



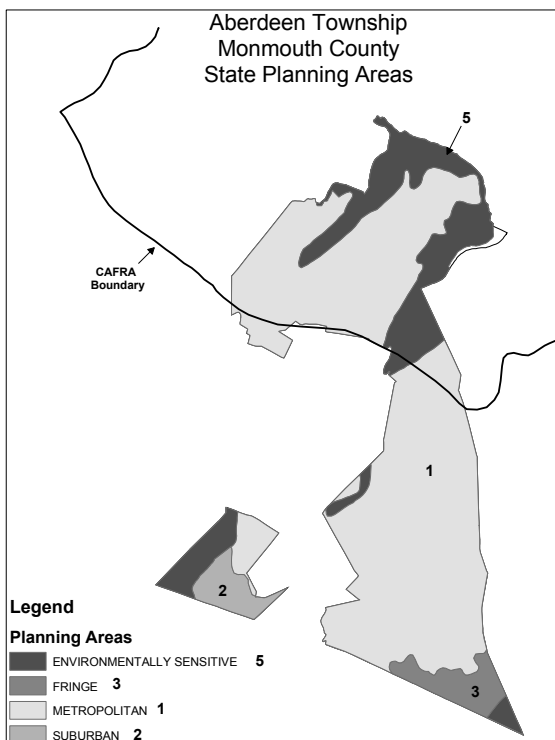
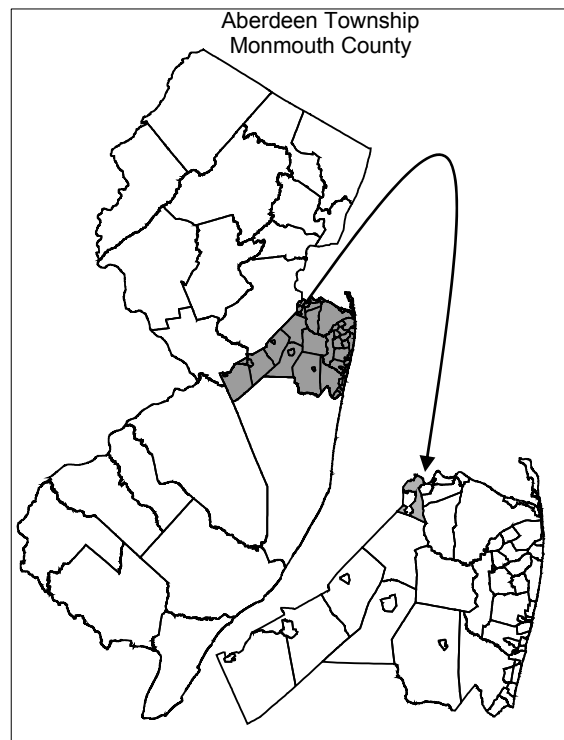
**THIRD ROUND  
COAH PREMEDIATION REPORT  
REQUESTING ADDITIONAL INFORMATION  
ABERDEEN TOWNSHIP/MONMOUTH COUNTY  
REGION # 4**



**Prepared by: Maria Giovine, P.P., A.I.C.P., Senior Planner  
September 15, 2006**

**I. INTRODUCTION**

Aberdeen Township is located on the northwestern border of Monmouth County. The Township contains approximately 5.56 square miles and is traversed by the Garden State Parkway and State Highways 34 and 35. Aberdeen is bounded to the north by the Raritan Bay, to the south by Marlboro Township, to the east by Keyport Borough, Hazlet and Holmdel Townships and to the west by Old Bridge Township in Middlesex County. The Borough of Matawan separates the southwestern corner of Aberdeen, known as the “Freneau” area, from the rest of the Township.



On the State Plan Policy Map (SPPM) of the State Development and Redevelopment Plan (SDRP), Aberdeen is predominantly in Planning Area 1. However, small portions of the Township are in Planning Areas 2 and 3 and those lands with a concentration of wetlands and 100-year flood plain lands are in Planning Area 5. There are no designated centers within Aberdeen. Land uses and

development in the northern portion of the Township are subject to the Coastal Area Facility Review Act (CAFRA).

The Planning Board of the Township of Aberdeen adopted a Housing Element and Fair Share Plan on December 15, 2005, addressing its 1987-2014 total affordable housing obligation. The Township Committee endorsed the Housing Element and Fair Share Plan on December 15, 2005. The Council on Affordable Housing (COAH) received Aberdeen's Housing Element and Fair Share Plan and its resolution of petition for third round substantive certification on December 16, 2005, which is considered the official filing date. Aberdeen published notice on February 2, 2006 in the *Asbury Park Press*. During the 45-day objection period, which ended on March 20, 2006, two objections to the plan were received by COAH from Art Bernard, P.P. on behalf of Edgewood Properties (Edgewood) and John Semple, Esq. on behalf of K. Hovnanian (Hovnanian), and one comment was received by Emeka Nwobodu, President of Innovative Housing Development Corporation. The objections and comment are summarized in Section VI below.

As discussed in detail below, the plan submitted by Aberdeen does not provide complete information necessary for COAH to grant substantive certification. Unless otherwise noted, all requested information and documentation must be submitted to COAH within 90 days of this report pursuant to N.J.A.C. 5:95-5.2(b), or December 14, 2006.

## **II. BACKGROUND**

As the result of two exclusionary lawsuits in 1984 and 1985 by V&G Builders, Inc. (Orchards at Aberdeen) and BHJ Associates (Heather Glen at Aberdeen), the Honorable Eugene D. Serpentelli, A.J.S.C. granted Aberdeen Township an Interim Order of Compliance on June 25, 1990. In that Order, Judge Serpentelli set Aberdeen's first round obligation at 325 low- and moderate-income units to be met through the construction of 170 new affordable units in inclusionary developments on the Karnell properties (Aberdeen Forge and Applewood, which are located in the Freneau section of the Township); the rehabilitation of 125 units (73 of which were to be credits for rehabilitation prior to 1990); and the rehabilitation of 30 additional units in the Freneau section after connection to public sewer per the Order. The Order also required the

developer to fund \$669,000 for recreational infrastructure for the Mount Laurel housing. In addition, the litigants (V&G Builders and BHJ Assoc.) were to fund \$787,000 for recreational infrastructure in the Mount Laurel housing area and \$175,000 for sewer hook-ups for low/moderate income families in the Freneau section of the Township from an all market multi-family development.

Subsequent to the 1990 Interim Order, both Karnell properties<sup>1</sup> received preliminary approval for a total of 1,035 units including 173 affordable units<sup>2</sup>. Changed market and financial conditions impacted the two litigants. The owners of the sites requested a rezoning from all market multi-family housing to all market single-family detached housing. Thereafter, on July 29, 1993, Judge Serpentelli issued an Amended Interim Order of Compliance that granted the litigants' requests and also reduced the required number of affordable housing units on the sites to 145 units. The contribution amount to the Township's affordable housing trust fund was also amended in the Amended Order. Aberdeen had obtained Green Acres funding to acquire recreational land in the Freneau section of the Township. Pursuant to the Amended Order, the developer of Heather Glen was required to provide \$160,000 to the fund and the developer of Orchards at Aberdeen was required to provide \$350,000 to the fund to be used by the Township for the installation of sanitary sewers and for providing connections to the sewer system for existing low and moderate income housing units in the Freneau section. The Township must submit to COAH the redevelopment agreement that confirms these commitments from the Township and the redevelopers.

Aberdeen Township originally submitted an adopted Housing Element and Fair Share Plan and a petition to COAH on June 16, 1999, addressing its 12-year cumulative affordable housing obligation. Aberdeen Township's 1987-1999 cumulative precredited need was 293 units, including a rehabilitation obligation of 23 units and a new construction obligation of 270 units. Aberdeen received a vacant land adjustment of 42 units pursuant to N.J.A.C. 5:93-4.2,

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<sup>1</sup> Mr. Karnell was the contract purchaser of the two sites: Harry Reider owns Aberdeen Forge (Block 127, lots 1-12; Block 128, lots 1-9; Block 129, lots 2-12; Block 149, lot 1; Block 151, lots 1-4). Fariello & Fiorino own Applewood (Block 124, lots 1 and 2).

<sup>2</sup> Applewood was approved with 68 affordable units and Aberdeen Forge was approved with 105 affordable units.

resulting in a realistic development potential (RDP) of 228<sup>3</sup> units and a rehabilitation obligation of 23 units.

Four objections and comments to Aberdeen's original Housing Element and Fair Share Plan were received during the 45-day objection period. COAH conducted four sessions of mediation, which concluded on October 14, 2000, with no outstanding objections and no material contested issues of fact<sup>4</sup>. Aberdeen agreed to amend its plan to include the Karnell properties, which were omitted by the Township in its initial petition for substantive certification, even though the sites were the subject of litigation. During the course of mediation, Aberdeen learned of affordable housing units within the Township, which had not been identified in the Fair Share Plan filed with COAH. As a result of mediation and the identification of additional affordable housing units, Aberdeen adopted an amendment to its Housing Element and Fair Share Plan on March 6, 2002, and re-petitioned COAH for second round substantive certification on March 27, 2002 to include these units and the Karnell properties among other additions and deletions. During the 45-day objection period, one objection was received from the Safety, Education and Training Trust Fund of the Heavy and General Laborers Local Union Nos. 472 and 172 (SET Fund), which was an objector to the initial petition. SET Fund was concerned that its property was still included in the amended Housing Element and Fair Share Plan, which was the subject of an objection to the initial petition. During telephone conversations and correspondence between the Township and SET Fund, it was clarified to SET Fund that its property was not included in the amended Fair Share Plan. SET Fund subsequently withdrew its objection.

COAH staff issued a Report Requesting Additional Information on October 3, 2005, reviewing the Township's March 2002 plan. Pursuant to N.J.A.C. 5:95-15.1(a), which became effective on December 20, 2004, Aberdeen was not able to receive second round substantive certification. Pursuant to N.J.A.C. 5:95-15.1(b), to remain under COAH's jurisdiction, Aberdeen was required to submit a resolution from its governing body by February 20, 2005, that committed to petitioning for third round substantive certification. Aberdeen submitted such a

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<sup>3</sup> For further information on the Vacant Land Adjustment and Aberdeen's original petition, see the COAH Report Requesting Additional Information, dated March 1, 2000.

<sup>4</sup> For further information on the mediation, see the COAH Mediation Report dated January 19, 2001.

resolution from its governing body dated February 1, 2005 that committed to petitioning for third round substantive certification by December 20, 2005.

Aberdeen Township petitioned COAH on December 16, 2005 with the third round Housing Element and Fair Share Plan adopted on December 15, 2005, which is the subject of this report.

### **III. HOUSING ELEMENT**

Pursuant to N.J.S.A. 40:55D-28(b), the Housing Element is a required section of the Municipal Master Plan. The Housing Element must be designed to achieve the goal of access to affordable housing to meet existing and future housing needs with special attention given to low- and moderate-income households. In analyzing these needs, the Housing Element must include demographic information on existing and projected housing stock and employment characteristics as well as a quantification of low- and moderate-income housing need and consideration of the lands within the municipality that are most appropriate to accommodate such housing. During its review of the Housing Element, COAH staff noted that Aberdeen has not submitted the following supporting documentation required pursuant to N.J.A.C. 5:94-2.2(b):

- A copy of the most recently adopted municipal master plan;
- A copy of the most recently adopted municipal zoning ordinance; and
- A copy of the most up-to-date tax maps of the municipality (electronic if available), with legible dimensions. The tax maps must show the location of all the affordable housing sites constructed and proposed in the Township.

Additional information must also be provided by the Township regarding growth projections, as detailed under Section III, Part B of this report.

#### **A. Demographic Analysis**

Aberdeen Township's Housing Element indicates in 2000 that the Township had 17,454 residents and 6,558 total housing units. Of these units, 6,421 were occupied, leaving 137 vacant units. The Census indicates that the population of the Township in 1990 was 17,038 people

residing in 5,905 occupied housing units. Approximately 65 percent of the Township’s housing stock was constructed prior to 1970 and approximately nine percent was constructed prior to 1940. In 2000, seventy-two percent of the units in the Township were single-family detached homes. Multi-family units with three or more units per building comprised 18.6 percent of the housing stock.

According to the 2000 Census, the average household size for the Township was 2.7 persons per household, and the median age was 37 years of age. Approximately ten percent of the population of the Township is aged 65 and older. The following table compares median household income, median housing value and rent for the Township, Monmouth County and the State of New Jersey, according to the 2000 Census:

	<b>Median Household Income</b>	<b>Owner-occupied Units</b>	<b>Median Value</b>	<b>Renter-occupied Units</b>	<b>Median Gross Rent</b>
<b>Aberdeen Township</b>	\$68,125	78%	\$160,800	22%	\$817
<b>Monmouth County</b>	\$64,271	74.6%	\$203,100	25.4%	\$759
<b>New Jersey</b>	\$55,146	65.6%	\$170,800	34.4%	\$751

New Jersey Department of Labor statistics indicate that, on average, 4,550 total jobs were located within Aberdeen Township in 2003.

Based upon a review of Aberdeen’s Housing Element, it is concluded that sufficient information was submitted regarding housing stock, demographic and employment characteristics and population trends pursuant to N.J.S.A. 52:27D-310.

**B. Third Round Fair Share Obligation**

Aberdeen Township’s third round total fair share obligation (1987-2014) consists of the sum of the Township’s rehabilitation share (1999-2014), the prior round obligation (1987-1999) and the Township’s third round growth share obligation (1999-2014). The Township does not

have a third round rehabilitation share. As noted above, Aberdeen's 12-year cumulative obligation was originally 293 units, consisting of 23 rehabilitation units and 270 new construction units. Aberdeen received a vacant land adjustment of 42 units pursuant to N.J.A.C. 5:93-4.2, resulting in an RDP of 228 units and a rehabilitation obligation of 23 units. As of December 20, 2004, Aberdeen's prior round affordable housing obligation has been recalculated to 281 new construction units<sup>5</sup>. However, based on the previously granted vacant land adjustment, Aberdeen's RDP remains at 228 units and the unmet need is adjusted to 53 units. Aberdeen Township's growth share obligation is determined pursuant to N.J.A.C. 5:94-1 et seq., which requires one affordable unit for every eight market-rate units that receive a certificate of occupancy after January 1, 2004, and one affordable unit for every 25 jobs created by new or expanded development receiving a certificate of occupancy after January 1, 2004.

### **Growth Projections**

Pursuant to N.J.A.C. 5:94-2.2(b)1 and 2, municipalities are required to provide a projection of the municipality's probable future construction of housing and a projection of the probable future jobs for ten years covering the period January 1, 2004, through January 1, 2014, based on certificates of occupancy issued since January 1, 2004; construction and demolition permits issued and projected; development application approvals; and historical trends of at least the past ten years. The municipal growth projections must then be compared to the SDRP Plan Projections for 2015 (or the MPO projections for that municipality if the Plan Projections are not available) to determine consistency, pursuant to N.J.A.C. 5:94-2.3.

### ***Municipal Projections***

Aberdeen Township has projected its growth to be 1,089 households and 457 jobs based on the following projections and analysis:

#### ***Residential: Actual Growth since January 1, 2004:***

Aberdeen Township's Housing Element indicates that 44 certificates of occupancy and six demolition permits were issued for residential units from January 1, 2004 to December 31,

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<sup>5</sup> Due to recalculations performed as part of the development of COAH's third round rules and methodology, prior round obligations were adjusted as indicated in Appendix C of N.J.A.C. 5:94.

2004. This information has been verified using the New Jersey Department of Community Affairs *Construction Reporter*.

Aberdeen reports that 22 certificates of occupancy and five demolition permits were issued by the Township between January 1, 2005 and November 7, 2005. Complete 2005 actual data is now available and must be incorporated into the Township's projections. The *Construction Reporter* indicates that there were 39 certificates of occupancy and five demolition permits issued in the Township in 2005.

*Residential: Projections to January 1, 2014:*

Aberdeen provided a projection of the Township's probable future construction of housing for ten years covering the period January 1, 2004 through January 1, 2014. Pursuant to N.J.A.C. 5:94-2.2(b)1, the Township included in its projection analysis certificates of occupancy and demolition permits issued and projected, approvals of applications for development, and historical trends of at least the past ten years.

A review of the residential historical trend indicates that there were 664 net new housing units built in the Township between 1995 and 2004, or approximately 66.4 units per year. Aberdeen states that it anticipates an increased rate of construction for the third round period. The Township projects that residential growth will average approximately 1,073 units from January 1, 2005 to January 1, 2014. Twenty-two demolition permits are expected to be issued during the same period, resulting in a net residential growth of 1,051 units. Aberdeen identifies 10 approved projects that will generate 542 residential housing units and 12 pending projects and single lot developments that will generate an additional 38 residential housing units. Aberdeen also includes four anticipated projects and single lot infill development for a total of 493 units in the "other projected development" category. Therefore, the Township's net projected residential growth from 2004 to 2014, including actual 2004 growth, is 1,089 residential units.

*Non-residential: Actual Growth since January 1, 2004:*

Aberdeen's Housing Element indicates that there have been certificates of occupancy issued for 91,891 square feet of education space from January 1, 2004, to December 31, 2004, resulting in 91.89 jobs. The Township reports that three demolition permits for office space were issued during this period. However, only two of the three demolition permits issued



actually resulted in a reduction of office building square footage, which totaled 34,269 square feet. When converted to jobs, this totals 102.89 jobs. Therefore, the Township net job growth for 2004 is -11 jobs. This information has been verified using the *Construction Reporter*.

Aberdeen reports that one certificate of occupancy for 13,884 square feet of office space and one demolition permit for 3,574 square feet of office space were issued by the Township between January 1, 2005 and November 7, 2005. Complete 2005 actual data is now available and must be incorporated into the Township's projections. The *Construction Reporter* indicates that in 2005, certificates of occupancy were issued for 13,884 square feet of office space (41.65 jobs), 2,656 square feet of multi-family/dormitories (2.12 jobs), 52,900 square feet of education space (52.9 jobs), and 33,549 square feet of storage space (6.7 jobs) and that six demolition permits were issued for office space. Subtracting out the jobs that resulted from the demolition permit issued for 3,574 square feet of office space results in 92.65 net jobs for 2005. The Township must determine the square footage associated with the remaining demolition permits for office space if the resultant job loss is to be subtracted from the job growth for 2005.

*Non-residential: Projections to January 1, 2014:*

Aberdeen provided a projection of the probable future jobs and employment characteristics of the municipality for ten years covering the period January 1, 2004, through January 1, 2014. Pursuant to N.J.A.C. 5:94-2.2(b)2, the Township included certificates of occupancy and demolition permits issued and projected, approvals of applications for development and historical trends of at least the past ten years.

Aberdeen's historical employment growth shows that from 1995 to 2004, certificates of occupancy were issued for square footage that resulted in approximately 1,572 jobs, or 157 jobs per year. Although the *Construction Reporter* indicates that 14 demolition permits were issued from 1995 through 2003 for non-residential uses, the Township's Plan states that "the amount of building square footage, if any, attributable to the demolitions has not been researched since it will have no bearing on the projections of net non-residential square footage."

Aberdeen identifies 17 approved, pending and anticipated projects and one demolition that would generate a net of 468 jobs by 2014. Added to the 2004 actual data (-11 jobs), Aberdeen's anticipated net job growth from 2004 to 2014 is 457 jobs.

The Township reports that no demolition permits are anticipated from 2005 through 2013 except for the one issued in the first part of 2005. However, as indicated above, six demolition permits were issued in 2005 for office space. Therefore, the Township must determine the square footage associated with the remaining demolition permits for office space if the resultant job loss is to be subtracted from the job growth for 2005.

***SDRP/MPO Consistency Review***

Pursuant to N.J.A.C. 5:94-2.2(b)4, because SDRP Plan Projections for 2015 were not available when Aberdeen petitioned for third round substantive certification, Aberdeen was required to provide the most recent municipal population, household, and employment growth projections published by the municipality’s MPO. The MPO for Aberdeen is the North Jersey Transportation Planning Authority (NJTPA). Aberdeen included these household and employment projections in its Housing Element for comparison to the Township’s projections. Pursuant to N.J.A.C. 5:94-2.2(b)4, municipalities must utilize household projections from its MPO when available.

The following tables provide the NJTPA projections for the period 2004-2014:

**Residential:**

2015		2005		NJTPA
NJTPA	-	NJTPA	=	Household
Households		Households		Change
<b>7,300</b>		<b>6,890</b>	=	<b>410</b>

**Non-Residential:**

2015		2005		NJTPA
NJTPA	-	NJTPA	=	Employment
Employment		Employment		Change
<b>4,920</b>	-	<b>4,610</b>	=	<b>310</b>

Aberdeen has projected its residential growth to be 1,089 units and its non-residential growth to be 457 jobs. In accordance with N.J.A.C. 5:94-2.3, Aberdeen’s household and employment projections are above the NJTPA projections and therefore have a presumption of validity in the petition for substantive certification. However as indicated above, the Township

must incorporate 2005 actual data into both its residential and non-residential projections. For the purpose of this report and until Aberdeen provides the 2005 data requested, the Township's projections of 1,089 units and 457 jobs will be used.

### **Growth Share Obligation**

#### ***Residential***

Aberdeen has projected its net residential growth to be 1,089 units. The Township subtracted second round market-rate units and affordable units (494 units) from this projection as well as 250 units within a projected inclusionary development (Anchor Glass PUD). The result of 345 units, which consists of market-rate units only, was then divided by eight, resulting in a partial residential growth share obligation of 43.13 affordable units. Aberdeen then divided the 250 units in the Anchor Glass inclusionary development by nine to yield a residential growth share obligation of 27.78 affordable units, for a total residential growth share obligation of 70.91 affordable units.

To arrive at the residential growth share obligation, COAH staff divided by eight after subtracting the 44 affordable units projected for the Anchor Glass PUD (along with the 494 second round market-rate and affordable units) from the 1,089-unit net residential growth total. This is consistent with N.J.A.C. 5:94-2.4(a)3, which permits the exclusion of affordable housing units included in the municipality's third round Fair Share Plan from projected residential growth for the purposes of projecting growth share. Pursuant to N.J.A.C 5:94-2.4(a),2, affordable units addressing a prior round obligation that are projected to be constructed after January 1, 2004 are excluded from growth for the purpose of projecting growth share and pursuant to N.J.A.C 5:94-2.4(a)4, market-rate units projected to be constructed after January 1, 2004 in inclusionary developments addressing a prior round obligation may be excluded from the residential growth at the rate of four times the number of affordable units generated on that particular site. As the one for eight growth share ratio represents the market-rate housing that obligates the construction of affordable housing, pursuant to N.J.A.C 5:94-2.4(a)3, all affordable housing units receiving certificates of occupancy after January 1, 2004 would also be excluded from growth for the purpose of determining growth share. Therefore, as summarized in the following table, a total of

538 units would be excluded from the total growth for the purpose of determining the growth share obligation pursuant to N.J.A.C. 5:94-2.4(a):

<b>Description</b>	<b>Total Units</b>	<b>Affordable Units</b>	<b>Market-Rate Units Excluded</b>	<b>Total Exclusion</b>
Freneau PRD	589	68	272	340
So. River Metals Apts.	154	92	62	154
Anchor Glass PUD	250 by 2014 750 total units	44	0	44
<b>TOTAL</b>		<b>204</b>	<b>334</b>	<b>538</b>

Subtracting 538 exclusions from total projected residential growth of 1,089 units results in 551 market-rate units. The Township may then divide the remaining 551 market-rate units by eight, which results in a residential growth share obligation of 68.88 affordable units.

***Non-Residential***

Aberdeen has projected its non-residential growth to be 457 jobs. Pursuant to N.J.A.C. 5:94-2.4(b), the non-residential growth share obligation is one unit for every 25 new jobs that result from new or expanded non-residential development. Therefore, Aberdeen has divided 457 by 25 to determine that its non-residential growth share obligation is 18.28 affordable housing units

***Total Growth Share Obligation***

Aberdeen has determined its total growth share obligation for the period 2004-2014 to be 89 affordable housing units (71 residential + 18.28 non-residential). As noted above, COAH revised the Township’s residential growth share obligation to 68.88 affordable units. For purposes of this report and until Aberdeen provides the information requested above regarding 2005 actual data, Aberdeen’s total growth share obligation for the period 2004-2014 is 87 affordable housing units.

Aberdeen should note that pursuant to N.J.A.C. 5:94-2.5, the affordable housing obligation is based on actual growth that occurs within the municipality over time. COAH will compare the actual growth share obligation with the actual number of affordable housing units

that have been constructed or provided for at the three-, five- and eight-year review periods. Pursuant to N.J.A.C. 5:95-9.1(c), when the difference between the number of affordable units constructed or provided in a municipality and the number of units required pursuant to N.J.A.C. 5:94-2.4 during the third year, fifth year and eighth year period of review results in a pro-rated production shortage of 10 percent or greater, COAH may direct the Township to amend its plan to address the shortfall.

**Summary of 1987-2014 Fair Share Obligation**

Aberdeen Township’s total 1987-2014 fair share obligation is 370 units, consisting of a prior round obligation of 281 units and a growth share obligation of 87 units. The Township does not have a third round rehabilitation share.

The following table summarizes Aberdeen Township’s total (1987-2014) fair share obligation:

	<b>Rehabilitation Component</b>	<b>New Construction Component</b>
Rehabilitation Share	<b>0</b>	
Prior Round Obligation		<b>281</b>
Growth Share Obligation		<b>87</b>
Total	<b>0</b>	<b>368</b>
<b>Total 1987-2014 Obligation</b>	<b>368</b>	

**IV. FAIR SHARE PLAN**

A municipal Fair Share Plan must describe the projects, strategies and funding sources, if applicable, by which a municipality proposes to address its affordable housing obligation as set forth in N.J.A.C. 5:94-2.4 and also includes the draft ordinances necessary to implement that plan. The third round Housing Element and Fair Share Plan submitted by Aberdeen addresses an affordable housing obligation of 370 affordable housing units, based on its municipal projections.

**A. Rehabilitation Share**

Pursuant to Appendix C of N.J.A.C. 5:94, Aberdeen Township does not have a third round rehabilitation share.

**B. Prior Round Obligation**

Aberdeen Township's prior round fair share obligation consists of 281 units. In COAH's report requesting additional information dated March 1, 2000, Aberdeen received a vacant land adjustment of 42 units pursuant to N.J.A.C. 5:93-4.2, resulting in an RDP of 228<sup>6</sup> units. Based on the previously granted vacant land adjustment, Aberdeen's RDP remains at 228 units, but the unmet need is adjusted to 53 units. Aberdeen Township's Fair Share Plan proposes 17 post-1986 credits for 17 bedrooms in three alternative living arrangements; three post-1986 credits for three low-income, scattered site home-ownership units; 48 age-restricted units through a municipally-sponsored construction project; 68 affordable rental units and 57 associated rental bonuses as part of the Freneau Area Redevelopment Plan; and a 35-unit Regional Contribution Agreement (RCA). A redevelopment plan with an overlay zone and development fees were proposed to address unmet need.

**Credits**

Pursuant to N.J.A.C. 5:94-3.2(a), a municipality may receive credits for housing activity prior to the date of its petition for substantive certification, provided such activity complies with criteria in N.J.A.C. 5:93-1 et seq. Credits represent units that have been built, created or transferred through a completed RCA. Requested credits must be submitted on COAH Monitoring Forms with supporting documentation, which must include documentation on who administers the units and a copy of the deed that demonstrates that the appropriate controls on affordability are in place. Both project and unit monitoring forms must be submitted for all completed units. Monitoring forms are available on the COAH website at [www.nj.gov/dca/coah/unitmonitoringforms.shtml](http://www.nj.gov/dca/coah/unitmonitoringforms.shtml). Additionally, in order for COAH to grant credits for Assisted Living and Alternative Living Arrangement facilities, the appropriate survey forms must be completed. Survey forms are available on the COAH website at

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<sup>6</sup> For further information on the Vacant Land Adjustment and Aberdeen's original petition, see the COAH Report Requesting Additional Information, dated March 1, 2000.

www.nj.gov/dca/coah/round3resources.shtml. All monitoring forms and surveys must be certified by the Project Administrator and the Municipal Housing Liaison.

***Post-1986 Credits***

Pursuant to N.J.A.C. 5:93-3.3, municipalities may receive credit and rental bonuses for eligible housing activity completed subsequent to December 15, 1986. The Township's third round plan requests 20 post-1986 credits for 17 bedrooms in three alternative living arrangements and three scattered site homeownership units.

*New Horizons In Autism, Inc.*

Aberdeen is requesting credit for a three-bedroom group home owned and operated by New Horizons In Autism, Inc. The group home is located at 54 Idaho Lane (Block 56, Lot 7.03), is licensed and funded by the Department of Developmental Disabilities (DDD) and received its certificate of occupancy on July 1, 1999. The units are available to income-eligible individuals and have the required controls on affordability in accordance with N.J.A.C. 5:93-9.2. In order to receive credit for this facility, the Township must fully complete and certify an Alternative Living Arrangement Survey. **[3 Post-1986 credits for group home – pending receipt of completed ALA survey]**

*Cerebral Palsy Association*

Aberdeen is requesting credit for a five-bedroom group home owned and operated by the Cerebral Palsy Association. The group home is located at 104 Avondale Lane (Block 17, Lot 13), is licensed and funded by DDD and received its certificate of occupancy on April 10, 1997. The units are available to income-eligible individuals and have the required controls on affordability in accordance with N.J.A.C. 5:93-9.2. In order to verify this information, the Township must complete and certify an Alternative Living Arrangement Survey. **[5 Post-1986 credits for group home – pending receipt of completed ALA survey]**

*Manna House*

Aberdeen has submitted documentation on a nine-bedroom alternative living arrangement known as the Manna House. Manna House serves income-eligible female heads of households who are on welfare. The facility is located at 640 Cliffwood Avenue (Block 303, Lot 12). The Township states that the facility is owned by Monmouth Neighborhood Housing, Inc. and is

sponsored and administered by the Monmouth County Department of Social Services. In addition to fully completing an Alternative Living Arrangement Survey and providing a copy of the deed, Aberdeen must provide COAH with additional information on this provider including the organization's mission statement, a description of the services provided and verification from the provider that the facility is open to the general public and is not age-restricted. **[9 Post-1986 credits for group home – pending receipt of completed ALA survey and additional information]**

Scattered site home-ownership units

Aberdeen is seeking credits for three existing affordable detached single-family homes, which were constructed in 1999 by Innovative Housing Development Corporation on the following three properties:

6 Bank Street	Block 33/Lot 4.01
8 Bank Street	Block 33/Lot 5.01
79 Monica Street	Block 162/Lot 11

The Township states that the units were funded with Home funds through the New Jersey Department of Community Affairs Balanced Housing program, are available to income-eligible households and have the required controls on affordability in accordance with N.J.A.C. 5:93-9.2. However, as indicated in COAH's Report Requesting Additional Information dated October 3, 2005, correspondence from the Township to COAH in September of 2003 indicated that these houses have not yet been constructed. In order for COAH to credit these units, Aberdeen must provide fully completed project and unit monitoring forms and submit a deed that demonstrates that the appropriate controls on affordability are in place. "Projects or Programs Addressing a New Construction Obligation" and "Unit Information for Projects or Programs Addressing a New Construction Obligation" are available on the COAH website at [www.nj.gov/dca/coah/unitmonitoringforms.shtml](http://www.nj.gov/dca/coah/unitmonitoringforms.shtml). The information must be certified by the Project Administrator and the Municipal Housing Officer.

In addition, a comment received from Emeka Nwobodu, President of Innovative Housing Development, on March 19, 2006, indicates that the unit on 79 Monica Street is no longer an affordable unit. The objection indicates that all previously approved variances on the subject property granted by the Township are expired, that there are no deed restrictions associated with



the property, that the Corporation does not have an agreement or contract with the Township for the affordable unit and that Innovative Housing Development Corporation is therefore no longer obligated to develop this property with an affordable housing unit. Aberdeen must demonstrate how it intends to rectify this situation.

Pursuant to N.J.A.C. 5:94-4.6(a) and N.J.A.C. 5:80-26.1 et seq., these units must have the appropriate controls on affordability, be affirmatively marketed, and have the appropriate low/moderate split and bedroom distribution. The Township has not provided the necessary documentation indicating the administrative agent that will be responsible for administering units in accordance with the Uniform Housing Affordability Controls (UHAC), as outlined under Section V, Part D, of this report [**3 Post-1986 Credits, pending receipt of additional information**]

### **Reductions**

Reductions represent unbuilt units that have been included in a previously certified affordable housing plan by zoning for low and moderate-income housing. Pursuant to N.J.A.C. 5:94-3.3, municipalities may receive reductions for unbuilt sites that were part of the municipality's certified second round plan if the site continues to present a realistic opportunity for the provision of affordable housing. The rule requires evidence that the site is still suitable pursuant to N.J.A.C. 5:94-4.5, that market conditions still create a realistic opportunity for the construction of affordable units and that unconditional zoning was previously adopted on the site. The municipality must also provide any relevant decisions on applications for development.

Aberdeen Township's Housing Element and Fair Share Plan includes reductions for unbuilt housing that was part of the Township's 1990 Judgment of Compliance:

#### **Fariello & Fiorino and Reider Tracts**

As stated in Section II of this report, the Reider and Fariello & Fiorino sites (aka the Karnell properties) were part of the Township's 1990 Judgment of Compliance and were proposed to include a total of 145 affordable units (79 units from the Reider tract and 66 from the Fariello & Fiorino tract). These sites are also included in the Freneau section of the Township, which has been designated a redevelopment area in accordance with the Local Redevelopment and Housing Law. For more information on the background on the designation of the area as a

redevelopment zone, see COAH's Report Requesting Additional Information dated October 3, 2005.

Aberdeen's Fair Share Plan states that there are areas within the Freneau section of Aberdeen Township, currently designated as Planning Area 1 and Planning Area 2 on the State Plan Policy Map, which are being considered by the State Planning Commission for Planning Area 5 designation. It states further that both the Township and the County, as part of the Cross Acceptance process, are recommending that the planning area designations for this area remain unchanged, noting that it has been designated as a redevelopment area to include affordable housing.

The Township's third round Fair Share Plan states that on September 18, 2003, the Planning Board adopted a resolution approving a general development plan in the Freneau section for a "PACRP" Planned Adult Community on approximately 183.5 acres. The PACRP ordinance provides for a component of affordable non age-restricted housing. The GDP approval included the following three sub-areas:

**Mirror Lake:** This site contains 45.57 acres. The site received preliminary and final approvals on February 18, 2004 for the construction of 234 age-restricted market-rate units.

**Horizons at Aberdeen Forge:** This site contains 131.44 acres. The site received preliminary and final approvals on June 16, 2004 for the construction of 389 age-restricted market-rate units. As a result of a litigation settlement, the applicant will be seeking amended approval for a total of 287 age-restricted market-rate units.

**Aberdeen Summit (Wilson Ave site):** This site contains approximately 6.34 acres. The developer has submitted a preliminary and final site plan for the construction of 68 non age-restricted affordable rental units.

In August 2003, COAH granted a waiver to Aberdeen from the bedroom distribution requirements of N.J.A.C. 5:93-7.3(a)1 to allow the redevelopers to construct the Wilson Avenue site with all two bedroom units. In consideration of the waiver, the redevelopers agreed to expedite the schedule of completing the affordable units relative to the market units such that 100% of the affordable units would be complete at the time that 75% of the market rate units are completed. As noted in COAH's Report Requesting Additional Information dated October 3,

2005, Aberdeen was required to submit documentation detailing the progress of this development. In addition, Aberdeen was required to demonstrate to COAH that the bedroom distribution in the Township's overall plan would compensate for the altered bedroom distribution on the Wilson Avenue site to ensure consistency with the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.) and COAH regulations. This information was not included with the Township's third round plan and must be submitted to COAH. If Aberdeen is unable to provide such documentation and to demonstrate that construction has begun or site plan approvals granted, then the Wilson Avenue site must conform to third round UHAC bedroom distribution requirements.

As indicated in COAH's Report Requesting Additional Information dated October 3, 2005, Aberdeen must submit the most recently adopted Redevelopment Plan, which identifies the zoning for the site(s) that will provide the affordable units. Pursuant to N.J.A.C. 5:93-5.15(d), Aberdeen must provide to COAH a copy of the redevelopment agreement that commits the developer(s) to provide the appropriate number of rental units in order for the units to be applied toward the Township's rental obligation and to receive rental bonuses. Aberdeen is requesting 57 rental bonuses for the 68 proposed affordable units.

Pursuant to N.J.A.C. 5:94-4.5, Aberdeen is required to demonstrate that the Aberdeen Summit site is still suitable, that market conditions still create a realistic opportunity for the construction of affordable units and that zoning to produce affordable housing is in place for this site. The Township must also provide all decisions on applications for development.

Additionally, pursuant to N.J.A.C. 5:94-4.6(a) and N.J.A.C. 5:80-26.1 et seq., these units must have the appropriate controls on affordability, be affirmatively marketed, and have the appropriate low/moderate split and bedroom distribution. The Township must provide the necessary documentation indicating the administrative agent that will be responsible for administering units in accordance with UHAC as outlined under Section V, Part D, of this report. Also, in order for COAH to grant a reduction for these units, Aberdeen must fully complete a monitoring form for "Projects or Programs Addressing a New Construction Obligation."

**[68 rental reductions & 57 rental bonuses – pending receipt of additional information]**

**Adjustments**

Adjustments reflect the application of COAH regulations that reduce a municipality's affordable housing obligation based on other limitations and/or methodological corrections. As stated above, Aberdeen Township received a vacant land adjustment of 42 units pursuant to N.J.A.C. 5:93-4.2, resulting in a RDP of 228 units. As of December 20, 2004, Aberdeen's prior round affordable housing obligation has been recalculated to 281 new construction units<sup>7</sup>. However, based on the previously granted vacant land adjustment, Aberdeen's RDP remains at 228 units and the unmet need is adjusted upward to 53 units<sup>8</sup>.

**Summary of Credits/Reductions/Adjustments**

Based on the documentation submitted and pending the submission of additional information, Aberdeen has a total of 145 credits, reductions, and bonuses, reducing the Township's prior round RDP to 83 units. The following table summarizes Aberdeen's credits, reductions, adjustments and bonuses:

<b>Credits/Reductions</b>	<b>Prior Round</b>	
<b>Obligation:</b>	<b>228 RDP</b>	
<b>Credits/Reductions/Adjustments</b>	<b>Plan</b>	<b>Eligible</b>
<i>Post-1986 Credits</i>		
Alternative Living Arrangements	17	17*
Scattered Site Home Ownership Units	3	3*
<i>Reductions</i>		
Aberdeen Summit rentals	68	68*
Rental Bonuses for Aberdeen Summit	57	57*
<b>Total Credits/Reductions/Adjustments</b>	<b>145</b>	<b>145*</b>
Remaining RDP	<b>83</b>	

\*pending receipt of additional information

<sup>7</sup> Due to recalculations performed as part of the development of COAH's third round rules and methodology, prior round obligations (previously known as the new construction component of the second round obligation) were adjusted as indicated in Appendix C of N.J.A.C. 5:94.

<sup>8</sup> For further information on the Vacant Land Adjustment and Aberdeen's original petition, see the COAH Report Requesting Additional Information, dated March 1, 2000.

### **Compliance Plan for Remaining Prior Round Obligation**

After applying the 145 credits, reductions and bonuses described above (pending the receipt of additional information), the Township has a remaining RDP of 83 units. The Township proposes to address the remaining obligation with a municipally sponsored construction project and an RCA.

#### *South River Meadows Municipally Sponsored Construction Project*

In Aberdeen's March 2002 Fair Share Plan, the Township proposed a 63-unit age-restricted municipally sponsored construction project. Aberdeen's third round plan now proposes 92 affordable age-restricted rental units on the site, but the Township intends to apply 48 of the units to address its prior round obligation and the remaining 44 to address its growth share obligation. Consequently, in addition to satisfying the review criteria of N.J.A.C. 5:93, the site must meet all the review criteria of N.J.A.C. 5:94, and where there is a difference between N.J.A.C. 5:93 and 5:94, the more restrictive standard shall apply.

The site is located at 100 Church Street between Gravelly Brook and the Conrail Railroad track right-of-way (Block 39/Lot 1). The site is approximately 13.86 acres and was formerly occupied by the South River Metal Products Company, Inc. The Township states that it acquired the site through foreclosure on July 12, 2001. As indicated in COAH's Report Requesting Additional Information dated October 3, 2005, pursuant to N.J.A.C. 5:94-4.6, Aberdeen must provide documentation to COAH demonstrating that the Township has control of the property.

The Township states in its Fair Share Plan that the site has undergone a "Preliminary Assessment/Site Investigation" (PA/SI), which was approved by NJDEP on August 10, 1998. Aberdeen must provide documentation of DEP's approval as well as any conditions to ensure full cleanup of the site.

A preliminary investigation to determine whether or not the site should be designated a Redevelopment Area was performed by the Township. The investigation report submitted with the Township's March 2002 Fair Share Plan stated that the site is within the water franchise area of the New Jersey American Water Company, which has a twenty inch high pressure water transmission main on Route 34 directly adjacent to the subject property. However, pursuant to

N.J.A.C. 5:93-5.5(c)3, Aberdeen must provide documentation to COAH that there is adequate water capacity to service this tract.

The report also states that the Township owns and maintains an independent sanitary sewer collection and transmission facility. Wastewater is conveyed by pump station and force main to the Bayshore Regional Sewerage Authority for treatment, and then to the Bayshore Outfall Authority for discharge to the Atlantic Ocean. Wastewater from the site would ordinarily flow through eight-inch diameter pipes to the adjoining wastewater collection system in Matawan Township. However, the Township states in the report that, depending on the size of the development on the site, there may be insufficient downstream capacity to accommodate the increased flows. Aberdeen must provide documentation to COAH that sewer service to the site is adequate.

Aberdeen must demonstrate that the site is suitable pursuant to N.J.A.C. 5:94-4.5 and is in conformance with the SDRP. The Township must submit information demonstrating that the site may be developed for low and moderate income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site including DEP. Aberdeen must demonstrate that the site is adjacent to compatible land uses. The investigation report details environmental conditions and constraints on the site, which include flood plains, freshwater wetlands, and site contamination (the site is a brownfield site). Aberdeen must submit a map that details all the environmental constraints on the site and shows the amount of acreage that is environmentally constrained and the remaining buildable acreage.

The South River Metals RFP assigns the remediation of environmental contaminants to the developers. At this point, COAH cannot determine how the remediation affects the financial feasibility of the project. Aberdeen must submit all documentation as required by N.J.A.C. 5:94-4.6, including a pro-forma statement for the project, and a description of funding for the project. Aberdeen must submit detailed information demonstrating that the entity(s) ultimately designated by the Township to construct and administer the project has adequate and stable funding capabilities. Additionally, Aberdeen must provide COAH with an updated municipal resolution appropriating funds from general revenue or a resolution of intent to bond in case there is a shortfall in funding for this project.

Aberdeen must also submit a construction schedule, or timetable, for each step in the development process, including preparation of a site plan, granting of municipal approvals, applications for State and Federal permits, selection of a contractor and construction. The schedule must provide for construction to begin within three years of the Township's petition for substantive certification.

COAH must receive an executed contract(s) for the construction and administration of the units. Pursuant to N.J.A.C. 5:94-4.6(a) and UHAC, these units must have the appropriate controls on affordability, be affirmatively marketed, and have the appropriate low/moderate split and bedroom distribution. The Township must provide the necessary documentation indicating the administrative agent that will be responsible for administering units in accordance with UHAC as outlined under Section V, Part D, of this report.

In addition, the Township must also provide to COAH a status of whether the site was ever designated a Redevelopment Area. The site must be designated as such in accordance with N.J.S.A. 40A:12A-5 and the Township must provide COAH with an adopted redevelopment plan along with all supporting resolutions required pursuant to N.J.S.A. 40A:12A-7. The adopted plan must clearly set forth the affordable housing requirements for the designated area, specifying the terms of this arrangement and verifying the production of rental units. Aberdeen issued a Request for Proposals (RFP) for the site on July 1, 2003, which was due on October 1, 2003. The Township must provide COAH with the status of the RFP, and if a redeveloper was selected, the Redevelopment Agreement must also be submitted.

In addition, in order for COAH to grant credit for these units, Aberdeen must fully complete a monitoring form for "Projects or Programs Addressing a New Construction Obligation." Monitoring forms are available on the COAH website at [www.nj.gov/dca/coah/unitmonitoringforms.shtml](http://www.nj.gov/dca/coah/unitmonitoringforms.shtml). **[48 age-restricted rental units in a municipally sponsored construction project - pending receipt of additional information]**

*Regional Contribution Agreement with Unidentified Recipient*

Pursuant to N.J.A.C. 5:93-5.7(a), a municipality may address a portion of its housing obligation by entering into an RCA in accordance with N.J.A.C. 5:93-6. As indicated below, Aberdeen may transfer 114 units of its prior round obligation through an RCA.

In Aberdeen's March 2002 Fair Share Plan, Aberdeen proposed an eight-unit RCA with an unknown recipient as part of the second alternative discussed above in regard to the Fariello & Fiorino and Reider Tracts. Aberdeen's third round plan proposes a 35-unit RCA with an unidentified recipient at \$35,000 per unit, consistent with N.J.A.C. 5:94-1.2(d), for a total transfer of \$1,225,000.<sup>9</sup>

Aberdeen has not provided any other information regarding this RCA. Aberdeen must provide to COAH a draft RCA contract and resolutions from Aberdeen and the designated receiving municipality authorizing execution of the RCA. Pursuant to N.J.A.C. 5:91-11.1(a), the initial draft contractual agreement must be submitted to COAH for review by the sending municipality and shall specify, at a minimum, the number of units to be transferred, the type of housing activity anticipated by the receiving municipality and the amount of compensation to be paid to the receiving municipality in return for such a transfer. Aberdeen's plan indicates that the RCA will be funded through its affordable housing trust fund, which has a balance of \$125,000, and that the Township will cover the balance with funds from its general fund or will bond for the balance. Aberdeen must provide COAH with an updated municipal resolution appropriating funds from general revenue or a resolution of intent to bond in case there is a shortfall in funding for the RCA.

Pursuant to N.J.A.C. 5:91-11, the receiving municipality must submit a proposed project plan for review and approval by COAH, the New Jersey Housing and Mortgage Finance Agency (HMFA) and the County Planning Board of the receiving municipality. The project plan must delineate the manner in which the receiving municipality shall create or rehabilitate low- and moderate-income housing using RCA funds and how the RCA is in accordance with sound comprehensive regional planning. The RCA must be approved by COAH before substantive certification may be granted. After all required information has been submitted to COAH, this RCA will be reviewed in a separate report. **[35 unit-RCA - pending receipt of additional information]**

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<sup>9</sup> Pursuant to N.J.A.C. 5:94-1.2(d), the minimum subsidy amount for the RCA must be \$35,000, because Aberdeen is including the RCA for the first time to address a 1987-1999 affordable housing obligation, and because resolutions of intent were not executed by both the sending and receiving municipality prior to December 20, 2004.



Unmet Need

N.J.A.C. 5:93-4.1(b) and N.J.A.C. 5:93-4.2(h) require municipalities that are granted a vacant land adjustment to capture affordable housing opportunities beyond the RDP. Examples of such mechanisms include zoning for accessory apartments, overlay zoning requiring inclusionary development and an ordinance that imposes development fees consistent with N.J.A.C. 5:93-8. Pursuant to N.J.A.C. 5:93-4.2(h), COAH will review the existing municipal land use map for areas that may develop or redevelop. Examples of such areas include, but are not limited to: a private club owned by its members; publicly owned land; downtown mixed use areas; high density residential areas surrounding the downtown; areas with a large aging housing stock appropriate for accessory apartments; and properties that may be subdivided and support additional development.

Aberdeen's RDP for the prior round is established at 228 units, with an unmet need of 53 units. Aberdeen's March 2002 and its third round Fair Share Plan indicate that the Township's housing stock does not lend itself to an accessory apartment program. As a result, the Township has proposed the collection of development fees and an overlay zone to address unmet need. The Township's March 2002 plan proposed that at least 50 affordable units would be constructed as part of the office/retail commercial and limited residential development section of the Freneau Area Redevelopment Area. However, Aberdeen's third round plan indicates that a portion of a designated redevelopment area in the vicinity of the Aberdeen/Matawan Train Station is intended to address the Township's unmet need by producing at least 53 affordable units. In addition to confirming which redevelopment area is intended to address unmet need, Aberdeen must provide some clarification with regard to the following:

- Location
- Size
- The number of affordable units resulting from each redevelopment area
- Anticipated development schedule

The designated Aberdeen/Matawan Train Station redevelopment area discussed in the unmet need section of the Township's third round plan includes a total of 62.81 acres, and the site designated as the overlay zone for affordable housing to address unmet need consists of

approximately 15.3 acres. The Township's third round plan states the development of this portion of the designated redevelopment areas will not occur until after January 1, 2014. Because the production of affordable housing would not occur within the period of certification, and in light of the Township's expected residential growth of 1,089 units, Aberdeen must explore additional mechanisms that will create a realistic opportunity to capture unmet need. One option would be to apply the overlay zone to the entire redevelopment area instead of just a portion or to consider other redevelopment areas that will be completed prior to 2014.

In addition, Aberdeen's spending plan must be amended to specify how the Township will utilize development fees to capture unmet need. If the Township wishes to include an overlay zone to address unmet need, it must submit an adopted redevelopment plan that clearly sets forth the affordable housing requirements for the overlay zone. Once Aberdeen provides tax maps of its affordable housing sites and clarification on the mechanisms that will be used to address the Township's unmet need, COAH staff can perform a site visit.

#### **Prior Round Regional Contribution Agreement**

Pursuant to N.J.A.C. 5:93-6.1(a)2 and N.J.A.C. 5:93-4.1(d), Aberdeen Township may transfer up to one-half of its RDP via an RCA in accordance with the following formula:

$$RCA \text{ Maximum} = .5 (RDP)$$

$$RCA \text{ Maximum} = .5 (228) = 114 \text{ RCA units}$$

Based on this calculation, Aberdeen may transfer 114 of its units to address its prior round obligation. Aberdeen's Housing Element and Fair Share Plan proposes a 35-unit RCA with an unknown recipient to address a portion of its prior round obligation.

#### **Prior Round Age-Restricted Units**

Per N.J.A.C. 5:93-6.1(b)2, Aberdeen may age-restrict 25 percent of its RDP based on the following formula:

$$\text{Age-Restricted Maximum} = .25 (RDP - \text{transferred or proposed RCA units})$$

$$\text{Age-Restricted Maximum} = .25 (228-35) = 48 \text{ age-restricted units}$$

Based on this calculation, Aberdeen may age-restrict 48 units to address its prior round obligation. Aberdeen’s Housing Element and Fair Share Plan includes 48 proposed age-restricted rental units in the South River Meadows municipally sponsored construction project.

**Prior Round Rental Component and Rental Bonuses**

Per N.J.A.C. 5:93-5.15(a), every municipality has an obligation to provide a realistic opportunity for rental units. For municipalities receiving a vacant land adjustment pursuant to N.J.A.C. 5:93-4.2, the rental obligation is 25 percent of the RDP:

$$\begin{aligned}
 \text{Rental obligation} &= .25 \text{ (RDP)} \\
 \text{Rental obligation} &= .25 (228) = 57 \text{ rental units}
 \end{aligned}$$

Aberdeen’s prior round rental obligation and the number of rental units for which Aberdeen may claim bonuses is 57. The plan submitted by Aberdeen does not specify which units in its prior round plan apply toward its rental obligation. However, the Township is requesting 57 rental bonuses for the 68 affordable units at Aberdeen Summit. Aberdeen must submit the additional information requested in this report regarding these projects in order to have the units address its rental obligation and to receive rental bonuses.

**Summary of Compliance Plan for Prior Round Obligation**

Based on the documentation submitted, Aberdeen’s plan proposes 83 units, pending receipt of the additional information requested in this report. The following table summarizes Aberdeen Township’s Fair Share Plan for its remaining 1987-1999 fair share obligation:

<b>Prior Round Plan</b>		
Remaining RDP	<b>83</b>	
	<b>Plan</b>	<b>Eligible</b>
South River Meadows Municipally Sponsored Construction Project	48	48*
RCA with unknown recipient	35	35*
<b>Total 1987-1999 Units</b>	<b>83</b>	<b>83*</b>

\*pending receipt of additional information

### C. Growth Share Obligation

COAH's third round regulations require that a municipality provide a projection of its total residential and non-residential growth during the 2004-2014 period, along with the resultant affordable housing obligation, based on COAH's requirement for one affordable housing unit for every eight market-rate units created and one affordable housing unit for each 25 jobs created. As noted above, pending receipt of the required information and for purposes of this report, Aberdeen's total growth share obligation is 87 affordable housing units. Aberdeen intends to address its growth share obligation with the remaining 44 affordable age-restricted rental units from the proposed South River Meadows municipally sponsored construction project, 44 units through rental apartment flats above retail in the Anchor Glass PUD and a one-unit RCA with an unidentified recipient, as outlined below:

#### **Compliance Plan for Growth Share Obligation**

##### ***Proposed Units/Mechanisms***

##### ***South River Meadows Municipally Sponsored Construction Project***

As indicated above, Aberdeen is proposing a 92-unit age-restricted, municipally sponsored rental development on the former South River Metals site. The Township intends to apply 48 of the units to address its prior round obligation and the remaining 44 units to address its growth share obligation. Based on the Township's growth share obligation, as corrected by COAH staff, of 87 units, Aberdeen may age-restricted 43 units. In order for Aberdeen to apply these 43 units toward its growth share obligation, the Township must submit further documentation as noted under Section IV, Part B of this report. **[43 age-restricted rental units in municipally sponsored construction project - pending receipt of additional information]**

##### ***Anchor Glass PUD Rentals***

As previously discussed in the projection section of this report, Anchor Glass is proposed to be a mixed-use planned unit development (PUD) consisting of approximately 750 residential units, approximately 2,000,000 square feet of retail space and a 250 room hotel. The Township

states that the site has been designated as a redevelopment area and is located on Cliffwood Avenue.

The Township's plan indicates that 250 dwelling units and 100,000 square feet of office space are anticipated to be developed in the PUD prior to December 31, 2013. Seventeen and one-half percent of the units, or 44 units, are anticipated to be apartment flats and will be set aside for low and moderate income households. The Township has not provided any additional information regarding this redevelopment area.

The Township must demonstrate the realistic opportunity for the development of the site. Aberdeen must demonstrate that the site is suitable pursuant to N.J.A.C. 5:94-4.5 and is in conformance with the SDRP. The Township must submit information demonstrating that the site may be developed for low and moderate income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site including DEP. Aberdeen must demonstrate that the site is adjacent to compatible land uses. In addition, the Township must submit information demonstrating the site has access to appropriate water and sewer infrastructure and street access. Aberdeen must also submit a map that details the environmental constraints on the site and shows the remaining buildable acreage.

In order for Aberdeen to utilize this proposed redevelopment area toward addressing a portion of its growth share obligation, the site must be designated as such in accordance with N.J.S.A. 40A:12A-5 and the Township must provide COAH with an adopted redevelopment plan along with all supporting resolutions required pursuant to N.J.S.A. 40A:12A-7. The adopted plan must clearly set forth the affordable housing requirements for the designated area, specifying the terms of this arrangement and verifying the production of rental units in order for the Township to apply the units toward its rental obligation.

Pursuant to N.J.A.C. 5:94-4.6(a) and N.J.A.C. 5:80-26.1 et seq. these units must have the appropriate controls on affordability, be affirmatively marketed, and have the appropriate low/moderate split and bedroom distribution. The Township must provide the necessary documentation indicating the administrative agent that will be responsible for administering units in accordance with UHAC as outlined under Section V, Part D, of this report.

In addition, in order for COAH to grant credit for these units, Aberdeen must complete monitoring forms for “Projects or Programs Addressing a New Construction Obligation.” Monitoring forms are available on the COAH website at [www.nj.gov/dca/coah/unitmonitoringforms.shtml](http://www.nj.gov/dca/coah/unitmonitoringforms.shtml). **[44 zoned units - pending receipt of additional information]**

*Regional Contribution Agreement with Unidentified Recipient*

Pursuant to N.J.A.C. 5:94-4.7 a municipality may address a portion of its housing obligation by entering into an RCA in accordance with N.J.A.C. 5:94-5. As indicated below, Aberdeen may transfer 44 units of its growth share obligation through an RCA.

Aberdeen proposes a one-unit RCA in its Housing Element and Fair Share Plan to address a portion of its total 1999-2014 affordable housing obligation.

Aberdeen has not provided any other information regarding this RCA. Aberdeen must provide to COAH a draft RCA contract and resolutions from Aberdeen and the designated receiving municipality authorizing execution of the RCA. Pursuant to N.J.A.C. 5:95-11.1(a), the initial draft contractual agreement must be submitted to COAH for review by the sending municipality and shall specify, at a minimum, the number of units to be transferred, the type of housing activity anticipated by the receiving municipality and the amount of compensation to be paid to the receiving municipality in return for such a transfer. Aberdeen’s plan indicates that the RCA will be funded through its affordable housing trust fund, which has a balance of \$125,000, and that the Township will cover the balance with funds from its general fund or will bond for the balance. Aberdeen must provide COAH with an updated municipal resolution appropriating funds from general revenue or a resolution of intent to bond in case there is a shortfall in funding for the RCA.

In addition, pursuant to N.J.A.C. 5:95-11, the receiving municipality must submit a proposed project plan for review and approval to COAH, the New Jersey Housing and Mortgage Finance Agency (HMFA) and the County Planning Board of the receiving municipality. The project plan must delineate the manner in which the receiving municipality shall create or rehabilitate low- and moderate-income housing using RCA funds and how the RCA is in accordance with sound comprehensive regional planning. The RCA must be approved by

COAH before substantive certification may be granted. After all required information has been submitted to COAH, this RCA will be reviewed in a separate report. **[1-unit RCA - pending receipt of additional information]**

Growth Share Ordinance

The Township of Aberdeen has submitted a draft growth share ordinance, which requires a maximum of one affordable unit for every eight market-rate residential units and one affordable unit for every 25 jobs created in a non-residential development. The ordinance is reviewed below in Section V, Part A. The ordinance is not mentioned as a specific mechanism to address Aberdeen's growth share obligation. It is proposed to address any growth share obligation above that projected by the Township.

**Growth Share Regional Contribution Agreement**

As per N.J.A.C. 5:94-5.1(a), Aberdeen Township may transfer up to one-half of its growth share obligation via an RCA in accordance with the following formula:

$$RCA \text{ Maximum} = .5 (\text{growth share obligation})$$

$$RCA \text{ Maximum} = .5 (87) = 43 \text{ units}$$

Based on this calculation, Aberdeen may transfer up to 43 units to address its third round growth share obligation. Aberdeen's Housing Element and Fair Share Plan proposes a one-unit RCA with an unknown recipient to address a portion of its growth share obligation.

**Growth Share Age-Restricted Maximum**

As per N.J.A.C. 5:94-4.19, Aberdeen Township may age-restrict 50 percent of its growth share obligation addressed within a municipality based on the following formula:

$$\text{Age-Restricted Maximum} = .50 (\text{growth share obligation-RCA units completed or proposed})$$

$$\text{Age-Restricted Maximum} = .5 (87-1) = 43 \text{ age-restricted units}$$

Based on this calculation, Aberdeen Township may age-restrict 43 units to address its growth share obligation. The Township’s Fair Share Plan includes 44 age-restricted units in the South River Meadows municipally sponsored construction project to address Aberdeen’s growth share obligation, of which 43 are eligible for credit.

**Growth Share Rental Component and Rental Bonuses**

As per N.J.A.C. 5:94-4.20(a), every municipality has an obligation to provide a realistic opportunity for rental units. In Aberdeen Township, the rental obligation is equal to 25 percent of the Township’s growth share obligation based on the following formula:

*Rental obligation = .25 (growth share obligation)*

*Rental obligation = .25 (87) = 22 units*

Pursuant to N.J.A.C. 5:94-4.20(d), Aberdeen may only receive rental bonuses for each affordable rental unit provided in the municipality and available to the general public in excess of its third round rental obligation, which is 22 units. Aberdeen’s Fair Share Plan does not indicate how it will address its rental obligation, although the 44 units proposed in the Anchor Glass PUD are purported to be rentals. Aberdeen must clarify if the Anchor Glass rentals will be used to address the Township’s rental obligation. If so, a firm commitment from the developer to produce rental units must be provided.

**Summary of Growth Share Compliance Plan**

The following table summarizes Aberdeen’s compliance plan to address its growth share obligation:

<b>Growth Share</b>		
<b>Growth Share Obligation:</b>	<b>87</b>	
	<b>Plan</b>	<b>Eligible</b>
<i>Proposed Units/Mechanisms</i>		
South River Meadows Municipally Sponsored Construction Project	44	43*
Anchor Glass PUD Rentals	44	44*
RCA with unknown recipient	1	1*
<b>Proposed 1999-2014 Units &amp; Bonuses</b>	<b>89</b>	<b>88</b>
Surplus		+1



\*pending receipt of additional information

## **V. FAIR SHARE DOCUMENT REVIEW**

### **A. Growth Share Ordinance**

The Township of Aberdeen has submitted a draft growth share ordinance for COAH review. The ordinance is not identified as a specific mechanism to address its growth share obligation. It is proposed to address any development generating an affordable housing obligation above that projected by the Township in its analysis of future residential and non-residential development.

The ordinance requires an affordable housing set-aside of 12.5 percent of the total number of market rate units in any development that contains eight or more units, except for development within any designated redevelopment areas. In addition, for every 25 jobs created in a non-residential development, one affordable unit must be created, except for development within any designated redevelopment areas. In both cases, any decimal amount equal to one-half (0.5) or greater is rounded to the next highest whole number.

Aberdeen must delete or revise the provision of the ordinance that requires developers to round up and provide an additional affordable unit, as this provision results in an inequitable application of growth share requirements. Aberdeen may provide developers with the option of either providing the additional affordable unit or making a payment in lieu for the fractional unit obligation.

The ordinance does not specify how a fractional affordable housing obligation of less than one-half (0.5) is rounded. The ordinance must be revised to clarify.

The Township may establish a threshold development size but may not impose a development fee on developments that produce a fractional affordable housing obligation. If development is subject to the provision of a growth share portion of the municipal affordable housing obligation, that development is an inclusionary development and must be exempted from the provisions of a development fee ordinance. The Township may alternatively establish a payment in lieu amount to be applied proportionately and offered as an option in accordance N.J.A.C. 5:94-4.4(b). If Aberdeen intends to offer payments in lieu as an option, an analysis

should be conducted to determine the cost of producing an affordable unit in the Township so that a specific and realistic payment can be established. Projected payments in lieu must be included in a municipal spending plan that demonstrates how payments in lieu will be utilized to produce a commensurate number of affordable housing units.

The ordinance requires that the requisite number of affordable units be provided on-site or, if approved by the Township Council and in accordance with applicable COAH requirements, the developer may alternatively opt to do one of the following:

- Purchase an existing market-rate dwelling unit within the Township and convert it to an affordably priced unit;
- Purchase an existing market-rate dwelling unit within the Township and convert it to an alternative living arrangement;
- Create an accessory apartment; or
- Participate in a gut-rehabilitation program and/or a buy down/write down or buy down/rent down program.

The ordinance also allows non-residential developers the option to build the affordable housing units off-site.

Aberdeen should note that the first option to purchase an existing market-rate dwelling unit within the Township and convert it to an affordably priced unit and the buy-down program/write down or buy down/rent down program are the same mechanisms. However, in order for Aberdeen to allow these alternatives in its growth share ordinance, the Township must have these programs in its Fair Share Plan. The Township must revise its growth share ordinance to remove these options or amend its plan to add these programs.

The ordinance does not allow a density increase for residential development. Non-residential developments that provide affordable units are not subject to the maximum floor area ratio, however all other applicable zoning requirements must be met.

The ordinance states that where residential lots and/or dwelling units are created from the sub portion(s) of an original tract of land previously subject to residential development during the time period between January 1, 2006 and December 31, 2013, then the “growth share”

obligation of the subsequent development shall be added to that of the original development for the purposes of the ordinance, even if the original subdivision and/or site plan created less than eight residential lots and/or dwelling units or less than 25 jobs. Similarly, where non-residential developments are created between January 1, 2006, and December 31, 2013, on an original tract of land previously subject to non-residential development, the “growth share” obligation of the subsequent development shall be added to that of the original development, even if the original development created less than twenty-five (25) new jobs.

The applicant must present the planned method of affordable housing compliance to the Township at the time of application filing. Full and complete satisfaction and compliance with the affordable housing requirements of the Township shall be a specific, automatic and non-severable condition of all approvals and any extension of approval. The ordinance requires that affordable units be split evenly between low- and moderate-income units, with an odd number in favor of a low-income unit. The affordable housing units must comply with N.J.A.C. 5:94-1 et seq. and N.J.A.C. 5:80-26.1 et seq. The ordinance requires that developers take responsibility for ensuring proper administration of the affordable units and for submission of monitoring to COAH. The Township must clarify this section of its ordinance to say that the municipality has the ultimate responsibility for selecting the administrative agent and submitting monitoring to COAH.

Aberdeen must revise its growth share ordinance as indicated above. Prior to drafting a proposed revision to the growth share ordinance, it is recommended that the Township review the model provisions for a growth share ordinance on COAH’s website at [www.nj.gov/dca/coah/round3resources.shtml](http://www.nj.gov/dca/coah/round3resources.shtml).

## **B. Third Round Development Fee Ordinance**

Aberdeen Township’s development fee ordinance was approved by COAH on August 27, 1999, and adopted by the Township on July 12, 1999. The Township has reported in its 2005 development fee monitoring report that it has made deposits totaling \$761,460 in its affordable housing trust fund, which includes \$33,347 in interest.

The allowable maximum percentages for mandatory development fees have increased under COAH's third round rules. N.J.A.C. 5:94-6.6(a) permits a development fee of one percent of the equalized assessed value for residential development. N.J.A.C. 5:94-6.7(a) allows a development fee of two percent of the equalized assessed value for nonresidential development. Aberdeen Township may request approval from COAH of an amendment to its development fee ordinance in accordance with the provisions of N.J.A.C. 5:94-6.14.

### **C. Third Round Spending Plan**

In accordance with N.J.A.C. 5:94-6.2(c), municipalities may not spend development fees unless a spending plan for development fees is approved by COAH. As indicated in COAH's October 3, 2005 Report Requesting Additional Information, Aberdeen was required to submit a spending plan for COAH review and approval that complies with N.J.A.C. 5:94-6.5 and specifies how the Township will utilize development fees to capture unmet need and how projected payments in lieu received under the Township's growth share ordinance will produce affordable housing units. A model spending plan is available on COAH's website at [www.nj.gov/dca/coah/round3resources.shtml](http://www.nj.gov/dca/coah/round3resources.shtml).

### **D. Third Round Fair Share Ordinance/Affordable Housing Administration**

As requested in COAH's October 3, 2005 Report Requesting Additional Information, Aberdeen Township must submit an affordable housing ordinance that comports with the requirements of UHAC. UHAC was amended on December 20, 2004, and includes more detailed information regarding affordability controls; affirmative marketing; bedroom distribution; buyer and tenant income eligibility and household certification; sale, re-sale, rental and re-rental pricing; administrative agent responsibilities; enforcement provisions; and 95/5 provisions. The Township must use the correct affordability control periods as indicated in N.J.A.C. 5:80-26.5 for ownership units and N.J.A.C. 5:80-26.11 for rental units and must indicate that controls remain in effect regardless of any judgment of foreclosure. The section on ownership units must contain provisions for a recapture lien. The ordinance must reference the

appendix of UHAC for the appropriate forms of controls (deeds, restrictive covenants) for ownership and rental units.

Additionally, the ordinance must establish that a municipal employee will hold the position of the municipal housing liaison. A resolution must be adopted by the governing body indicating which municipal employee will be designated as the municipal housing liaison. Once approved by COAH, the ordinance and resolution must be adopted by Aberdeen Township within 45 days of COAH's grant of substantive certification. A model ordinance creating the position of municipal housing liaison and a model resolution appointing a municipal housing liaison are available on the COAH website at [www.nj.gov/dca/coah/administrators/administrators.shtml](http://www.nj.gov/dca/coah/administrators/administrators.shtml).

Pursuant to N.J.A.C. 5:93 and N.J.A.C. 5:94, Aberdeen is responsible for the continued re-sale and re-rental of existing affordable units and the initial sale and rental of newly constructed affordable units within the Township and must identify an experienced administrative entity for that purpose by the contract, agreement or letter. If Aberdeen wishes to designate a Township employee to assume the responsibility of a housing administrator, he/she must be experienced in this area and must be approved by COAH. A statement of the administrative agent's qualifications must also be provided in accordance with N.J.A.C. 5:80-26.14(e). The administrator's responsibility would be to conduct the required affirmative marketing, place income eligible households in the units, enforce the terms of the deed restriction, set sales and rental prices, and re-sell and re-rent the units upon vacancy. If Aberdeen does not have the capabilities to provide such administration, the Township must designate an experienced administrator approved by COAH to perform these activities and designate a municipal housing liaison to oversee the administration. Pursuant to N.J.A.C. 5:80-26.14(b), Aberdeen must submit a written operating manual for administering affordable units within the Township for approval by COAH.

Additionally, Aberdeen should note that pursuant to N.J.S.A. 52:27D-307, any new construction for which a construction permit application has not been declared complete before the effective date of N.J.S.A. 52:27D-123.15 (anticipated to be October 1, 2006) and for which affordable housing credit is sought after that date must be constructed in compliance with the technical design standards of the barrier free sub-code of the State Uniform Construction Code

Act (N.J.S.A. 52:27D-119 et seq.) In buildings without elevator service, only ground floor dwelling units must be so constructed in order to be eligible for COAH credit. Notwithstanding the exemption for townhouse dwelling units in the barrier free sub-code, the first floor of all townhouse dwelling units and of all other multi-floor dwelling units for which affordable housing credit is sought on or after the above referenced date and for which an application for a construction permit has not been declared complete must be subject to the technical design standards of the barrier free sub-code and must include the following features:

- An adaptable entrance to the dwelling unit;
- An adaptable full service bathroom on the first floor;
- An adaptable kitchen on the first floor;
- An accessible interior route of travel; and
- An adaptable room with a door or a casing where a door can be installed which may be used as a bedroom on the first floor.

The Township's ordinance must be amended accordingly.

#### **E. Third Round Affirmative Marketing Plan**

Aberdeen Township must submit an affirmative marketing plan that comports with the requirements of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. and ensures the units in the Township's 1987-2014 Fair Share Plan and all future affordable housing units will be affirmatively marketed to the region upon initial sale/rental and re-sale/re-rental. Once approved by COAH, the affirmative marketing plan must be adopted by resolution by the Township within 45 days of COAH's grant of substantive certification. A model affirmative marketing plan is available on COAH's website at [www.nj.gov/dca/coah/round3resources.shtml](http://www.nj.gov/dca/coah/round3resources.shtml).

#### **VI. SUMMARY OF PLAN FOR TOTAL 1987-2014 FAIR SHARE**

The following tables summarize Aberdeen Township's Fair Share Plan for its total 1987-2014 fair share obligation:

<b>Prior Round</b>		
<b>Obligation:</b>	<b>228 RDP</b>	
<b>Credits/Reductions</b>	<b>Plan</b>	<b>Eligible</b>
Alternative Living Arrangements	17	17*
Scattered Site Home Ownership Units	3	3*
Aberdeen Summit rentals	68	68*
Rental Bonuses for Aberdeen Summit	57	57*
<b>Total Credits/Reductions</b>	<b>145</b>	<b>145</b>
<b>Remaining RDP:</b>	<b>83</b>	
South River Meadows Municipally Sponsored Construction Project	48	48*
RCA with unknown recipient	35	35*
<b>Total 1987-1999 Units, Bonuses, Credits &amp; Reductions</b>	<b>83</b>	<b>83*</b>

<b>Growth Share</b>		
<b>Obligation:</b>	<b>87</b>	
<i>Proposed Units/Mechanisms</i>		
South River Meadows Municipally Sponsored Construction Project	44	43*
Anchor Glass PUD Rentals	44	44*
RCA with unknown recipient	1	1*
<b>Proposed 1999-2014 Units &amp; Bonuses</b>	<b>89</b>	<b>88</b>
Surplus		+1

\*pending receipt of additional information

## VII. SUMMARY OF OBJECTIONS

During the 45-day objection period, which ended on March 20, 2006, two objections to Aberdeen Township's third round petition were received by COAH from Art Bernard, P.P. on behalf of Edgewood Properties (Edgewood) and John Semple, Esq. on behalf of K. Hovnanian (Hovnanian), and one comment was received by Emeka Nwobodu, President of Innovative Housing Development Corporation.

### **Edgewood Properties**

#### *COAH's recalculated 1987-1999 Housing Obligation*

Edgewood objects to COAH's recalculation of the 1987-1999 Aberdeen housing obligation of 281 units, and states that the obligation should be at least 295 units. Mr. Bernard states that, using data obtained from COAH, he determined that Aberdeen's reallocated present need is 13, and that the 1987-1999 housing obligation should be computed as follows:

Reallocated Present Need (13) + 1987-1993 Prospective Need (152) + 1993-1999 Prospective Need (173) – Secondary Sources (43) = 295 units.

Edgewood requests an explanation of the number that COAH arrived at.

#### *Realistic Development Potential*

Edgewood seeks documents confirming that the Township has a RDP of 228, specifically, a Special Master's Report or Court Order.

#### *Growth Share Calculation*

Edgewood objects to the Township's growth share calculation, stating that Aberdeen is aware of a great deal of redevelopment that is not included in its growth share calculation because it will not occur until after 2014. Edgewood seeks any market studies or redevelopment agreements that support the Township's view of when redevelopment will occur. Edgewood points to the Anchor Glass Redevelopment Area as an example.



*Group Homes*

Edgewood objects to all credits for group homes because the residents of group homes were not included in COAH's calculation of the 1987-1999 need. Edgewood requests that the Township provide information related to the affirmative marketing practices of each group home.

*Regional Contribution Agreement*

Edgewood states that the Township has not created a realistic opportunity for its proposed regional contribution agreements, and objects to the fact that the Township has not identified the location for the proposed transfer.

*Municipally Sponsored Construction*

The Township has not provided a sufficient amount of information to create a realistic opportunity for the 92 units that it expects to build. Further, Edgewater states that it has not created a realistic opportunity for its municipally sponsored construction project.

*1999-2014 Rental Obligation*

The objector states that Aberdeen has not provided most of the information necessary to create a realistic opportunity for its rental obligation. Specifically, the objector points to the South River Metals age restricted rental, where the Township has not estimated the cost of the development. Further, it has not provided a development entity, a stable funding source, or a meaningful timetable for construction.

The Anchor Glass PUD rental project, to be constructed by a private entity, does not yet have an endorsed agreement as required by the MLUL.

*Unmet Need*

The objector states that Aberdeen proposes to meet its unmet need through a redevelopment plan involving an area around its train station. However, none of these units will be constructed until after 2014, and therefore, the project does not create a realistic opportunity. The objector further states that if the project will in fact be realized prior to 2014, then it should be included in the growth share calculation.

*Growth Share Ordinance*

The objector states that Aberdeen's growth share ordinance requires that affordable housing be built in duplexes or single family units, and does not provide a density bonus. Edgewater objects that the zoning does not allow for triplex units.

*Failure to incorporate COAH's October 3, 2005 Report*

COAH's October 3, 2005 report asks the town to submit a spending plan, and affordable housing ordinance and an affirmative marketing plan, and Edgewater objects to the fact that none of these are provided in Aberdeen's Housing Element and Fair Share Plan. Further, the objector states that Aberdeen has not provided information regarding its group homes, its three deed restricted single family homes, the RCA or the municipal construction project.

*Site Suitability*

Edgewood states that it anticipates an agreement on a site suitable for affordable housing and that it will supplement the objection with this information at a later date. To date, no further information has been submitted to COAH.

**K. Hovnanian Shore Acquisitions, LLC**

By way of background, K. Hovnanian sets forth that on December 19, 2005, the Township Council authorized the assignment of Greenwood Holdings LLC's January, 2005 Redevelopment Agreement with Aberdeen and the Joint Development Agreement for the development of the Greenwood Project Site to K Hovnanian Shore Acquisitions. The Greenwood Project Site is referred to in Aberdeen's Housing Element and Fair Share Plan as the "Mirror Lake Site".

The January 2005 redevelopment agreement states that Greenwood and Horizons at Aberdeen Forge, LLC ("Horizons") propose to work together to develop 6.34 acres along the south side of Wilson Avenue (Block 122, Lots 8 and 9; the "Wilson Ave Site") to fulfill the Township's affordable housing obligation. The site is expected to yield between 61 and 89 age restricted affordable housing rental units. The entities will, in addition, make payments of \$35,000 per unit unless some other amount is directed by COAH.

Additionally, the agreement states that the Township shall have the right to enforce the obligation of each developer and the right to exercise its condemnation power if necessary, to insure that each redeveloper has the requisite property and easements to fulfill its obligation under the Agreement.

If both the Aberdeen Forge and Mirror Lake projects commence, the Redevelopers agree that ownership of the Wilson Ave site shall be transferred to an entity created by the Redevelopers and split ownership between Greenwood and Horizon, 40 percent to 60 percent.

While K. Hovnanian currently has no objection to the development of Wilson Avenue as a condition of its right to develop the Mirror Lake Site, it wishes to note that if certain events do not occur that it will not be able to develop the Wilson Ave site, and would therefore be prevented from developing the Mirror Lake Site. Specifically, one of the following must occur:

- Horizons must proceed with its project and convey its contracts on the Wilson Avenue Site to the Joint Entity; or
- COAH must agree that K Hovnanian is allowed to satisfy its affordable housing obligation by delivering a performance guarantee or alternatively having posted a cash escrow with the Township in an amount sufficient to fully fund the entire financial requirements relative to 32 affordable housing units; or
- The Township must use its powers of eminent domain to acquire the Wilson Ave site and then convey that property to K Hovnanian for the purpose of allowing K Hovnanian to meet its affordable housing obligation.

Through its submission, K Hovnanian wishes to preserve its right to require a change to the Township's Housing Element and Fair Share Plan so that it would be able to meet its obligation.

#### **VIII. ADDITIONAL INFORMATION REQUESTED**

Pursuant to N.J.A.C. 5:95-5.2(b), Aberdeen Township must submit the following documentation to COAH no later than 90 days from the date of this report or by December 14, 2006. Pursuant to N.J.A.C. 5:95-7.2(a), mediation will be scheduled. Unless Aberdeen elects to

make a change in site, substantial change in density, other zoning requirements that result in a change of housing type on a specific site or a fundamental change in approach to the Township's low- and moderate-income housing obligation, these revisions will not precipitate the need for a re-petition pursuant to N.J.A.C. 5:95-3.4:

1. A copy of the most recently adopted municipal master plan;
2. A copy of the most recently adopted municipal zoning ordinance;
3. A copy of the most up-to-date tax maps of the municipality electronic if available, with legible dimensions. The tax maps must show the location of all the affordable housing sites constructed and proposed in the Township;
4. 2005 actual residential and non-residential certificate of occupancy data;
5. An alternative living arrangement survey and documentation that the appropriate controls on affordability are in place for the following group homes: New Horizons In Autism, Cerebral Palsy Association, and Manna House;
6. The following information on the Manna House: the organization's mission statement, a description of the services provided, verification from the provider that the facility is open to the general public and is not age-restricted;
7. The information requested on pp. 16-17 of this report on each of the scattered site homeownership units;
8. Documentation demonstrating to COAH that the bedroom distribution in the Township's overall plan would compensate for the altered bedroom distribution on the Aberdeen Summit (Wilson Avenue) site to ensure consistency with UHAC and COAH regulations on bedroom distribution, or demonstration of compliance with UHAC;
9. The most recently adopted Redevelopment Plan for the Freneau Area, which includes the zoning for the site(s) that will provide the affordable units;
10. A redevelopment agreement that commits the developer(s) of the Aberdeen Summit (Wilson Ave site) to provide the appropriate amount of rental units in order for the units to be applied toward the Township's rental obligation and to receive rental bonuses, and details the schedule of completion of the affordable units;

11. Documentation demonstrating that the Township has control or has the ability to control the South River Meadows site through an option on the property;
12. Documentation that DEP approved the PA/SI for the South River Meadows site, and what DEP will require to ensure full cleanup of the site;
13. Documentation that the South River Meadows site can receive adequate water from New Jersey American Water Company, or another source;
14. Documentation to COAH that the site can receive adequate sewer treatment;
15. A map that details all the environmental constraints on the South River Meadows site and shows the amount of acreage that is environmentally constrained and the remaining buildable acreage;
16. The contract or agreement with the developer of the South River Meadows site which must verify the production of the rental units;
17. Demonstration that the South River Meadows site is suitable pursuant to N.J.A.C. 5:94-4.5 and is in conformance with the SDRP;
18. Demonstration that the South River Meadows site is adjacent to compatible land uses;
19. A construction schedule, or timetable, for each step in the development process for the South River Meadows site, including preparation of a site plan, granting of municipal approvals, applications for State and Federal permits, selection of a contractor and construction;
20. A pro-forma statement for the project, and detailed information on how the South River Meadows site will be funded;
21. Detailed information demonstrating that the entity(s) ultimately designated by the Township to construct and administer the South River Meadows site has adequate and stable funding capabilities;
22. An adopted resolution of intent to bond to finance the balance of the municipally-sponsored construction project and the RCA;

23. An adopted redevelopment plan for the South River Meadows site for the along with all supporting resolutions required pursuant to N.J.S.A. 40A:12A-7, which must clearly set forth the affordable housing requirements for the designated area, specifying the terms of the arrangement and verifying the production of rental units;
24. A draft RCA contract(s) and resolutions from Aberdeen Township and the designated receiving municipality(s) authorizing execution of the RCA(s) for both the prior round and growth share obligation RCAs;
25. A proposed RCA project plan(s) for review and approval must be submitted to COAH by the receiving municipality, HMFA and the County Planning Board for both the prior round and growth share obligation RCAs;
26. Clarification as to whether the overlay zone being used to address the Township's unmet need is in the Freneau Area Redevelopment Area;
27. An adopted redevelopment plan that clearly sets forth the affordable housing requirements for the overlay zone;
28. An analysis that explores additional mechanisms that will create a realistic opportunity to capture unmet need, including a consideration of applying an overlay to the entire Aberdeen/Matawan Train Station redevelopment area or of utilizing other redevelopment areas in the Township;
29. The redevelopment agreement that confirms the funding commitments from the Township and the redevelopers for recreational infrastructure for the Mount Laurel housing and sewer hook-ups for low/moderate income families in the Freneau section of the Township;
30. Demonstration that the Anchor Glass PUD is suitable pursuant to N.J.A.C. 5:94-4.5 and is in conformance with the SDRP;
31. Demonstration that the Anchor Glass PUD is adjacent to compatible land uses;
32. Documentation demonstrating the Anchor Glass PUD has access to appropriate water and sewer infrastructure and street access;

33. A map that details the environmental constraints on the Anchor Glass PUD and shows the remaining buildable acreage;
34. An adopted redevelopment plan along with all supporting resolutions required pursuant to N.J.S.A. 40A:12A-7 for the Anchor Glass PUD, which must clearly set forth the affordable housing requirements for the designated area, specifying the terms of this arrangement and verifying the production of rental units in order for the Township to apply the units toward its rental obligation;
35. Clarification on which units the Township is utilizing to address its prior round and growth share rental obligations;
36. A spending plan that complies with N.J.A.C. 5:94-6.5 and specifies how the Township will utilize development fees to capture unmet need and how projected payments in lieu received under the Township's growth share ordinance will produce affordable housing units;
37. A revised growth share ordinance with the changes detailed in Section V, Part A, of this report;
38. Documentation (contract, agreement or letter) indicating the experienced administrative agent(s) that is or will be responsible for administering all components of the Township's plan, including a statement of the administrative agent's qualifications;
39. A fair share ordinance that comports with the requirements of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. specifically addressing affordability controls, bedroom distributions, sale and rental pricing on all components of the Township's plan, including a statement of the administrative agent's qualifications;
40. A resolution adopted by the governing body, specifically indicating a municipal employee that will be designated as the municipal housing liaison;
41. A written operating manual for administering affordable units within the Township pursuant to N.J.A.C. 5:80-26.14(b);
42. An affirmative marketing plan that comports to the requirements of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq.;

43. Completed 2005 monitoring forms for all components of the Township's plan. 2005 monitoring forms are available on COAH's website at <http://www.nj.gov/dca/coah/unitmonitoringforms.shtml>.