

MINUTES OF SPECIAL MEETING OF
THE TOWNSHIP COMMITTEE HELD ON
WEDNESDAY, MAY 3, 2018
7:00 P.M. REGULAR MINUTES
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CALL TO ORDER

The May 3, 2018 Special Meeting was called to order by Mayor Peter V. Mancuso at 5:08 P.M., in the Municipal Building, 50 Woodland Avenue, Morris Township, New Jersey.

ATTENDANCE

Mayor Peter V. Mancuso
Deputy Mayor Matheu D. Nunn (Via phone)
Township Committee Member John Arvanites
Township Committee Member Peter V. Mancuso
Township Committee Member Catherine Wilson (Via phone)

APPOINTED OFFICERS

Timothy F. Quinn, Township Administrator
John M. Mills, III, Township Attorney
Cathleen Amelio, Township Clerk

ALSO PRESENT

JAMES SLATE, TOWNSHIP ENGINEER
PAUL PHILLIPS, TOWNSHIP PLANNER

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PRESIDING OFFICER'S STATEMENT OF DISCUSSION ITEMS

Mayor Peter V. Mancuso announced that in accordance with the resolution adopted this date authorizing the conducting of this "Closed Meeting", discussion would be limited to "Legal and Personnel Matters".

Recessed to closed session at 5:21 p.m.

PRESIDING OFFICER'S STATEMENT RE: ADEQUATE NOTICE – O.P.M.A. – (RECORD INSERT)

Mayor Mancuso issued the following statement of adequate notice:

"Adequate Notice" of this meeting of the Township Committee of the Township of Morris, was given as required and defined by the Open Public Meetings Act, as follows:

Written Notice was given on April 26, 2018 to the official newspapers, Daily Record, and to the additional newspaper, Star Ledger, by email at least 48 hours prior to the date of this meeting, and a copy of the Notice was posted on the Bulletin Board in the Municipal Building of the Township of Morris by the Township Clerk and a copy of the Notice was likewise filed in the Township Clerk's Office and copies of this Notice were mailed by certified mail to all persons who have requested individual notice, pursuant to N.J.S.A. 10:4-19, all of which Notices were given at least 48 hours prior to the date of this meeting, and I hereby hand to the Township Clerk, a copy of the Notice which was given as above set forth for appropriate retention in the Municipal Files".

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SPEAKER'S TIME LIMITATION

Mayor Mancuso announced that in order to give interested parties a fair chance to be heard, each speaker could comment for an unassignable period of five (5) minutes before turning the microphone over to the next speaker, and that after each has had one turn, a person may be heard for an additional unassignable period of five (5) minutes.

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PLEDGE OF ALLEGIANCE

Mayor Peter V. Mancuso led the Pledge of Allegiance.

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ORDINANCE – INTRODUCTION

Each ordinance as hereinafter set forth was introduced, passed on first reading by the vote as hereinafter indicated, with a public hearing thereon scheduled for a regular meeting to be held on May 16, 2018 at 7:00 P.M. unless otherwise indicated:

Mr. James Slate, Township Engineer, gave an overview of the following Ordinance:

ORDINANCE NO. 14-18-AN ORDINANCE OF THE TOWNSHIP OF MORRIS, MORRIS COUNTY, NEW JERSEY, RECOMMENDING THE ADOPTION OF THE MOUNT KEMBLE AVENUE REDEVELOPMENT PLAN REGARDING THE PROPERTY IDENTIFIED ON THE TOWNSHIP'S TAX MAPS AS BLOCK 5506, LOT 25 (95 MOUNT KEMBLE AVENUE) AND BLOCK 5605, LOTS 5, 6, 7, AND 8 (102, 106, AND 108 MOUNT KEMBLE AVENUE) PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.

BE IT HEREBY ORDAINED by the Township Committee of the Township of Morris they being the governing body thereof as follows:

SECTION ONE:

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "LRHL"), on January 26, 2016, the Township Committee of the Township of Morris adopted Resolution No. 31-16 authorizing and directing the Morris Township Planning Board (the "Planning Board") to undertake a preliminary investigation to determine whether property known as Block 5506, Lot 25 (95 Mount Kemble Avenue), and Block 5605, Lots 5, 6, 7, and 8 (102, 106, and 108 Mount Kemble Avenue) as shown on the Tax Map of the Township of Morris (the "Study Area"), should be designated as a non-condemnation "area in need of redevelopment"; and

WHEREAS, on February 1, 2016, the Planning Board, pursuant to Section 6 of the LRHL, authorized the firm of Heyer, Gruel & Associates (the "Planning Consultant") to assist with the

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undertaking of a preliminary investigation and to prepare a report for review by the Planning Board concerning the Study Area; and

WHEREAS, the Planning Board conducted a public hearing on July 18, 2016, at which time members of the public, including all persons who were interested in or would be affected by a determination that the Study Area constituted an “area in need of redevelopment” were given an opportunity to be heard; and

WHEREAS, the Planning Board reviewed a report dated May 2016 prepared by the Planning Consultant entitled “Mt. Kemble Avenue Redevelopment Study” (the “Preliminary Investigation Report”) and recommended to the Township Committee that Block 5506, Lot 25 in the Study Area be deemed a non-condemnation “area in need of redevelopment” and Block 5605, Lots 5, 6, 7, and 8 be deemed an “area in need of rehabilitation”; and

WHEREAS, by Resolution No. 168-16, adopted on August 17, 2016, the Township Committee designated a portion of the Study Area as a non-condemnation “area in need of redevelopment” and a portion of the Study Area as an “area in need of rehabilitation”; and

WHEREAS, the Planning Consultant was authorized on behalf of the Township Committee to prepare a Redevelopment Plan, which Redevelopment Plan, dated May 2018, is entitled “Township of Morris Mt. Kemble Avenue Redevelopment Plan” (the “Redevelopment Plan”); and

WHEREAS, the Township Committee has reviewed and carefully considered the Redevelopment Plan and has found it to be acceptable as to form and content, and now desires to adopt this Ordinance, formally adopting the Redevelopment Plan; and

WHEREAS, the Township Committee has forwarded a copy of this Ordinance and the Redevelopment Plan to the Planning Board for a Master Plan consistency review at the Board’s May 7, 2018 regular meeting, in accordance with Section 7e of the LRHL; and

WHEREAS, the Planning Board conducted a Master Plan consistency review and found that the Redevelopment Plan is substantially consistent with the Township’s Master Plan and Reexamination Reports; and

WHEREAS, the Commissioner of the State of New Jersey, Department of Community Affairs, has heretofore approved the designation of the Study Area as an “area in need of redevelopment” and as an “area in need of rehabilitation”.

SECTION TWO. The Redevelopment Plan, a copy of which is annexed hereto and made a part of this Ordinance, is hereby adopted in accordance with Section 7 of the LRHL.

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SECTION THREE. This ordinance constitutes an amendment to the zoning district map included in the Morris Township Zoning Ordinance.
All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of any inconsistency.

SECTION FIVE. If any section, subsection, paragraph, clause or provision of this Ordinance shall be adjudged to invalid, such adjudication shall apply only to such section, subsection, paragraph, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

SECTION SIX. This ordinance shall take effect upon the last to occur of the (i) filing with the Morris County Planning Board; and (ii) adoption and publication in the manner required by New Jersey law.

ROLL CALL:	MR. ARVANITES	NO	MR. SISLER	YES
	MR. NUNN	YES	MRS. WILSON	NO
	MAYOR. MANCUSO	YES		

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ORDINANCE #15-18-AMENDING CHAPTER 95, ZONING OF THE CODE OF THE TOWNSHIP OF MORRIS RE: AMENDING CHAPTER 95, ARTICLE II, SECTION 5 ENTITLED “DESIGNATION OF ZONES,” AND AMENDING CHAPTER 95, ARTICLE II, SECTION 6, ZONING MAP OF THE TOWNSHIP OF MORRIS TO INCLUDE SAID ZONES

Mr. Paul Phillips, Township Planner gave an overview of the following Ordinance:

IT IS HEREBY ORDAINED by the Township Committee of the Township of Morris, Morris County, State of New Jersey, as follows:

Section 1: Chapter 95, Article II, Section 5, Designation of Zones, is hereby amended to add the following after TH-8 Townhouse Residential Zone:

- TH-7.5/AH Townhouse Residential Affordable Housing Zone
- TH-8/AH Townhouse Residential Affordable Housing Zone
- MF-10/AH Multi-Family Affordable Housing Overlay Zone
- MF-12/AH Multi-Family Affordable Housing Overlay Zone

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Section 2:

Chapter 95, Article II, Section 6, Zoning Map, is hereby amended to read in its entirety as follows:

The location and boundaries of said zones or districts are hereby established on the Zoning Map of the Township of Morris in Morris County, dated May 3rd, 2018, which is attached hereto and hereby made part of this ordinance. Said map and all notations, referenced and designations shown thereon shall be, as such, a part of this ordinance as if the same were all fully described and set further herein.

Section 3: Chapter 95, Article III, is hereby amended to add the following:

§ 95-20.1 TH-7.5/AH Townhouse Residential Affordable Housing Zone:

A. The following are permitted principal uses in the TH-7.5/AH Zone:

- (1)Market-rate townhouses.
- (2)Multi-family affordable dwellings, which shall be attached to market rate townhouses structures.

B. The following are permitted accessory uses in the TH-7.5/AH Zone:

- (1)Customary accessory uses to a permitted principal use.
- (2)Off-street parking areas.
- (3)Recreational, social and communal facilities for the exclusive use of residents and guests; the maximum setbacks from property lines and streets shall be the same as for principal uses, buildings and structures.
- (4)Active and passive outdoor recreation facilities for the exclusive use of residents and guests; the minimum setbacks from property lines and streets shall be the same as for principal uses, buildings and structures.
- (5)Roof or building-mounted solar energy systems as provided in § 95-34.4.
- (6)Building-integrated solar energy systems as provided in § 95-34.4.
- (7)Geothermal energy systems as provided in § 95-34.4.

C. The following are permitted conditional uses in the TH-7.5/AH Zone:

- (1)None.

D. Development and design requirements:

- (1)Maximum density shall not be more than seven and one-half (7.5) units per gross acre. A minimum of twenty (20) percent of the total number of units shall be set aside for low- and moderate- income households.

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- (1) No building or structure shall be located less than 35 feet from the right-of-way of Mt. Kemble Avenue. No building or structure shall be located closer than 5 feet from an internal access drive.
- (2) Side yard. There shall be a side yard of not less than 40 feet. No parking shall be permitted within a side yard.
- (3) Rear yard. There shall be a rear yard of not less than 35 feet. No parking shall be permitted within a rear yard.
- (4) The width of any individual townhouse unit shall not be less than 24 feet.
- (5) There shall be no more than four (4) townhouse units in any structure that does not also include multi-family affordable units.
- (6) There shall be no more than twelve (12) units in any structure containing a mix of market rate townhouse and multi-family affordable units.
- (7) Market rate townhouses shall be no more than 3 stories and 45 feet in height. However, no more than sixty (60) percent of the townhouses shall be 3 stories and 45 feet in height. The balance of the market rates townhouses shall be no more than 2 stories and 35 feet in height. Structures containing multi-family affordable units may be constructed at 3 stories and 45 feet in height.
- (8) No building or structure containing multi-family affordable units shall be located closer than 75 feet to the right-of-way of Mt. Kemble Avenue.
- (9) No townhouse structure in excess of 2 stories and 35 feet shall be located closer than 75 feet to the right-of-way of Mt. Kemble Avenue.
- (10) No more than two adjacent market rate townhouse units may be constructed without providing a front wall setback of not less than two (2) feet.
- (11) No structure shall be closer than 25 feet to any other structure.
- (12) The exterior walls of residential structures shall be faced with brick, cultured or quarried stone, stucco, wood, cementitious siding or other suitable materials.
- (13) The construction of all dwelling units shall conform to current state regulations/codes.
- (14) Parking shall be provided in accordance with New Jersey State Residential Site Improvement Standards (RSIS).

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- (15) Common open space shall be set aside for the use and benefit of residents of the development. At least 25% of the total area shall be set aside as open space. Common open space shall be subject to N.J.S.A. 40:55D-43.
- (16) The TH-7.5 AH Zone shall not be subject to the slope disturbance regulations set forth under § 57-160(E)(4), however within areas with slopes of 20% or greater, not more than 50% of such slopes may be disturbed.
- (17) Refuse areas shall be designated so as to minimize any detrimental effect on the character of the development or adjacent properties.
- (18) All utilities shall be underground and the development shall be served by public water and sewer.
- (19) An overall landscaping plan shall be provided for the development.
- (20) The provision of affordable housing shall be consistent with all applicable rules of the Council on Affordable Housing (COAH) and the Uniform Housing Affordability Controls (UHAC), including with respect to phasing and bedroom distribution.

§ 95-20.2 TH-8/AH Townhouse Residential Affordable Housing Zone

- A. The following are permitted principal uses in the TH-8/AH Zone:
 - (1)Market-rate townhouses.
 - (2)Multi-family affordable rental buildings.
- B. The following are permitted accessory uses in the TH-8/AH Zone:
 - (1)Customary accessory uses to a permitted principal use.
 - (2)Off-street parking areas.
 - (3)Recreational, social and communal facilities for the exclusive use of residents and guests; the minimum setbacks from property lines and streets shall be the same as for principal uses, buildings and structures.
 - (4)Active and passive outdoor recreation facilities for the exclusive use of residents and guests; the minimum setbacks from property lines and streets shall be the same as for principal uses buildings and structures.
 - (5)Roof or building-mounted solar energy systems as provided in § 95-34.4.

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- (6) Building-integrated solar energy systems as provided in § 95-34.4.
- (7) Geothermal energy systems as provided in § 95-34.4.
- C. The following are permitted conditional uses in the TH-8/AH Zone:
 - (1) None.
- D. Development and design requirements:
 - (1) Maximum density shall not be more than eight (8) units per gross area. A minimum of fifteen (15) percent of the total number of units shall be set aside as rental units for low- and moderate-income households. Notwithstanding the number of market rate townhouses to be developed, a total of no less than 33 multi-family units shall be set aside for low- and moderate-income households.
 - (2) The development may be subdivided into different sections to distinguish different ownership entities and/or to permit the phasing of construction provided that the overall development is in compliance with the standards contained herein.
 - (3) Requirements for market rate townhouses
 - (a) Design.
 - [1] No dwelling unit shall have a floor area of less than 800 square feet.
 - [2] Each dwelling unit shall have not fewer than two exposures.
 - [3] There shall be no more than eight dwelling units in any single group of dwelling units.
 - [4] No dwelling unit or group of dwelling units shall exceed 2 1/2 stories or 35 feet, whichever is the lesser.
 - [5] The width of any individual dwelling unit shall not be less than 22 feet.
 - [6] No more than two adjacent dwelling units may be constructed without providing a front wall setback of not less than four (4) feet.
 - [7] Common accessory buildings and facilities shall be designed to harmonize with the overall character of the development and shall meet the setback requirements set forth herein for groups of dwelling units.

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(b) Siting.

- [1] Dwellings shall be set back a minimum of 20 feet from interior roads if no sidewalk is provided; where sidewalks are provided a minimum setback of 24 feet from interior roads shall be provided. Unenclosed entrance porches may protrude up to 4 feet into the setback.
- [2] Each group of dwelling units shall not be less than 50 feet from any tract boundary line.
- [3] No group of dwelling units within the tract shall be closer than 30 feet to any other group of dwelling units within the tract.

(c) Construction.

- [1] The exterior walls in each group of dwelling units shall be faced with brick, cultured or quarried stone, stucco, wood, cementitious siding or other materials suitable in terms of quality, durability and appearance and approved by the Planning Board.
- [2] The construction of all dwelling units shall conform to current state regulations/codes.

(d) Parking shall be provided in accordance with New Jersey State Residential Site Improvement Standards (RSIS).

(e) Refuse storage areas shall be located to minimize any detrimental effect on the character of the development or adjacent properties.

(4) Building requirements for multi-family affordable rental units

- (a) No building shall exceed 3 stories and 45 feet in height.
- (b) There shall be no more than eighteen (18) units in any multi-family building.
- (c) No building shall be located less than 75 feet from any tract boundary line.
- (d) The minimum distance between buildings shall be as follows:
 - [1] Windowless wall to windowless wall: 25 feet.
 - [2] Window wall to windowless wall: 35 feet.
 - [3] Window wall to window wall:
 - a) Front to front: 75 feet.
 - b) Rear to rear: 50 feet.
 - c) End to end: 30 feet.

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- (e) No building shall be located less than 10 feet from a parking area except where garaged parking is provided within the building.
- (f) Refuse areas shall be designated so as to minimize any detrimental effect on the character of the development of adjacent properties.
- (5) Common open space shall be set aside for the use and benefit of the residents in such development. At least 25% of the total area shall be set aside as open space, of which 5% shall be in formal recreation facilities. Common open space shall be subject to N.J.S.A. 40:55D-43.
- (6) All utilities shall be underground and the development shall be served by public water and sewer.
- (7) Development shall maintain a minimum 25 foot landscaped buffer to all exterior property lines which shall consist of either existing vegetative or new plantings, or where appropriate, a combination of existing vegetation and new plantings.
- (8) An overall landscaping plan shall be provided for the development.
- (9) The provision of affordable housing shall be consistent with all applicable rules of the Council of Affordable Housing (COAH) and the Uniform Housing Affordability Controls (UHAC), including with respect to phasing and bedroom distribution.

§ 95-20.3 MF-10/AH Multi-Family Affordable Housing Overlay Zone

- A. The purpose of the MF-10/AH Overlay Zone is to provide an opportunity for construction of affordable housing as part of a multi-family inclusionary development. Such overlay zoning shall neither replace nor supersede the underlying zone classification, but shall instead provide an additional development option for those properties within the limits of the district. Nothing contained herein shall preclude development of any property within the overlay zone in accordance with its underlying zone classification.
- B. The following are permitted principal uses in the MF-10/AH Overlay Zone:
 - (1)Townhouses.
 - (2)Multi-family dwellings.
- C. The following are permitted accessory uses in the MF-10/AH Overlay Zone:
 - (1) Customary accessory uses to a permitted principal use.

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- (2) Off-street parking areas.
 - (3) Recreational, social and communal facilities for the exclusive use of residents and guests; the maximum setbacks from property lines and streets shall be the same as for principal uses, buildings and structures.
 - (4) Active and passive outdoor recreation facilities for the exclusive use of residents and guests; the minimum setbacks from property lines and streets shall be the same as for principal uses, buildings and structures.
 - (5) Roof or building-mounted solar energy systems as provided in § 95-34.4.
 - (6) Building-integrated solar energy systems as provided in § 95-34.4.
 - (7) Geothermal energy systems as provided in § 95.34.4.
- D. The following are permitted conditional uses in the MF-10/AH Overlay Zone:
- (1)None.
- E. Development and design requirements:
- (1) Maximum density shall not be more than ten (10) units per gross area. A minimum of fifteen (15) percent of the total number of units shall be set aside for low- and moderate- income households.
 - (2) Front yard. There shall be a front yard of not less than 50 feet.
 - (3) Side yard. There shall be a side yard of not less than 40 feet.
 - (4) Rear yard. There shall be a rear yard of not less than 35 feet.
 - (5) The maximum building height shall be 3 stories and 45 feet.
 - (6) The maximum building coverage shall be 30%.
 - (7) The maximum impervious surface coverage shall be 60%.
 - (8) There shall be no more than eight (8) townhouse units in any single group of dwelling units.
 - (9) Any townhouse unit shall have not fewer than two exposures and no group of townhouse units shall be closer than 30 feet to any other group of townhouse units.
 - (10) No more than two adjacent townhouse units may be constructed without providing a front wall setback of not less than four (4) feet.

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- (11) There shall be no more than sixteen (16) units in any multi-family building.
- (12) The minimum distance between multi-family buildings shall be as follows:
 - [1] Windowless wall to windowless wall: 25 feet.
 - [2] Window wall to windowless wall: 35 feet.
 - [3] Window wall to window wall:
 - a) Front to front: 75 feet.
 - b) Rear to rear: 50 feet.
 - c) End to end: 30 feet.
- (13) No multi-family building shall be located less than 10 feet from a parking area
- (14) The exterior walls for residential structures shall be faced with brick, cultured or quarried stone, stucco, wood, cementitious siding or other suitable materials.
- (15) The construction of all dwelling units shall conform to current state regulations/codes.
- (16) Parking shall be provided in accordance with New Jersey Residential Site Improvement Standards (RSIS).
- (17) Refuse areas shall be designated so as to minimize any detrimental effect on the character of the development or adjacent properties.
- (18) All utilities shall be underground and the development shall be served by public water and sewer.
- (19) Development shall maintain a minimum 25 foot landscaped buffer to all exterior property lines which shall consist of either existing vegetation or new plantings, or where appropriate, a combination of existing vegetation and new plantings.
- (20) An overall landscaping plan shall be provided for the development.
- (21) The provision of affordable housing shall be consistent with all applicable rules of the Council on Affordable Housing (COAH) and the Uniform Housing Affordability Controls (UHAC), including with respect to phasing and bedroom distribution.

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§ 95-20.4 MF-12/AH Multi-Family Affordable Housing Overlay Zone

- A. The purpose of the MF-12/AH Overlay Zone is to provide an opportunity for construction of affordable housing as part of a multi-family inclusionary development. Such overlay zoning shall neither replace nor supersede the underlying zone classification, but shall instead provide an additional development option for those properties within the limits of the district. Nothing contained herein shall preclude development of any property within the overlay zone in accordance with its underlying zone classification.
- B. The following are permitted principal uses in the MF-12/AH Overlay Zone:
 - (1) Multi-family dwellings.
- C. The following are permitted accessory uses in the MF-12/AH Overlay Zone:
 - (1) Customary accessory uses to a permitted principal use.
 - (2) Off-street parking areas.
 - (3) Recreational, social and communal facilities for the exclusive use of residents and guests; the maximum setbacks from property lines and streets shall be the same as for principal uses, buildings and structures.
 - (4) Active and passive outdoor recreation facilities for the exclusive use of residents and guests; the minimum setbacks from property lines and streets shall be the same as for principal uses, buildings and structures.
 - (5) Roof or building-mounted solar energy systems as provided in § 95-34.4.
 - (6) Building-integrated solar energy systems as provided in § 95-34.4.
 - (7) Geothermal energy systems as provided in § 95-34.4.
- D. The following are permitted conditional uses in the MF-12/AH Overlay Zone:
 - (1)None.
- E. Development and design requirements:
 - (1) Maximum density shall not be more than twelve (12) units per gross acre. A minimum of fifteen (15) percent of the total number of units shall be set aside for low- and moderate- income households. The maximum density may be increased to not more than fifteen (15) units per gross acre provided that a minimum of twenty (20) percent of the total number of units are set aside for low- and moderate- income households.

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ORDINANCE #15-18-AMENDING CHAPTER 95, ZONING OF THE CODE OF THE TOWNSHIP OF MORRIS RE: AMENDING CHAPTER 95, ARTICLE II, SECTION 5 ENTITLED “DESIGNATION OF ZONES,” AND AMENDING CHAPTER 95, ARTICLE II, SECTION 6, ZONING MAP OF THE TOWNSHIP OF MORRIS TO INCLUDE SAID ZONES (CONTINUED)

- (2) No building or structure shall be located less than 100 feet from the right-of-way of Martin Luther King Avenue. No building or structure shall be located closer than 75 feet from any other right-of-way or property line.
- (3) The minimum building height shall be 3 stories and 45 feet.
- (4) The maximum building coverage shall be 35%.
- (5) The maximum impervious surface coverage shall be 70%.
- (6) There shall be no more than twenty-four (24) units in any multi-family building.
- (7) The minimum distance between multi-family shall be as follows:
 - [1] Windowless wall to windowless wall: 25 feet.
 - [2] Window wall to windowless wall: 35 feet.
 - [3] Window wall to window wall:
 - a) Front to front: 75 feet.
 - b) Rear to rear: 50 feet.
 - c) End to end: 30 feet.
- (8) No multi-family building shall be located less than 10 feet from a parking area.
- (9) The exterior walls of residential structures shall be faced with brick, cultured or quarried stone, stucco, wood, cementitious siding or other suitable materials.
- (10) The construction of all dwelling units shall conform to current state regulations/codes.
- (11) Parking shall be provided in accordance with New Jersey State Residential Site Improvement Standards (RSIS).
- (12) Refuse areas shall be designated so as to minimize any detrimental effect on the character of the development or adjacent properties.
- (13) All utilities shall be underground and the development shall be served by public water and sewer.
- (14) Development shall maintain a minimum 25 foot landscaped buffer to all exterior property lines which shall consist of either existing vegetation or new plantings, or where appropriate, a combination of existing vegetation and new plantings.
- (15) An overall landscaping plan shall be provided for the development.
- (16) The provision of affordable housing shall be consistent with all applicable rules of the Council on Affordable Housing (COAH) and the Uniform Housing Affordability Controls (UHAC), including with respect to phasing and bedroom distribution.

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SECTION THREE. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of any inconsistency.

SECTION FOUR. If any section, subsection, paragraph, clause or provision of this Ordinance shall be adjudged to be invalid, such adjudication shall apply only to such section, subsection, paragraph, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

SECTION FIVE. This ordinance shall take effect upon the last to occur of the (i) filing with the Morris County Planning Board; and (ii) adoption and publication in the manner required by New Jersey law.

ROLL CALL:	MR. ARVANITES	NO	MR. SISLER	YES
	MR. NUNN	YES	MRS. WILSON	ABSTAIN
	MAYOR. MANCUSO	YES		

* * * *

ORDINANCE #16-18-AMENDING CHAPTER 95, ZONING OF THE CODE OF THE TOWNSHIP OF MORRIS ADDING TO CHAPTER 95, ARTICLE XII ENTITLED “AFFORDABLE HOUSING,” AND REPEALING CHAPTER 102, ARTICLE IV, ENTITLED “MUNICIPAL HOUSING LIAISON.”

IT IS HEREBY ORDAINED by the Township Committee of the Township of Morris, Morris County, State of New Jersey, as follows:

SECTION ONE: Chapter 102, Article IV, “Municipal Housing Liaison,” of the Code is hereby repealed.

SECTION TWO: Chapter 95, Article XII is hereby added to the Code to read as follows:

Article XII
Affordable Housing Ordinance

§95-82. General Program Purposes, Procedure

A. Affordable Housing Obligation.

- (1) This Ordinance sets forth regulations regarding the low- and moderate-income housing units in the Township consistent with the provisions known as the “Substantive Rules of the New Jersey Council on Affordable Housing,” N.J.A.C. 5:93 et seq., the Uniform Housing Affordability Controls (“UHAC”), N.J.A.C. 5:80-26.1 et seq., and the Township’s constitutional obligation to provide a fair share of affordable housing for low- and moderate-income households. In addition, this section applies requirements for very low income housing established in P.L. 2008, c.46 (the “Roberts Bill”).

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- (2) This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.
- (3) The Morris Township Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways Morris Township shall address its fair share for low- and moderate-income housing as determined by the Superior Court and documented in the Housing Element.
- (4) This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as may be amended and supplemented.
- (5) The Township shall file monitoring reports with the Superior Court and place the reports on its municipal website. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by the Special Master in accordance with N.J.A.C. 5:91 shall be available to the public at the Morris Township Municipal Building, 50 Woodland Avenue, P.O. Box 7603, Convent Station, New Jersey, 07961-7603.

B. Definitions.

The following terms when used in this Ordinance shall have the meanings given in this Section:

“Accessory apartment” means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

“Act” means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

“Adaptable” means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

“Administrative agent” means the entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:91, N.J.A.C. 5:93 and N.J.A.C. 5:80-26.1 et seq.

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“Affordability average” means the average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:93-7.4; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable development” means a housing development all or a portion of which consists of restricted units.

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“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.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:93, and/or funded through an affordable housing trust fund.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80 percent of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Alternative living arrangement” a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternate living arrangements includes, but is not limited to: transitional facilities for the homeless, Class A, B, C, D, and E boarding homes, as regulated by the New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

“Assisted living residence” means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

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“**Developer**” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

“**Development**” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

“**Inclusionary development**” means a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

“**Low-income household**” means a household with a total gross annual household income equal to 50 percent or less of the median household income.

“**Low-income unit**” means a restricted unit that is affordable to a low-income household.

“**Major system**” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

“**Market-rate units**” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“**Median income**” means the median income by household size for the applicable county, as adopted annually by COAH or approved by the New Jersey Superior Court.

“**Moderate-income household**” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

“**Moderate-income unit**” means a restricted unit that is affordable to a moderate-income household.

“**Non-exempt sale**” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

“**Random selection process**” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“**Regional asset limit**” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by/approved regional income limits.

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“**Rehabilitation**” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“**Rent**” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“**Restricted unit**” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“**Special Master**” means an expert appointed by a judge to make sure that judicial orders are followed. A master’s function is essentially investigative, compiling evidence or documents to inform some future action by the court.

“**UHAC**” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

“**Very low-income household**” means a household with a total gross annual household income equal to 30 percent or less of the median household income.

“**Very low-income unit**” means a restricted unit that is affordable to a very low-income household.

“**Weatherization**” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

C. Township-wide Mandatory Set-Aside

- (1) A multi-family or single-family attached development providing a minimum of five (5) new housing units created through any future municipal rezoning or Zoning Board action, use or density variance, redevelopment plan, or rehabilitation plan that provide for densities at or above six (6) units per acre is required to include an affordable housing set-aside of 20% if the affordable units will be for sale and 15% if the affordable units will be for rent. This requirement does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of Morris Township to grant such rezoning, variance or other relief. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement.
- (2) This requirement shall not apply to any sites or specific zones otherwise identified in the Township's Settlement Agreement with Fair Share Housing Center dated December 5, 2017, or in the Township's Housing Element and Fair Share Plan, adopted by the Township Planning Board and endorsed by the Township Committee, for which density and set-aside standards shall be governed by the specific standards set forth therein.

D. New Construction.

The following general guidelines apply to all newly constructed developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

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- (1) Phasing. Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following phasing schedule for low- and moderate-income units.

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25%	0%
25% +1	10%
50%	50%
75%	75%
90%	100%

- (2) Design. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- (3) Payments-in-lieu and off-site construction. The standards for the collection of Payments-in-Lieu of constructing affordable units or standards for constructing affordable units off-site, shall be in accordance with N.J.A.C. 5:93-8.10(c).
- (4) Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.
- (5) Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:
- (a) The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.
 - (b) In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
 - (c) Within rental developments, of the total number of affordable rental units, at least 13% shall be affordable to very low-income households.
 - (d) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - [1.] The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - [2.] At least 30 percent of all low- and moderate-income units shall be two bedroom units;
 - [3.] At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
 - [4.] The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

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- (e) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

- (6) Accessibility Requirements:
 - (a) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.
 - (b) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - [1.] An adaptable toilet and bathing facility on the first floor;
 - [2.] An adaptable kitchen on the first floor;
 - [3.] An interior accessible route of travel on the first floor;
 - [4.] An interior accessible route of travel shall not be required between stories within an individual unit;
 - [5.] An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 - [6.] An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the Township has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
 - [a] Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - [b] To this end, the builder of restricted units shall deposit funds within the Township’s affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
 - [c] The funds deposited under subsection [b] above shall be used by the Township for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - [d] The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of Morris Township.

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- [e] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to Morris Township’s affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.
- [f] Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

(7) Maximum Rents and Sales Prices

- (a) In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and by the Superior Court, utilizing the regional income limits established.
- (b) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.
- (c) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units. At least 13 percent of all low- and moderate-income rental units shall be affordable to households earning no more than 30 percent of median income.
- (d) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
- (e) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
 - [1.] A studio shall be affordable to a one-person household;
 - [2.] A one-bedroom unit shall be affordable to a one and one-half person household;
 - [3.] A two-bedroom unit shall be affordable to a three-person household;
 - [4.] A three-bedroom unit shall be affordable to a four and one-half person household; and
 - [5.] A four-bedroom unit shall be affordable to a six-person household.

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- (f) In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
 - [1.] A studio shall be affordable to a one-person household;
 - [2.] A one-bedroom unit shall be affordable to a one and one-half person household; and
 - [3.] A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- (g) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (h) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (i) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
- (j) The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.
- (k) Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

E. Condominium and Homeowners Associates Fees.

For any affordable housing unit that is part of a condominium association and/or homeowner’s association, the Master Deed shall reflect that the association fee assessed for each affordable housing unit shall be established at 100 percent of the market rate fee.

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§95-83. Affordable Unit Controls and Requirements

The following general guidelines apply to all developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

A. Affirmative Marketing Requirements

- (1) Morris Township shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (2) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 2 and covers the period of deed restriction.
- (3) The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 2 comprised of Essex, Morris, Union and Warren Counties.
- (4) The Administrative Agent designated by Morris Township shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- (5) In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (6) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- (7) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by Morris Township.

B. Occupancy Standards.

- (1) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - (a) Provide an occupant for each bedroom;
 - (b) Provide children of different sex with separate bedrooms; and

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- (c) Prevent more than two persons from occupying a single bedroom.
 - (2) Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.
- C. Selection of Occupants of Affordable Housing Units.
 - (1) The administrative agent shall use a random selection process to select occupants of low- and moderate-income housing.
 - (2) A waiting list of all eligible candidates will be maintained in accordance with the provisions of N.J.A.C. 5:80-26 et seq.
- D. Control Periods for Restricted Ownership Units and Enforcement Mechanisms
 - (a) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance until the Morris Township elects to release the unit from such requirements however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
 - (b) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
 - (c) Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit’s equalized assessed value.
 - (d) At the time of the first sale of the unit, the purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser’s heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit’s release from the requirements of this Ordinance, an amount equal to the difference between the unit’s non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
 - (e) The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
 - (f) A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.
- E. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

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Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

- (1) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- (2) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- (3) The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- (4) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

F. Buyer Income Eligibility.

- (1) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
- (2) The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household’s certified monthly income.

G. Limitations on indebtedness secured by ownership unit; subordination.

- (1) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- (2) With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C.5:80-26.6(b).

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H. Control Periods for Restricted Rental Units

- (1) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance until the [insert name of municipality] elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (2) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of [insert name of county]. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- (3) A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
 - (a) Sublease or assignment of the lease of the unit;
 - (b) Sale or other voluntary transfer of the ownership of the unit; or
 - (c) The entry and enforcement of any judgment of foreclosure.

I. Price Restrictions for Rental Units; Leases

- (1) A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- (2) No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- (3) Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

J. Tenant Income Eligibility.

- (1) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - (a) Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
 - (b) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.

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- (c) Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
- (2) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household’s eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - (a) The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - (b) The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - (c) The household is currently in substandard or overcrowded living conditions;
 - (d) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - (e) The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- (3) The applicant shall file documentation sufficient to establish the existence of the circumstances in (2)(a) through (e) above with the Administrative Agent, who shall counsel the household on budgeting.

§95-84. Administration

A. Municipal Housing Liaison.

- (1) The position of Municipal Housing Liaison (MHL) for Morris Township is established by this ordinance. The MHL shall be appointed by duly adopted resolution of the Township Committee and be subject to the approval by the Superior Court.
- (2) The MHL must be either a full-time or part-time employee of Morris Township.
- (3) The Municipal Housing Liaison must meet the requirements for qualifications, including initial and periodic training found in N.I.A.C. 5: 93.
- (4) The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Morris Township, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - (a) Serving as the municipality’s primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;

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- (b) The implementation of the Affirmative Marketing Plan and affordability controls.
- (c) When applicable, supervising any contracting Administrative Agent.
- (d) Monitoring the status of all restricted units in the Morris Township’s Fair Share Plan;
- (e) Compiling, verifying and submitting annual reports as required by the Superior Court;
- (f) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
- (g) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Superior Court.

B. Administrative Agent.

- (1) The Township shall designate by resolution of the Township Committee, subject to the approval of the Superior Court, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:93 and UHAC.
- (2) An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Superior Court. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
- (3) The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
 - (a) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Superior Court;
 - (b) Affirmative Marketing;
 - (c) Household Certification;
 - (d) Affordability Controls;
 - (e) Records retention;
 - (f) Resale and re-rental;
 - (g) Processing requests from unit owners; and
 - (h) Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
 - (i) The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

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C. Enforcement of Affordable Housing Regulations

- (1) Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- (2) After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 - (a) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:
 - [1.] A fine of not more than \$500 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
 - [2.] In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Morris Township Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - [3.] In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
 - (b) The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.

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- (3) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- (4) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.
- (5) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- (6) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

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- (7) Failure of the low-income and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (8) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

SECTION THREE. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of any inconsistency.

SECTION FOUR. If any section, subsection, paragraph, clause or provision of this Ordinance shall be adjudged to be invalid, such adjudication shall apply only to such section, subsection, paragraph, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

SECTION FIVE. This ordinance shall take effect upon the last to occur of the (i) filing with the Morris County Planning Board; and (ii) adoption and publication in the manner required by New Jersey law.

ROLL CALL:	MR. ARVANITES	YES	MR. SISLER	YES
	MR. NUNN	YES	MRS. WILSON	ABSTAIN
	MAYOR. MANCUSO	YES		

* * * *

RESOLUTIONS

In the next matter of business, the following resolutions were duly offered, seconded, and adopted by the vote as indicated at the end of the text of the resolutions:

RESOLUTION NO. 89-18-AMENDMENT-TEMPORARY BUDGET

WHEREAS an emergency condition has arisen with respect to emergency temporary appropriations needed in various line items and not adequate provisions has been made in the Calendar Year 2018 for Current, Temporary Budget for the aforesaid purposes and N.J.S.A 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Morris, that in accordance with N.J.S.A 40A:4-20 an emergency appropriation is and the same is hereby made for:

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RESOLUTION NO. 89-18-AMENDMENT-TEMPORARY BUDGET(CONTINUED)

<u>CURRENT</u>	<u>SALARIES & WAGES</u>	<u>OTHER EXPENSES</u>
Engineering	\$	500.00
Police Department	\$	10,000.00
Public Buildings and Grounds	\$	5,000.00
Vehicle Maintenance	\$ 10,000.00	\$ 10,000.00
Natural Gas	\$	30,000.00
Computer (IT)	\$	10,000.00
Office of Emergency Management	\$	1,000.00
TOTAL	\$ 10,000.00	\$ 66,500.00

<u>PARKING OPERATING EXPENSES</u>	<u>SALARIES & WAGES</u>	<u>OTHER</u>
Salaries & Wages	\$ 3,000.00	
TOTAL	\$ 3,000.00	

ROLL CALL:	MR. ARVANITES	YES	MR. SISLER	YES
	MR. NUNN	YES	MRS. WILSON	YES
	MAYOR. MANCUSO	YES		

* * * *

RESOLUTION NO. 90-18-APPOINTMENT OF DOUGLAS TURNER SPECIAL LAW ENFORCEMENT OFFICER CLASS 3 MORRIS TOWNSHIP POLICE DEPARTMENT FOR THE PERIOD OF MAY 7, 2018 TO DECEMBER 31, 2018

BE IT RESOLVED by the Township Committee of the Township of Morris, they being the governing body thereof, that Douglas Turner, 8 Meadowbrook Drive, Glenwood, NJ 07418 is hereby appointed to the position of Special Law Enforcement Officer Class 3 of the Morris Township Police Department, for the period of May 7, 2018 to December 31, 2018.

I, Cathleen Amelio, Township Clerk of the Township of Morris, Morris County, New Jersey do hereby certify that the forgoing is a true copy of a resolution adopted by the Governing Body at a duly authorized meeting held on May 3, 2018.

ROLL CALL:	MR. ARVANITES	YES	MR. SISLER	YES
	MR. NUNN	YES	MRS. WILSON	ABSTAIN
	MAYOR. MANCUSO	YES		

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PUBLIC COMMENT

Mayor Mancuso, in accordance with standard procedure, opened the meeting for comments by the general public. The name, address and summary of comments and responses, as appropriate, follows:

Mayor Timothy Doherty, Mayor, Town of Morristown – Residence -10 Wetmore Avenue – Expressed concerns for the process of the Redevelopment Ordinance in regards to the Planning Board process and the traffic that would impact the Town of Morristown in particular Mt. Kemble Avenue; inquired if this plan had been approved by the Planning Board? Ans. As required by Municipal Land Use Law the Ordinances will be referred to the Planning Board upon introduction for compliance with the Morris Township Master Plan and noted that this is a COAH obligation and that the Township has a court date of June 15, 2018 in reference to said obligation. Mayor Doherty stated that Morristown needs to know the impact that this development will have on traffic.

Ms. Kimberly Brown – 2 Carlton Street – inquired about 23 low and moderate units that are proposed at the Colgate development and asked if they are sales or rental units? Ans. The disposition of these units are defined by the state guidelines. When can public be involved with the process? Ans. At the May 16, 2018 Meeting of the Township; inquired as to the 2018 Budget total. Ans. \$35 million but in order to pay bills the Township relies on a temporary budget until the budget is adopted.

* * * *

TOWNSHIP COMMITTEE MEMBERS COMMENTS/QUESTIONS

At this time Mayor Mancuso called upon the Members of the Township Committee for comments which are summarized as follows:

MR. ARVANTIES - The Township Committee members worked together on reducing taxes for the residents of Morris Township as will be reflected in the 2018 budget; encouraged the Township and the Town of Morristown to work together on matters that affect both municipalities as more will be accomplished.

MRS. WILSON- Agreed with Mr. Arvanties that the Town and the Township should work together and looks forward to working with the Town of Morristown on Mt. Kemble and sidewalks; announced that two committee members will have office hours in the municipal building on the fourth Wednesdays of the month from 4 P.M. to 7 P.M.; encourage residents to avail themselves to the Township Municipal Messenger; stated that meeting information should be sent out earlier as receiving the meeting information on Monday is not enough time to digest the information received.

MR. NUNN – Stated that he respects Mayor Dougherty and that he would vote for him if he was a resident of Morristown; Mrs. Wilson didn't abstain on the Colgate redevelopment. Ms. Wilson has an agenda and may have interest in doing the bidding of the Mayor of Morristown.

MR. SISLER - There are many questions on the process, but people do not have time to be involved with government, which is no easy process. The Township did not create the process but have to abide by the laws of the State of New Jersey; elected official should know the process and there is no excuse not to be informed as an elected official. The excuse that they did not receive the agenda sooner is not an excuse; the public asks us to read the law and to know what is expected of an elected officials. Not to read the information provided is unacceptable.

MINUTES OF SPECIAL MEETING OF
THE TOWNSHIP COMMITTEE HELD ON
WEDNESDAY, MAY 3, 2018
7:00 P.M. REGULAR MINUTES
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TOWNSHIP COMMITTEE MEMBERS COMMENTS/QUESTIONS (CONTINUED)

MAYOR MANCUSO – Met with the governor who discussed issues in and around the State in reference to State Aid, drugs and texting while driving.

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CALL TO ADJOURNMENT

At 6:06 P.M. with no further business to be considered, on motion duly made, seconded and unanimously (4-0-1) adopted that the May 3, 2018 meeting was adjourned, next to convene on May 16, 2018 Meeting 5:00 P.M (to Closed), 7:00 P.M. (Regular Meeting) in the Municipal Building, 50 Woodland Avenue, Township of Morris.


CATHLEEN AMELIO
TOWNSHIP CLERK