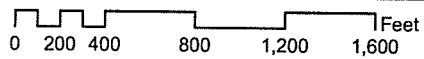
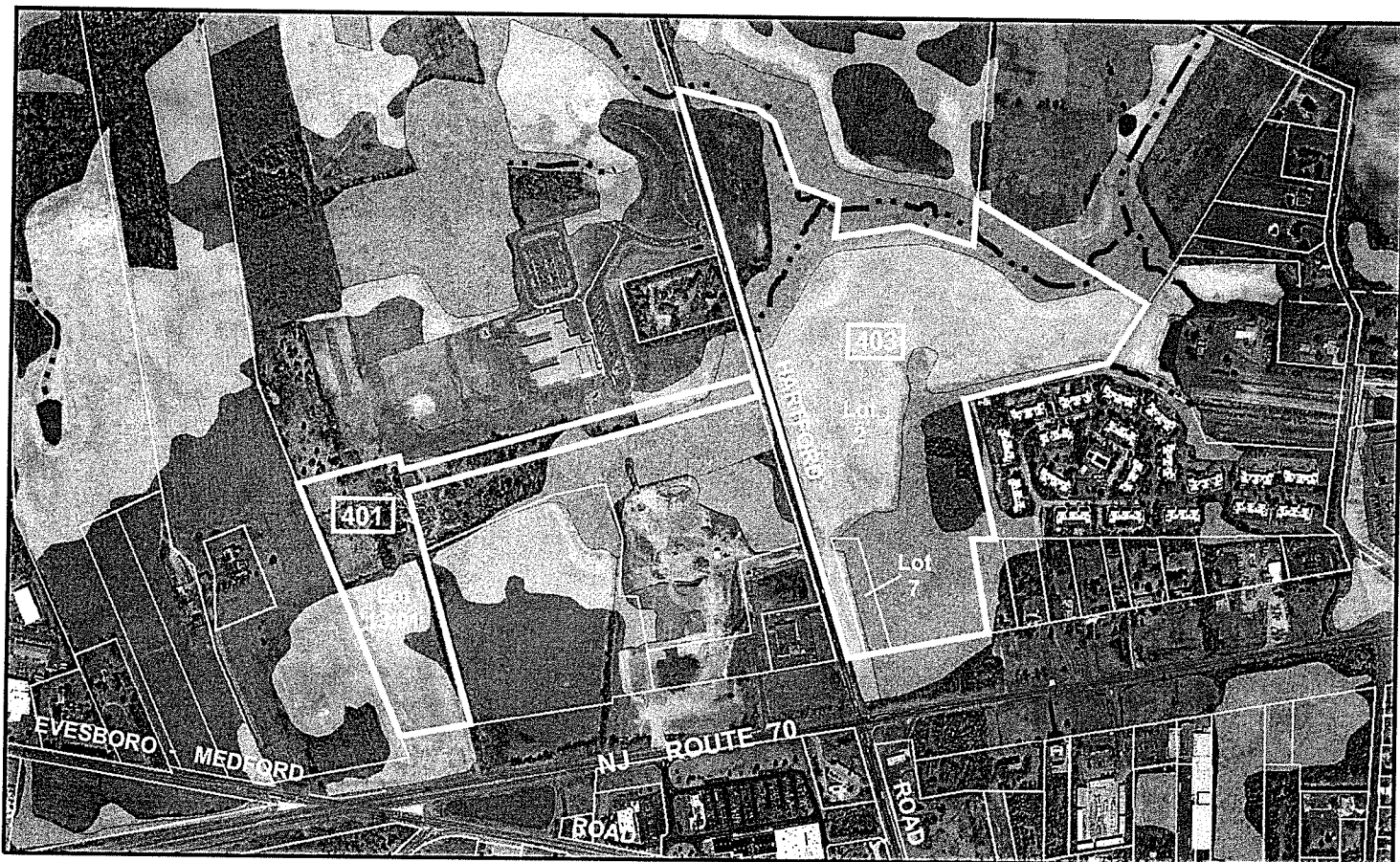







**EXHIBIT 8**  
**TOFAMO SITE**



Source: NJDEP



**Legend**

-  Stream
-  Waterbody
-  Agricultural Wetlands (MOD)
-  Deciduous Wooded Wetlands
-  Coniferous Wooded Wetlands
-  Managed Wetlands (Maintained)

**Block 401, Lot 13.01;  
Block 403, Lots 2 & 7**

Prepared By:  
*Art Bernard & Associates, LLC*

PLANNING BOARD

TOWNSHIP OF MEDFORD

Resolution No. 17-2019

Application No. PBC-1354PF

A Resolution of the Planning Board of the Township of Medford memorializing the action of the Planning Board on the application of Timber Ridge at Medford, LLC for Preliminary and Final Major Subdivision and Site Plan approval to construct apartments, townhouses and single-family houses, on property that is identified as Block 401, Lot 13.01 and Block 403, Lots 2 & 7 on the Tax Map of the Township of Medford, and is located in the HM Highway Management Zone (Tofamo Redevelopment Area Zoning District).

WHEREAS, the Planning Board has received an application from Timber Ridge at Medford, LLC for Preliminary and Final Major Subdivision and Site Plan approval to construct apartments, townhouses and single-family houses, on property that is identified as Block 401, Lot 13.01 and Block 403, Lots 2 & 7 (New Jersey SR 70 & Hartford Road) on the Tax Map of the Township of Medford, and is located in the HM Highway Management Zone (Tofamo Redevelopment Area Zoning District).

NOW, THEREFORE BE IT RESOLVED by the Planning Board of the Township of Medford, assembled in public session on October 23, 2019, that the following Findings of Fact, Conclusions and Determinations are hereby confirmed and memorialized:

### Findings of Fact

1. The Planning Board has the jurisdiction to act upon the application, with a majority vote required for approval of all variances.
2. The application was considered at public meetings of the Planning Board held on August 28, 2019 and September 25, 2019, at which time the application was declared to be complete and duly noticed, and testimony was received on behalf of the applicant, and there was an opportunity for the public to be heard on the application.

### Items Submitted

- One (1) Land Development Application, dated March 26, 2019;
- One (1) Checklist for Preliminary Major Site Plan;
- One (1) checklist for Final Major Site Plan;
- One (1) Site Plan Certificate of Completeness, Dated March 26, 2019;
- One (1) Municipal Services & Utilities Impact Statement;
- One (1) Traffic Engineering Assessment prepared by Shropshire Associates, dated March 27, 2019;
- One (1) Stormwater Management Compliance Report, dated August 9, 2019;
- One (1) Stormwater Inspection, Maintenance and Repair Plan, dated August 9, 2019;
- One (1) Basin #1 Water Budget Report, dated March 27, 2019;
- One (1) Boundary/Topographic Wetland Survey;
- One (1) Preliminary/Final Major Subdivision Plan, dated August 9, 2019;
- One (1) Final Plats for the Apartment Area and Townhouse Phase TH1, dated August 9, 2019;
- One (1) Final Plats for Single Family Phase SF1, dated August 9, 2019;

- One (1) Tofamo Redevelopment Plan, dated January 12, 2019;
- One (1) Environmental Impact Statement prepared by ACT Engineering, Inc, dated June 12, 2019;
- One (1) Preliminary Assessment Report prepared by Earth Engineering, Inc., dated September 24, 2018;
- One (1) Site Investigation - Historic Pesticide Evaluation prepared by Earth Engineering, Inc., dated October 9, 2018;
- One (1) Summary of Findings - Historic Pesticide Evaluation prepared by Earth Engineering, Inc., dated October 18, 2018;
- One (1) NJ DOT Major Access Permit No. A-70-s-19839-2019 dated April 4, 2019;
- One (1) set of Various Architectural Plans for the Townhouses and Single Family Units.
- One (1) NJ Pinelands Inconsistent Certificate of Filing dated August 16, 2019.

**Submission Waivers**

As explained by the Board Engineer, the applicant has requested waivers from the following submission requirements in the municipal application checklist (Board Engineer's comments in italics):

14. Existing lots & blocks and proposed lots and blocks as approved by the Township Tax Assessor. S0601 West Tract Preliminary Subdivision Plan & S0602 East Tract Preliminary Subdivision Plan.

*The applicant's engineer sent the plans to the Tax Assessor on August 12, 2019, and this comment will be closed once comments/approval is received.*

20. Cross-sections of water courses and location and extent of drainage and conservation easements and stream encroachments lines. Stream and water quality test results in accordance with Ordinance §521.M.7.

*The Township Engineer takes no exception to this waiver request.*

33. Required letters from the appropriate County and State agencies granting approval for the extension of utility service(s) should be submitted once secured by the applicant.

*The applicant has acknowledged this requirement and has been forwarding comments/approvals from outside agencies as they are received by the applicant.*

35. Any protective covenants or deed restrictions applying to the land.

*The applicant requested that the submission of proposed easements and restrictions documents to be provided as a condition of any approval. The Township Engineer takes no exception to this request but believes that the descriptions of the easements prepared by a licensed land surveyor can be part of an updated submission in advance of the deed preparation(s).*

49. Subdivision approval from the Burlington County Planning Board and Certificate of Filing from the Pinelands is required.

*These approvals must be secured and submitted before any Township approvals can take effect.*

**The Board granted the requested Submission Waivers**

#### **Design Waivers**

The applicant is requesting a de minimus waiver for 18 foot driveway widths for the townhouse lots, where 20 feet is required.

The applicant is also requesting a design waiver to permit 18-foot long parking spaces, where 20 feet is required. The applicant is proposing reduced length parking spaces with a 2-foot area beyond the proposed curb to allow for vehicle overhang.

**The Board granted the requested Design Waiver relief**

#### **Variance Relief**

The applicant requires variance relief to permit the proposed trash compactor for the apartments to be located in the front

yard of the site, where the Township Ordinance does not expressly permit utilizing that location.

The applicant requires relief, in the nature of "C" variances, explained below, so that building porches can extend away from each building at a distance less than the required minimum of 40% of the building façade, and for some of the porches to extend less than the minimum of 4 feet from the front of the building that is facing of a public street, and for the porches to be less than 7 feet in depth.

### Public Hearing

3. Testimony regarding this application began on August 28, 2019. Richard Hoff, Esq. represented the applicant. Doug Szabo, the applicant's Civil Engineer, Richard Clemson, the applicant's Project Engineer, Nathan Mosely, the applicant's Traffic Engineer, Jonathan Davern, representative of DR Horton, the applicant's contract purchaser for the townhouse and single family units, and Eric Ford, the applicant's Principal, were all duly sworn and qualified, and the Board adopted their testimony.

Chairman Hartwig opened the application by asking the applicant to summarize the requested Submission Waivers. Mr. Noll recommended granting all requested submission waivers, and the Board so approved them.

Doug Szabo, the applicant's civil engineer, opened the testimony by describing Exhibit A-33, a display board aerial from 2015 with superimposed property lot lines. Mr. Szabo testified that the project encompasses a total of 91 acres in the Highway Management Zoning District; the western tract consists of 36 acres, and the eastern tract is 55 acres. The project is bordered by Sharp's Run, and there is 620 feet of frontage along Route 70.

Mr. Szabo next displayed Exhibit A-34, a rendered site plan including lot lines, lawn areas, wetlands, and roads. On the eastern tract, the applicant proposes to construct 85 single-family units, five open space lots, and one farmette lot, 5 acres in size, to be retained by the property owner. The western tract will be the site of 102 new townhouses, two open space lots, and 48 affordable apartments, in two buildings constructed closest to Route 70. The total project calls for 235 new residential dwelling units, 187 of which will be market rate development. The number of affordable units remains the same. There were changes to the proposed roadways from the

Redevelopment Plan due to the location of existing wetlands. The stormwater management plan complies with the Township requirements, and the basins will be owned and maintained by the HOA.

Mr. Szabo testified that the east tract is proposed to have 2 access driveways on Hartford Road, and both will have monument signs. The roads meet the Residential Site Improvement Standards (RSIS), and will be dedicated to the Township. The proposed parking also meets RSIS standards. The applicant has also proposed a sidewalk to be constructed along Hartford Road to Route 70, as well as walking trails, a tot lot, benches, and a school bus stop. Mailboxes will be clustered, as required and approved by the Post Office. Mr. Noll requested that the applicant submit an analysis of the ability of fire trucks and trash trucks to maneuver on the cul-de-sacs, and the applicant agreed to submit that analysis.

Mr. Szabo also testified that the west tract will have access from Route 70 by way of a right in/right out only alignment. There is a secondary entrance through the existing Hartford Square commercial area. Two monument signs are proposed at the main entrance. The roadways and parking are consistent with the RSIS, and additional off-street parking is proposed. Curbs will be constructed with Belgian block, and the roadways will be dedicated to the Township. There is an existing 50' wide easement from the parcel to the Kirby's Mill School, which is proposed to be replaced with a 20' wide easement and roadway, and a 6' wide walkway to the school, which according to the applicant is satisfactory to Medford Township Fire & EMS. New walking trails with benches and sidewalk will be constructed within the development, and two clustered mailboxes will be located by the parking areas.

The apartments will be located in two (2) three-story buildings, each consisting of 24 units, plus a 1,500 square feet community building. Outdoor amenities will include a pavilion, a tot lot, picnic tables and bike racks. There are 102 total parking spaces proposed, where 96 are required, and none will be assigned. The buildings will be located 260 feet away from the shoulder of Route 70. The applicant will install landscaping buffers, including 4-foot high berms. Each apartment building will have its own trash enclosure, with the location of the trash enclosure in the front yard of the property, which requires variance relief. After discussion with the Board, it was agreed that a condition of any approval will require that the trash enclosure not be constructed of chain link fence, and



that the finish for the trash enclosure will match that of the apartment buildings. The townhouses will have individual trash collection service.

There will be two separate HOAs, with a Master Agreement for all the three components of the development (single family, townhouses and apartments), including the management company for the apartments.

Mr. Mosely testified as the applicant's Traffic Engineer for the project, and he referenced his traffic analysis report prepared in March 2019. The supporting traffic counts were taken in September of 2018, so they included a typical weekday, inclusive of school traffic and peaks. The AM peak is from 7:30 to 8:30, and the PM peak is from 4:00 to 5:00. The traffic flow is very directional, where 70% of all traffic is heading north in the AM, and 70% is heading south in the PM. The analysis did account for the future growth conditions on the site, including the approved senior citizen apartments and the potential retail/commercial development that is approved on the remaining lot. It is anticipated that this development will add trip generation of 2-3 trips per minute, or 120 trips per hour (either entering or exiting the site) during the AM and PM peak hours. The project team met with NJDOT for the western parcel exiting onto Route 70, and conditional approvals have been issued by DOT. The overall level of service for the Route 70 and Hartford Road intersection will not change as a result of the proposed residential development.

Hartford Road is a municipal road, and construction of this project requires no additional approvals. There will be updated striping of the road to allow for passing on the shoulder around those waiting to make left turns into the site. Mr. Noll and Board members had concerns about the roadway plan, and they suggested that the applicant evaluate providing a designated left turn lane into the east tract from Hartford Road which may require additional road widening. The existing shoulders are 100-200 feet long at the entrances in each direction, and they are 10 feet wide. It was agreed that Mr. Noll will work with project representatives on this aspect of the project. The driveway on Route 70 will be a "right-in/right out" only traffic movement, with a triangular concrete "pork chop" to prevent illegal left turns. Pursuant NJDOT regulations, that driveway does not require the installation of a signalization, and alternatives to the proposed driveway layout were not favorably received by NJDOT. Board Member Herman strongly expressed her belief that the installation of 'don't-block-the-

box'-type traffic controls be implemented, in order to ensure the smooth flow of traffic during times of peak travel.

After much discussion amongst Board members about the Route 70 driveway, it was decided that Mr. Noll will meet with NJDOT officials and project representatives to discuss potential alternatives for Route 70 access. It was agreed that if NJDOT approves an alternate plan to allow for left turns in the Route 70 entrance to the development, the developers will construct it. The developer also agreed to construct a left turn in access at the existing offsite commercial driveway to the east subject to NJDOT and the adjacent landowners' agreements.

Jon Davern, Division President of DR Horton, contract purchasers for both the town houses and single-family units, testified about architectural components of the project, and he utilized Exhibit A-36, architectural renderings of the proposed townhouses and single-family dwellings. There will be several models offered for the single-family dwellings, and the development will offer a "modern farmhouse" look, with cedar and stone upscale elements and construction materials. The buyers will be able to select their own design elements, but care will be taken to encourage different color schemes between adjacent properties.

Mr. Davern testified in support of the applicant's variance request, for relief from the requirement to construct a front porch on each unit. Mr. Davern explained that this is a new trend, and that models will feature units with downstairs master suites. The request was for no more than 33% of the single-family units to be constructed without front porches.

During the September 25, 2019 public hearing, Mr. Szabo confirmed that the applicant had submitted information which confirms that the movement of fire apparatus and trash trucks in the cul-de-sacs is satisfactory.

Mr. Mosely testified that the left-turn movement data that had been requested was updated and was submitted. He further testified that the State DOT had officially approved the applicant's permit with the original configuration of right in/right out only. He also confirmed that the applicant has requested a meeting with NJDOT based upon the Board's concerns about left-turn movements at the site.

Mr. Hoff also requested the Board's approval to defer the resolution regarding the relocation of an easement to the time

of final approval, in order to permit time for additional discussion with the Board of Education concerning the proposed terms of the relocation of that easement.

James Haley, the architect from the firm of Haley Donovan representing Ingerman & Associates, developers for the affordable apartment buildings, testified by utilizing Exhibit A-34, a display board depicting the overall site plan with the apartment building locations highlighted. There will be two (2) three-story buildings, one on each side of the entrance from Route 70. Mr. Haley also utilized Exhibit A-37, a display board depicting the apartment building elevations, and he explained that each building will have 24 apartment units. There will be a total of nine 1-bedroom units; twenty-nine 2-bedroom units; and ten 3-bedroom units.

The buildings will be constructed utilizing materials with natural colors and a combination of brick, stone and veneer finishes that will be consistent with the proposed townhouses and single-family dwellings. There will be two entrances to each building. There are varied roof elevations and gabled roof ends with a central, recessed frontage. The buildings will also be Energy Star-certified. Mr. Haley also testified about the design of the clubhouse building, where the exterior of the clubhouse will match the residential buildings. He also testified that the trash enclosure which will be constructed with a stone base and with brick, to match the buildings, and with a steel-frame gate on wheels, with wood cladding.

The Board and the applicant agreed to defer a decision on whether a recreational component could be added to the townhouse section of the project, in particular, a tot lot that is favored by Board members. Mr. Hoff had asked if the decision on the recreational components could be made a part of the final approvals, to allow his team to determine if a tot lot-type play facility could be successfully added to the townhouse section of the project.

Mr. Hoff and Board Planner Taylor reviewed the numbered comments to the application that are contained in Mr. Taylor's review letter dated August 23, 2019. With respect to those numbered comments, Mr. Hoff responded as follows:

Page 3 - Additional parking. The applicant is not proposing any additional parking, as the application is compliant with RSIS requirements.

Item #6 - Pedestrian access. The applicant is willing to dedicate access easements, but the issue is still in discussion with the apartment developer.

Item #5 - Applicant agreed to comply

Item #7 - Applicant requested to defer to time of final approvals

Item #8 - Applicant requested to defer to time of final approvals

Item #10 - HOA limitation. The applicant has no objection to the consistency requirement.

Items #10-14. The applicant has no objection to comply

Item #15- Applicant agreed to comply

Item #16 - Applicant stated the phasing plan was included as a part of their submission.

Item #17 - Applicant responded to this comment as a part of their direct testimony

Mr. Hoff requested that the landscaping requirements be decided in the field, as a condition of approval. Chairman Hartwig reminded Mr. Hoff that should Mr. Taylor not approve the landscaping plan provided, then he would have to return to the Board for approval, and Mr. Hoff agreed. Mr. Hoff also asked if the specific areas that are identified in Item #2 on page 7 could be decided in the field, and he confirmed that the applicant will agree to Item #9 on page 7, by placing street trees in the roundabouts as required, provided they would not conflict with utilities or sight triangles.

The Board Engineer reviewed his comments to the application, and in that regard Mr. Noll referred to his August 22, 2019 review letter. Mr. Noll recommended approval of the applicant's request for a design waiver to reduce the length of parking spaces from 20 feet to 18 feet, and Mr. Noll advised that the applicant's stormwater management plan is acceptable. In addition, Mr. Noll advised that a section of water main may be reduced in size.

With respect to project traffic, Mr. Noll confirmed that the applicant has agreed to schedule a meeting with NJDOT and with Mr. Noll to request that the State allow left turns in and out of the site from the Route 70 entrance. Mr. Noll's position will be that the State should allow those left turns, or that DOT should improve the Route 70 and Hartford Road intersection, which is under their jurisdiction.

Mr. Noll also reviewed the applicant's responses to several numbered comments in his review letter, as follows:

Item #2 - the access road does meet RSIS and Township standards  
Item #3 - a sketch was received for extended/widened left turn only lanes on Hartford Road which he finds acceptable.  
Item #6 - the left turn queues were discussed at the August meeting.  
Item #12 - the circulation plan for fire trucks and trash trucks was provided and is acceptable.

Mr. Noll also confirmed that the environmental testing was completed with all samples being acceptable.

Mr. Noll reminded the Board that the on-site streets will be dedicated as public streets, and therefore Title 39 requirements will be in effect. In addition, Mr. Noll reported that the Township Attorney is drafting an easement between all parties for access thru the adjacent commercial lots.

Mr. Hoff then summarized the Variances that will be required per the approved Redevelopment Plan:

- 1) Porches on the single-family units-a reduction from 100% as required to 70%; with all units having "porch-like" features.
- 2) Depth of porches - 7' required; as some porches will only be 4-6' in depth, the 7' depth cannot be achieved.
- 3) Porch location 4' in front of garage face.
- 4) Trash enclosures to be located in front "yard" of apartment buildings.

Mr. Drollas stated that the proposed dwellings adhere generally to the Redevelopment Plan, but as developers and plans are finalized it is not uncommon for applicants to present some variation to the original conceptual plans. The Variances requested are not Use Variances, but rather "C" type bulk variances and design waivers. The nature of relief sought is more flexible "C" variances with a lower threshold of outweighing potential detriments to the Redevelopment Plan.

In support of the requested variance relief, James Sassano, the applicant's expert Planner from Sassano & Associates testified in support of the application. With respect to the positive criteria for granting variance relief, Mr. Sassano testified that the application advances the purposes of the municipal development plan for the site. In that regard, he testified that requirement that the porches must be 40% of the façade has been met, with the plans showing that they are closer to 48-52% of the facades. The depth of the porches may not all meet the

7-foot requirement, but they will be of a usable depth, so the intent of the requirement will still be served. The desirable visual environment that is required in the Redevelopment Plan has been maintained, and the "c(2)" criteria has been advanced with applicant's use of a varied streetscape, given the multiple models that will be offered. The models without porches will have a covered entryway.

With respect to the proposed trash enclosures, there will be no negative impacts to the municipal master plan or to the zoning ordinance. In that regard, the enclosures will be located further away from the residential buildings, and they will be visually screened from the view of the site from Route 70. The building exteriors will be constructed with higher quality materials, and they will match the quality of the materials on the other buildings and the landscaping.

In response to a question from Board Member Kornick, Mr. Hoff confirmed that the applicant had received its Certificate of Filing from the Pinelands Commission.

4. A Review Letter was submitted by the Board Engineer on August 22, 2019 offering the following comments:

*Preliminary and final major subdivision and site plan applications have been received for the above referenced property; preliminary for the entire project whereas final approval is limited to the apartments (Apartments Phase), Phase I townhouse sites (Phase TH1), and Phase I single family homes (Phase Sf1) as identified in the plan set. The sites are located north of State Route No. 70 and both east and west of Hartford Road. They are referenced as the eastern (east of Hartford Road) and western (west of Hartford Road) tracts/sites, which total 90.5 acres. The western site (Block 401, Lot 13.01) contained several standalone farm buildings that were demolished in spring 2019, wooded areas, and open fields, and the eastern site contains open fields and wooded areas. Both sites consist of both upland and wetland areas. A Letter of Interpretation (LOI) was issued for the wetland areas on both sites. Per the Tofamo Redevelopment Plan, the applicant is proposing to construct 235 residential units consisting of 48 affordable apartment units in two (2) four-story buildings, 102 townhouse three-story units in twenty (20) buildings (all market rate), and 85 single-family market rate homes. The western subdivision includes 102 fee simple lots (one for each townhouse), two (2) open-space lots, and two lots for the apartment buildings, totaling 106 proposed lots. The eastern subdivision includes 85 fee simple lots (one for each single-family home), four (4) open-space lots with one containing a stormwater management basin, one (1) gazebo/*

pavilion lot, and one (I) buildable farmette totaling 91 proposed lots. The applicant also proposes a community building, public roadways, associated parking, stormwater management measures, and utility infrastructure services.

The site will be served by public water and sewer from Medford Township.

The proposed development is inclusionary and will provide 48 affordable rental housing units. This site is part of Medford Township's Affordable Housing Plan.

The parcels are located in the Highway Management HM Zone, but are subject to the Tofamo Redevelopment Plan standards. The developer has been designated as the redeveloper of the tracts.

#### Submitted Items

The following documents have been submitted in support of the application:

1. Land Development Application, dated March 26, 2019.
2. Checklist for Preliminary Major Subdivision/Site Plan.
3. Site Plan Certificate of Completeness dated 3/26/19.
4. Municipal Services & Utilities Impact Statement.
5. Traffic Engineering Assessment dated March 27, 2019 by Shropshire Associates.
6. Stormwater Management Compliance Report dated August 9, 2019.
7. Stormwater Inspection, Maintenance and Repair Plan dated August 9, 2019.
8. Basin #1 Water Budget Report dated 3/27/19.
9. Boundary/ Topographic Wetland Survey.
10. Preliminary/ Final Major Subdivision Plan dated August 9, 2019 (78 sheets).
11. Final Plats for the Apartment Area and Townhouse Phase TH1 dated August 9, 2019 (2 sheets).
12. Final Plats for Single Family Phase SF1 dated August 9, 2019 (2 sheets)
13. Tofamo Redevelopment Plan dated January 12, 2018.
14. Environmental Impact Statement dated June 12, 2019 by ACT Engineers.
15. Preliminary Assessment Report dated September 24, 2018 by Earth Engineering, Inc. (EEI)
16. Site Investigation - Historic Pesticide Evaluation dated October 9, 2018 by EEL
17. Summary of Findings - Historic Pesticide Evaluation dated October 18, 2018 by EEL
18. NJ DOT Major Access Permit No. A-70-S-19839-2019 dated

April 4, 2019 (22 sheets)

19. Various Architectural Plans for the Townhouses and Single Family Units.

We have reviewed the referenced material for conformance to the Medford Township Land Development Ordinance and the 2018 Redevelopment Plan Tofamo and have the following comments:

Checklist Comments and Submission Waivers

The numbers in this section corresponds to the checklist item number.

14. Existing lots & blocks and proposed lots and blocks as approved by the Township Tax Assessor. S0601 West Tract Preliminary Subdivision Plan & S0602 East Tract Preliminary Subdivision Plan.

The applicant's engineer sent the plans to the Tax Assessor on August 12, 2019, and this comment will be closed once comments/approval is received.

20. Cross-sections of water courses and location and extent of drainage and conservation easements and stream encroachments lines. Stream and water quality test results in accordance with Ordinance §521.M.7.

The Township Engineer takes no exception to this waiver request.

33. Required letters from the appropriate County and State agencies granting approval for the extension of utility service(s) should be submitted once secured by the applicant.

The applicant has acknowledged this requirement and has been forwarding comments/approvals from outside agencies as they are received by the applicant.

35. Any protective covenants or deed restrictions applying to the land.

The applicant requested that the submission of proposed easements and restrictions documents to be provided as a condition of any approval. The Township Engineer takes no exception to this request but believes that the descriptions of the easements prepared by a licensed land surveyor can be part of an updated submission in advance of the deed preparation(s).

49. Subdivision approval from the Burlington County Planning



Board and Certificate of Filing from the Pinelands is required.

These approvals must be secured and submitted before any Township approvals can take effect.

Variances and Design Waivers

The Township Engineer takes no exception to these three waiver requests.

1. Parking spaces proposed to be 18 ft length/depth where 20 ft length/ depth is required. The applicant is proposing reduced length/depth parking spaces 9 feet wide (conforming) only where a 2-ft area beyond the proposed curb (edge of paving) line to allow for vehicle overhang. A design waiver from the Planning Board will be required.
2. The applicant is proposing a de minimus waiver for 18 feet driveway widths for the townhouse lots whereas 20 feet is required. A design waiver from the Planning Board will be required.

The driveway widths are in conformance with the Redevelopment Plan.

3. Checklist item 28 requires that existing individual trees in excess of 10 inches in diameter at breast height outside of wooded areas be identified on the existing conditions plan.

The recommendation of this waiver request is deferred to the Board Planner.

Application Comments

1. Item 11.5 - Pinelands approval is required for the Route 70 access. An Inconsistent Certificate of Filing (Application # 20 10 -00 92.00 1) dated 8/ 16/ 19 has been received. The inconsistencies are addressment of wetlands impact and storm water management.

Development Units Summary

No patio home dwellings are proposed.

	Redevelopment Plan	Proposed
Townhouse	107	102
Affordable Apts	48	48
Single-Family Units	83	85

Density	3 units/ acre	2.6 units/ acre
Open Space & Recreation (overall / uplands)	20 % min./20% min.	57.4% /> 20%

Site Plan Comments

1. Parking: Parking proposed is in excess of that required per RSIS.

	Required	Proposed
Townhouse	245	424
Affordable Apts	96	102
Single-Family Units	21 3	384

2. All roads, potable water mains and hydrants, sanitary sewer mains, and storm sewer system (including catch basins) on site will be dedicated to Medford Township. However, the stormwater management basins will be owned and maintained by a Homeowner's Association (HOA).
3. The applicant shall provide copies of any protective covenants, homeowners association documents, easements and/or deed restrictions applicable to the development to the Township for approval. See Checklist Comment 35.
4. Sheet 8 CS0201 / Sheet 12 CS0205 - a ramp along the western side of Westmont Drive at Caroline Drive intersection should be added. Otherwise, a ramped crossing is not available to cross Westmont Drive until the Mariellen Drive or Andrew Drive intersections.
5. Sheet 14 CS0207 - the pavilion callout appears to be used interchangeably with gazebo. The detail on Sheet 51 CS0902 says Gazebo whereas the callout on the site plans denote pavilion. The nomenclature should be coordinated.

The "ganged mailbox location" callout on Lot 29 should be moved across Westmont Drive or removed altogether.

The mailbox types, sizes, and locations shown on the plans were approved by Donna Harrington, Growth Management Coordinator of the United States Postal Service South Jersey District on July 26, 2019.

Grading and Drainage

1. General Comment applicable to all grading sheets:
  - a. Check ESHWT El. in tables. It appears that there is an inconsistency due to rounding. Please clarify and coordinate (elevations to nearest tenth for all

elevations except elevations to nearest hundredth for ESHWT). Also see TP 26 & 67 permeability rounding.

2. Sheet 15 CS0304 - Basin 2 - EW-8 outfall should be relocated outside of the utility easement.

The applicant's engineer has agreed to move EW-8 outfall outside of the sanitary sewer easement, which will be reflected in subsequent submittals.

3. Sheet 16 CS0S0Z - Test pit 16 should be revised to show that it wasn't completed. Showing the ESHWT at the ground elevation is misleading. See TP34 on Sheet 18 CS0304 for consistency.

### Stormwater Management

1. The western tract contains a total of 38.4 acres and the eastern tract contains a total of 56.9 acres, a total of which 47 acres will be disturbed due to this development. Since the project disturbs more than 1.0 acre of land and results in greater than 0.25 acres net increase in impervious coverage, it is classified as a major project for the purposes of stormwater management and must comply with the requirements of NJAC 7:8. The project must meet the following requirements:

- a. Address the rate and volume of runoff from the project site. This may be done in one of three methods as outlined in NJAC 7:8: 1.) Reduce the peak rate of runoff from the project area by 50%, 75% and 80% for the 2 year, 10 year and 100 year storms, respectively; or 2.) Demonstrate that the rate of runoff for the project is not increased from the pre-developed condition at any point along the post-developed condition hydrograph; or 3.) Demonstrate that the peak rate of runoff is not increased and that the increase in volume and variation in timing will not have an adverse downstream impact.

1. The applicant proposes to attenuate the runoff such that the peak rates of runoff from the area of disturbance is reduced in accordance with the first method outlined above by proposing a wet pond basin and three infiltration basins which are designed to attenuate the developed runoff

- b. Reduce the Total Suspended Solids (TSS) loading in stormwater by 80% for new impervious.

1. The applicant proposes to meet this requirement by

proposing a wet pond basin designed to address water quality having a permanent storage volume greater than three times the water quality storm and three infiltration basins which infiltrate greater than the water quality storm.

c. Demonstrate that the amount of groundwater recharge in the post-developed condition is equal to or greater than the pre-developed.

1. The applicant states in the stormwater management report that this requirement is met.

Basin	Type	Location	Basin Bot. El. Or Pool El.	Test Pits (bold in basin bot.)
1	Wet Pond	East (Single-Family Homes)	41.00	42, 43, 44, 45, 46, 47, 48, 49, 50, & 51
2	Infiltration	West (N of Apts & East of TH Bldg; 1)	56.35	20, 21, 22, & 23
3		West (Middle of TH site)	56.27	64, 65, 66, & 67
4		West (N/E TH Bldgs 4 & 5)	58.00	28, 29, 30, 31, & 32

2. Sheet 64 CS1003 Infiltration Basin Outlet Structure details - as requested by the Township Engineer, a 6" plugged orifice (pipe with threaded cap) has been shown at the bottom of the outlet structure that corresponds with the bottom of basin and outfall pipe invert. The details show the bottom of the outlet structure at the invert of the pipe to illustrate that no standing water is meant to sit in the outlet structure.

a. This will enable the basins to be drawn down by non-mechanical means should the infiltration basin ever stop working.

3. NJ BMP Manual section 9.5 for Infiltration basins states:

a. The maximum design volume to be infiltrated is the volume generated by the Water Quality Design Storm.

b. The invert of the lowest quantity control outlet is set at the water surface elevation of the Water Quality Design Storm.

- c. Trash racks must be installed at the intake to the outlet structure.

Because the basins are infiltrating more than the water quality design storm, it is especially important that the Construction Requirements of the NJ Stormwater BMP Manual Section 9.5 be followed by the Contractor.

Post-construction testing must be performed on the as-built infiltration basins. If the as-built permeability testing shows a longer drain time than anticipated, corrective action must be taken. The Township Engineer must be notified at least one week in advance of the testing and copied on the results, including proposed subsequent corrective action(s), if needed. A note to this effect, including the design drain times for each basin, should be added to the notes on Sheet 64 CS I 003 to supplement note 1.

4. Per Ordinance 509G.2.b.(5), the applicant shall provide the name, address, and phone number of the responsible individual(s) who will be inspecting, performing maintenance, and repair of the stormwater management system, at a minimum, upon construction initiation and conveyance to the receiving party (apartment management and HOA).
5. The applicant has indicated that they will comply with the following requirements:
  - a. Per Ordinance 509G.2.e., the maintenance plan and any future revisions shall be recorded upon the deed of record for the property.
  - b. Per Ordinance 509G.2.e., the deed restriction shall provide that in the event that the responsible party fails in its maintenance obligation, the Township has the right, but not the obligation, to enter upon the property to perform the necessary maintenance at the responsible party's expense.
6. The proposed wet pond does not appear to adhere to the BMP manual recommended length to width ratio for the basin. The applicant's engineer noted the basin is designed to function as intended in the BMP Manual and a modification to the basin to get closer to the length to width ratio would involve additional freshwater wetlands disturbance. The Township Engineer takes no exception.

#### Utilities

1. Per Ordinance Section 530A. The water supply system shall be

designed with adequate capacity and sustained pressure and in a looped system with no dead-end lines, whenever possible. There are two (2) dead ends which satisfy the requirements of NJAC 5:2I-5.3(b) where no more than 20 dwellings units are connected to each dead end line on the eastern tract. The lines, which dead end in the cul-de-sacs, cannot be looped due to environmental constraints.

The Township Engineer takes no exception to these two dead ends.

2. A calculation for fire flow capacity and pressure should be provided. It may be possible to reduce the 12" water main on the Morley Boulevard connector road north of the apartments.
3. The applicant shall indicate their method of metering the usage of water for the entire site.
4. The applicant's engineer should meet with this office to finalize water main valve locations.

The applicant has requested that metering be addressed at the preconstruction meeting and the Township Engineer takes no exception to this request. A note regarding the need for metering to be addressed at the preconstruction meeting should be added to the plans so that the contractor knows this must be addressed

#### Details

1. Sheet 52 CS0903 - Add a sign detail for W4-4P "Cross Traffic Does Not Stop".

#### General Stormwater Inspection, Maintenance and Repair Plan dated August 9, 2019

1. Page 4, Section VI, paragraph 3, states, "By reference, the Subdivision/Site Development Plans are made part of this report." The final report shall include the final plans pertinent to the basins (site, grading, utility, basin construction details, etc.) in 11x17 in an appendix.

The author has acknowledged and agreed to comply with this request.

#### Inspection Checklists

2. Add a note (narrative and actual checklists) that the completed checklists must be sent to Medford Township at

least annually, but if an item or items is/are identified as "urgent", the checklist must be shared with Medford Township immediately.

### Traffic Review

1. The access on NJSH Route 70 is under the jurisdiction of the New Jersey Department of Transportation. It is proposed to be a right-in/right-out only. The applicant has a permit from the DOT based on this configuration.

However, this office believes that the internal circulation and impact on the Hartford Road / Route 70 intersection and the access from Hartford Road to the western tract would be significantly improved with a left-hand turn into the site from Route 70. Otherwise, left-hand travel into the site will be routed to Hartford Road / Route 70, which is not favorable since this intersection operates at a level of Service F at certain times. The applicant should coordinate with the Board Engineer to schedule a meeting with the DOT to revisit the permit.

2. The report states that the western tract (Area #1 - apartments and townhomes) will have alternate access to Hartford Road via an access easement through the adjacent property to the east, but the connection is not proposed on the plan.

The applicant should provide an update on efforts to secure the proposed easement and provide proposed easement language to the Township for approval in advance of execution. The executed easement and construction of the access should be a condition of approval, and should include construction and maintenance responsibilities of the entire route to Hartford Road. This access will utilize access drives through commercial areas. The route must meet RSIS and Township Standards.

3. The eastern tract (Area #2), which consists of 85 single family homes, is proposed to have two (2) full access points on Hartford Road. Hartford Road is a 2-lane, undivided Urban Minor arterial roadway, under the jurisdiction of the Township. The speed limit is 45 mph. No improvements to the roadway are proposed.

The applicant should provide widening of the roadway for an 8-foot shoulder on both sides of the driveway for a minimum of 25-feet in length with a curb transition. In addition, left turn lanes on Hartford Road should be provided. It appears as though wetlands may restrict widening, and the Township Engineer's office is willing to work with the applicant to provide improvements where possible.

4. The applicant's traffic engineer utilized the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, to determine projected trip generation for the proposed development. Based on this, the anticipated trips are as follows:
  - Townhouses (102 Units): 49 trips (11 entering, 38 exiting) during the AM peak hour and 60 trips (38 entering, 22 exiting) during the PM peak hour
  - Apartments (48 Units): 17 trips (4 entering, 13 exiting) during the AM peak hour and 22 trips (13 entering, 9 exiting) during the PM peak hour
  - Single Family Homes (85 Units): 65 trips (16 entering, 49 exiting) during the AM peak hour and 87 trips (55 entering, 32 exiting) during the PM peak hour
5. The development is proposed to be built out by the year 2021. The appropriate growth rates have been added to the base volumes to project volumes to the Year 2021.
6. The traffic engineer should discuss:
  - a. Whether there are sufficient gaps on Hartford Road to allow left turns out of the three (3) access roads during the peak hours.
  - b. The length of the queue on Hartford Road from the traffic signal and how it relates to the proposed three (3) access points.
  - c. Hartford Road conditions in front of the site, including striping, passing conditions, and whether or not "Intersection Ahead" signs are warranted.
7. Sight triangles have been provided at all access roads on Hartford Road on the landscaping plans.
8. The NJSH Route 70 and Evesboro-Medford Road (CR 618)/Old Marlton Pike signalized intersection currently operates at an overall Level of Service 'E' during the AM peak hour and LOS 'D' during the PM peak hour. Under the No-Build condition in 2021, the intersection LOS during the PM reduces to LOSE. Under 2021 Build condition, the intersection will continue to operate at a LOS 'E' during the AM and PM peak hours, with minor changes to levels of service and delay. NJSH Route 70 is under the jurisdiction of the NJDOT and Evesboro-Medford Road is under the jurisdiction of the County. Approvals from both entities have been provided. Updated approvals, if applicable, should be forwarded to the Township and Township Engineer.



9. The NJSH Route 70 and Hartford Road signalized intersection currently operates at an overall Level of Service 'D' during both the AM and PM peak hours. Under the No-Build condition in 202 I, the AM peak hour will continue to operate at LOS 'D' and the PM peak hour LOS will reduce to LOS 'E'. The southbound Hartford Road individual movements will operate at a LOS 'D' during the AM peak hour and LOS 'F' during the PM peak hour. The northbound Hartford Road through/ right movement will operate at a LOS 'F' during the AM peak hour and LOS 'E' during the PM peak hour.

Under the 2021 Build conditions, the intersection will continue to operate at an overall LOS 'D ' during the AM peak hour and LOS 'E' during the PM peak hour. The majority of the individual movements will continue to operate at No-Build levels of service during the AM and PM peak hours, with the exception of the following:

- Southbound Hartford Road left turn movement will drop from LOS 'D' to LOS 'E' during the AM peak hour.
- Eastbound Route 70 left turn movement will drop from a LOS 'D' to LOS 'E' during the PM peak hour.
- Westbound Route 70 left turn movement will drop from a LOS 'D' to LOS 'E' during the PM peak hour.

The traffic engineer should discuss what, if any, modifications will be required by the NJDOT, as the traffic signal is under their jurisdiction.

10. The southern Hartford Road shared driveway/access easement is proposed to be a full movement access which will align with the driveway on the west side of Hartford Road. The northbound and southbound Hartford Road conflicting left turns are anticipated to operate at a LOS 'A' during the AM and PM peak hours. The westbound stop controlled movements out of the site are anticipated to operate at a LOS 'C' during the AM peak hour and LOS 'E' during the PM peak hour. The maximum queue is anticipated to be one (1) vehicle during peak hour conditions.
11. The northern Hartford Road driveway for the single family homes is proposed to be a full movement access. The northbound and southbound Hartford Road conflicting left turns are anticipated to operate at a LOS 'A' during the AM and PM peak hours. The westbound stop controlled movements out of the site are anticipated to operate at a LOS 'C' during the AM and PM peak hours. The maximum queue is anticipated to be one (1) vehicle during peak hour conditions.
12. The Street Signs shall meet the requirements of the

Township Ordinance.

13. A plan showing truck circulation for a fire apparatus and trash truck should be provided.

Environmental Review

ERI has reviewed the submitted Preliminary Assessment (PA) Report and Site Investigation (SI) data and agrees with the identification of historic agricultural use as an area of concern. ERI reviewed aerial photographs for the Site on [historicaerials.com](http://historicaerials.com). Two separate orchard areas were present on Lot 13.01 during the years 1930 and 1951. SI sample S-9 was collected by Earth Engineering, Inc. (EEO from the area of the 1951 orchard. However, samples were not collected from the area of the 1930 orchard.

1. ERI recommends the collection of one (1) additional soil sample from the 1930 orchard area of Lot 13.01. The sample should be collected from the upper six inches of soil and analyzed for pesticides, arsenic, and lead. The 1930 orchard area is shown on the attached 2015 Aerial Photograph.

Additionally, ERI reviewed a current aerial photograph of the site on Google Earth. The 2019 aerial shows the topsoil pile along the tree line of Lot 3, adjacent to the western boundary of the Site and Hartford Rd. EEI identified the topsoil pile in their PA but did not make any recommendations regarding this area. ERI was provided with documentation indicating that the topsoil was brought in from an off-site source for use during redevelopment. The soil is clean and has been on-site for less than a year. No further investigation is recommended for this area.

ERI has reviewed the EEI SI laboratory data. Lead-to-arsenic ratios for samples S-1 through S-21 are not indicative of arsenical pesticide impacts. It is the opinion of ERI that elevated arsenic concentrations at the site are due to natural background levels in soils. Since the elevated arsenic is indicative of natural background conditions, detections greater than remedial standards are not of a regulatory concern (pursuant to N.J.A.C. 7:26E-3.8).

2012 Title Recordation Law (46:26A-1 et seq.)

1. The tax map number sheet must be included.
2. Certification of the Municipal Engineer must be verified and

should read, "I have carefully examined this map and to the best of my knowledge and belief find it conforms with the provision of "the map filing law," resolution of approval and applicable municipal ordinances and requirements".

3. Certification complying with the NJSA 46:26B-5 is required and should read, " I certify that this map was duly approved by resolution of the Planning Board of the Township of Medford at a meeting held on\_\_ and shall be filed on or before \_\_\_\_\_"
4. The map shall show as a chart on the plat with any other technical design controls required by local ordinances, including minimum street widths, minimum lot areas, minimum yard dimension and track zoning.

#### Administrative

1. It is recommended that Title 39 certification be provided for the site.
2. All new street names shall be approved by Medford Township.
3. The final plat will be reviewed per the Map Filing Law.
4. Prior to construction start, Ordinance requirements regarding review escrow, inspection escrows, pre-construction meeting, etc. must be met.
5. The following permits and approvals are required:
  - a. Burlington County Planning Board Subdivision Approval (Conditional approval #B19-20-021 issued 5/29/19)
  - b. Burlington County Soil Conservation District
  - c. NJ Construction Activity Stormwater General Permit 5G3 RFA
  - d. Medford Township Fire Marshal
  - e. NJDEP TWA approval for sanitary sewer main extension
  - f. NJDEP BWSE approval for water main extension
  - g. NJ Pinelands Commission Certificate of Filing and approval for the NJ Rt. 70 entrance (Inconsistent LOI #2010-0092.001 issued 8/ 16/ 19)
  - h. NJDEP Flood Hazard Area Individual Permit
  - i. NJDEP Flood Hazard Area Verification
  - j. NJDEP General Permits / Transition Area Waiver
  - k. Approval by all other required agencies

The following permits and approvals are acknowledged by this

office:

- a. . Burlington County Planning Board Site Plan approval #S-19-20-034 received 7 / 15/ 19
- b. NJDEP Wetlands LOI (Block 403, Lots 2 & 7 dated 11/5/18 and Block 401, Lot 13 .0 1 dated 12/5/18)
- c. NJDOT approval (Permit A- 70 -S-198 39-2019 signed by Owner 7/11/19)

5. The Board Planner submitted a review letter on August 23, 2019 offering the following comments:

A. Proposal

At this time, we offer the following comments:

1. The site Timber Ridge at Medford is also known as the Tofamo Redevelopment Area, and is located at the northwest and northeast corners of Hartford Road and Route 70, known on the tax map as Block 401, Lot 13.01 and Block 403, Lots 2 and 7. The tract is located within the TOFAMO Redevelopment Area Zoning District.
  - a. Block 401, Lot 13.01 contains approximately 36 acres located on the west side of Hartford Road with approximately 920 feet of frontage on Route 70 and surrounds commercial buildings and the Hartford Square Redevelopment Area.
  - b. Block 403, Lots 2 and 7 contain approximately 55 acres and located on the east side of Hartford Road with over 2,700 linear feet of frontage on Hartford Road. There is also approximately 700 linear feet of frontage on Route 70, which is predominantly freshwater wetland areas.
2. North of Block 401, Lot 13.01 is a Parks Public Education PPE Zone which houses the Kirby's Mill Elementary School, serving Kindergarten through 5<sup>th</sup> grade students. The remainder of the parcels surrounding Lot 13.01 and across Route 70 are in the HM Highway Management Zone. The adjacent lot to the east contains medical offices and commercial development, as well as vacant lands, all of which have shared access from Hartford Road and Route 70.
3. On January 17, 2017, the Medford Township Council authorized by Resolution #32- 2017 the Medford Planning Board to undertake an investigation to determine whether the Area is in Need of Redevelopment, Without Condemnation pursuant to the LRHL. The determination was memorialized by the adoption by the Planning Board Resolution #15-2017,

dated April 26, 2017.

4. On May 16, 2017 by Resolution #97-2017, the Township Council designated the tract as an Area in Need of Redevelopment, Without Condemnation. A Redevelopment Plan was prepared by the Township to develop standards to implement plans, both entitled "Tofamo Medford Concept Plan", dated December 2017. A copy of this plan is included at the end of this report.
5. The Redevelopment Plan envisioned the following proposed development:
  - a. 238 Residential units total, comprised of the following housing types:
    - a. 83 market-rate single family detached units.
    - b. 107 market-rate townhouse units.
    - c. 48 low- and moderate-income apartment units (within 2 buildings) plus a 1,500 SF apartment community building.
  - b. The proposed Preliminary and Final Major Subdivision and Site Plan has lowered the unit count to create 236 residential units total and 243 lots total, comprised of the following:
    - a. 85 market-rate single family detached lots.
    - b. 1 residential 5-acre lot.
    - c. 102 market-rate townhouse lots.
    - d. 48 low- and moderate-income apartment units (within 2 buildings) plus a 1,500 SF apartment community building on two lots.
    - e. 7 open space lots.
6. The Applicant currently seeks Preliminary and Final Site Plan and Subdivision approval to effectuate the plan presented in the Redevelopment Plan.
7. The site can be seen in the image below. (Aerial Credit: NJ Image Warehouse)

#### **B. Variances**

1. The applicant requires a variance to permit the trash compactors for the apartments to be located in the front yard, where the Township Ordinance does not expressly permit same. (The trash compactors do comply with the Redevelopment Plan structure perimeter requirement of 12')
6. The single-family architecture does not comply with the

porch requirements of the Redevelopment Plan. Variances are required. See further explanation under the Architecture section below. The Density, Area, and Yard Requirements (Section F13) of the Plan requires porches to;

- a. Extend across a minimum of 40% of the building façade, and
- b. Project a minimum of 4' from in front of the facing any public street, and
- c. Be at least 7' deep and contain the front entry door.

**C. Site Design and General Comments:**

1. The Applicant should provide testimony regarding any changes from the Redevelopment Plan concept plan to the proposed site and subdivision plans.
2. Testimony should be provided regarding the relationship between the townhouse units, apartment units, and any shared facilities, utilities, or maintenance responsibilities. Cross access easements should be provided, as necessary.
3. Testimony should be provided regarding the circulation of vehicles, bicyclists and pedestrians, both on-site and off-site.
4. The proposed parking supply exceeds the RSIS requirements considerably, particularly at the townhouse and single-family areas. The Applicant should clarify whether parking spaces are assigned, and we suggest that additional parking be considered near the apartment use.
5. Sidewalks are required along all street frontages as required by ordinance. Specifically, we suggest that they be provided along the east side of Hartford Road connecting to the Route 70 crosswalks, so that this development is connected to the pedestrian improvements on Route 70 and into the center of town.
6. The Board and applicant should discuss the potential to create physical pedestrian connections, or at least an easement to The Cedars Apartments, to allow pedestrian access to shopping along the north side of Route 70.
7. There is a 50' wide easement on lot 13.01, to the benefit of the Board of Education, as a secondary pedestrian emergency evacuation access for the school. That easement is proposed to be abandoned, and a new 20' wide easement is proposed.

*This should be approved by the Board of Education, and said agreement provided to the Board Attorney.*

*We also suggest that this connection be designed to accommodate emergency vehicles, and/or school busses in an emergency, while accommodating pedestrians at all other times. Removable bollards could be provided to preclude unauthorized vehicular access.*

- 8. A school bus-stop has been provided between Road A and Road B along Road C within the single-family neighborhood. A detail should be provided.*
- 9. The location of all ground and roof mounted mechanicals should be shown on the plans, with screening and/or landscape buffering consistent with the Redevelopment Plan, to the extent permitted by utility companies.*
- 10. Testimony should be provided regarding any HOA limitations on fencing, sheds or other structures, or use of the rear yard areas for decks or patios in the single family and Townhouse areas. We note that the rear yards of several single-family homes back up to the east side of Hartford Road, and will be quite visible to the street.*

*If any fencing will be permitted, the locations should be shown, and details provided. We suggest that any approval be conditioned upon the use of a single style of fence, or two complementary styles for visual consistency, which should be reflected in the homeowner's association documents.*
- 11. All homeowners' association documents should be submitted for review by the Board Engineer and Attorney.*
- 12. The applicant currently proposes an untreated post and split rail fence at the top of walls. We have serious safety concerns regarding the long-term durability and strength of this detail. We suggest that pressure treated horse board or vinyl fencing be provided.*
- 13. The retaining wall color should be specified. We recommend a warm, muted earth tone color to deemphasize its presence. The wall capstone should be noted to be epoxied in place for safety.*

14. Sign locations have been illustrated for the apartments, townhouses, and single-family dwellings. Details for the apartment building sign have been provided. Details of the other signs should be provided.
15. We suggest that the Hartford Road sign be rotated to be perpendicular to the road so that it is visible from motorists traveling in both directions.
16. Project timing and phasing should be presented.
17. Testimony should be provided regarding the vehicular and pedestrian interconnection to the Hartford Square parcel to the east, as required by the Redevelopment Plan.

**D. Architecture Comments**

1. Affordable Apartments- 48 units in two buildings.
  - a. The materials, colors, and forms of the clubhouse and apartment treatments should be modified to be complementary with one another. The color rendered exhibit should be updated to reflect the accurate building elevation length.
  - b. The buildings should provide varied roof elevations as required.
  - c. Buildings are required to provide an attractive and finished appearance from all public spaces and public streets. We offer concern that the end wall condition facing Route 70 and internal streets is not appropriately finished and fenestrated. Windows, bays, offsets, fenestration, and turned gables should be employed to enhance the architectural character of the end wall and reduce the need for artificial light in the interior of the units.
  - d. Testimony should be provided that 100 cubic feet of storage is provided in the units.
2. Townhouse units - 102 townhouse dwellings are proposed in 4-6 unit buildings. There are two model types, the "Livia" and "Sandra". The models are 28' wide by 59' feet deep and the differences are largely interior configurations, but the exterior treatments are similar. Roof heights are illustrated at 32'3" for 6:12 pitch; and 36'3" for 8:12 pitch.
  - a. We recommend the Applicant provide an architectural rendering of a typical full length building illustrating building off-sets as required by the Redevelopment Plan at Density, Area, and Yard Requirements H14.); and



- varying roof elevation per the Design Standards L1.)
- b. Buildings are required to provide an attractive and finished appearance from all public spaces and public streets. Windows, bays, offsets, fenestration, side entries, and turned gables should be employed to enhance the architectural character of the end wall and reduce the need for artificial light in the interior of the units.
  - c. Testimony should be provided that at least 250 cubic feet of storage is provided in the units, outside of required parking spaces.
  - d. A right-side elevation with end unit condition should be provided for the "Livia".
3. **Single family dwellings**- 85 units are comprised of five unit types, the "Azalea", "Faringdon", "Hadley", "Hampshire", and "Winston". (Another type is mentioned in a cover letter, the "Summit" but no drawings have been provided.)
- a. The single-family architecture does not comply with the porch requirements of the Redevelopment Plan which requires porches to;
    - Extend across a minimum of 40% of the building façade, and
    - Be at least 7' deep and contain the front entry door.
    - Project a minimum of 4' from in front of the facing any public street, and

The single-family unit types each offer several porch options, resulting in 35 potential different façade configurations. We offer the following:

- b. Roughly half of the porches offered comply with the 40% width parameter.
- c. None of the porches comply with 7' depth requirement. (One is 6' deep, others average 4' deep)
- d. Only one unit style has a porch that extends 4' in front of the garage. Testimony should be provided regarding the porch options, and the ability to modify the porches to be more in keeping with the Redevelopment Plan.
- e. The architectural standards require that buildings are designed to avoid long, monotonous, uninterrupted wall planes. Building wall offsets, including projections and recesses must be employed to add architectural interest and variety.

This is particularly important at end wall conditions and along public streets. Windows, bays, offsets,

fenestration, and turned gables could be employed to reduce these impacts.

- f. Building facades are required to have fenestration and design elements such as windows, shutters, consisting of a minimum of 35% of the façade area, as defined.
4. The applicant should provide detailed testimony and exhibits regarding the proposed architectural forms, materials, heights and colors for all buildings, and consistency with the design standards set forth in the Redevelopment Plan.
5. Testimony should also be provided regarding compliance with the sustainable Building Practices of the Redevelopment Plan.

#### **E. Recreation & Pedestrian Circulation**

1. The Applicant should provide testimony regarding the adequacy of the proposed recreation amenities and confirm how access and maintenance will be handled between the various segments of the development.
2. Complete construction details should be provided for all recreation area facilities to demonstrate compliance with the New Jersey Public Playground Safety Subcode and the New Jersey Barrier Free Subcode, and the Americans with Disabilities Act.
  - a. The minimum number of required accessible play elements should be provided, as identified by the manufacturer.
  - b. The minimum required number of accessible benches, picnic tables and grills should be provided, and they must be on an accessible route. The details should confirm the ADA compliance.
  - c. The playground surfacing should be detailed including depth based on fall height, base course, and sub-base materials.

If the above information is not immediately available, a note should be added to the plans that same will be provided for review prior to installation.
3. We suggest that all benches, picnic tables and grills be on concrete pads instead of lawn to facilitate mowing/maintenance.
4. We suggest that the play area be constructed at grade using a curb restraint at grade, in lieu of the raised plastic edging which can be a trip hazard and maintenance issue.
5. The colors of all metal fencing and site amenities should be coordinated with each other and with the building colors. This includes light poles and fixtures, bike racks,

metal fencing, trash enclosure fencing, benches, tables, etc. Acknowledged

**F. Lighting Comments**

1. All comments have been addressed.

**G. Landscape Comments**

1. A note should be added stating that the tree protection fence location will be staked in the field and approved prior to any clearing. The location should also extend the entire length adjacent to existing vegetation to remain.
  2. It appears that additional vegetation can be preserved along the Hartford Road frontage consistent with the Redevelopment Plan concept. The plans should be revised to maximize the retention of this mature vegetation.
  3. The proposed landscape planting and buffering should be presented to the Board relative to the standards of the Redevelopment Plan. Particular attention should be given to the proposed buffers around the site perimeter, with special attention to the apartment buildings along Route 70 and the single-family reverse frontage buffer along Hartford Road.
  4. Reforestation of the agricultural fields along the Route 70 frontage should be provided per the buffer and restoration standards of the Redevelopment Plan. This could consist of Bare root whips and seedlings to facilitate the restoration.
  5. Numerous areas within the townhouse neighborhoods do not provide the required street trees. Additional shade trees are required to comply with the street tree and parking lot planting requirements, unless the locations of utilities preclude same.
  6. We suggest that an alternative species be selected for the proposed Ash trees, as this species is susceptible to Emerald Ash Borer.
  7. The applicant should consider sodding the most visible portions of the site, particularly in the multifamily areas, to ensure immediate stabilization of the area and for improved aesthetics.
  8. Testimony should be provided regarding irrigation. We suggest that a system be considered to ensure the establishment and long-term health of the plantings, particularly in the apartment neighborhood.
  9. Street trees should be provided in the roundabouts.
6. There was no public commentary on the application.

7. The Board finds that the site plan application complies with the municipal land development ordinance requirements, and that the scope of relief in the applicant's design waiver requests is minimal and is subject to approval. The Board further finds that the benefits of granting the requested variance relief, particularly where the applicant adheres to the goals of the municipal Redevelopment Plan for the site and ensures compliance with the Township's Affordable Housing Plan, outweigh any potential detriments. The Board further finds that the requested variance relief can be granted without substantial detriment to the public good, and that granting variance relief will not substantially impair the intent and the purpose of the municipal zone plan and zoning ordinance.

During the course of the public hearings, the applicant requested, and the Board favorably considered, that certain aspects of the project receive preliminary and final approval at the September, 2019 Board meeting. Accordingly, the requested Preliminary Site Plan is therefore granted for the entire site. The requested Final Major Subdivision and Site Plan for the Apartments Phase, Townhouse Phase 1 (TH1) and Single Family Phase 1 (SF1), with requested waiver and variance relief, is therefore granted.

The application is also granted subject to the following **CONDITIONS:**

- a. The applicant shall comply with all conditions established by the Board in conjunction with this application as reflected in the official minutes of the Board meetings at which the application was considered and as set forth in this Resolution, and as contained in the review letters from the Board professionals.
- b. The applicant shall be responsible for, and shall pursue in good faith and with due diligence, the obtaining of any other approvals or permits as may be required by law and shall comply with any requirements or conditions of those approvals or permits, except that if those requirements or conditions require any modification of the plan and/or the representations made to the Board in order to obtain this approval, the applicant shall be required to report those modifications to this Board and may be required to seek an amendment of the approval herein granted. The granting of the approval herein does not

create any presumption that any other approvals that the applicant may require will be granted.

c. Any additional development on the subject property or any modification to any development pursuant to, or inconsistent with, this approval shall require the approval of this Board.

d. If another government agency grants a waiver or a variance of a regulation affecting this approval or the conditions attached, then this Board shall have the right to review that issue as it relates to this approval and these conditions, and to modify and/or amend the same.

e. Any permits, deeds, easements, vacations, dedications, revised drawings or other documents related to this proposed development shall be approved by the Board attorney and/or the Board Engineer, and shall be filed with the appropriate authority. Proof of recording with the County Clerk shall be filed by the applicant with this Board.

f. The applicant shall post a performance guarantee prior to the commencement of site work in an amount accepted by the Township Council after recommendation by the Board engineer, and in a form approved by the Board engineer and the Township attorney and consistent with the Municipal Land Use Law. A developer's agreement, as appropriate, shall be executed to effectuate the foregoing.

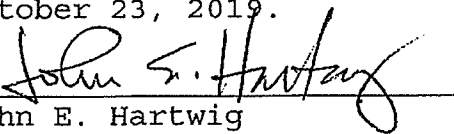
g. Publication of a brief public notice of this decision shall be placed in the official newspaper of the Township of Medford within ten days of the date hereof.


h. The conditions of this approval shall run with the land, and shall be binding on all successors in interest, purchasers, and assignees of the subject property. In the event that the applicant does not perfect this approval within two years from the date hereof (or such other date as may be approved by law), this approval shall be void unless, for good cause shown, the applicant applies for and obtains the approval of this Board for an extension of time for the expiration of this approval.

i. All taxes and escrow fees for professional review of this application shall be paid in full.

j. Final project phasing with regard to the timing of the production of the affordable apartment units, and compliance with the applicable affordability controls will be as outlined in a Redevelopment Agreement to be executed with the Township.

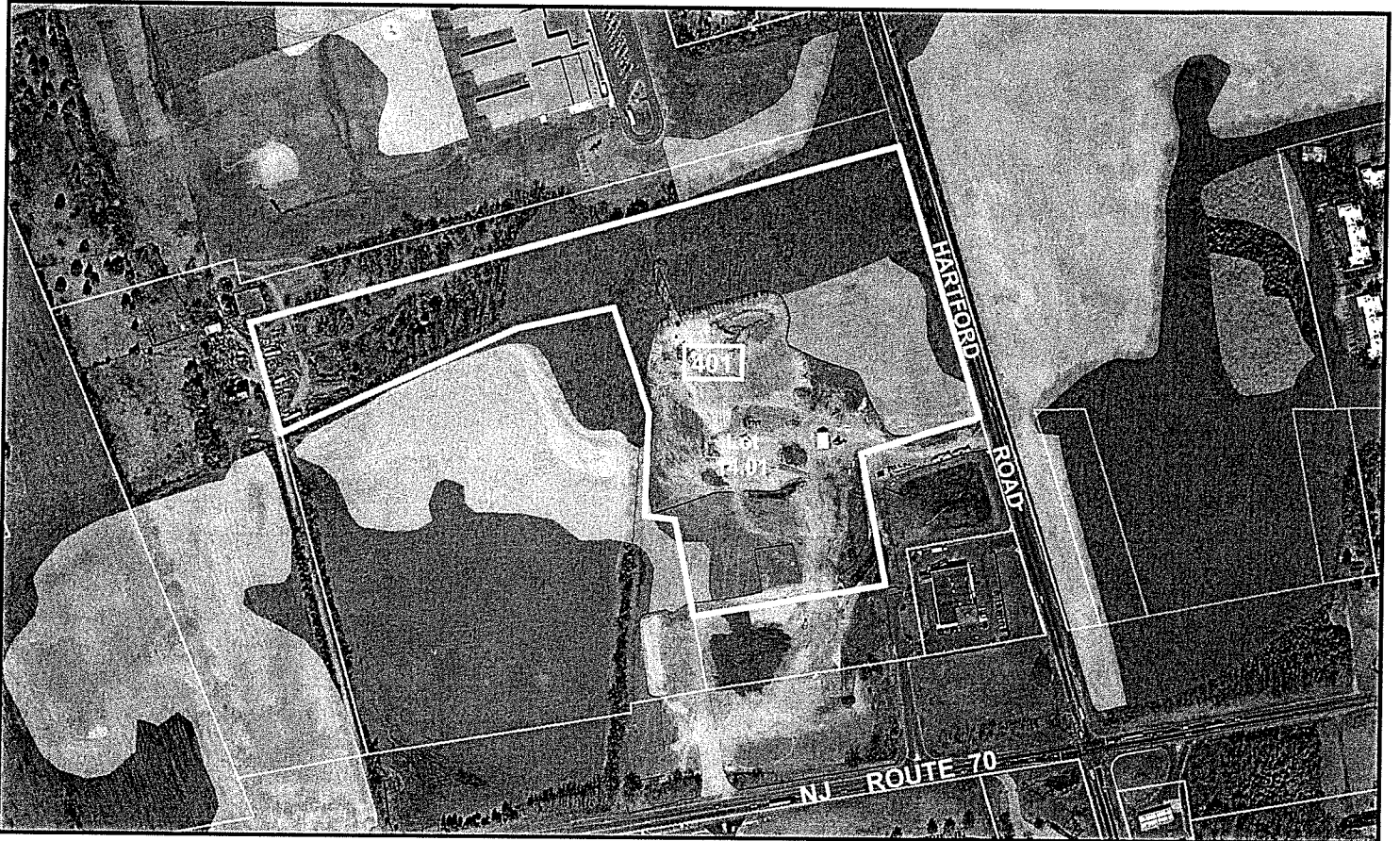
The foregoing resolution was duly adopted by the Planning Board of the Township of Medford at a public meeting held on October 23, 2019.

  
\_\_\_\_\_  
John E. Hartwig  
Chairman






  
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Kimberly Gerber  
Secretary

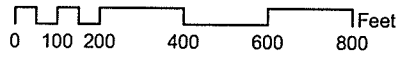
**EXHIBIT 9**  
**HARTFORD SQUARE/VOA SITE**





**Legend**

-  Agricultural Wetlands (MOD)
-  Coniferous Wooded Wetlands
-  Deciduous Wooded Wetlands
-  Managed Wetlands (Recreation Area)
-  Managed Wetlands (Greenspace)



Source: NJDEP



**Block 401, Lot 14.01**

Prepared By:  
**Art Bernard & Associates, LLC**

PLANNING BOARD

TOWNSHIP OF MEDFORD

Resolution No. 14-2019

Application No. PBC-1358VOAPF

A Resolution of the Planning Board of the Township of Medford memorializing the action of the Planning Board on the application of Richard Ragan for Volunteers of America for Preliminary and Final Major Site Plan approval to construct a 21,000 square foot, three-story senior housing apartment residence, on property that is identified as Block 401, Lot 14.04 on the Tax Map of the Township of Medford, and is located in the HM Highway Management Zone (Hartford Square Redevelopment Area Zoning District).

WHEREAS, the Planning Board has received an application from Richard Ragan for Volunteers of America for Preliminary and Final Major Site Plan approval to construct a 21,000 square foot, three-story senior housing apartment residence, on property that is identified as Block 401, Lot 14.04 (129 Route 70) on the Tax Map of the Township of Medford, and is located in the HM Highway Management Zone (Hartford Square Redevelopment Area Zoning District).

NOW, THEREFORE BE IT RESOLVED by the Planning Board of the Township of Medford, assembled in public session on August 28, 2019, that the following Findings of Fact, Conclusions and Determinations are hereby confirmed and memorialized:

### Findings of Fact

1. The Planning Board has the jurisdiction to act upon the application, with a majority vote required for approval of all variances.
2. The application was considered at a public meeting of the Planning Board held on July 24, 2019, at which time the application was declared to be complete and duly noticed, and a public hearing was held at which testimony was received on behalf of the applicant and there was an opportunity for the public to be heard on the application.

### Items Submitted

- One (1) Land Development Application, dated June 18, 2019;
- One (1) Checklist for Preliminary Major Site Plan;
- One (1) checklist for Final Major Site Plan;
- One (1) Site Plan Certificate of Completeness, Dated May 29, 2019;
- One (1) Project Narrative prepared by Jefferis Engineering Associates, dated May 29, 2019;
- One (1) Set of Site Photographs;
- One (1) Architecturals (elevation & layout) prepared by Ragan Design Group, dated May 6, 2019;
- One (1) Transportation Assessment prepared by Traffic Planning & Design, Inc., dated May 20, 2019;
- One (1) Municipal Services & Utilities Impact Statement prepared by Schetter Environmental, dated May 28, 2019;
- One (1) Stormwater Runoff & Management Calculations prepared by Jefferis Engineering Associates, dated May 2019;
- One (1) Land Title Survey prepared by Pennell Land Surveying, dated April 15, 2019, with revisions dating May 29, 2019;
- One (1) Major Site Plan prepared by Jefferis Engineering Associates, dated May 16, 2019.

### Submission Waivers

A waiver is requested for Checklist No. 20 on the Preliminary Major Site Plan Checklist regarding submitting locations and water level of existing and proposed water courses within 500 feet;

This waiver is recommended.

A waiver is requested for Checklist No. 22 on the Preliminary Major Site Plan Checklist relating to submitting soil tests as required by ordinance;

This waiver is recommended.

A waiver is requested for Checklist No. 31 on the Preliminary Major Site Plan Checklist relating to providing the location of proposed storm sewer lines;

This waiver is recommended.

A waiver is requested for Checklist No. 33 on the Preliminary Major Site Plan Checklist regarding submitting plans and profiled of proposed improvements and utility layouts;

This waiver is recommended.

A waiver is requested for Checklist No. 34 on the Preliminary Major Site Plan Checklist regarding submitting plans of all existing streets abutting the tract within 200 feet;

This waiver is recommended.

The Board approved the requested submission waivers.

### Design Waivers

Per §517.b(1) the minimum footcandles required for residential area parking is 0.2. The applicant proposes areas which are not lighted. A design waiver is required.

The Board approved the requested design waiver.

### Variance Relief

Parking Requirements. §5:21-1.4 of N.J.A.C. 5:21-1.4 requires 128. The applicant proposes 71 units with 73 new parking spaces and overflow parking of up to 55 spaces on adjacent lot 14.01. Variance relief is required.

### Public Hearing

3. Patrick McAndrew, Esq., represented the applicant. Owen McCabe, the applicant, Daniel Nichols, the applicants Architect, Teal Jefferis, the applicants Engineer and Deanna Drumm, the applicants Traffic Engineer were duly sworn and testified in support of the application, and the Board adopted their testimony.

Mr. Taylor provided the Board with a brief summation of the site and its various developments, including the approval of the redevelopment plan and how this application is a part of the Township's affordable housing obligation under the Court approved COAH settlement agreement.

Chairman Hartwig took note of five (5) submission waivers as outlined in Mr. Noll's letter dated July 17, 2019. Mr. Noll recommended approval of Item #20-Location of water courses within 500', Item #22-Soil testing and Item #34-Proposed and existing streets. Item #31-Profiles of storm sewer lines and Item #33-Profiles of sanitary sewer and water lines were also recommended to be approved by Mr. Noll as conditions of approval. Mr. McAndrew agreed to comply with these items. The board approved the requested submission waivers.

Mr. McCabe opened the testimony by describing Volunteers of America (VOA) as a builder of affordable housing, operating as a branch of the Salvation Army. The bulk of their portfolio is senior housing. They are proposing a 70-unit three story apartment complex with one (1) two-bedroom managers unit. Each unit will average 690-710 square feet and have one bedroom. All units will be affordable units; with residents expected to have an annual Social Security income of \$18,000-\$36,000 which is 20%-60% of the medium income level. There will be one maintenance manager who will work 40 hours per week.

Mr. McCabe continued that due to the limited income levels, the VOA typical senior citizen housing complexes have low parking ratios. It is anticipated only 41-50% of the residents will have vehicles and the VOA arranges transport through Medicaid and social service agencies. There are 73 parking spaces proposed; with 55 spaces available on the adjoining lot via cross easements. Peak need will be during holidays.

Mr. McCabe also stated that the VOA operates similar sites in Bordentown, Gibbstown and Lindenwold. The Bordentown complex currently has a two-year waiting list, which documents the need

for this type of housing.

Mr. Taylor commented that the age restriction will be in perpetuity on the complex; but the requirement that the units be offered to low- and moderate-income tenants runs for 30 years.

Mr. Nichols, the applicants Architect testified in support of the application. He introduced Exhibit A-15, a display board of the elevations of the building. He explained there will be a series of smaller peaks with roof level changes and material changes. The max height will be 43'10". The request from Mr. Taylor for a straight roof line was incorporated. He specified that the exterior will be a combination of vinyl siding, with PVC and brick elements. The exterior also includes a portico main entrance, a community room, and outdoor shaded patios. Some of the units will have Juliet balconies; and additional balconies may be added. The façade is a combination of 38% windows, trim, gables and other elements. The color scheme will be a warm color palette, and the applicant agreed to work with Mr. Taylor on the final selections. The HVAC louvers will be painted to match the color scheme and the plan is to match the brick color of the existing buildings on the overall site.

Mr. Jefferis, the applicant's engineer, was next to testify in support of the application. He introduced Exhibit A-16; a display board aerial of the entire site, which highlighted the location of the subject property and building. He then displayed Exhibit A-17; a colorized version of the site plan. The building will front onto Hartford Road, and the existing driveway will be utilized to access the building. The lot is 6.08 acres, but is limited by wetlands and restricted wetlands transition areas. This display also highlighted the internal circulation and how it ties into the existing driveway. The parking was shown in both the front and rear of the building as they are the access points. The area for parking is limited by the developable area. Due to this, seventy-three (73) parking spaces are shown; with 128 required per NJ Residential Site Improvements Standards for market rate garden apartments with no age restrictions. With 71 units, there is slightly more than one space per unit, but earlier testimony stated this is an atypical development with significantly less owned vehicles expected. A parking easement with lots 14.01 and 14.05 for an additional 55 spaces for overflow has been executed to alleviate the deficit.

Mr. Jefferis displayed Exhibit A-18 which was another display board of a rendered version of the building and infrastructure; including parking, sidewalks and paver areas. Mr. Noll noted the

road access must dead end as a stub resulting from a new wetlands delineation. Other features will include two outdoor patios, raised gardens, and passive recreation areas including benches and pet exercise areas. No smoking is permitted in the building, so a "Butt Hut" will be added per the Fire Marshall's directive.

Chairman Hartwig commented that this project justified the granting of the variance relief by cross parking easements and a statement that no future parking variance relief will be requested. He elaborated that his concern is that spaces are being counted multiple times and that the Board must protect itself for future development at the site. He suggested that the Board condition any approval to designating that land must exist if additional parking is needed in the future. Mr. McAndrew addressed Chairman Hartwig's concerns and stated that the Applicant is willing to add some "paper spaces" to the site plan should parking spaces be needed in the future. Mr. Taylor added that the testimony is consistent with what he has experienced at other similar developments in that the high-end parking need is 0.8 spaces per unit.

Mr. Jefferis continued that the stormwater basin is in place already to accommodate ultimate buildout standards as set by the NJDEP. The existing driveways require no modifications. The building will be serviced by sanitary sewer and municipal water for both domestic use and fire suppression. There will be an emergency generator for the building as well as a maintenance room to hold the trash.

Mr. Jefferis then introduced Exhibit A-19, a display board of the Landscaping Plan. Trees and buffers are included, and the grounds will be irrigated. Lighting on the site will consist of poles (limited to 3000 lumens), motion sensor building mounted lights, and bollards. The lights will be dimmed from 10 p.m. until dawn. The eastern side of the property will have a 30" retaining wall and chain link fence for safety. Mr. Taylor noted this will be 200' from Hartford Road and not visible if it is black vinyl coated with the proposed landscaping surrounding it. After discussion, Board members indicated a desire for more decorative fencing, and agreed that Mr. Taylor can work with the Applicant on an acceptable design. The trash enclosure will be masonry. Mr. Jefferis discussed that any signage will have bases and design that complement the materials of the building and will comply with the Zoning Ordinance requirements. If it does not comply, the applicant agrees to return to the Board.

Ms. Drumm testified as the Applicant's Traffic Engineer in support of the application. A traffic analysis was prepared and documented a very low intensity use. It is expected that 15-20 trips will be generated in the AM and PM peak hours. The national standards for senior housing are .6 to .7 spaces per housing unit. The Medical facility hours of operation are weekdays from 9 am - 5 pm. The demand for the parking for the senior housing building is anticipated to be overnights, weekends and holidays so the overflow parking will be available.

**PUBLIC:**

Jean Amato - Wildflowers Development. Ms. Amato represented several of her neighbors who were present and who live in the Wildflowers development. All are concerned about the traffic. The intersections at Route 70 & Hartford Road and at Hartford & Jennings Roads are already congested at morning and afternoon rush hours.

Ms. Drumm responded to the public testimony by stating her study documented 2,500-3,000 vehicles per peak hour at the Route 70 and Hartford Road intersection. This development will generate an additional 15-20 vehicles per peak hour. This is a .01% addition. The traffic generated will also be split between two entrances onto Hartford Road and onto Route 70. Chairman Hartwig added that this lot was previously approved for commercial development, which would have added more traffic than this housing complex.

Mr. Noll commented that the developer has contributed financially to the widening of Hartford Road plus a pro-rated share to add left turn lanes onto Route 70. He elaborated that NJDOT controls the timing of the traffic light.

Mr. Taylor noted the comment regarding the trash enclosure can be stricken as it now complies with the Ordinance. Mr. Noll added that his letter also noted that a Design Waiver is required from the Residential Site Improvement Standards for the parking requirements, and testimony on this issue was discussed. Mr. McAndrew summarized by confirming that the Applicant agrees to all the comments in both Mr. Noll's and Mr. Taylor's letters.

4. A Review Letter was submitted by the Board Engineer on July 17, 2019 offering the following comments:

*A Preliminary/Final Site Plan application has been received for the above referenced site. The 6.08± acre site is zoned HM,*



Highway Management Zone (Hartford Square Redevelopment Area Zoning District). The subject property is located within the Hartford Square Complex which is a mixed use development located on the northwestern corner of NJSH Route 70 and Hartford Road that is currently developed with four (4) commercial uses consisting of a CVS Pharmacy, fitness gym ("Escape Fitness"), Columbia Bank, and a recently constructed medical office building. With the initial site plan approval obtained for the development, additional retail stores had previously been proposed in the western portion (lot 14.01) and the northern central portion (lot 14.04) of the tract, but have not yet been constructed. The proposed senior housing development and associated improvements will be located within a portion of the area of the previously approved retail facility that had not been constructed in the area now identified as Lot 14.04.

The proposed development will consist of the construction of a 21,000± S.F., three-story senior housing apartment residence that will contain a total of 71 residential units, composed of (70) one-bedroom units and (1) two-bedroom manager's unit. The units will be created as "affordable units" pursuant to funding requirements. The facility will be accessed by proposed driveways that will connect to existing interior driveways servicing the Hartford Square complex, which currently has driveway access from both Route 70 and Hartford Road. No new driveway access from either of the front roads is proposed. To complement the building, extensive and aesthetic site improvements are proposed. Site improvements include an asphalt parking lot, covered drop off area, driveways, new utilities, trash enclosure, exterior parking and pedestrian lighting, security and low level lighting, decorative and buffer landscaping, pedestrian walkways, and outdoor recreation areas (patios, fenced yards, community gardens, and walking paths) for residents. An existing stormwater wet pond located on Lot 14.01, which was designed for the overall complex development, will provide stormwater management control for the stormwater runoff from the new facility. The site will be served by public water and sanitary sewer.

#### Submitted Items

The following documents have been submitted in support of the application:

1. Land Development Application, dated 6/18/19.
2. Authorization to Enter Grounds, dated 6/18/19
3. Checklist for Preliminary Major Subdivision Plats and Preliminary Major Site Plans.
4. Checklist for Final Major Subdivision Plats and Final Major

*Site Plans.*

5. *Site Plan Certificate of Completeness, dated 5/29/19.*
6. *Project Narrative prepared by Jefferies Engineering Associates, LLC, dated 5/29/19.*
7. *Site photographs (6 pages).*
8. *Authorization to Enter Grounds, dated 1/10/19.*
9. *Architectural (elevations and layouts) prepared by Ragan Design Group Architects, LLC (2 pages), dated 5/6/19.*
10. *Municipal Services & Utilities Impact Statement prepared by Jefferies Engineering Associates, LLC dated May 2019.*
11. *Transportation Assessment dated 5/20/19 as prepared by Traffic Planning and Design, Inc.*
12. *Stormwater Runoff & Management Calculations prepared by Jefferies Engineering Associates, LLC dated May 2019.*
13. *Environmental Impact Statement prepared by Schetter Environmental dated 5/28/19.*
14. *Proposed "Hartford Square Affordable Housing" Major Site Plan prepared by Jefferies Engineering Associates, LLC dated 5/6/19, revised to 5/28/19 (20 pages).*
  - a. *Sheet C-0.0-Title Plan*
  - b. *Sheet C-1.0-Environmental Constraints Plan*
  - c. *Sheet C-2.0-Site Development Plan (Overall)*
  - d. *Sheet C-2.1-Site Development Plan (Enlarged)*
  - e. *Sheet C-3.0-Grading Plan*
  - f. *Sheet C-3.1-Transition Area Reduction Plan*
  - g. *Sheet C-4.0-Utility Plan*
  - h. *Sheet C-5.0-Landscape Plan*
  - i. *Sheet C-5.1-Landscape Plan*
  - j. *Sheet C-6.0-Lighting Plan - A*
  - k. *Sheet C-6.1-Lighting Plan- B*
  - l. *Sheet C-7.0-Standard Details*
  - m. *Sheet C-7.1-Standard Details*
  - n. *Sheet C-7.2-Standard Details*
  - o. *Sheet C-7.3-Standard Details*
  - p. *Sheet C-7.4-Standard Details*
  - q. *Sheet C-8.0- Soil Erosion and Sediment Control Plan*
  - r. *Sheet C-8.1-Soil Erosion, Sediment Control Details*
15. *ALTA/NSPS Land Title Survey Sheet 1 of I prepared by Pennell Land Surveying, Inc. dated 5/29/19.*
16. *Phase I/Limited Phase II Environmental Site Assessment dated June 2019 prepared by Curren Environmental, Inc.*
17. *Description of 50' Wide Cross Easement Through Lands of Block 401, Lot 14.01 & Exhibit A both date July 15, 2019 prepared by JSA, Inc.*

*We have reviewed the referenced material for conformance to the Medford Township Land Development Ordinance, and the*

Redevelopment Plan Hartford Square Properly and have the following comments:

Submission Waivers for Preliminary Major Site Plan Application

1. Item #20. Location of water courses within 500 feet: Location of existing water courses located on and within 100-200 feet of the site are shown. Since this is located several hundred feet away from the area of disturbance. A waiver from showing locations within 500 feet is requested. Waiver recommended.
2. Item #22. Soil Testing: The project site is located within an established redevelopment area and in an area that was previously approved for commercial development. Additionally, the soil testing requirements noted under Section 804-B.16 pertain to percolation, whereas the proposed facility will be serviced by public sanitary sewer services and an existing wet pond stormwater management system and not rely on soil percolation for septic or stormwater purposes. Based upon this, a waiver from providing the soil testing is requested. Waiver recommended.
3. Item #31. Profiles for storm sewer lines: The plans and calculations provide design and detail for the proposed stormwater collection and conveyance system, which will connect into the existing storm sewer pipes at the site. As the proposed stormwater piping may be subject to changes during preliminary review process, a partial waiver is requested to allow the profiles of the proposed storm water conveyance pipes to be provided as condition of any board approval. Waiver recommended.
4. Item #33. Profiles for sanitary sewer & water lines: The plans provide design and detail for the proposed sanitary sewer laterals and water service laterals for the facility. As the proposed utility services may be subject to changes during preliminary review process, a partial waiver is requested to allow the profiles of the proposed sanitary and water service laterals to be provided as a condition of any board approval. Waiver recommended.
5. Item #34. Plans, cross-sections, construction details and alignment of all proposed and existing streets within 200 feet of the tract: The plans provide location, grades, and

alignment for existing driveway and Hartford Road along the frontage and within 200 feet of the site. As no modifications to the existing roadway are proposed, a partial waiver is requested for not providing cross-sections, construction details and alignment of all proposed and existing streets within 200 feet. Waiver recommended.

#### Variances and Design Waivers

1. The Concept Plan entitled "Redevelopment Plan" dated 7/12/17, Sheet A-2 prepared by Ragan Design Group to be adhered to in the Redevelopment Plan - Hartford Square District Property prepared by Taylor Design Group dated 7/25/17 indicates a proposed building height of 43' 11-1/4". The "Hartford Square Affordable Housing" Major Site Plan prepared by Jefferies Engineering Associates, LLC dated 5/6/19, revised to 5/28/19; Sheet C-2.0 (3 of 19) indicates a proposed building height of 50' /3.5 Stories. The two (2) architectural plan sheets submitted by Ragan Design Group dated 5/06/19 have a proposed building height which is unreadable. The Applicant shall clarify the height of the proposed building. A variance may be required. We defer this matter to the Township Planner.
2. The Applicant requires a design waiver from the Residential Site Improvement Standards (RSIS) for the parking requirements. The applicant proposes 71 units with 73 new parking spaces. The Residential Site Improvement Standards requires 128 parking spaces. The Applicant proposes overflow parking of up to 55 spaces on adjacent Lot 14.01 with an access and parking easement. Calculations and testimony shall be provided for both lots as a variance will be required.

#### Site Plan Comments

1. The potable water and sanitary sewer mains are to be publicly owned and maintained.
2. Most plan sheets 1-19 have Block 401 mislabeled as Block 4.01. All sheets need to be corrected.
3. The Medford Tax Map Sheet #4 as shown on the Title Plan sheet 1 of 19 for Block 401 Lot 13.01 is not shown properly on the Overall Site Key Map on the Title Plan sheet 1 of 19, 2 of 19, 3 of 19 and 4 of 19. These sheets need to be corrected.
4. The Applicant shall provide copies of any protective

covenants, homeowners association documents, easements and/or deed restrictions applicable to the site, whether recorded or unrecorded.

5. The Applicant shall provide easements for the proposed stormwater, sanitary sewer, and potable water systems, and access and parking for all adjacent properties including Block 401, Lot 13.01. They shall be shown on the final plat along with the descriptions, purpose, responsible entity, etc.
6. The Applicant shall provide sidewalk along the Hartford Road side of the site per the RSIS, the Redevelopment Plan Hartford Square, and the Township of Medford Ordinance.

### Traffic

1. The Transportation Assessment Report prepared by Traffic Planning and Design, Inc. indicates the 71 age-restricted apartments at the Hartford Square project will be accessed by the two existing driveways on Hartford Road and the two existing driveways on Route 70. The proposed redevelopment has a potential to generate 15-20 vehicular trips during the commuter morning and afternoon peak hours. Under the 2022 Projected (Build) Conditions with development of the subject site the Route 70 access driveways will operate at LOS C and the Hartford Road Northern driveway will operate at LOS D. The Transportation Assessment Report included the Autumn Park (300 residential units) and Timber Ridge (235 residential units) anticipated site traffic as additional background traffic.
2. Traffic from adjacent Timber Ridge to the west will access the site to Hartford Road through a cross access easement.

### Stormwater Management

1. The site contains a total of 6.08 acres. Plan sheet 3 of 19 indicates 27.8% Lot Coverage or 1.69 acres of impervious area and the Stormwater Management Rep01i indicates 1.89 acres of impervious surface. The Applicant shall clarify this discrepancy. Since the project disturbs more than 1.0 acres of land and results in greater than 0.25 acres net increase in impervious coverage it is classified as a major project for the purposes of stormwater management and must comply with the requirements of NJAC 7:8. The project must meet the following requirements:
  - a. Address the rate and volume of runoff from the project site.

This may be done in one of three methods as outlined in NJAC 7:8: 1.) Reduce the peak rate of runoff from the project area by 50%, 75% and 80% for the 2 year, 10 year and 100 year storms, respectively; or 2.) Demonstrate that the rate of runoff for the project is not increased from the pre-developed condition at any point along the post-developed condition hydrograph; or 3.) Demonstrate that the peak rate of runoff is not increased and that the increase in volume and variation in timing will not have an adverse downstream impact.

1. The Applicant proposes to attempt the runoff such that the peak rates of runoff from the area of disturbance is reduced in accordance with the first method outlined above by proposing to use an existing retention basin (wet pond) designed to store and reduce the developed post-construction peak runoff discharge rates to the existing watershed area by 50%, 75% and 80% for the 2 year, 10 year and 100 year storms, respectively.

b. Reduce the Total Suspended Solids (TSS) loading in stormwater by 80% for new impervious for the water quality design storm of 1.25 inches within a 2 hour period.

I. The Applicant needs to demonstrate the existing retention basin (wet pond) is providing 80% TSS removal per the current New Jersey Stormwater Best Management Practices Manual Chapter 9.11 Standard For Wet Ponds.

c. Based upon the site being disturbed and classified as a redevelopment area groundwater recharge is not required under the NJDEP Stormwater Rules.

d. The existing wet pond was designed to include the runoff of the previously approved commercial development. The proposed Hartford Square Affordable Senior Housing has less impervious coverage than the proposed retail store in that area which reduces a, above.

2. Proposed pipe #6 on Utility Plan sheet C-4.0 indicates a slope of 0.5%. It should be revised to indicate 1.0%.

3. Proposed stormwater manhole #1 on Utility Plan sheet C-4.0 is missing a rim elevation.

4. Per the NJ Stormwater Best Management Practices Manual a maintenance manual must be provided for the stormwater system.

### Utilities (Water and Sewer)

1. Per the Residential Site Improvement Standards §5:21-6.2(b)6. Where PVC pipe is installed a metallic locator tape shall also be installed in the trench adjacent to the pipe. The detail shall be revised.
2. Fire hydrant flow and pressure tests should be conducted at the fire hydrant closest to the site as approved by the Township Engineer. Calculations verifying that there is sufficient fire flow and pressure on site based on the proposed improvements should be provided.
3. All fire hydrant locations are to be approved by the Township Fire Marshall.
4. The Applicant shall indicate their method of metering the usage of water for the entire site.
5. The Environmental Impact Statement section 3.10 incorrectly states Medford purchases water from Evesham/Medford Leas. For emergencies only Medford purchases water from NJ American Water.
6. Plan Sheet C4.0 Reference Note #3 for a 3" diameter force main needs to be clarified.

### Landscaping

1. The sight triangles shall be shown on the Landscaping Plan. Sight triangle easements will be required.

### Lighting

1. Per Development Regulations §517 Lighting B.1 for residential area parking, the minimum footcandles required is 0.2. The parking areas on sheet 12 of 19 have areas which are not lighted. In addition, the entrance and exit roads and intersections are not lighted.
2. The lighting proposed under the canopy shall be provided.
3. Per Development Regulations §517 Light Pollution or Light Intrusion D.1 light spillage of more than 0.2 footcandles onto adjacent properties shall be prohibited. A design waiver will be required.

4. Per Development Regulations §517 Lighting F. Security Lighting, all parking areas and walkways thereto and appurtenant passageways and driveways serving multi-family or other uses having common off-street parking and/or loading areas shall be adequately illuminated for safety and security reasons from sunset to sunrise.
5. Prior to issuance of any Certificate of Occupancy, a satisfactory Night Light Test is to be conducted by the Township Engineer. Any deficiencies are the responsibility of the Applicant to correct.

#### General

1. It is recommended that Title 39 certification be provided for the site.
2. The applicant shall provide an ADA accessible route through the site.
3. An estimate for all on/off site improvements should be prepared and submitted to the Department of Community Development upon final stamped approval of plans.
4. Prior to construction start, Ordinance requirements regarding review escrow, inspection escrows, pre-construction meeting, etc. must be met.

#### Details

1. The Pavement Marking Detail shall indicate Thermoplastic, Long Life, Striping with Glass Beads.
2. The Painted Cross-Walk Detail shall indicate Thermoplastic, Long Life, Striping with Glass Beads.
3. The Stop Bar Marking Detail shall indicate Thermoplastic, Long Life, Striping with Glass Beads.
4. A detail of the proposed trash receptacle shall be added to the plans.
5. A detail of the proposed recreational facilities shall be added to the plans.
6. Details of the proposed patio/outdoor sitting w/tables shall



be added to the plans.

7. Details of the pet walking areas shall be added to the plans.

### Environmental Assessment

1. Based on a review of historic aerial photographs, the Phase I indicates that the Site was utilized for agricultural purposes from prior to 1940 until 2006. The former agricultural use of the site was the only identified recognized environmental condition (REC). Phase II investigation for this REC.

During the Phase II, two surface soil samples were collected and analyzed the samples for pesticides, arsenic, and lead. Results did not exceed the NJDEP Residential Direct Contact Soil Remediation Standards (RDCSRS). No additional soil investigation was recommended for this REC.

ERI has reviewed the Phase I/II ESA data and agrees with the identification of historic agricultural use as an REC. ERI reviewed aerial photographs for the Site on [historicaerials.com](http://historicaerials.com). The 1930 aerial confirmed that the entire 6-acre Site was previously farmed. The 2007 aerial showed an area of soil disturbance on the western portion of the Site. It appears that the Site was being cleared for future construction.

In order to comply with NJDEP guidance, three (3) soil samples are required for the 6-acre area. Additionally, one of the Phase II soil samples (FA-IA) was collected from a previously disturbed area of the Site. According to the guidance, sample locations should be biased toward previously undisturbed areas of the Site.

ERI recommends the collection of one (1) additional soil sample to comply with NJDEP guidance and complete the Phase II investigation for the Historic Agricultural Use REC. The sample should be collected from an undisturbed area of the Site and analyzed for pesticides, arsenic, and lead.

### Permits and Approvals

1. The following permits and approvals are required:
  - a) Burlington County Planning Board
  - b) NJDEP Wetland Letter of Interpretation/Line Verification

(Received)

- c) NJDEP Transition Area Waiver for Redevelopment
- d) NJDEP TWA approval for sanitary sewer main extension  
(Received 8/7/18)
- e) NJDEP BWSE approval for water main extension
- f) Medford Township Fire Marshal
- g) Burlington County Soil Conservation District
- h) Approval by all other required agencies.

5. The Board Planner submitted a review letter on July 8, 2019 offering the following comments:

A. Proposal

1. The subject property is a 6.08-acre parcel located on Hartford Road north of its intersection with N.J.S.H. Route 70, and is known as Block 401, Lot 14.04. The parcel has approximately 700' of frontage on Hartford Road, and wraps behind the Hartford Square Shopping Center.  
The site is vacant and consists of partially disturbed fields with fill, forested uplands, and forested wetlands- predominantly to the rear.
2. The parcel is located within the Hartford square Redevelopment Area (HSRA) and is subject to a Redevelopment Plan and Agreement. The Redevelopment Plan for the tract rezoned this property to the Hartford Square Redevelopment Area Zoning District.
3. The site to the west contains fallow agricultural fields within the Tofamo Redevelopment Area which is proposed to be developed with townhouses and affordable apartments. North of the site are the Kirby's Mill Elementary School (Pre- K to-5), the Medford Township Board of Education Offices, and additional offices. East of the site across Hartford Road is another portion of the Tofamo Redevelopment Area, which is presently used for agriculture, but is proposed to be developed with single family homes.  
South of the site is the Hartford Square Shopping Center which includes a CVS, medical offices, a bank, and other personal and retail service commercial uses within both the HSRA Zoning District and the Highway Management Zoning District.
4. On July 31, 2010, the Medford Township Council authorized by Resolution #169-2010, the Medford Township Planning Board to undertake an investigation to determine whether the Area is in Need of Redevelopment, Without Condemnation, pursuant to the New Jersey Local Redevelopment Housing Law (LRHL). The Determination of Needs Report was prepared by the Planning Board for review at a public hearing held on November 22, 2010, and the Planning Board determined that conditions of N.J.S.A. 40A:12A-5 were met and Resolution #8-2011 was adopted

on February 23, 2011

5. On May 16, 2017 by Resolution #97-2017 the Township Council designated the tract as an Area in Need of Redevelopment, Without Condemnation. The Hartford Square Redevelopment Plan was prepared by the Township to develop standards to implement the Township's affordable housing obligation. The Plan included a concept plan entitled "Redevelopment Site Plan", dated July 12, 2017, by Ragan Design Group, consisting of 1 sheet. An annotated copy of this concept plan is included at the end of this report.

The Planning Board reviewed the Redevelopment Plan and determined that the plan was consistent with the Land Use Plan and Housing Element, adopting Resolution #21- 2017, on July 26, 2017. The Township Council adopted the Redevelopment Plan by Resolution #2017-9 on May 16, 2017.

6. The Redevelopment Plan required subdivision approval to create Lot 14.04 of approximately 8 acres which was approved by the Planning Board in 2017 and amended in 2018. Lot 14.04 is now deed restricted to permit only 100% affordable apartments.
7. The Applicant currently seeks Preliminary and Final Site Plan approval to construct a 310' by 65' building housing 71 age-restricted (senior) affordable apartments at the site, consisting of the following:
  - a. (70) 1-bedroom apartments on three floors, plus
  - b. (1) 2-bedroom caretaker unit on the first floor.
  - c. Common building area and outdoor amenities for residents and their guests including but not limited to a community garden and community room. Common areas on the second and third floor are labelled as "exercise, vending, or office".
8. While the site has frontage on Hartford Road, the presence of wetlands precludes direct driveway access. Access to the site will be achieved through the existing driveway network within the Hartford Square Shopping Center, (Lots 14.01, 14.02, and 14.03) which has direct access to Route 70 and Hartford Road.

#### B. Bulk Variances

1. The applicant requires a variance to permit the trash enclosure to be within a front yard, where accessory structures are not permitted in same.

#### C. General Comments:

1. The Applicant should provide testimony regarding any changes from the Redevelopment Plan and concept plan to the proposed site configuration, particularly the alteration of the building from a U-shaped structure to a long, rectilinear building.

2. Testimony should be provided regarding the low-and-moderate income split proposed for the development, including the caretaker unit. The Housing Plan requires:
  - a. 9 very, low income units,
  - b. 26 low-income units, and
  - c. 35 moderate- income units.
3. Testimony should be provided regarding the circulation of vehicles, bicyclists, and pedestrians, both on-site and off-site.
  - a. The Redevelopment Plan required a main access and secondary access to Lot 13.01 to the west. The required main access is not provided. This should be addressed.
  - b. Pedestrian access to Lot 13.01 should also be provided.
  - c. The cross-access, parking and utility easements should be provided to the Board Attorney and Engineer for review. This should include access easements benefitting Lot 13.01 to the west.
4. Testimony should be provided indicating how mail will be handled at the site. If exterior to the building, a safe, convenient location should be proposed.
5. Testimony should be provided regarding the relationship between the residential units, and the commercial areas, common areas, utilities, stormwater controls, and maintenance responsibilities on the overall site.
6. Sidewalks should be provided along the Hartford Road street frontage as required by ordinance.
7. The location of all ground mounted mechanicals and utility boxes should be shown on the plans, with landscape buffering as required. The proposed generator and electrical transformer are not presently buffered.
8. The proposed parking supply on site does not comply with NJ RSIS requirements. A total of 128 spaces are required, whereas only 73 spaces are provided on site. The applicant proposes overflow parking of up to 55 spaces on adjacent Lot 14.01. Testimony should be provided regarding the actual parking demand for this site. If a shared/overflow parking scenario is proposed, calculations and testimony should be provided regarding the availability of 55 excess spaces on Lot 14.01.
9. If identification signs are proposed, their location and details should be provided. The base of any proposed development sign should be landscaped.
10. If the brick paver crosswalk detail shows the brick slightly higher than the concrete containment curb. We suggest that the pavers be slightly lower than the curb to avoid displacement by snow plowing operations.
11. The retaining wall color should be specified. We recommend a warm, muted earth tone color to de-emphasize its presence. The

wall capstone should be noted to be epoxied in place for safety.

12. The plans label a 4' high black chain link fence on top of the retaining wall. A detail should be provided for the chain link fencing.
13. The colors of all metal fencing and site amenities should be coordinated with each other and with the building colors. This includes light poles and fixtures, bike racks, both types of metal fencing, trash enclosure fencing, benches, tables, etc.

#### D. Architecture Comments

1. The architecture plans have been provided. The architecture has been modified from the conceptual plan. The conceptual plan illustrated a u-shaped main building with a long axis of approximately 300' with two 150' long wings flanking a front central-entry courtyard. The revised architecture illustrates a rectilinear building of approximately 310' by 65'. The elevations provided show that the building is approximately 44 feet high, containing 3 floors.
2. The following should be detailed and dimensioned on the plans:
  - a. Ceiling/story heights;
  - b. The porte cochere should be shown in plan view.
  - c. All roof heights. (It appears that the roof/gable shown is not consistent between the elevations- see sides vs. front/rear). This should be corrected.
  - d. Roof pitch.
  - e. The percent of fenestration and design elements per façade.
  - f. The window and door trim widths.
3. Testimony should be provided addressing compliance with §508 of the Township Ordinances and the standards of the Redevelopment Plan. We suggest that additional efforts be made to break up the visual mass of the buildings to be more in keeping with the scale of the site and the community. We suggest that the applicant consider the following suggestions:
  - a. All window and door trim, rakes and eaves are shown in the rendering as the same exact color as the siding. Some contrast between these would help to articulate the design forms and break up the building mass.
  - b. The panel width in the gables is shown at 4' wide. We suggest that this be reduced in width, or perhaps a textured material used to reduce the scale of the building. This is more pronounced at the end walls where the gables are much larger. In the alternative, a louver or similar could be considered.
  - c. Testimony should be provided regarding the color of the unit HVAC louvers, and whether they can be painted to match the siding to de-emphasize their presence.
  - d. The 38' long rear wall of the community room does not

have any windows. Testimony should be provided whether windows could be added to offer views into the woodlands north of the building.

- e. Windows are illustrated on the elevation on the third floor, "exercise, vending, or office" room, but not on the floor plan. This should be remedied.
- f. No windows are illustrated on the second floor, "exercise, vending or office" room. The use of these rooms should be clarified for each floor.
- g. We suggest that a more substantial eave, rake, and cornice be considered.

#### E. Recreation & Open Space

1. The Applicant should provide testimony regarding the adequacy of the proposed open space and site amenities for the passive recreation, visual enjoyment, and gathering of residents as required by the Redevelopment Plan. We suggest the following modifications to the open space/site amenities:
  - a. Benches should be provided near the main entrance and around the site.
  - b. Tables and chairs, grills and perhaps a shade pavilion should be provided in the rear amenity area.
  - c. We suggest that the resident gardens be raised to facilitate access by the senior population.
2. Complete construction details should be provided for benches, picnic tables, shade shelters, bike racks and similar structures in the recreation areas.
3. Signage alerting leash law and clean-up is required. Dog waste stations and accompanying trash cans should be detailed.

#### F. Lighting Comments

1. The light pole detail indicates that the concrete footing will extend 2' above finished grade. The detail should be revised so that the footing is flush with finished grade, and all lights should be set back 3- 4' from drives or parking to avoid conflicts.
2. All building mounted lights should be added to the plan, with details and photometrics. This should include lighting under the port cochere, which currently does not show sufficient illumination.

#### G. Landscape Comments

1. Tree protection fencing should be shown on the site and grading plans at the limit of grading/ clearing adjacent to all vegetation to remain. A note should be added stating that the fence location will be staked in the field and approved prior to any clearing.
2. The Redevelopment Plan requires that any landscape material or street trees on the tract are required to be replaced if damaged during construction, missing, or deceased based upon

- a field inspection by the Township Planner/Landscape Architect. A note to this effect should be added to the plans.
3. Attention should be given to the proposed buffering around the site perimeter, with particular consideration to the Hartford Road nuisance buffer.
  4. We have several concerns regarding species selections and particular locations that we would like to work out with the Applicant at their request.
  5. The Applicant may wish to consider an alternate species for the proposed white oak which are very difficult to establish and exhibit a high mortality rate.
  6. Planting bed lines should be shown for all planting areas, and large expanses of mulch should be reduced or filled with a low maintenance groundcover.
  7. The planting island at the port cochere should be planted.
  8. The groundcover of all islands should be specified.
  9. The plant schedule should indicate that all street trees and parking lot trees shall have no branches lower than 7' above grade.
  10. The trees located to the south and west of the proposed resident gardens should be shifted to avoid shading of the garden.
  11. The following landscaping notes should be added to the plans:
    - Burlap and twine should be removed from the top of the root ball.
    - All dead or severely declining plants shall be replanted within the next growing season for 1 year from the time of planting.
    - All stakes and guys shall be removed after one growing season.
  12. The applicant should consider sodding the most visible portions of the site, particularly in the interior area around the building, to ensure immediate stabilization of the area and for improved aesthetics.
  13. Foundation plantings should be provided for the west side of the building.

6. There was public commentary on the application.

Jean Amato - Wildflowers Development. Ms. Amato represented several of her neighbors who were present and who live in the Wildflowers development. All are concerned about the traffic. The intersections at Route 70 & Hartford Road and at Hartford & Jennings Roads are already congested at morning and afternoon rush hours.

7. The Board finds that the requested site plan approval generally conforms to the requirements of the municipal land development ordinance, and that it should be approved. The resulting development is appropriate in this zoning district. The Board also finds that the benefits of granting the requested variance will outweigh any potential detriments, particularly where the scope of variance relief is minimal and overflow parking has been provided. In addition, the Board finds that the granting of the requested variance will not substantially impair the public good, nor will it substantially impair the municipal zone plan and zoning ordinances.

The requested Preliminary and Final Major Site Plan is, accordingly, granted.

The application is also granted subject to the following **CONDITIONS:**

- a. The applicant shall comply with all conditions established by the Board in conjunction with this application as reflected in the official minutes of the Board meetings at which the application was considered and as set forth in this Resolution.
- b. The applicant shall be responsible for, and shall pursue in good faith and with due diligence, the obtaining of any other approvals or permits as may be required by law and shall comply with any requirements or conditions of those approvals or permits, except that if those requirements or conditions require any modification of the plan and/or the representations made to the Board in order to obtain this approval, the applicant shall be required to report those modifications to this Board and may be required to seek an amendment of the approval herein granted. The granting of the approval herein does not create any presumption that any other approvals that the applicant may require will be granted.
- c. Any additional development on the subject property or any modification to any development pursuant to, or inconsistent with, this approval shall require the approval of this Board.
- d. If another government agency grants a waiver or a variance of a regulation affecting this approval or the conditions attached, then this Board shall have the right



to review that issue as it relates to this approval and these conditions, and to modify and/or amend the same.

e. Any permits, deeds, easements, vacations, dedications, revised drawings or other documents related to this proposed development shall be approved by the Board attorney and/or the Board engineer, and shall be filed with the appropriate authority. Proof of recording with the County Clerk shall be filed by the applicant with this Board.

f. The applicant shall post a performance guarantee prior to the commencement of site work in an amount accepted by the Township Council after recommendation by the Board engineer, and in a form approved by the Board engineer and the Township attorney and consistent with the Municipal Land Use Law. A developer's agreement, as appropriate, shall be executed to effectuate the foregoing.

g. Publication of a brief public notice of this decision shall be placed in the official newspaper of the Township of Medford within ten days of the date hereof.

h. The conditions of this approval shall run with the land, and shall be binding on all successors in interest, purchasers, and assignees of the subject property. In the event that the applicant does not perfect this approval within two years from the date hereof (or such other date as may be approved by law), this approval shall be void unless, for good cause shown, the applicant applies for and obtains the approval of this Board for an extension of time for the expiration of this approval.

i. All taxes and escrow fees for professional review of this application shall be paid in full.

j. Subject to a redeveloper agreement, the affordability controls will remain in place for 30 years, and the age-restriction shall continue in perpetuity.

k. The applicant agrees to comply with all recommendations set forth in the July 8, 2019 Taylor Design Group report.

l. The applicant agrees to construct sidewalks along the Hartford Road frontage to the extent that same is permitted by NJDEP due to the presence of wetlands.

m. The applicant will not construct a chain link fence at the retaining wall. A decorative fence will be provided, the design of which will be coordinated with and approved by the Board Planner.

n. The easement language for the overall site shall be modified to ensure that appropriate access, utility and parking blanket easements will be provided to the benefit of lots 14.01, 14.04 and 14.05, subject to approval by the Board Engineer.

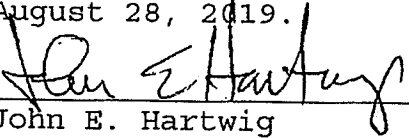
o. The applicant agreed to make the following modifications to the architecture:

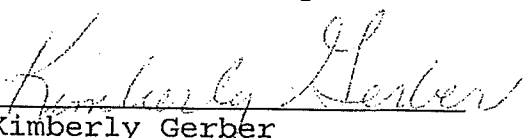
- a. The trim around the windows and doors will be increased to 6 inches wide and will be white.
- b. The battens on the gables will be reduced to be 24 inches wide, and gables will have a 1' overhang.
- c. The brick on the building will be selected to match the medical office building on the site. The remaining siding colors will be warm, muted earth tones generally consistent with the exhibit presented at the hearing, subject to approval by the Board Planner.
- d. The HVAC vents/louvers will be painted to match the siding.
- e. A window will be added to the rear elevation of the community room.
- f. Windows will be provided on both floors of the exercise, vending and office room locations.
- g. A smoker's shelter will be shown on the final plans, after a location is coordinated with Township fire representatives.

p. The Board approved parking relief to provide 73 spaces on site, whereas a total of 128 spaces are required, based upon the applicant's testimony regarding parking utilization at other locations and supplemented by the shared parking analysis from the traffic engineer. The applicant will show 15 to 20 additional "ghost" or

"Greenbanked" spaces at the site, and agrees to a condition that if any point in the future the Township determines that insufficient parking exists on the subject site, that the applicant will be required to construct said greenbanked spaces, or return to the Board to identify an acceptable parking solution.

The foregoing resolution was duly adopted by the Planning Board of the Township of Medford at a public meeting held on August 28, 2019.

  
\_\_\_\_\_  
John E. Hartwig  
Chairman

  
\_\_\_\_\_  
Kimberly Gerber  
Secretary

**EXHIBIT 10**  
**AFFORDABLE HOUSING ORDINANCE**

**Ordinance No. \_\_\_\_\_**  
**Affordable Housing Ordinance**  
**Township of Medford, Burlington County**

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWNSHIP OF MEDFORD TO ADDRESS THE REQUIREMENTS OF THE SUPERIOR COURT REGARDING COMPLIANCE WITH THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS

BE IT ORDAINED by the Township Council of the Township of Medford, Burlington County, New Jersey, that the Zoning Ordinance of the Township of Medford is hereby amended to include revised provisions addressing Medford's constitutional obligation to provide for its fair share of low- and moderate-income housing, consistent with the provisions of the Council on Affordable Housing known as the "Substantive Rules of the New Jersey Council on Affordable Housing", N.J.A.C. 5:93 et seq., as may be amended and supplemented, the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq., as may be amended and supplemented, and pursuant to the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.

By adoption of Resolution 20-2017, on June 28, 2017, the Medford Township Planning Board has adopted a Housing Element and Fair Share Plan, pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the methods by which Medford shall address its fair share for low- and moderate-income housing as determined by the Superior Court of New Jersey ("the Court") and documented in the Housing Element. This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:93, et seq., as may be amended and supplemented.

The Township of Medford shall file monitoring reports as directed by the Court in accordance with N.J.A.C. 5:93 et seq. regarding the status of the implementation of the Housing Element and Fair Share Plan. On an annual basis beginning with the first anniversary of the execution of the Township's Agreement with Fair Share Housing Center ("FSHC"), the Township shall report on the status of all affordable housing activity within the municipality, including all activity in connection with the Township's Affordable Housing Trust Fund, through an update of the Council on Affordable Housing ("COAH") CTM system (if available) and posting on the municipal website, with a copy of such posting provided to FSHC, using forms previously developed for this purpose by COAH or any other forms endorsed by the Special Master and FSHC. Any report filed by Medford shall also be filed with the Burlington County Superior Court and shall be available to the public at the Medford Township Hall, Township Clerk's Office, 100 Medford Road, Medford, New Jersey, 08854.

## **Section 1. Municipal Fair Share Obligation**

The Township of Medford has a fair share obligation consisting of a prior round obligation of 418 units, a present need of 25 units, and a third round housing obligation of 483 units.

## **Section 2. Definitions**

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

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

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

“Administrative agent” means the entity responsible for the administration of affordable units in accordance with this Ordinance, N.J.A.C. 5:91, N.J.A.C. 5:93 and UHAC (N.J.A.C. 5:80-26).

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

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

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

“Affordable development” means a housing development of which all or a portion consists of housing affordable to low- and moderate-income households.

“Affordable housing development” means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

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

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

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

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

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

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

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

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

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

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

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

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

"Fair Share Plan" means the plan or proposal, which is in the form that may readily be converted into an ordinance, by which a municipality proposes to satisfy its obligation to create a realistic opportunity to meet the low and moderate income housing need of its region, and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low and moderate income housing, as provided by sections 9 and 14 of the Act, and as further described and defined in N.J.A.C. 5:93.

"Housing Element" means the portion of the Township's Master Plan, consisting of reports, statements, proposals, maps, diagrams and text, designed to meet the municipality's fair share of its region's present and prospective housing needs, particularly with regard to low and moderate income housing, as further described at Section 10 of the Act and by N.J.A.C. 5:93.

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

"Low-income household" means a household with a total gross annual household income equal to 50 percent or less of the median household income for the applicable housing region.

"Low-income unit" means a restricted unit that is affordable to a low-income household.

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

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

"Median income" means the median income by household size for the applicable housing region, as adopted annually by COAH or approved by the NJ Superior Court.

"Moderate-income household" means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income for the applicable housing region.

"Moderate-income unit" means a restricted unit that is affordable to a moderate-income household.

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



“Present need” means an estimate of low- and moderate-income households living in substandard housing as calculated through the use of census surrogates.

“Prior Round housing obligation” is the 1987-1999 fair share based on N.J.A.C. 5:93-1.

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

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by adopted/approved Regional Income Limits published annually by COAH or a successor entity as approved by the Superior Court.

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

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

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

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

“Third round housing obligation” means the 1999 – 2025 housing obligation as determined by the Superior Court.

“Township” means the Township of Medford.

“Township Council” means the Township Council of the Township of Medford.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, et seq.

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

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

“Veteran’s Preference” means a preference for low- and moderate-income housing that is permitted by law for people that have served in the military.

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

### **Section 3. Rehabilitation**

- A. Medford’s rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28. The Township shall continue to administer a rehabilitation program designed to address its present need.
- B. All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner occupied units the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.
- C. The Township shall dedicate an average of at least \$10,000 per unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
- D. The Township shall adopt a resolution committing to fund any shortfall in the rehabilitation program.
- E. The Township shall designate, subject to the approval of the Court, one or more Administrative Agents to administer the rehabilitation program in accordance with N.J.A.C. 5:93. The Administrative Agent(s) shall provide a rehabilitation manual to be adopted by resolution of the governing body and subject to approval of the Court. The rehabilitation manual shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
- F. Units in a rehabilitation program shall be exempt from UHAC, but shall be administered in accordance with the following:
  - 1. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to UHAC.

2. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to UHAC.
3. Rents in rehabilitated units may increase annually based on the standards in UHAC.
4. Applicant and/or tenant households shall be certified as income-eligible in accordance with UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

#### **Section 4. 100 Percent Developments.**

The Township's settlement agreement with FSHC allows Volunteers of America (VOA) to construct 70 affordable age-restricted housing units. The Township's obligations associated with this development are outlined at paragraph 8 of the Township's settlement agreement with FSHC.

#### **Section 5. Inclusionary Zoning**

##### **A. Mandatory Affordable Housing Set-Aside**

1. Developers shall set-aside a percentage of housing for low- and moderate-income housing if the proposed development consists of five (5) or more new residential units and:
  - a. The permitted use of the property changes, either through a zoning change, Redevelopment Plan (for an area in need of redevelopment or rehabilitation) or use variance, from non-residential to residential and the residential zoning/approval permits a gross density of at least six (6) units per acre. Or
  - b. The gross density of a site, with no affordable housing obligation, changes through a zoning change, Redevelopment Plan (for an area in need of redevelopment or rehabilitation), or "D" variance doubles to six (6) units per acre.
2. For inclusionary projects in which the low- and moderate-income units are to be offered for sale, the set-aside percentage is 20 percent; for projects in which the low- and moderate-income units are to be offered for rent, the set-aside percentage is 15 percent.
3. This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.
4. This requirement does not apply to any sites or specific zones otherwise identified in the Settlement Agreement or Fair Share Plan, for which density and set-aside standards shall be governed by the specific standards set forth therein.

B. Fractions

Fractional obligations shall be rounded up or down using standard mathematical practice. A fractional obligation less than .50 shall be rounded down to the nearest whole number. A fractional obligation of .50 or more shall be rounded up to the nearest whole number.

**Section 6. New Construction**

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

A. **Phasing.** Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following phasing schedule for low and moderate income units whether developed in a single phase development, or in a multi-phase development::

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

B. **Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:**

1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit. At least 13 percent of all restricted rental units shall be very low income units (affordable to a household earning 30 percent or less of median income). The very low income units shall be counted as part of the required number of low income units within the development.

2. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.

4. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

a. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;

- b. At least 30% of all low- and moderate-income units shall be two-bedroom units;
- c. At least 20 percent of all low- and moderate-income units shall be three-bedroom units; and
- d. The remaining low- and moderate-income units may be allocated among two- and three-bedroom units at the discretion of the developer.

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

C. Accessibility Requirements:

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free SubCode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

- a. An adaptable toilet and bathing facility on the first floor;
- b. An adaptable kitchen on the first floor;
- c. An interior accessible route of travel on the first floor;
- d. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor;
- e. An interior accessible route of travel between stories within an individual unit, except that if all of the terms of paragraphs b.1) through b.4) above have been satisfied, an interior accessible route of travel shall not be required between stories within an individual unit; and
- f. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free SubCode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, or evidence that the Township has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
  - i. Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

ii. To this end, each builder of income-restricted units shall deposit funds with the Township's Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.

iii. The funds deposited under paragraph ii above shall be used by the Township for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

iv. The developer of the restricted units shall submit a design plan and cost estimate for the conversion of adaptable to accessible entrances to the Construction Official of the Township.

v. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free SubCode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township's Affordable Housing Trust Fund in care of the Township Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

vi. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

D. Design:

1. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market-rate units.

2. In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market-rate units.

E. Maximum Rents and Sales Prices:

1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and the calculation procedures as approved by the Court and detailed herein..

2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average

rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.

3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households.

4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units. In achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.

5. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:

- a. A studio shall be affordable to a one-person household;
- b. A one-bedroom unit shall be affordable to a one and one-half person household;
- c. A two-bedroom unit shall be affordable to a three-person household;
- d. A three-bedroom unit shall be affordable to a four and one-half person household; and
- e. A four-bedroom unit shall be affordable to a six-person household.

6. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

7. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

8. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price. Income limits for all units for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Township annually within 30 days of the publication of determinations of median income by HUD as follows:

a. Regional income limits shall be established for the Region 5 based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in Region 1. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.

b. The income limits calculated each year shall be the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for the relevant fiscal year, and shall be utilized until the Township updates the income limits after HUD has published revised determinations of median income for the next fiscal year.

c. The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Township annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.

9. The rent of very low, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.

## **Section 7. Utilities**



A. Affordable units shall utilize the same type of heating source as market-rate units within an inclusionary development.

B. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

### **Section 8. Occupancy Standards**

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, shall strive to:

1. Provide an occupant for each bedroom;
2. Provide children of different sexes with separate bedrooms; and
3. Provide separate bedrooms for parents and children; and
4. Prevent more than two persons from occupying a single bedroom.

### **Section 9. Control Periods for Restricted Ownership Units and Enforcement Mechanisms**

A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until the Township takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.

B. Rehabilitated owner-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.

C. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.

D. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.

E. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

F. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.

G. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

#### **Section 10. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices**

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

1. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.

2. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.

3. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market-rate purchasers.

4. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See Section 12.

#### **Section 11. Buyer Income Eligibility**

A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.

B. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to a certified household for a period not to exceed one year.

C. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as

applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

**Section 12. Limitations on Indebtedness Secured by Ownership Unit; Subordination**

A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.

B. With the exception of a first purchase money mortgage, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

**Section 13. Capital Improvements To Ownership Units**

A. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.

B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit, and not included in the base price, may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

**Section 14. Control Periods for Restricted Rental Units**

A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until the Township takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.

1. Restricted rental units created as part of developments receiving nine percent (9%) Low Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period.

B. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of 10 years.

C. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be recorded by the developer or seller with the records office of the County of Burlington. A copy of the filed, recorded document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

D. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:

1. Sublease or assignment of the lease of the unit;
2. Sale or other voluntary transfer of the ownership of the unit; or
3. The entry and enforcement of any judgment of foreclosure on the property containing the unit.

#### **Section 15. Rent Restrictions for Rental Units; Leases**

A1. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.

B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.

C. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

#### **Section 16. Tenant Income Eligibility**

A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:

1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.

2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.

3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.

B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its continuing ability to pay;

3. The household is currently in substandard or overcrowded living conditions;

4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or

5. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

C. The applicant shall file documentation sufficient to establish the existence of the circumstances in subsection 1.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

### **Section 17. Conversions**

Each housing unit created through the conversion of a non-residential structure shall be considered a new housing unit and shall be subject to the affordability controls for a new housing unit.

### **Section 18. Municipal Housing Liaison**

A. State regulations require the Township to appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent. Medford shall adopt an Ordinance creating the position of Municipal Housing Liaison; and shall adopt a Resolution appointing a Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full or part time municipal employee. The Municipal Housing

Liaison shall be approved by the Superior Court unless such approval is delegated by the Court to COAH and shall be duly qualified before assuming the duties of Municipal Housing Liaison.

B. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Medford, including the following responsibilities which may not be contracted out to the Administrative Agent:

1. Serving as Medford's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
2. Monitoring the status of all restricted units in Medford's Fair Share Plan;
3. Compiling, verifying and submitting annual monitoring reports as required by the Court;
4. Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
5. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Court.

#### **Section 19. Administrative Agent**

Subject to the approval of the Superior Court, the Township shall designate by resolution of the Township Council one or more Administrative Agent(s) to administer newly constructed affordable units in accordance with N.J.A.C. 5:93 and UHAC. An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the Township Council and subject to approval of the Superior Court or its designee. The Operating Manuals shall be available for public inspection in the Office of the Township Clerk and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the contracting Administrative Agent(s). The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

A. Affirmative Marketing:

1. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Township and the provisions of N.J.A.C. 5:80-26.15; and
2. Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

B. Household Certification:

1. Soliciting, scheduling, conducting and following up on interviews with interested households;
2. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
3. Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
4. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
5. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
6. Employing a random selection process as provided in the Affirmative Marketing Plan of the Township when referring households for certification to affordable units.

C. Affordability Controls:

1. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
2. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
3. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Burlington County Clerk's office after the termination of the affordability controls for each restricted unit;
4. Communicating with lenders regarding foreclosures; and
5. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

D. Resales and Re-rentals:

1. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental; and
2. Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.

E. Processing Requests from Unit Owners:

1. Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;
2. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;
3. Notifying the municipality of an owner's intent to sell a restricted unit; and
4. Making determinations on requests by owners of restricted units for hardship waivers.

F. Enforcement:

1. Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
2. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
3. The posting annually in all rental properties, including legal two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;
4. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
5. Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund or other appropriate municipal fund approved by the DCA; and
6. Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering the affordability controls.

G. Additional Responsibilities:

1. The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.



2. The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time for their submission by the Municipal Housing Liaison to the Court, as required by the Court.

3. The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Court.

### **Section 20. Affirmative Marketing Requirements**

A. The Township shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.

B. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward COAH Housing Region 5 and is required to be followed throughout the period of restriction.

1. The Township shall add to the list of community and regional organizations in its Affirmative Marketing Plan, pursuant to N.J.A.C. 5:80-26.15(f)(5): Fair Share Housing Center; the New Jersey State Conference of the NAACP; the Southern Burlington County, Willingboro, Camden County and Camden County East Branches of the NAACP; and the Latino Action Network. The Township also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.

C. The Affirmative Marketing Plan shall provide a preference for Veteran's of military service as permitted by law. It shall also provide regional preference for all households that live and/or work in COAH Housing Region 5, comprised of Burlington, Camden and Gloucester Counties.

D. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the Township of Medford shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.

E. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

F. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.

G. The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.

H. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.

I. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

### **Section 21. Enforcement of Affordable Housing Regulations**

A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, Developer or tenant, the Township shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

B. After providing written notice of a violation to an owner, developer or tenant of a low- or moderate-income unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action(s) against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

1. The Township may file a court action in Superior Court pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the owner, Developer or tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the owner, Developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Superior Court:

a. A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;

b. In the case of an owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Medford Affordable Housing Trust Fund of the gross amount of rent illegally collected;

c. In the case of an owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Superior Court.

2. The Township may file a court action in the Superior Court seeking a judgment that would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.

a. The judgment shall be enforceable, at the option of the Township, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.

b. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the Township for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the Township in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the Township for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the Township, whether such balance shall be paid to the owner or forfeited to the municipality.

c. Foreclosure by the Township due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

d. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the Township may acquire title to the low- and moderate-income unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This

excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

e. Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser which may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.

f. The owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.

## **Section 22. Reporting**

A. On the first anniversary of the entry of the execution of the Township's agreement with FSHC in IMO Application of the Township of Medford, Docket No.: MID-L-3929-15, and every anniversary thereafter through the end of the Repose period, the Township shall provide annual reporting of its Affordable Housing Trust Fund activity to the DCA, COAH or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to FSHC and posted on the municipal website, using forms developed for this purpose by DCA, COAH or Local Government Services. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

B. On the first anniversary of the execution of the Township's agreement with FSHC in IMO Application of the Township of Medford, Docket No.: MID-L-3929-15, and every anniversary thereafter through the end of the Repose period, the Township shall provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website, with copies provided to FSHC, using forms previously developed for this purpose by COAH or any other forms endorsed by the Court-appointed Special Master and FSHC.

C. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township shall post on its municipal website, with copies provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the Township, with copies provided to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced. Any interested party may by motion request a hearing before the Court regarding these issues.

D. For the review of very low-income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the entry of the Order granting Medford a Final Judgment of Compliance and Repose in IMO Application of the Township of Medford, Docket No.: MID-L-3929-15, and every third year thereafter, the Township will post on its municipal website, with copies provided to FSHC, a status report as to its satisfaction of its very

low-income requirements, including the family very low-income requirements. Such posting shall invite any interested party to submit comments to the Township, with copies provided to FSHC, on the issue of whether the municipality has complied with its very low-income housing obligation.

**Section 23. Appeals**

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Superior Court unless the Superior Court delegates this responsibility.

**REPEALER**

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SEVERABILITY**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**EFFECTIVE DATE**

This Ordinance shall take effect upon passage and publication as provided by law.

**ATTEST:**

**TOWNSHIP OF MEDFORD**

\_\_\_\_\_  
, Township Clerk

\_\_\_\_\_  
, Mayor

Introduced:

Motion by:

Second by:

Introduction Roll Call:

Ayes:

Nays:

Absent:

Abstain:

-

Adopted:

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Motion by:

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Second by:

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Adoption Roll Call:

Ayes:

Nays:

Absent:

Abstain:

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Mayor and Council at a meeting held on \_\_\_\_\_, 2016.

\_\_\_\_\_  
, Township Clerk



**EXHIBIT 11**  
**DEVELOPMENT FEE ORDINANCE**

ORDINANCE NO: \_\_\_\_\_

**AMENDING SECTION 900 OF THE MEDFORD TOWNSHIP DEVELOPMENT ORDINANCE, ENTITLED “Fees, Guarantees, Inspections, and Off-Tract Improvements, TO REPEAL AND REPLACE SECTION 905 ENTITLED “DEVELOPMENT FEES FOR AFFORDABLE HOUSING**

WHEREAS, existing Section 905 of the Medford Township Land Development Ordinance entitled “Development Fees”, is hereby deleted in its entirety and replaced as follows, to include revisions consistent with the NJ Fair Housing Act.

NOW, THEREFORE IT BE ORDAINED, by the Mayor and Council of the Township of Medford, in the County of Burlington that Section 905 to be entitled “Development Fees for Affordable Housing” is hereby adopted as follows:

**1. Purpose**

a) In Holmdel Builder's Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.

b) Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D--8.1 through 8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of a court of competent jurisdiction and have an approved spending plan may retain fees collected from non-residential development.

c) Pursuant to the March 10, 2015 Supreme Court Order, the Court transferred all functions, powers, and duties of COAH to the courts.

d) This Ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing low- and moderate-income housing.

**2. Basic Requirements**

a) This Ordinance shall not become effective until approved by the Court pursuant to N.J.A.C. 5:93-8.2.

b) The Township of Medford shall not spend development fees until the Court has approved a plan for spending such fees in conformance with N.J.A.C. 5:93-5.1(c).

### 3. Definitions

- a) The following terms, as used in this ordinance, shall have the following meanings:
- i. **"Affordable housing development"** means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.
  - ii. **"COAH"** or the **"Council"** means the New Jersey Council on Affordable Housing established under the Fair Housing Act which previously had primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.
  - iii. **"Development fee"** means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:93-8.
  - iv. **"Developer"** means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
  - v. **"Equalized assessed value"** means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated; as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:l-35a through C.54:l-35c).
  - vi. **"Green building strategies"** means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

### 4. Residential Development Fees

- a) Imposed fees
- i. Within all Township zoning district(s), residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and a half percent (1.5%) of the equalized assessed value for residential development provided no increased density is permitted.
  - ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a density or "d" variance) has been approved, developers

shall be required to pay a development fee of six percent (6%) of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include a set-aside of affordable housing units. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

- b) Eligible exactions, ineligible exactions and exemptions for residential development
- i. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be **exempt** from development fees.
  - ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be **exempt** from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The applicable development fee percentage shall be vested on the date that the building permit is issued.
  - iii. Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be **exempt** from paying a development fee.
  - iv. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
  - v. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, which requires the issuance of a Certificate of Occupancy (for example, when a single-family home is converted to a two-family home or a single-family home is converted to an apartment building). The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
  - viii. Development fees shall be imposed and collected when a Certificate of Occupancy is issued for a new residential unit on a newly created lot that

is the result of a subdivision. The development fee shall be calculated on the equalized assessed value of the land and improvements.

- vii. Additions to existing homes and improvements such as decks, patios and like shall be **exempt** from the payment of a development fee.

## **5. Non-Residential Development Fees**

### a) Imposed fees

- i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half percent (2.5%) of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- ii. Non-residential developers, except for developers of the types of development specifically exempted herein, shall also pay a fee equal to two and one-half percent (2.5%) of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the preexisting land and improvements and the equalized assessed value of the newly improved structure, i.e. land and improvements, at the time the final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

### b) Eligible exactions, ineligible exactions and exemptions for non-residential development

- i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.
- ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing building footprint, reconstruction, renovations and repairs.
- iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development

Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.

- iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to the development fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy for the non-residential development, whichever is later.
- v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Township of Medford as a lien against the real property of the owner.

## **6. Collection Procedures**

- a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- b) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the

non-residential developer as per the instructions provided in the Form N-RDF. The tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

- c) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e) The construction official responsible for the issuance of a final certificate of occupancy shall notify the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g) Should the Township of Medford fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
- h) Fifty percent (50%) of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- i) Appeal of development fees:
  - i) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Township of Medford. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
  - ii) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the

challenge, collected fees shall be placed in an interest bearing escrow account by the Township of Medford. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq. within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

## **7. Affordable Housing Trust Fund**

a) There is a separate, interest-bearing housing trust fund to be maintained by the chief financial officer of the Township for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.

b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:

i) payments in lieu of on-site construction of affordable units;

ii) developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;

iii) net rental income (after payment of expenses) from municipally operated units;

iv) repayments from affordable housing program loans;

v) recapture funds;

vi) proceeds from the sale of affordable units; and

vii) any other funds collected in connection with the Township of Medford's affordable housing program.

c) Within seven days from the opening of the trust fund account, the Township of Medford shall provide COAH and/or the Department of Community Affairs ("DCA") with written authorization, in the form of a three-party escrow agreement between the Township, the bank, and COAH and/or DCA to permit COAH and/or DCA to direct the disbursement of the funds as provided for in N.J.A.C. 5:93-8.19.

d) All interest accrued in the housing trust fund shall only be used to fund eligible affordable housing activities approved by the Court.

## **8. Use of Funds**

a) The expenditure of all funds shall conform to a spending plan approved by the Court. Funds deposited in the housing trust fund may be used for any activity approved



by the Court to address the Township of Medford's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment and market to affordable programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:93-8.16 and specified in the approved spending plan.

b) Funds shall not be expended to reimburse the Township of Medford for past affordable housing activities.

c) At least thirty percent (30%) of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third (1/3rd) of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning thirty percent (30%) or less of median income by region.

i. Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.

ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.

iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

d) The Township of Medford may contract with a private or public entity to administer any part of its amended Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:93-8.16(d).

e) No more than twenty percent (20%) of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than twenty percent (20%) of the revenues collected from development fees shall be expended for such

administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, compliance with the monitoring requirements set forth in the Court-approved May 10, 2017 executed Settlement Agreement with Fair Share Housing Center. Legal or other fees related to litigation opposing affordable housing sites or objecting to the COAH's regulations and/or action are not eligible uses of the affordable housing trust fund.

f) Interest accrued in the Affordable Housing Trust Fund shall only be used to fund eligible affordable housing activities approved by the Court

## 9. Monitoring

- a) On or about May 10 of each year through 2025, the Township of Medford shall provide reporting of trust fund activity to the DCA, Local Government Services (LGS), or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the DCA, COAH, or LGS. This reporting shall include an accounting of all housing trust fund activity, including the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Township of Medford's housing program, as well as in connection with the expenditure of revenues and implementation of the plan approved by the Court.
- b) In the event Medford Township fails to comply with the trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or fails to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or fails to implement the approved spending plan and to expend funds within the applicable required time period as set forth in In re Tp. of Monroe, 442 N.J. Super. 564 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practical, be utilized for affordable housing programs within Medford Township, or, if not practical, then within the County or the Housing Region.

Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the court may, after considering and providing the municipality a reasonable opportunity to respond and/or to remedy the non-compliant condition(s) and upon a finding of continuing and deliberate non-compliance, determine to authorize LGS to direct the expenditure of funds in

the Trust Fund. The Court may also impose such other remedies as may be reasonable and appropriate to the circumstances.

**10. Ongoing Collection of Fees**

a) The ability for the Township of Medford to impose, collect and expend development fees shall expire with the end of the repose period covered by its judgment of compliance unless the Township of Medford has filed an adopted Housing Element and Fair Share Plan with the Court or with a designated administrative entity of the State of New Jersey, has petitioned for a judgment of compliance or substantive certification, and has received approval of its development fee ordinance by the entity that will be reviewing the Housing Element and Fair Share Plan.

b) If the Township of Medford fails to renew its ability to impose and collect development fees prior to the expiration of its judgment of compliance, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). The Township of Medford shall not impose a development fee on a development that receives preliminary or final site plan approval after the expiration of its judgment of compliance and repose, nor shall the Township of Medford retroactively impose a development fee on such a development. The Township of Medford shall not expend any development fees after the expiration of its judgment of compliance.