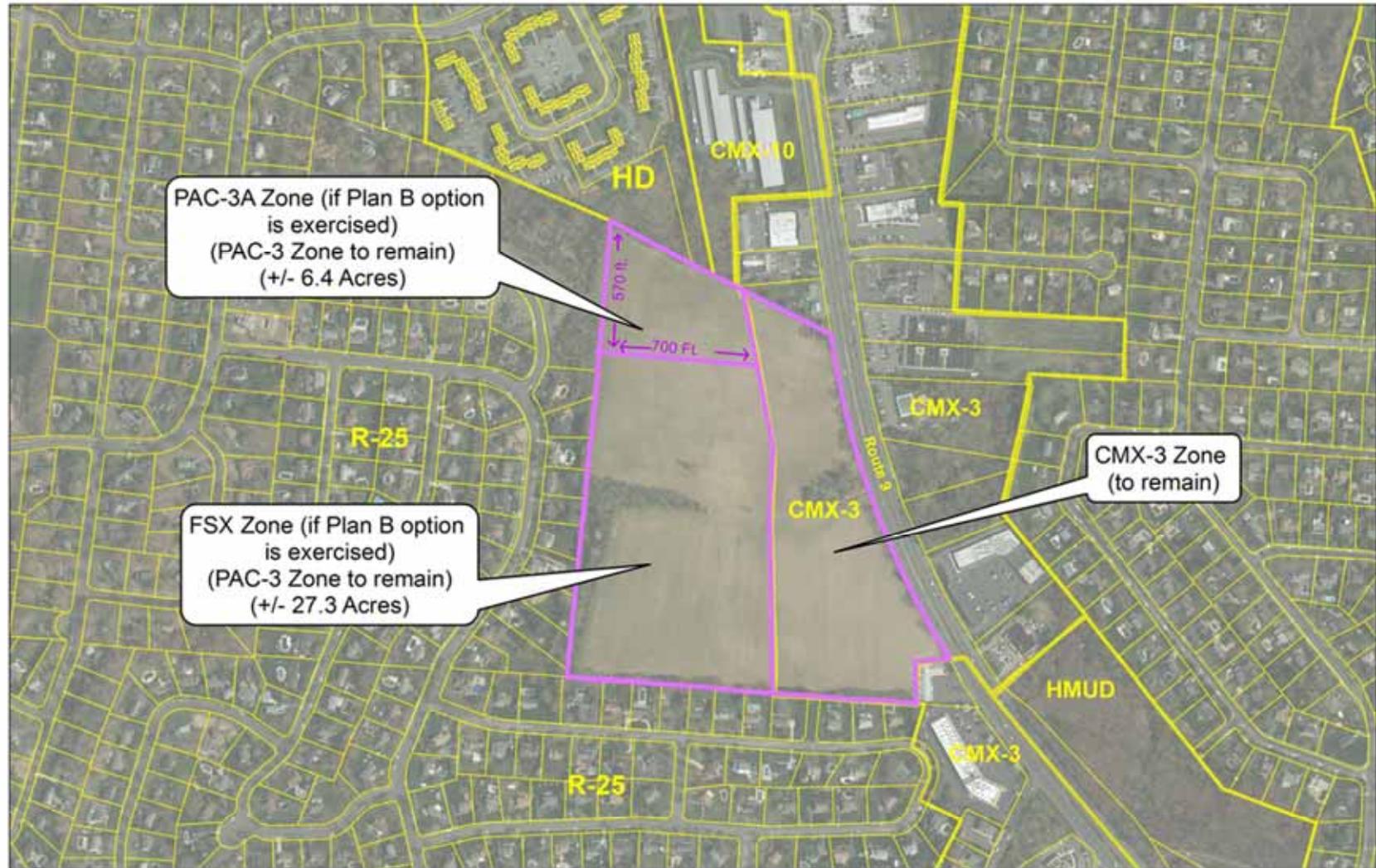
The above provided the Township with 575 credits towards the Township obligation of 878 units.

Making up the rest of our obligation

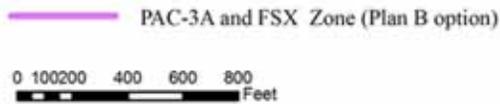
The OBJECTORS and INTERESTED PARTIES are landowners that are recognized by the Court as having interest in developing affordable housing in Freehold Township. They are:

- 1. Land Bank, LLC – Owns the 50 acre farmed parcel on Route 9 Southbound directly north of Route 524 (23 units)**
- 2. K. Hovnanian – Contract Owner of 23 acre parcel on Three Brooks Road directly east of the industrial building near Halls Mill Road (12 units)**
- 3. M&M / Macerich Corp – Owner of the 72 acre parcel between Route 9 and Route 537, directly opposite from the Trotters Way entrance to the Freehold Raceway Mall (200 units/credits)**

These landowners get a “seat at the table” in our DJ action in order to be included in the plans for affordable housing and, as a result, are the primary developments involved in the settlement.



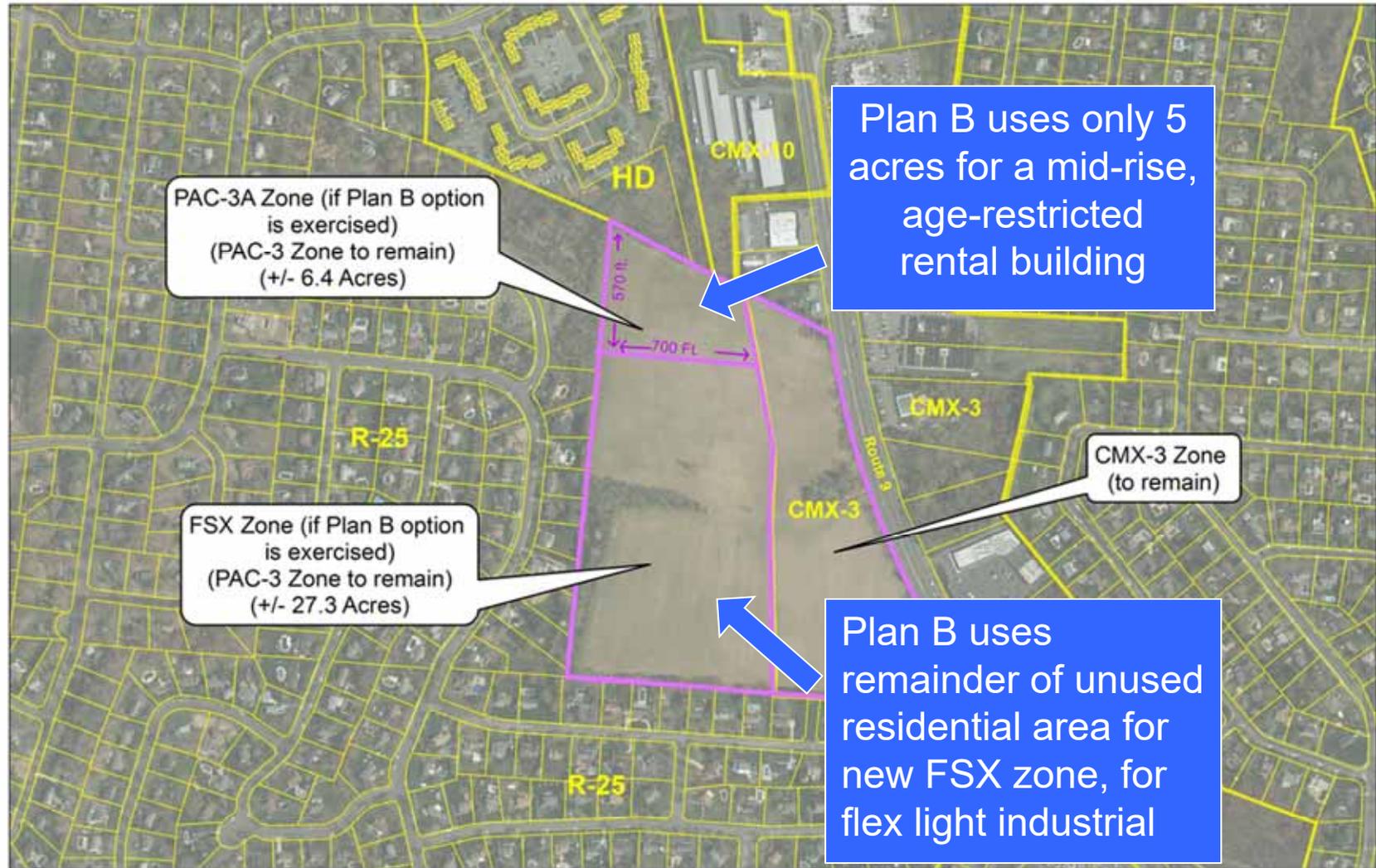
PAC-3A and FSX Zone (Plan B option)
 Land Bank Property
 Block 71, Lot 8
 Route 9 (southbound)
 Freehold Township, N.J.



Prepared: March 5, 2020

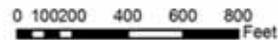
Sources: 2015 NJDEP GIS aerial data and NJDOT GIS data. This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not state-authorized.





PAC-3A and FSX Zone (Plan B option)
 Land Bank Property
 Block 71, Lot 8
 Route 9 (southbound)
 Freehold Township, N.J.

— PAC-3A and FSX Zone (Plan B option)



Prepared: March 5, 2020

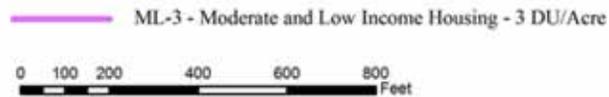
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ML-3 - Moderate and Low Income Zone 3DU/Acre

Block 72, Lot 88
 Three Brooks Rd.
 Freehold Township, N.J.



Prepared: March 5, 2020

Source: 2015 NJDEP GIS aerial data and NJDOT GIS data. This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not state-authorized.

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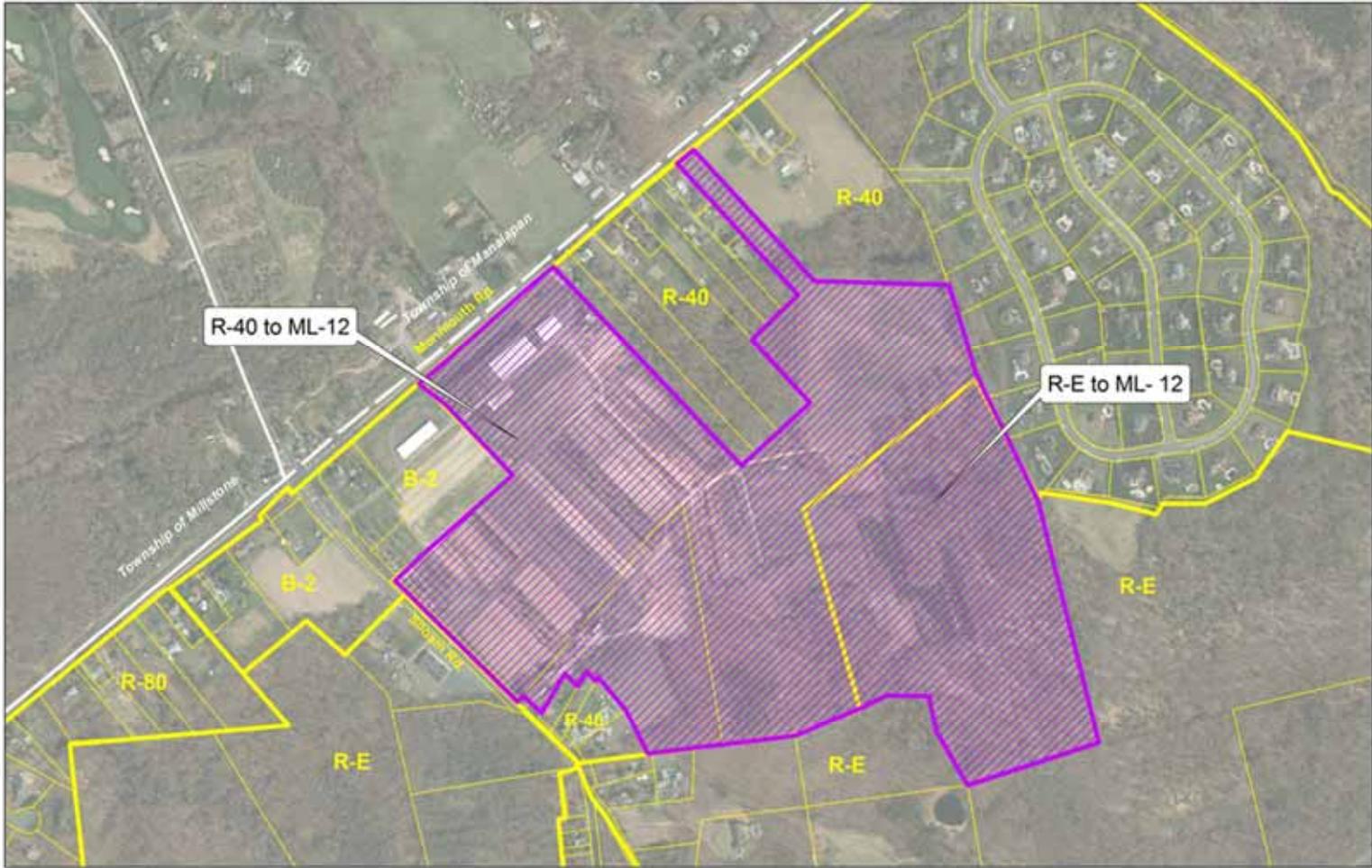
Khovnanian – ML-3 Subdivision Concept



Making up the rest of our obligation

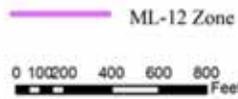
Other targeted parcels that are chosen by the Township to be included for rezoning or redevelopment are chosen to fulfil part of our obligation to reduce the bargaining power of the objectors and reduce the density of units on those sites. They are:

- 1. Brock Farms – Nursery parcel of 100+ acres on the corner of Route 537 and Siloam Road (34 units)**
- 2. Freehold Mall – Currently underdeveloped strip mall on Route 9 with Township commuter lot and Burlington Coat Factory (45 units)**
- 3. Chesterfield Apartments Expansion – On Route 537, between Kozloski Road and the Freehold Borough Border (60 units/credits)**
- 4. In addition, the Township was required to designate three (3) overlay zones for future affordable housing on Route 9 parcels that are currently developed.**



**ML-12 - Moderate and Low
Income Housing Zone - 12,500 S.F.**

**Block 91, Lot 20.01 (portion) and 22
Monmouth Rd. / Siloam Rd.
Freehold Township, N.J.**



Prepared: March 5, 2020

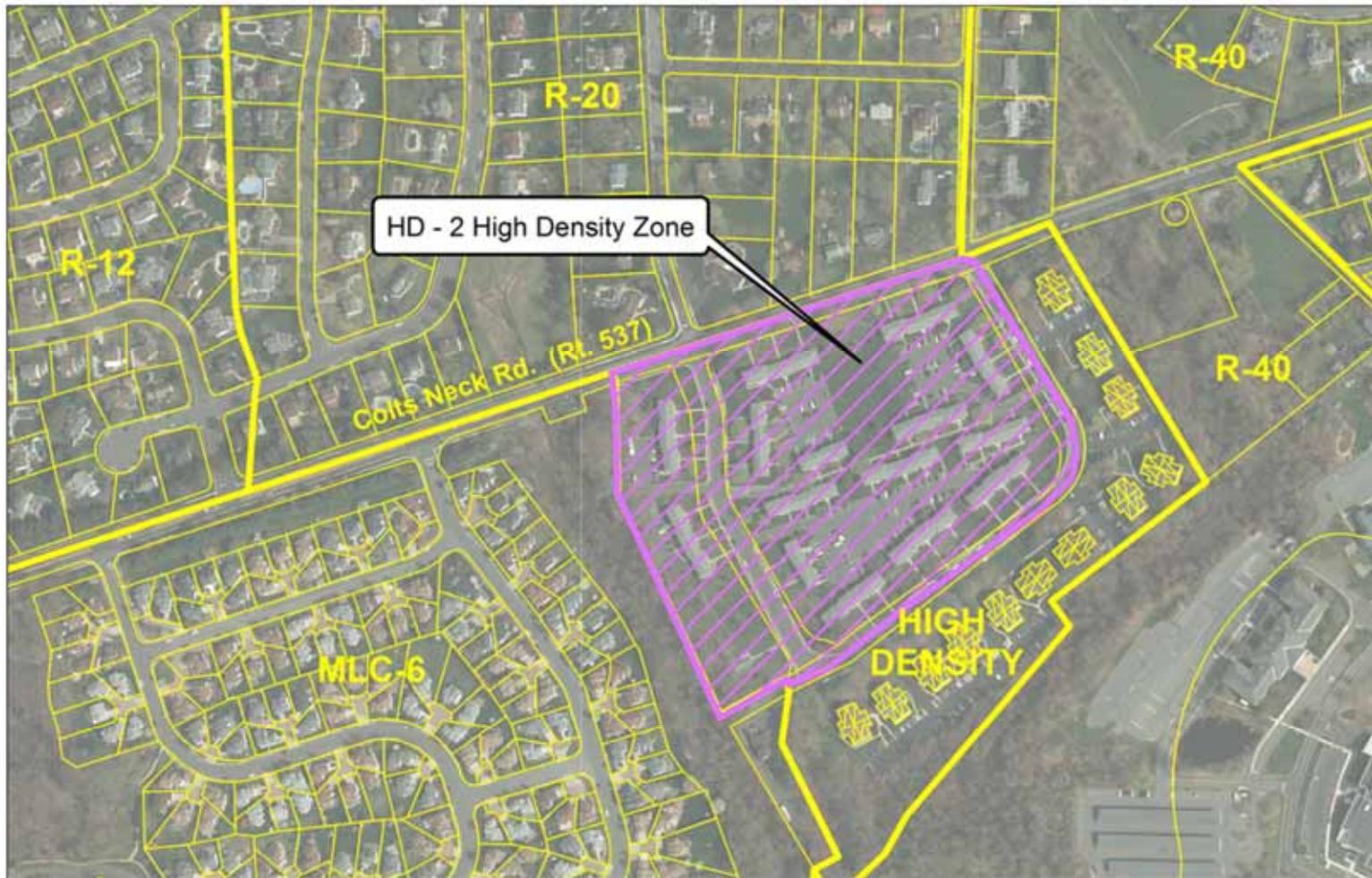
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HD -2 - High Density Zone

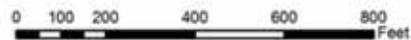
Block 41.01, Lot 5.03:

Block 41, Lots 5.04, 5.05, 5.06

Colts Neck Road

Freehold Township, N.J.

— HD-2 High Density Zone



Prepared: March 1, 2020

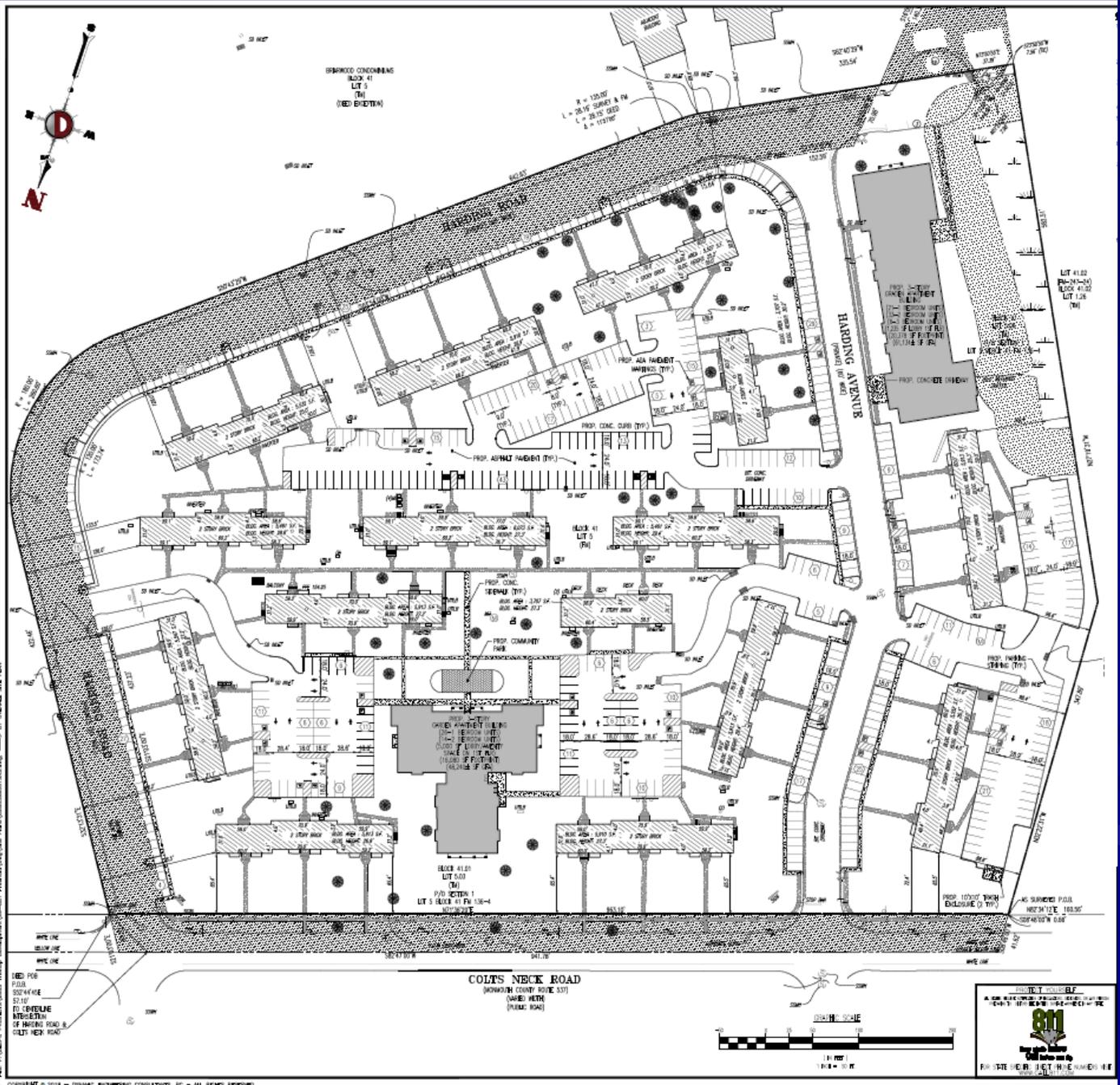
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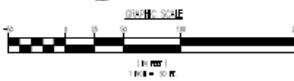
Thomas A. Thomas, P.E.
Principal GIS Consultant
tat@thomasp.com





(SEE) FOR
 PAVED
 SIDEWALK
 5' WIDE
 (1) SIDEWALK
 INTERSECTION
 OF HARDING ROAD &
 COLTS NECK ROAD

COLTS NECK ROAD
 (NEWTON COUNTY ROUTE 337)
 (AS SHOWN)
 (SCALE: 1"=40')



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 DRAWING IS TO BE REPRODUCED OR
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811
 Call Before You Dig
 1-800-4-A-SHovel
 1-800-4-ASK-AN-ENGINEER

Review of Other Parcels to be Included in Upcoming Zoning Changes

- 1. Burlington Coat Factory Property, known as the Freehold Mall located on Route 9**
 - **Currently under review as a Redevelopment Zone**
 - **Included in the FSHC Settlement for 45 affordable units**
 - **Mixed use residential and commercial development**
 - **Transit Component to maintain commuter parking lot**
- 2. Bellemead Parcel, between Route 537 and Route 9, across from Trotters Way**
 - **Mixed Use Development with residential & commercial**
 - **Master Plan Roadway - Trotters Way out to Route 9**
 - **Apartments, Townhomes and Medium Box Retail**
 - **Concept plan still being developed**
 - **Maximum 660 total units, with 100 affordable included.**

FREEHOLD MALL

Block 50, Lot 25 - U.S. Route 9



LEGEND

Applications/NJGW_Base_Layers

- Roads NJ (Centerlines) (1:4999 to 1:999 scale)
- Municipalities
- Parcels Data (Block and Lot)
- Counties
- MidAtlantic States Boundary

Applications/NJGW_Environmental_Monitoring

- EPA - STORET Water Quality Monitoring Stations
- USGS NWIS Water Monitoring Stations
- Brownfield Development Area (Outline)
- Brownfield Development Area (Block and Lots)

Applications/NJGW_Sites_and_Facilities

- Autobody Shops
- Dry Cleaners
- Gas Stations
- Known Contaminated Sites List
- Groundwater Contamination Areas (CEA)

Applications/NJGW_Land

- Wetlands (2012)

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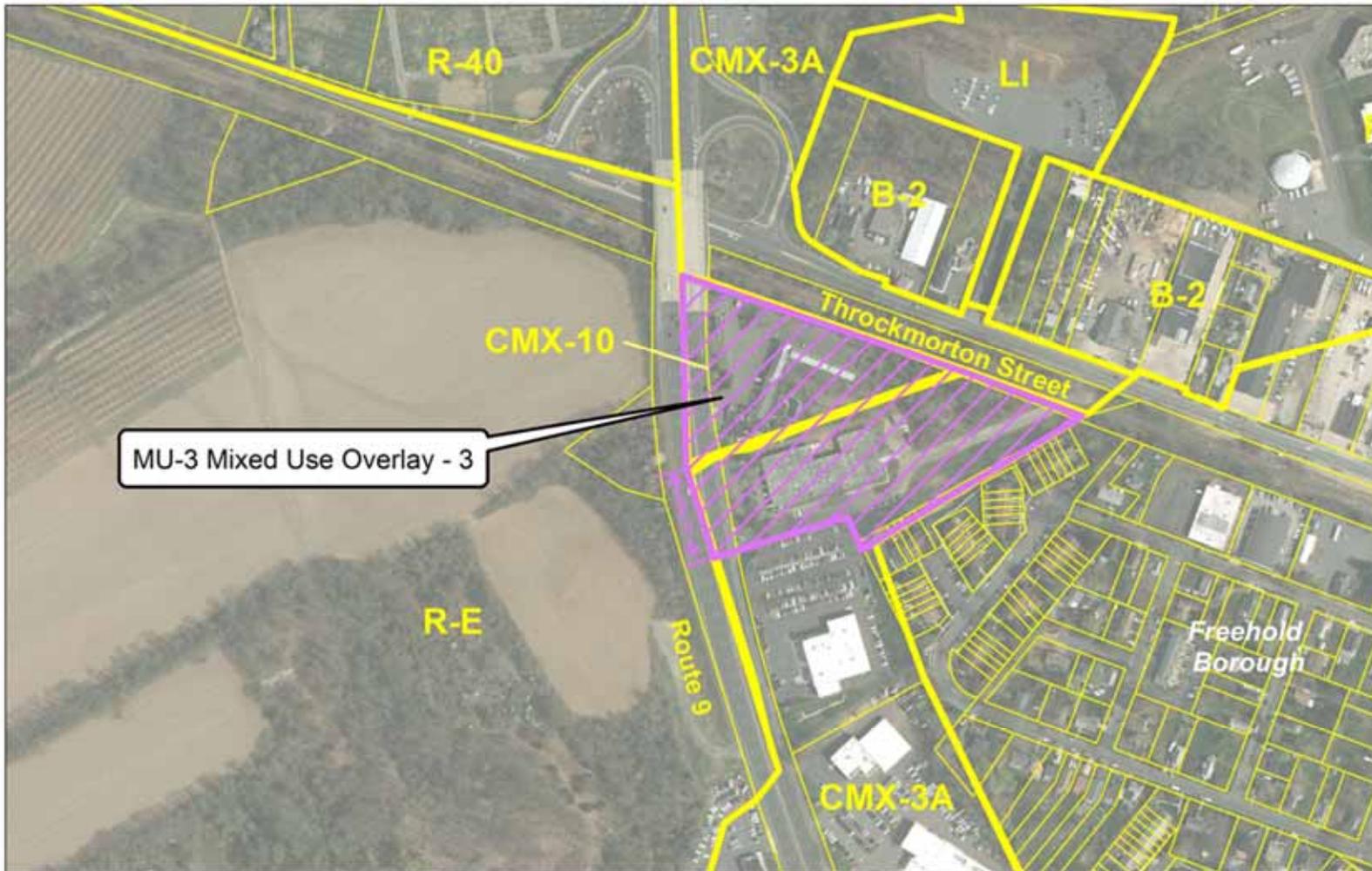
Powered by NJDEP's NJ-GeoWeb

Review of Overlay Zones

Overlay Zones were also required as part of the Settlement Agreement for durational adjustment and unmet need due to unavailability of sewer and environmental sensitivity in the southern portion of the Township.

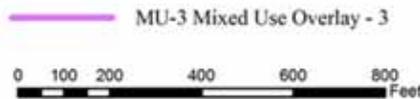
- 1. Chadwick Square and adjacent parcels on Route 9 North (10.6 acres at Block 80, Lots 4, 5, 6 & 7)**
- 2. Bank of America Building on Route 9 South adjacent to Brookdale Community College Campus (7.0 acres at Block 70.05, Lot 10)**
- 3. Red Roof Inn and currently abandoned Verizon building on Route 9 North near Throckmorton Street (7.0 acres at Block 65.01, Lots 16 (portion) and 17)**

All overlay zones are to be zoned at 12 units per acre with the permitted use as mixed use commercial and residential site. The affordable housing is at a 20% set-aside for sale units and 15% for rental units. The commercial component is not required.



MU-3 Mixed Use Overlay - 3

MU-3 - Mixed Use Overlay-3
 Block 65.01, Lots 16 (portion) and 17
 Route 9 (northbound)
 Freehold Township, N.J.



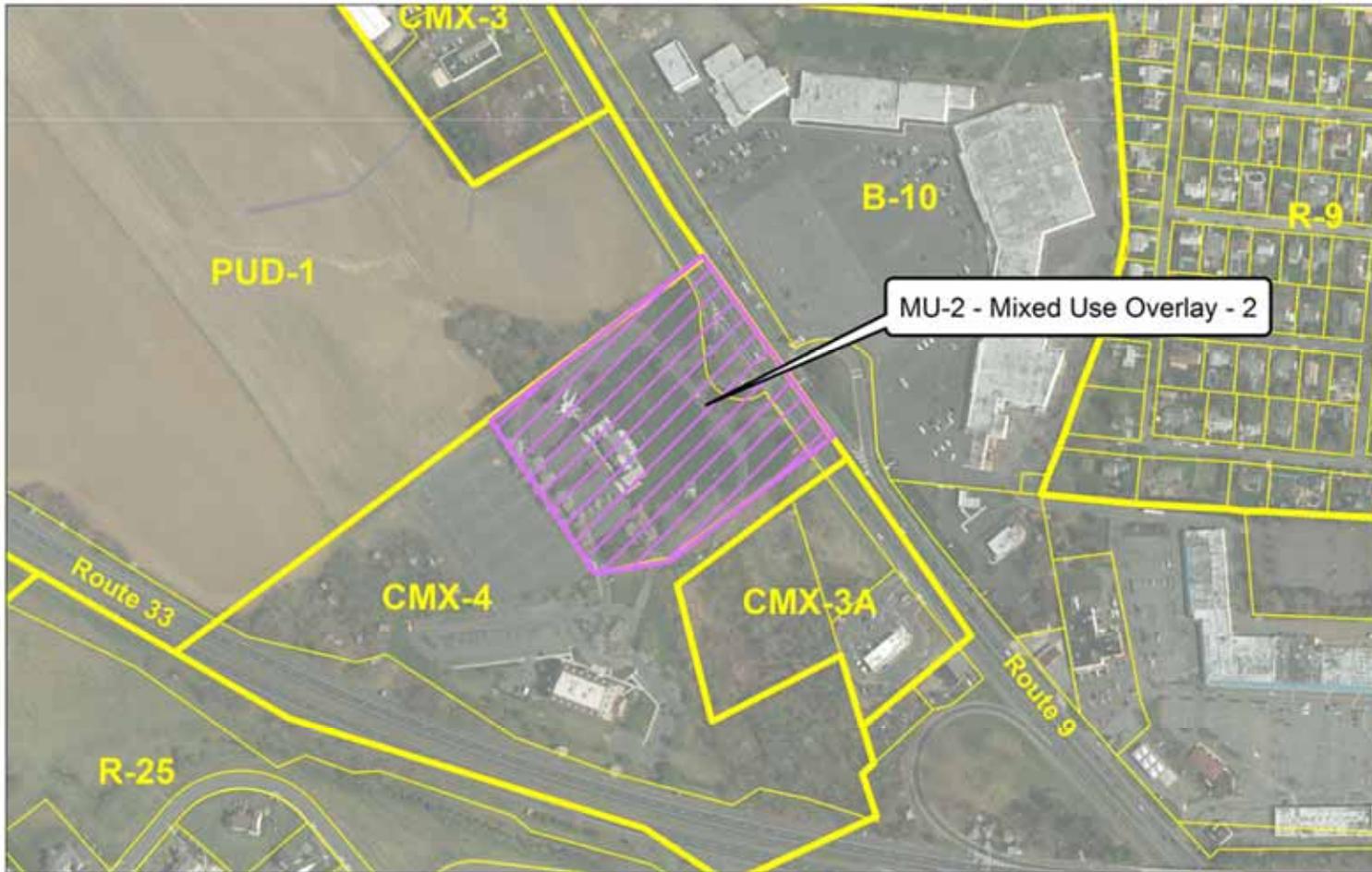
Prepared: March 5, 2020

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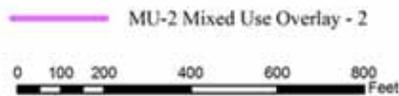
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MU-2- Mixed Use Overlay - 2
 Block 70.05, Lot 10
 Route 9 (southbound)
 Freehold Township, N.J.



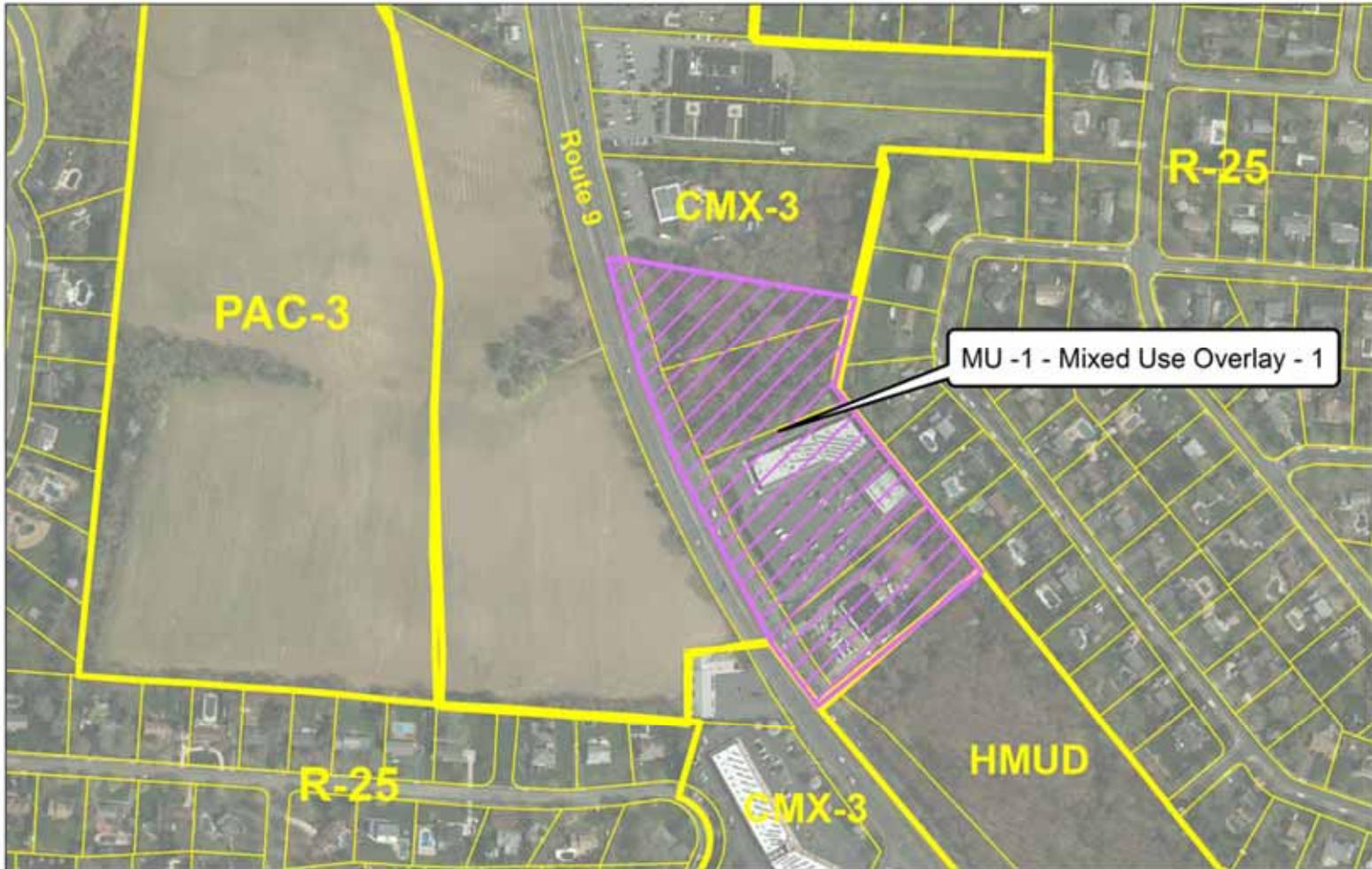
Prepared: March 4, 2020

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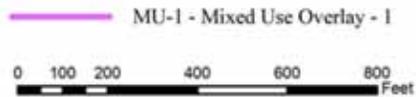
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MU-1- Mixed Use Overlay -1
 Block 80, Lots 4, 5, 6 & 7
 Route 9 (northbound)
 Freehold Township, N.J.



Source: 2015 NJDEP GIS aerial data and NJDOT GIS data. This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not state authorized.

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Review of Credits – Prior Zoning

This list includes planning from Round II and projects zoned prior to DJ Action and settlement.

Credit Source	Units	Bonus*
Group Homes	75	75
Continuing Controls	204	0
Heritage Village & Kershaw Commons	46	16
Excess Rd. 2 Credits	1	0
The Edge at Freehold	21	21
Regency at Freehold	16	0
Wemrock Senior Living	75	25
Total	438	137

** Number of Bonus Units is capped at 220 in final total for Round 3 Credits*

Review of Credits – New Zoning

This list includes actions taken and potential developments to be zoned as a result of the settlement with FSHC and the Objectors.

Credit Source	Units	Bonus*
Land Bank, LLC	23	0
Chesterfield Apts.	30	30
Macerich /M&M	100	100
Freehold Mall	45	0
Brock Nursery / Rt. 537	34	0
K Hovnanian	12	0
Total	244	130

** Number of Bonus Units is capped at 220 in final total for Round 3 Credits*

**Total Round 3 Credits and Bonuses
(Prior and New Zoning) = 902**

How did Freehold Township limit development as much as possible?

Recognizing that Affordable Housing is a right granted by the Supreme Court of the State of New Jersey, Freehold Township has acted for 30 years to lessen the power developers have on our Community:

1. Freehold Township is one of the only communities to have units deed restricted FOREVER, which 30 years later, credits us for 204 affordable units in Round 3.
2. We curtailed the expansion of sewers in the Southern Portions of Town which could have resulted in over 3000 homes built with over 600 affordable units.
3. When it was permitted, the Township engaged in Regional Contribution Agreements (RCAs) that used our Affordable Housing Trust to provide homes in other local towns that had a need. This is no longer allowed in Round 3.
4. We denied the over-proliferation of rental units in the Township, which when now built, achieve a greater bonus credit yield, allowing less units to be built to achieve our required affordable obligation.
5. We aggressively preserved over 9,000 acres of open space, and have protected farmland through the State Farmland Preservation Program
6. We have an abundance of Group Homes in our communities, providing housing for the most vulnerable among us, which provide 150 credits towards our obligation



2020 Affordable Housing Settlement & Land Use Presentation



NJ Plane Coordinate System North
MAD 1927

POLO CLUB DRIVE

JACKSON MILL ROAD

APPROX. LOCATION EX. STORM INLET INV = 96.65 (FROM AS-BUILT PLAN)
R.O.W. LINE PER TAX MAP
N 25°59'57" E (56.5' WIDE R.O.W.)
1297.75'

N: 503587.596
E: 2109551.718

CONCEPT (A2) 03-18-21
60 UNITS ESE
115 PARKING SPACES (1.9 SPACES/UNIT)

LOT 8 BLOCK 83

WETLAND AREA
289,198 SF (6.63 ACRES)

LOT 9 TAX BLOCK 83
LOT AREA = 759,530 SF (17.44 ACRES)

TRANSITION AREA REDUCTION

TRANSITION AREA COMPENSATION

STORM BASIN

PLAY AREA

CONCRETE BLDG. 8515.25±

BLDG #1 16 UNITS
FF = 105.75±

BLDG #4 16 UNITS
FF = 105.25±

BLDG #2 16 UNITS
FF = 105.25±

BLDG #3 12 UNITS
FF = 103.75±

LOT 10 BLOCK 83

N 73°00'30" W
571.03'

S 64°00'03" E
583.40'

LOT 12 BLOCK 83

N: 504,077.882
E: 2,110,424.262

N: 504,504.716
E: 2,110,821.944

N: 503,402.542
E: 2,110,167.313

