

# Housing Element and Fair Share Plan

Hanover Township  
Morris County, New Jersey

PREPARED FOR:

Hanover Township Planning Board

BA: 3071.01

MARCH 2, 2016



B U R G I S  
A S S O C I A T E S , I N C .



Community Planning  
Land Development and Design  
Landscape Architecture

**B U R G I S**  
ASSOCIATES, INC.

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## HOUSING ELEMENT AND FAIR SHARE PLAN

HANOVER TOWNSHIP  
MORRIS COUNTY, NEW JERSEY

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BA# 3071.01

The original document was appropriately signed and sealed on March 2, 2016 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

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March 2, 2016

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## INTRODUCTION

### Historic Overview of the Courts and COAH

In 1975 the New Jersey Supreme Court decided, in So. Burlington Cty. NAACP v. Borough of Mount Laurel (Mount Laurel I), that every developing municipality in the state had an affirmative obligation to provide for its fair share of affordable housing. In a subsequent decision in 1983 (Mount Laurel II), the Court acknowledged that the vast majority of municipalities in the state had ignored their constitutional obligation. The Court refined in that decision the constitutional obligation to focus the obligation primarily on those municipalities that have portions of their boundaries within the growth area as shown on the State Development and Redevelopment Plan, and also called for the state legislature to enact legislation that would save municipalities from the burden of having the courts determine their affordable housing needs. The result was the adoption of the Fair Housing Act in 1985 and the establishment of the New Jersey Council on Affordable Housing (COAH), the State agency responsible for overseeing the manner in which the State's municipalities address their low and moderate income housing needs.

COAH proceeded to adopt regulations for the First Round obligation covering the years 1987 to 1993, and established Second Round housing-need numbers that cumulatively covered the years 1987 through 1999. Under both the first and second housing rounds COAH utilized what is commonly referred to as the "fair share" methodology.

COAH utilized a different methodology, called "growth share" beginning with their efforts to prepare Third Round housing-need numbers. Their first adopted Third Round substantive and procedural rules occurred in 2004. These regulations were challenged and in January 2007 the Appellate Division invalidated various aspects of the regulations and remanded considerable portions of the rules to COAH with the directive to adopt revised rules.

In May 2008 COAH adopted revised Third Round regulations and published them on June 2, 2008, thereby having them become effective. Coincident to this adoption, COAH proposed amendments to the rules it just adopted, and they went into effect in October 2008.

The rules and regulations adopted in 2008 were challenged, and in an October 2008 decision, the Appellate Division invalidated the growth share methodology, and indicated that COAH should adopt regulations pursuant to the fair share methodology utilized in Rounds One and Two.

The Supreme Court affirmed this decision in September 2013, invalidating the third iteration of the Third Round regulations, sustaining the invalidation of growth share, and directing

COAH to adopt new regulations pursuant to the methodology utilized in Rounds One and Two.

In October 2014 COAH failed to adopt their newly revised Third Round regulations, deadlocking with a 3-3 vote. The Fair Share Housing Center, who was a party in both the 2010 and 2013 cases, responded by filing a motion in aid of litigants rights with the New Jersey Supreme Court. The Court heard the motion in January 2015 and, on March 10, 2015 issued their ruling. The Court ruled that COAH was effectively dysfunctional, and consequently, returned jurisdiction of affordable housing issues back to the trial courts where it had been prior to the creation of COAH in 1986.

The Court decision has now effectively created a process for municipalities, like Hanover, that have endeavored to comply with their fair share affordable housing obligation, but due to the inertia of COAH, never obtained Third Round substantive certification of their Housing Element and Fair Share Plan (HE&FSP). Hanover and other communities filed a declaratory judgment seeking to declare them constitutionally compliant and granting temporary immunity from affordable housing builders remedy lawsuits, while preparing a new or revised HE&FSP, to ensure their plan continues to affirmatively address their local housing need, as may be adjusted by new housing-need numbers promulgated.

### The Township's Historic Response to Its' Affordable Housing Obligations

Hanover has prepared a number of HE&FSP's over the years to address its affordable housing obligations. The Township was initially granted a judgment of compliance and repose to address an obligation of 250 units (new construction) on March 11, 1988 by Honorable Stephen Skillman, J.S.C.

The 1988 Judgment of Compliance and Repose included the zoning of five sites to address the 250 unit first round obligation. An RM Residential Multifamily district encompassing these sites was adopted (Ordinance 30-76) to implement this Judgment, permitting multifamily development, consisting of townhouse, garden apartment and other housing types, with a 22 percent set-aside for low and moderate income units.

In 1994, COAH issued new housing need numbers for the combined first and second round period between 1987 and 1999. Hanover was assigned a pre-credited need of 366 units, inclusive of a 355 unit new construction obligation and 11 unit rehabilitation share. This number was ultimately reduced to 83 units after credits and reductions for zoning in place were considered. The calculated need of 83 units consisted of 72 new construction units and 11 rehabilitation units. The Township's second round Housing Element and Fair Share Plan (adopted July 22, 1997) addressed a twelve year cumulative obligation for the years 1987-

1999. No objections were received and COAH granted substantive certification on August 4 1999.

The prior round components are summarized in the accompanying table. As shown, each of these plan components has been fully implemented.

Prior Round Plan Components

Plan Component	# of Units	Status
<b>Inclusionary</b>		
Hanover Hills	165 units, including 39 affordable, condo	Complete.
Sunrise at Hanover	155 units, including 32 affordable, condo	Complete.
Eden Mill Village	298 units, including 66 affordable, condo	Complete.
Oak Ridge at Hanover	210 units, including 50 affordable, condo	Complete.
Sterling Parc (Formerly Cedar Glen at Hanover)	316 units, including 64 affordable rentals (56 age restricted, 8 family)	Complete.
Jewish Metrowest I	175 units total including 36 affordable age restricted rental	Complete.
<b>Special Needs/Supportive Housing</b>		
Longview ARC Group Home	4 bedrooms	Complete.
Horse Hill I Group Home	6 bedrooms	Complete.
Horse Hill II Group Home	6 bedrooms	Complete.
Mountain Ave Group Home	5 bedrooms	Complete.
<b>Rental Bonus Credits</b>		
Sterling Parc Rental Bonus	26 (18 age restricted + 8 family)	Complete.
Jewish Metrowest I	3 age restricted	Complete.
Group Homes	15	Complete
<b>RCA</b>		
City of Orange Twp	9	Complete.
<b>Total</b>	<b>361</b>	<b>Complete</b>

In December 2004, COAH adopted new substantive (N.J.A.C. 5:94) and procedural (N.J.A.C. 5:95) rules to address the Third Round period. Subsequently, in May 2008, COAH proposed revised procedural (N.J.A.C. 5:96) and substantive (N.J.A.C. 5:97) rules for the Third Round period. However, as detailed above, the 2004 regulations were challenged and, in 2007, various aspects

of those regulations were invalidated by the Appellate Division.

The Township adopted a Housing Element & Fair Share Plan on September 28, 2010 to address this first iteration of Third Round Rules, and subsequently petitioned COAH for Substantive Certification on October 27, 2010. The Petition was deemed complete by COAH on December 7, 2010 and no objections were filed.

Although the Township filed its Petition for Substantive Certification with COAH on October 27, 2010 and was deemed complete on December 7, 2010, the Third Round methodology based upon growth share was subsequently invalidated and the Township never received Substantive Certification of its new third round plan. See In re Adoption of NJAC 5:96 & 5:97, 215 NJ 578 (2013).

In response to In re Adoption of N.J.A.C. 5:96 & 5:97 ex rel. New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Mount Laurel IV"), the Township filed a Declaratory Judgment action on July 2, 2015, along with a simultaneous motion for temporary immunity.

The state of the Third Round affordable housing obligations for municipalities throughout New Jersey at present remains a fluid one, given the fact that neither the Courts, COAH, nor the legislature has come up with a definitive set of housing-need numbers that has been universally accepted. Two sets of numbers that have been promulgated are currently the subject of discussion. These include numbers prepared by Econsult Solutions, Inc. on behalf of a consortium of municipalities, and numbers prepared by David Kinsey on behalf of the Fair Share Housing Center. Their statewide numbers vary dramatically, and are as follows:

Econsult:        Approximately 37,000 affordable housing units  
Kinsey:            Approximately 201,000 affordable housing units

Similarly, their numbers for Hanover are wildly divergent, as noted below:

	Econsult	<u>Kinsey</u>
1. Rehabilitation Obligation:	28	24
2. Prior Round Obligation:	356	356
3. Prospective Need Obligation*:	153	1,000

As the Township is part of the municipal consortium that retained Econsult to develop its affordable housing obligations, the Township shall rely on their determination of need.

Econsult, as noted above, has assigned Hanover a total third round (Prospective Need) obligation of 153 units for the period extending from 2015 to 2025. The Township proposes to address this obligation via surplus credits from the Prior Round, additional affordable housing completions that were not part of the Prior Round Plan, as well as rental bonus credits permitted in accordance with COAH’s Second Round rules. These components are detailed in the accompanying table.

**Plan Components Addressing Third Round Obligation**

Plan Component	# of Units	Status
<i>Inclusionary Development:</i>		
Jewish Metrowest I (rentals)	6 (age-restricted)	Completed
Woodmont/Cedar Knolls (rentals)	14	Completed
<i>100% Affordable Development:</i>		
Ingerman/Saddlebrook (rentals)	78	Completed
<i>Special Needs/Supportive Housing:</i>		
Mountain Ave Group Home	5	Completed
Allegro School	4	Completed
Whippany Jewish Assoc.	4	Completed
Eden Lane ARC	6	Completed
Rose House	12	Completed
<i>Rental Bonus Credits:</i>		
Woodmont/Cedar Knolls	14	--
Ingerman/Saddlebrook	25	--
<b>Total</b>	<b>168 (surplus)</b>	<b>--</b>

The details of the plan are provided in the body of this report.

The plan is organized into three sections. The first part of this plan, the Housing Element, contains background data on the Township’s population and housing characteristics. The second section describes the Township’s obligation for the provision of affordable housing. The plan for meeting its affordable housing obligation is contained in the final section. As noted above, the State’s affordable housing process that is being followed is a fluid one, and as the Courts respond to the myriad issues that they need to address, it is recognized that this plan may require adjustment.

## SECTION I: HOUSING ELEMENT

## 1. COMMUNITY OVERVIEW

Hanover Township occupies an area of 10.8 square miles in Morris County. The community has a mixture of suburban residential neighborhoods, parkland and commercial & industrial businesses. The Township, comprised of Cedar Knolls and Whippany, is home to approximately 14,659 residents. Convenient to the metropolitan area and to a network of major highways, the community borders the Townships of Morris, Parsippany-Troy Hills, East Hanover and the Boroughs of Morris Plains and Florham Park.

The Morristown Airport is located in Hanover Township. It is the second largest corporate airport in New Jersey. Some of the businesses located in the Township include Bayer HealthCare and MetLife. The Red Bulls Training Facility is also situated in the Township. Hanover also has five (5) major hotels within its boundaries including the Hanover Marriott Hotel, the Courtyard Hanover and Hyatt House.

## 2. INVENTORY OF MUNICIPAL HOUSING STOCK

This section of the housing element provides an inventory of the Township's housing stock, as required by the MLUL. The inventory details housing characteristics such as age, condition, purchase/rental value, and occupancy. It also details the number of affordable units available to low- and moderate-income households and the number of substandard housing units capable of being rehabilitated. The most recent information from the American Community Survey consists of 5 year estimates by the Census Bureau, not actual counts and may not be directly comparable to census figures.

1. Number of Dwelling Units The current estimate of total housing units in Hanover is 5,435 units in 2014. As shown in the table below, the Township's housing stock grew at a considerable rate between 1990 and 2010, but diminished slightly by 2014. Notably, in between 1990 and 2014, the number of housing units increased by about 40%.

Table 1: Dwelling Units (1990-2014)  
Hanover, New Jersey

Year	Dwelling Units	Change (#)	Change (%)
1990	3,882	--	--
2000	4,818	936	24%
2010	5,222*	404	8%
2014	5,435*	213	4%

Sources: US Census, \*American Community Survey (2010-14)

Approximately 82 percent of housing units in Hanover are owner-occupied. Over the past decade, the number of renter occupied units has increased from 10 percent of the total to about 15 percent. Also over this time period, the number of vacant housing units increased substantially from 73 units to 197 units. This is shown in the following table.

**Table 2: Housing Units by Tenure and Occupancy Status (2000 and 2014)  
Hanover, New Jersey**

Characteristics	2000		2014	
	Number	Percent	Number	Percent
Owner-occupied	4,364	91	4,442	82
Renter-occupied	381	8	796	15
Vacant units	73	1	197	3
<b>Total</b>	<b>4,818</b>	<b>100</b>	<b>5,435</b>	<b>100</b>

Source: 2000 U.S. Census, American Community Survey 2010-14

2. Housing Characteristics This section provides additional information on the characteristics of the Township’s housing stock, including the number of units in structure (Table 3) and the number of bedrooms per dwelling unit (Table 4). Single family detached units account for approximately 73 percent of the Township’s housing stock. There has been a significant increase in the proportion of multifamily units in the community. Dwellings in Hanover tend to have three and four bedrooms.

**Table 3: Units in Structure (2000 and 2014)  
Hanover, New Jersey**

Units in Structure	2000		2014	
	Number	Percent	Number	Percent
Single Family, detached	3,844	80	3,936	73
Single Family, attached	443	9	486	9
2	83	2	71	1
3 or 4	63	1	104	2
5 to 9	170	4	286	5
10-19	166	3	212	4
20 or more	49	1	340	6
Other	0	0	0	0
<b>Total</b>	<b>4,818</b>	<b>100</b>	<b>5,435</b>	<b>100</b>

Source: U.S. Census, 2000; American Community Survey 2010-14

Table 4: Number of Bedrooms in Housing Units (2000 and 2014)  
Hanover, New Jersey

Bedrooms	2000		2014	
	Number	Percent	Number	Percent
None	24	1	66	1
One	169	3	397	7
Two	992	21	1,017	19
Three	1,770	36	1,779	33
Four	1,540	32	1,902	35
Five or More	323	7	274	5
<b>Total</b>	<b>4,818</b>	<b>100</b>	<b>5,435</b>	<b>100</b>

Source: 2000 U.S. Census, American Community Survey 2010-14

3. Housing Age Table 5 shows that more than two-thirds of the Township's housing units were built after 1960. Relatively few of Hanover's housing units (32 units) were constructed in the years prior to 1960.

Table 5: Year Structure Built (2014)  
Hanover, New Jersey

Year Units Built	Number	Percent
2010 or Later	129	2
2000 to 2009	558	10
1990 to 1999	1,063	20
1980 to 1989	541	10
1970 to 1979	680	13
1960 to 1969	714	13
1950 to 1959	1,247	23
1940 to 1949	264	5
1939 or earlier	239	4
<b>Total</b>	<b>5,435</b>	<b>100</b>

Source: US Census American Community Survey 2010-14

4. Housing Conditions Table 6 provides an indication of overcrowded housing units, represented by units containing more than one occupant per room. This table indicates the vast majority of dwellings in Hanover are not over crowded.

Table 6: Occupants per Room (2000 and 2014)  
Hanover, New Jersey

Occupants Per Room	2000		2014	
	Number	Percent	Number	Percent
0.50 to 1.00	4,693	99	5,200	99
1.01 to 1.50	35	1	31	1
1.51 or more	17	<1	7	<1
<b>Total Occupied Units</b>	<b>4,745</b>	<b>100</b>	<b>5,238</b>	<b>100</b>

Source: 2000 U.S. Census; American Community Survey 2010-14

Table 7 presents additional detail regarding housing conditions, including the presence of complete plumbing and kitchen facilities and the type of heating equipment used. As shown below, all housing units in the Township have complete plumbing and standard heating facilities currently. A small number lack complete kitchen facilities.

Table 7: Occupied Housing Units - Equipment and Plumbing Facilities (2000 and 2014)  
Hanover, New Jersey

Facilities	2000		2014	
	Number	Percent	Number	Percent
<u>Kitchen:</u>				
With Complete Facilities	4,745	100.0	5,200	99.3
Lacking Complete Facilities	0	0.0	38	0.7
<u>Plumbing:</u>				
With Complete Facilities	4,745	100.0	5,238	100.0
Lacking Complete Facilities	0	0.0	0	0.0
<u>Heating Equipment (Occupied Units):</u>				
Standard Heating Facilities	4,739	99.8	5,238	100.0
Other Means, No Fuel Used	6	0.2	0	0.0

Source: 2000 U.S. Census, American Community Survey 2010-14

5. Purchase and Rental Values Rental values increased between 2000 and 2014, with the median gross rent increasing from \$1,098 to \$2,000+. The number of units paying no cash rent declined over the period between 2000 and 2014.

Table 8: Gross Rent of Specified Renter-Occupied Housing Units (2000 and 2014)  
Hanover, New Jersey

Rent	2000		2014	
	Number	Percent	Number	Percent
Less than \$200	5	1	0	0
\$200 to \$499	29	8	16	2
\$500 to \$749	79	21	0	0
\$750 to \$999	51	13	16	2
\$1,000 to \$1,499	88	23	119	15
\$1,500 or more	78	21	606	76
No cash rent	48	13	39	5
<b>Total</b>	<b>378</b>	<b>100</b>	<b>796</b>	<b>100</b>
<b>Median Gross Rent</b>	<b>\$1,098</b>		<b>\$2,000+</b>	

Source: U.S. Census, 2000, American Community Survey 2010-14

Similarly, as shown on Table 9, the median value of owner-occupied units increased between 2000 and 2014, from \$265,776 to \$477,700. The increase in median value since 2000 represents an 80% increase in value.

Table 9: Value of Specified Owner-Occupied Housing Units (2000 and 2014)  
Hanover, New Jersey

Value Range	2000	2014
Less than \$100,000	67	199
\$100,000 to \$149,999	53	64
\$150,000 to \$199,999	481	90
\$200,000 to \$299,999	1,570	160
\$300,000 to \$499,999	1,597	2,028
\$500,000 or more	125	1,965
<b>Total</b>	<b>3,893</b>	<b>4,506</b>
<b>Median Value</b>	<b>\$265,776</b>	<b>\$477,700</b>

Source: U.S. Census, 2000; American Community Survey 2010-14

C. POPULATION ANALYSIS

The MLUL requires that the housing element of this plan provide data on the municipality's population, including population size, age and income characteristics.

1. Population Size As seen in the table below, the Township's population has increased significantly from only 1,595 in 1920 to 14,659 in 2014. The most sizable increase occurred between 1950 and 1960 when the population increased approximately three-fold. The 2014 population estimate of 14,659 represents a 14 percent increase over the 2000 census figure of 12,898.

Table 10: Population Growth  
Hanover, New Jersey

Year	Population	Change ( # )	Change (%)
1920	1,595	--	--
1930	2,516	921	58
1940	2,812	296	11
1950	3,756	944	34
1960	9,329	5,573	148
1970	10,700	1,371	15
1980	11,846	1,146	11
1990	11,538	-308	-3
2000	12,898	1,360	12
2010	13,712	814	6
2014	14,659	947	7

Source: U.S. Census Bureau; \*NJ Dept of Labor and Workforce Development Estimates

2. Age Characteristics The Township's age characteristics are represented in Table 11, below. The largest population decline between 2000 and 2014 occurred in children under age 5 and adults aged 25 to 44. The Township experienced a marked increase in the population age 85 and over, rising from 173 persons in 2000 to 546 in 2014. The median age of Township residents increased from 40.3 years to 43.4 by 2014.

Table 11: Age Characteristics (2000 and 2014)  
Hanover, New Jersey

Age Group	2000		2014		2000-2014
	Total	% Total	Total	% Total	% Change
Under 5	828	6	662	5	-20
5-9	781	6	779	6	-0.3
10-14	859	7	1,053	8	23
15-19	681	5	925	7	36
20-24	518	4	706	5	36
25-34	1,644	13	1,409	10	-14
35-44	2,233	17	1,778	17	-20
45-54	1,919	15	2,337	8	22
55-59	871	7	1,117	8	28
60-64	643	5	862	7	34
65-74	1,020	8	1,188	9	16
75-84	728	6	741	6	1
85 and over	173	1	546	4	216
<b>Total</b>	<b>12,898</b>	<b>100</b>	<b>14,103</b>	<b>100</b>	<b>9</b>
<b>Median Age</b>	<b>40.1</b>		<b>43.4</b>		<b>--</b>

Source: 2000 U.S. Census, American Community Survey 2010-14

3. Average Household Size The average Township household size decreased between 1960 and 2014 as indicated in the table below.

Table 12: Average Household Size (1960-2014)  
Hanover, New Jersey

Year	# Persons
1960	3.78
1970	3.65
1980	3.33
1990	3.03
2000	2.71
2010	2.60
2014	2.59

Source: US Census

4. Household Income The median household income for Hanover households increased by approximately one third between 1999 and 2014, rising from \$84,115 to \$109,434. Detailed household income figures are shown in the table below.

Table 13: Household Income Distribution (1999 and 2014)  
Hanover, New Jersey

Income Category	1999		2014	
	Number	Percent	Number	Percent
Less than \$10,000	32	1	106	2
\$10,000 to \$14,999	85	2	84	2
\$15,000 to \$24,999	324	6	307	7
\$25,000 to \$34,999	300	6	287	5
\$35,000 to \$49,999	508	11	355	7
\$50,000 to \$74,999	878	18	697	13
\$75,000 to \$99,999	790	17	597	11
\$100,000 to \$149,999	1,061	22	1,007	19
\$150,000 or more	790	17	1,798	34
<b>Total</b>	<b>4,768</b>	<b>100</b>	<b>5,238</b>	<b>100</b>
<b>Median</b>	<b>\$84,115</b>		<b>\$109,434</b>	

Source: U.S. Census, 2000, American Community Survey 2010-2014

#### D. EMPLOYMENT ANALYSIS

The MLUL requires that a housing plan include data on employment levels in the community. The following tables present information on the Township's employment characteristics.

1. Employment Status Table 14 provides information on employment status in the Township for the segment of the population 16 and over. The proportion of those unemployed increased from 1 percent in 2000 to 4 percent in 2014. Approximately, 68 percent of the Township's population over the age of 16 was employed. The total population age 16 and over increased by about 10 percent over the time period 2000 to 2014.

Table 14: Employment Status- Population 16 & Over (2000 and 2014)  
Hanover, New Jersey

Employment Status	2000		2014	
	Number	Percent	Number	Percent
In labor force				
Civilian labor force	6,941	67	7,669	68
Employed	6,834	66	7,215	64
Unemployed	107	1	454	4
Armed Forces	0	0	0	0
Not in labor force	3,366	33	3,678	32
<b>Total Population 16 and Over</b>	<b>10,307</b>	<b>100</b>	<b>11,347</b>	<b>100</b>

Source: 2000 U.S Census, American Community Survey 2010-2014

2. Employment Characteristics of Employed Residents The following two tables detail information on the employment characteristics of Hanover residents. Table 15 details employment by occupation and Table 16 details employment by industry. A large proportion of the Township residents are employed in the management, professional and related occupations sector. Additionally, the amount of persons employed in education, health and social services has increased to more than one-quarter of the total population. The number working in retail trade has declined from 11 percent to 8 percent of the population.

Table 15: Employed Residents Age 16 and Over, By Occupation (2000 and 2014)  
Hanover, New Jersey

Occupation	2000		2014	
	Number	Percent	Number	Percent
Management, professional, and related occupations	3,150	46	4,188	58
Service occupations	638	9	673	9
Sales and office occupations	2,050	30	1,562	22
Farming, fishing, and forestry occupations	0	0	0	0
Construction, extraction, and maintenance occupations	510	8	453	6
Production, transportation, and material moving occupations	486	7	339	5
<b>Total</b>	<b>6,834</b>	<b>100</b>	<b>7,215</b>	<b>100</b>

Source: 2000 U.S. Census; American Community Survey 2010-14

Table 16: Employed Residents Age 16 and Over, By Industry (2000 and 2014)  
Hanover, New Jersey

Industry	2000		2014	
	Number	Percent	Number	Percent
Agriculture, Forestry, Fisheries & Mining	7	1	0	0
Construction	424	6	415	6
Manufacturing	881	13	793	11
Transportation and Warehousing, and Utilities	309	5	194	3
Wholesale Trade	263	4	188	2
Retail Trade	755	11	591	8
Information	437	6	367	5
Finance, Insurance & Real Estate	750	11	922	13
Education, Health and Social Services	1,252	18	1,775	25
Arts, Entertainment & Recreational Services	289	4	484	7
Professional & Related Services	977	14	1,045	14
Public Administration	169	2	237	3
Other Services	321	5	204	3
<b>Total</b>	<b>6,834</b>	<b>100</b>	<b>7,215</b>	<b>100</b>

Source: 2000 U.S. Census; American Community Survey 2010-14

## E. HOUSING AND EMPLOYMENT PROJECTIONS

The following section identifies the extent to which recent development has occurred in the community, to assist in the determination of future residential and employment projections.

1. Probable Future Employment. Employment has declined over the past ten years in the Township, between a high of 16,284 in 2006 and a low of 10,956 in 2011. Jobs lost since 2007 have not been recovered. Assuming the current economic climate continues, and recognizing the limited availability of vacant land for new non-residential development, it appears unlikely that employment levels will return to the 2006 peak.

Table 17: Covered Employment Trends 2004-2014  
Hanover, New Jersey

Year	Number of Jobs	Change in Number of Jobs	Percent Change
2004	15,509	--	--
2005	15,752	243	2
2006	16,284	532	3
2007	15,996	-288	-2
2008	14,979	-1,017	-6
2009	12,359	-2,620	-17
2010	11,894	-465	-4
2011	10,956	-938	-8
2012	12,002	1,046	10
2013	12,312	310	3
2014	13,416	1,104	9

Sources: Department of Labor and Workforce Development

Based upon the fully developed character of the community's non-residentially zoned areas, which leaves few sites available for additional development, few additional jobs are anticipated to be created locally.

2. Projection of the Municipality's Housing Stock. Hanover is a fully developed community with limited opportunity for new housing. Therefore, it is anticipated that the Township's residential growth may increase slightly, but not at the pace evidenced between 2001 and 2004. As shown in the table, the pace of issuance for Certificates of Occupancy slowed considerably after 2004 and remained relatively stable. The 15 year average contains very high growth in 2001, 2003 and 2004. These three years accounted for approximately 50% of all the CO's in the 15 year period from 2000-2014. Therefore, it is estimated that the housing stock may increase slightly, but not at the pace occurring in the beginning of the decade. This information is shown in the accompanying table.

Table 18: Trend in Residential Development  
 Analysis of Certificates of Occupancy and Demolition Permits, 2000-2014  
 Hanover, New Jersey

Year	COs Issued	Demo Permits Issued	Net Growth
2000	32	2	30
2001	196	3	193
2002	48	3	45
2003	136	1	135
2004	105	6	99
2005	13	9	4
2006	35	11	24
2007	20	19	1
2008	38	4	34
2009	24	6	18
2010	83	9	74
2011	21	4	17
2012	14	5	9
2013	26	2	24
2014	94	6	88
15 YR Total	885	90	795
15 YR Average	59	6	53

Source: NJ Construction Reporter

3. Probable Future Construction of Housing Affordable to Low and Moderate Income Households (2015 - 2025). As detailed in this plan, the Township has an array of affordable housing developments incorporating a range of housing options for low and moderate income residents. The Township has fifteen affordable housing developments consisting of the following: four inclusionary ownership developments, two inclusionary rental developments, one 100% affordable development and eight special needs/supportive housing group homes. Two inclusionary developments also contain age restricted units accommodating older income eligible residents.

The Township has constructed a total of 1,570 housing units in all of the affordable developments. These developments have yielded 426 affordable units. This number is substantial in light of the total number of housing units in the Township. The most recent information available indicates there are a total 5,435 dwelling units in the community as of 2014. Therefore, approximately 29 percent (1,570/5,435) of all dwelling units in the community were constructed as a result of affordable housing initiatives. Most significantly, the existing affordable housing units in the community

account for almost 8 percent (426/5,435) of all housing in the Township.

Our analysis of the existing developments and available credits for affordable units indicates that the Township has a surplus of affordable housing. This is detailed in the following section of this report.

**SECTION II:  
FAIR SHARE OBLIGATION**

## The Fair Share Affordable Housing Obligation

The state of the Third Round affordable housing obligations for municipalities throughout New Jersey at present remains a fluid one, given the fact that neither the Courts, COAH, nor the legislature has come up with a definitive set of housing-need numbers that has been universally accepted. Initially, two sets of numbers were promulgated and widely discussed, inclusive of numbers in COAH's proposed 2014 regulations prepared by Dr. Robert Burchell of Rutgers University, and numbers prepared by David Kinsey, P.P., A.I.C.P. in April 2015 on behalf of Fair Share Housing Center ("FSHC"). Their statewide numbers varied dramatically, with Dr. Burchell estimating the need for approximately 52,000 affordable housing units statewide, and Mr. Kinsey estimating the need for approximately 201,000 affordable housing units statewide.

In June 2015, the Township of Hanover, along with roughly 270 other New Jersey municipalities, entered into a Shared Services Agreement ("SSA") to retain Rutgers University so that Dr. Burchell could prepare an expert report containing updated fair share calculations for all municipalities, which contract required Rutgers to submit the report by September 30, 2015. Before Dr. Burchell finalized a draft of his report, he suffered a stroke and, on September 11, 2015, Rutgers University, referencing this health crisis, terminated the contract with the municipalities in the SSA.

In an effort to address this unforeseen problem, the consortium of municipalities then entered into a contract with Econsult Solutions, Inc. ("Econsult") to prepare a second report – the "Solutions Report" – which would calculate fair share obligations for all of the municipalities in the state. This report was released on December 30, 2015. A review of the Econsult report reveals that the fair share obligation numbers set forth for Hanover Township are as follows:

	<u>Econsult</u>
1. Rehabilitation (Present Need) Obligation:	28
2. Prior Round Obligation (1987-99):	356
3. Prospective Need Obligation (2015-25):	153
<i>Total Fair Share Obligation:</i>	<i>537</i>

Significantly, the Econsult numbers reflect the fact that Hanover Township is constrained by environmentally sensitive features and as such contains minimal developable land, whereas Kinsey's numbers do not apparently acknowledge this fact. For this reason, as well as others, the Township's plan at this time relies upon the Econsult report.

**SECTION III:  
FAIR SHARE PLAN**

## Plan Components

The following section identifies the manner in which the Township’s fair share affordable housing obligations, as discussed above, are to be addressed. The township is utilizing Econsult’s December 30, 2015 numbers.

1. **Rehabilitation Share:** The Township intends to satisfy its 28-unit rehabilitation (present need) obligation through participation in the Morris County Housing Rehabilitation Program and with funding from Hanover’s affordable housing trust fund.
2. **Prior Round Obligation (1987-1999):** As noted in Table 19, the total number of affordable units completed in accordance with the Township’s Prior Round Plan actually exceed the number required. Any units exceeding the Prior Round Obligation can be applied to the Third Round.

Based on a minimum 25 percent rental obligation, maximum 25 percent age-restricted and rental bonus limitations, the Township proposes to utilize the following existing developments for its prior round obligation. The following table details those plan components that will be assigned to the Township’s Prior Round Obligation.

Table 19: Plan Components Addressing Prior Round Obligation

Plan Component	# of Units	Status
<i>Inclusionary Development:</i>		
Hanover Hills	39	Completed
Sunrise at Hanover	32	Completed
Eden Mill Village	66	Completed
Oak Ridge at Hanover	50	Completed
Sterling Parc (rentals)	64 (56 age-restricted + 8 family)	Completed
Jewish Metrowest I (rentals)	30 (age-restricted)	Completed
<i>Special Needs/Supportive Housing:</i>		
Longview ARC	4	Completed
Horse Hill I	6	Completed
Horse Hill II	6	Completed
<i>Rental Bonus Credits:</i>		
Sterling Parc	26 (18 age-restricted + 8 family)	--
Jewish Metrowest I	10 (age-restricted)	--
Horse Hill I	6	--
Horse Hill II	6	--
Longview ARC	4	
<i>RCA:</i>		

City of Orange Twp.	9	Completed
<b>Total</b>	<b>358 (surplus)</b>	

3. **Prospective Need Obligation (2015-2025):** Econsult’s report assigns Hanover a total third round (Prospective Need) obligation of 153 for the period extending from 2015 to 2025. The Township proposes to address this obligation via surplus credits from the Prior Round, additional affordable housing completions that were not part of the Prior Round Plan, as well as rental bonus credits permitted in accordance with COAH’s Second Round rules. These components are detailed in the accompanying table.

**Table 20: Plan Components Addressing Third Round Obligation**

Plan Component	# of Units	Status
<i>Inclusionary Development:</i>		
Jewish Metrowest I (rentals)	6 (age-restricted)	Completed
Woodmont/Cedar Knolls (rentals)	14	Completed
<i>100% Affordable Development:</i>		
Ingerman/Saddlebrook (rentals)	78	Completed
<i>Special Needs/Supportive Housing:</i>		
Mountain Ave Group Home	5	Completed
Allegro School	4	Completed
Whippany Jewish Assoc.	4	Completed
Eden Lane ARC	6	Completed
Rose House	12	Completed
<i>Rental Bonus Credits:</i>		
Woodmont/Cedar Knolls	14	--
Ingerman/Saddlebrook	25	--
<b>Total</b>	<b>168 (surplus)</b>	<b>--</b>

As shown above, 11 of the units not included in the Prior Round have been applied to the Township’s third round (Prospective Need) obligation. This includes 6 age-restricted rental units completed as part of the Jewish Metrowest I development, and 5 excess units/bedrooms in the Mountain Avenue Group Home carried over from the Prior Round.

Also, in addition to satisfying the Prospective Need of 153 units, the Township has 15 excess credits from existing group homes that can be applied toward future obligations.

The development sites are identified as follows:

1. Hanover Hills. Identified by municipal tax records as Block 1502 Lot 21, the Hanover Hills development is located on Ridgedale Avenue in the R-M Multi-Family Residences zone. The site has an area of approximately 13.2 acres. Collectively, Hanover Hills contains a total of 165 dwelling units, of which 39 are set aside for low and moderate income households.

Aerial 1: Hanover Hills



*Source: Bing Maps (Lot Lines Approximate)*

2. Sunrise at Hanover. Identified by municipal tax records as Block 9101 Lot 17, the Sunrise at Hanover development is located on Sunrise Drive in the R-M Multi-Family Residences zone. The site has an area of approximately 14.3 acres. Collectively, Sunrise at Hanover contains a total of 155 dwelling units, of which 32 are set aside for low and moderate income households.

Aerial 2: Sunrise at Hanover



*Source: Bing Maps (Lot Lines Approximate)*

3. Eden Mill Village. Identified by municipal tax records as Block 4402 Lot 14, the Eden Mill Village development is located on Eden Lane in the R-M Multi-Family Residences zone. The site has an area of approximately 24.7 acres. Collectively, Eden Mill Village contains a total of 298 dwelling units, of which 66 are set aside for low and moderate income households.

Aerial 3: Eden Mill Village



Source: Bing Maps (Lot Lines Approximate)

4. Oak Ridge at Hanover. Identified by municipal tax records as Block 4301 Lot 2, the Oak Ridge at Hanover development is located on Whippany Road in the R-M Multi-Family Residences zone. The site has an area of approximately 17.4 acres. Collectively, Oak Ridge at Hanover contains a total of 210 dwelling units, of which 50 are set aside for low and moderate income households.

Aerial 4: Oak Ridge at Hanover



Source: Bing Maps (Lot Lines Approximate)

5. Sterling Parc. Identified by municipal tax records as Block 2701 Lot 23 and 2503 Lot 6, the Sterling Parc development is located on Ridgedale Avenue in the R-M Multi-Family Residences zone. The site has an area of approximately 22.7 acres. Sterling Parc contains a total of 316 units, with 64 affordable units, inclusive of 56 age restricted units and 8 family units.

Aerial 5: Sterling Parc



*Source: Bing Maps (Lot Lines Approximate)*

6. Jewish Metrowest I. Identified by municipal tax records as Block 4001 Lot 9, the Jewish Metrowest I development is located on Ridgedale Avenue predominantly within the D-S Shopping Centers zone. The site has an area of approximately 38 acres. Jewish Metrowest I contains 36 age restricted units.

Aerial 6: Jewish Metrowest



Source: Bing Maps (Lot Lines Approximate)

7. Longview ARC. Identified by municipal tax records as Block 5302 Lot 21, the Longview ARC development is located on 21 Longview Drive predominantly in the R-15 Single Family Residence zone. The site has an area of approximately .34 acres. Longview Arc contains 4 units.

Aerial 7: Longview ARC



Source: Bing Maps (Lot Lines Approximate)

8. Horse Hill I and II. Identified by municipal tax records as Block 601 Lot 5, the Horse Hill I and II developments are located on 32 Horsehill Road in the RM-3 Multi-Family Residences zone. The site has an area of approximately 3.2 acres. Horse Hill I and II contain a total of 12 units.

Aerial 8: Longview ARC



*Source: Bing Maps (Lot Lines Approximate)*

9. Woodmont/Cedar Knolls. Identified by municipal tax records as Block 2302 Lot 2, the Woodmont/Cedar Knolls development is located on 225 Cedar Knolls Road in the RM-4 Multi-Family Residences zone. The site has an area of approximately 14.6 acres. Woodmont/Cedar Knolls contains 14 units which are set aside for low and moderate income households.

Aerial 9: Woodmont/Cedar Knolls



*Source: Bing Maps*

10. Ingerman/Saddlebrook. Identified by municipal tax records as Block 1702 Lot 12.02, the Ingerman/Saddlebrook development is located on 220 Ridgedale Ave in the AH-1 Affordable Housing zone. The site has an area of approximately 15.3 acres. Ingerman/Saddlebrook contains 78 units which are set aside for low and moderate income households.

Aerial 10: Ingerman/Saddlebrook



*Source: Bing Maps*

11. Mountain Ave Group Home. Identified by municipal tax records as Block 908 Lot 10, the Mountain Ave Group Home development is located on 100 Mountain Ave in the PU Public Uses zone. The site has an area of approximately 1.08 acres. The Mountain Ave Group Home contains 5 affordable units.

Aerial 11: Mountain Ave Group Home



*Source: Bing Maps (Lot Lines Approximate)*

12. Allegro School. Identified by municipal tax records as Block 2503 Lot 6.01, the Allegro School development is located on 20 Elm Place in the R-M Multi-Family Residences zone. The site has an area of approximately .5 acres. The Allegro School contains 4 affordable units.

Aerial 12: Allegro School



Source: Bing Maps (Lot Lines Approximate)

13. Whippany Jewish Association. Identified by municipal tax records as Block 5304 Lot 12, the Whippany Jewish Association development is located on 18 Jeffrie Trail in the R-15 Single Family Residences zone. The site has an area of approximately .4 acres. The Whippany Jewish Association contains 4 affordable units.

Aerial 13: Whippany Jewish Association



Source: Bing Maps (Lot Lines Approximate)

14. Eden Lane ARC. The Eden Lane ARC development is located on 60 Eden Lane in the R-25 Single Family Residences zone. The site has an area of approximately .89 acres. The Eden Lane ARC contains 6 affordable units.

Aerial 14: Eden Lane ARC



*Source: Bing Maps (Lot Lines Approximate)*

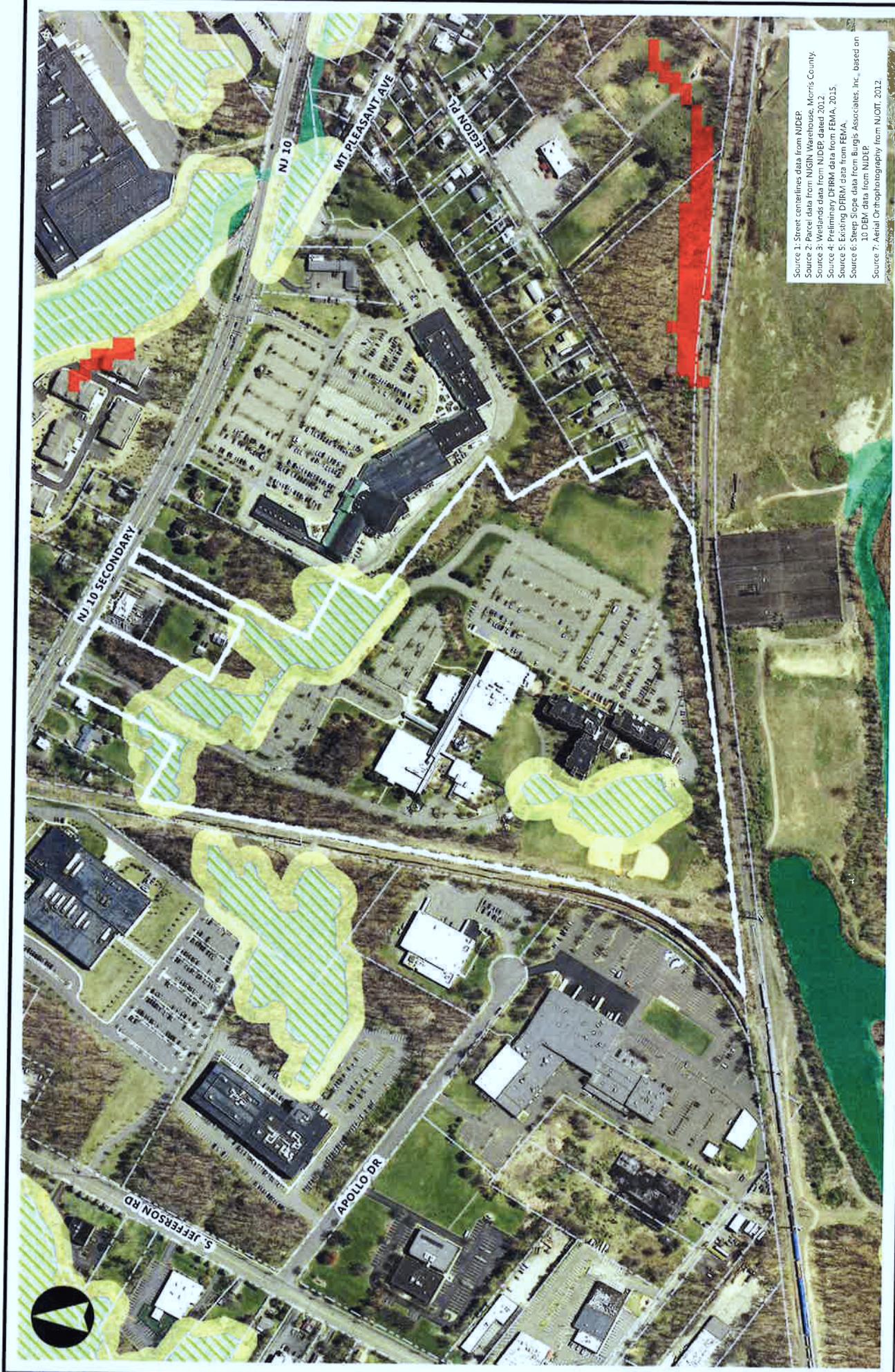
15. Rose House. Identified by municipal tax records as Block 2501 Lot 17, the Rose House development is located on 290 Cedar Knolls Road in the R-10 Single Family Residences zone. The site has an area of approximately .85 acres. Rose House contains 12 affordable units.

Aerial 15: Rose House



*Source: Bing Maps (Lot Lines Approximate)*

4. Proposed Development for Post Prospective Need. The Township proposes to move forward with an additional affordable housing development although there are surplus units for the Prior Round and Prospective Need Obligations. The plan calls for an additional 63 units of age restricted housing on Block 4001 Lot 9. This development will supplement the existing Metrowest I development on the parcel, situated along Ridgedale Avenue. The site is in the D-S District and as shown on the accompanying map, there is unconstrained land suitable for the new development. The Metrowest II development will be 100% affordable.



Source 1: Street centerlines data from NJDEP  
 Source 2: Parcel data from NJGIN Warehouse, Morris County  
 Source 3: Wetlands data from NJDEP, dated 2012  
 Source 4: Preliminary DFRM data from FEMA, 2015  
 Source 5: Existing DFRM data from FEMA  
 Source 6: Steep Slope data from Burgis Associates, Inc. based on 10 DEM data from NJDEP  
 Source 7: Aerial Orthophotography from NJOT, 2012

**Legend**  
 100 Year Flood Plain  
 Steep Slopes  
 Wetlands  
 Wetlands 50 ft Buffer  
 Parcels  
 Site

Project No.	3071.01	Date	03.02.16	Drawn	DN/TB
Scale	1" = 400'	Drawn No.	J1		

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**Jewish Metrowest II Environmental Constraints Map**

**2016 Housing Plan**  
 TOWNSHIP OF HANDOVER | MORRIS COUNTY, NEW JERSEY

**BURGIS ASSOCIATES, INC.**  
 COMMUNITY PLANNING | LAND DEVELOPMENT AND DESIGN | LANDSCAPE ARCHITECTURE  
 P. 201.666.1811  
 25 Westwood Avenue  
 Westwood, New Jersey, 07675  
 F. 201.666.2599



# APPENDIX

APPENDIX A  
DEVELOPMENT FEE ORDINANCE

## Chapter 166. Land Use and Development

### Part 3. Administrative and General Procedures

#### Article VII. Fees

##### § 166-48.1. COAH mandatory development fees.

[Added 12-22-1993 by Ord. No. 43-93; amended 2-26-1998 by Ord. No. 5-98]

- A. Purpose. 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, N.J.S.A. 52:27D-301 et seq., and the State Constitution subject to COAH developing rules. The purpose of this section is to establish standards for the collection, maintenance and expenditure of development fees pursuant to COAH's rules. Fees collected pursuant to this section shall be used for the sole purpose of providing low- and moderate-income housing. This section shall be interpreted within the framework of COAH's rules on development fees.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

**COAH**

The New Jersey Council on Affordable Housing.

**DEVELOPMENT FEES**

Money paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH's rules.

**EQUALIZED ASSESSED VALUE**

The value of a property determined by the Municipal Tax Assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of building permit may be obtained by the Tax Assessor utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the Municipal Tax Assessor.

**JUDGMENT OF REPOSE**

A judgment issued by the Superior Court approving a municipality's plan to satisfy its fair share obligation.

**SUBSTANTIVE CERTIFICATION**

A determination by the Council approving a municipality's housing element and fair share plan in accordance with the provisions of the Act<sup>[1]</sup> and the rules and criteria as set forth herein. A grant of substantive certification shall be valid for a period of six years in accordance with the terms and conditions contained therein.

[1] *Editor's Note: See N.J.S.A. 52:27D-301 et seq.*

- C. Residential development fees. Developers of residential uses shall pay a development fee of 1% of the equalized assessed value of any eligible residential activity pursuant to Subsection **E** of this section. If a "d" variance is granted, then the additional residential units realized above what is permitted by right under the existing zoning will incur a bonus development fee of 6% rather than the development fee of 1%. However, if the zoning on a site has changed during the two-year period prior to the filing of the "d" variance application, the base density for the purpose of calculating the bonus development fee shall be the highest density permitted by right during such two-year period.  
[Amended 12-20-1999 by Ord. No. 33-99; 5-11-2000 by Ord. No. 6-2000; 3-10-2005 by Ord. No. 7-2005]
- D. Nonresidential development fees. Developers of nonresidential uses shall pay a fee of 2% of the equalized assessed value for eligible nonresidential activities pursuant to Subsection **E** of this section. If a "d" variance is granted, then the additional floor area ratio realized above what is permitted by right under the existing zoning will incur a bonus development fee of 6% rather than the development fee of 2%. However, if the zoning on a site has changed during the two-year period prior to the filing of the "d" variance application, the base floor area ratio for the purpose of calculating the bonus development fee shall be the highest floor area ratio permitted by right during such two-year period.  
[Amended 5-11-2000 by Ord. No. 6-2000; 6-27-2002 by Ord. No. 14-2002; 3-10-2005 by Ord. No. 7-2005]
- E. Eligible exaction, ineligible exaction and exemptions.  
[Amended 6-27-2002 by Ord. No. 14-2002]
- (1) Developers of low- and moderate-income units shall be exempt from paying development fees.
  - (2) Developers that construct a new structure or who expand or otherwise alter an existing structure shall pay a development fee. The development fee shall be calculated based on the increase in the equalized assessed value of the improved structure.
  - (3) Developers that have received preliminary or final approval prior to the effective date of this section shall be exempt from paying a development fee unless the developer seeks a substantial change in the approval.
  - (4) Non-profit tax-exempt organizations meeting the criteria in Sections 501(c)(3) and 501(c)(4) of the Internal Revenue Code and which have been granted tax-exempt status by the Internal Revenue Service shall be exempt from paying development fees.
- F. Collection of fees.
- (1) Developers shall pay 50% of the calculated development fee to the Township of Hanover at the issuance of building permits. The development fee shall be estimated by the Tax Assessor prior to the issuance of building permits.
  - (2) Developers shall pay the remaining fee to the Township of Hanover at the issuance of certificates of occupancy. At the issuance of certificates of occupancy, the Tax Assessor shall calculate the equalized assessed value and the appropriate development fee. The developer shall be responsible for paying the difference between the fee calculated at certificate of occupancy and the amount paid at building permit.
- G. Housing trust fund.
- (1) There is hereby created an interest-bearing housing trust fund in a bank to be selected by the Township's Chief Municipal Finance Officer for the purpose of receiving development fees

from residential and nonresidential developers. All development fees paid by developers pursuant to this section shall be deposited in this fund. No money shall be expended from the housing trust fund unless the expenditure conforms to a spending plan approved by COAH.

- (2) If COAH determines that the Township of Hanover is not in conformance with COAH's rules on development fees, COAH is authorized to direct the manner in which all development fees collected pursuant to this section shall be expended. Such authorization is pursuant to this section, COAH's rules on development fees and the written authorization from the governing body to the selected trust fund bank.

H. Use of funds.

- (1) Money deposited in a housing trust fund may be used for any activity approved by COAH for addressing the Township of Hanover's low- and moderate-income housing obligations. Such activities may include, but are not necessarily limited to, housing rehabilitation; new construction; regional contribution agreements; the purchase of land for low- and moderate-income housing; extensions and/or improvements of roads and infrastructure to low- and moderate-income housing sites; assistance designed to render units to be more affordable to low- and moderate-income people; and administrative costs necessary to implement the Township of Hanover's housing element. The expenditure of all money shall conform to a spending plan approved by COAH.
- (2) At least 30% of the revenues collected shall be devoted to render units more affordable unless such revenues are exempt from this requirement pursuant to N.J.A.C. 5:93-8.16(c). [Amended 6-27-2002 by Ord. No. 14-2002]
- (3) No more than 20% of the revenues shall be expended on administrative costs necessary to develop, revise or implement the housing element. Examples of eligible administrative activities include: personnel, consultant services, space costs, consumable supplies and rental or purchase of equipment.
- (4) Development fee revenues shall not be expended to reimburse the Township of Hanover for housing activities that preceded substantive certification.

I. Expiration of section. This section shall expire if:

- (1) COAH dismisses or denies the Township of Hanover's petition for substantive certification.
- (2) COAH revokes substantive certification or its certification of this section.

APPENDIX B  
AFFIRMATIVE MARKETING

## Chapter 47. Officers and Employees

### Article VII. Municipal Housing Liaison

[Adopted 4-27-2006 by Ord. No. 17-2006]

#### § 47-38. Purpose.

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

#### § 47-39. Definitions.

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

##### **ADMINISTRATIVE AGENT**

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

##### **MUNICIPAL HOUSING LIAISON**

The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for Hanover Township.

#### § 47-40. Establishment of Municipal Housing Liaison position and compensation; powers and duties.

- A. Establishment of position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for Hanover Township.
- B. Subject to the approval of the Council on Affordable Housing (COAH), the Municipal Housing Liaison shall be appointed by the governing body and may be a full- or part-time municipal employee.
- C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Hanover Township, including the following responsibilities which may not be contracted out:
  - (1) Serving as Hanover Township'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 Hanover Township's Fair Share Plan;
  - (3) Compiling, verifying, and submitting annual reporting as required by COAH;
  - (4) Coordinating meetings with affordable housing providers and administrative agents, as applicable;
  - (5) Attending continuing education programs as may be required by COAH;
  - (6) If applicable, serving as the administrative agent for some or all of the restricted units in Hanover Township as described in Subsection **F** below.
- D. Subject to approval by COAH, Hanover Township may contract with or authorize a consultant, authority, government or any agency charged by the governing body, which entity shall have the responsibility of administering the affordable housing program of Hanover Township. If Hanover Township contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and affirmative marketing plan, the Municipal Housing Liaison shall supervise the contracting administrative agent.
- E. Compensation. Compensation shall be fixed by the governing body as set forth in the Township's Salary Ordinance<sup>[1]</sup> at the time the Municipal Housing Liaison is appointed.
- [1] *Editor's Note: See Ch. 61, Salaries and compensation.*
- F. Administrative powers and duties assigned to the Municipal Housing Liaison.
- (1) Affirmative marketing:
    - (a) Conducting an outreach process to ensure affirmative marketing of affordable housing units in accordance with the affirmative marketing plan of Hanover Township and the provisions of N.J.A.C. 5:80-26.15.
  - (2) Household certification:
    - (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
    - (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
    - (c) Providing written notification to each applicant as to the determination of eligibility or noneligibility;
    - (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendixes J and K of N.J.A.C. 5:80-26.1 et seq.;
    - (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
    - (f) Employing the random selection process as provided in the affirmative marketing plan of Hanover Township when referring households for certification to affordable units.
  - (3) Affordability controls:
    - (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;

- (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
  - (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;
  - (d) Communicating with lenders regarding foreclosures; and
  - (e) Ensuring the issuance of continuing certificates of occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
- (4) Resale and rental:
- (a) Instituting and maintaining an effective means of communicating information between owners and the administrative agent regarding the availability of restricted units for resale or rental; and
  - (b) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.
- (5) Communicating with unit owners:
- (a) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
  - (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air-conditioning systems; and
  - (c) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.
- (6) Enforcement:
- (a) Ensure that all restricted units are identified as affordable within the Tax Assessor's office and any municipal utility authority (MUA) and upon notification to the administrative agent of change in billing address, payment delinquency of two consecutive billing cycles, transfer of title, or institution of a writ of foreclosure on all affordable units, notifying all such owners that they must either move back to their unit or sell it;
  - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person other than a household duly certified to the unit by the administrative agent;
  - (c) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the administrative agent where complaints of excess rent can be made;
  - (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;

- (e) Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;
  - (f) Establishing a rent-to-equity program;
  - (g) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and
  - (h) Providing annual reports to COAH as required.
- (7) The administrative agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

APPENDIX C  
SPENDING PLAN

DRAFT  
Township of Hanover  
Amendment to Spending Plan

## INTRODUCTION

The Township of Hanover, Morris County has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:91-1 et seq. and N.J.A.C. 5:93-1 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing and establishing the Township of Hanover affordable housing trust fund was adopted by the Township in 1993.

As of February 18, 2016, the Township Of Hanover has a balance of \$1,054,025 in its affordable housing trust fund. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:93-8.16 as described in the sections that follow.

### 1. REVENUES FOR CERTIFICATION PERIOD

It is anticipated that, during the period of Third Round substantive certification (2015-2025), the Township of Hanover will add an additional \$1,869,650 to its affordable housing trust fund. This is detailed below.

- (a) Development fees: The Township anticipates that \$1,862,900 in development fees will be generated between 2016 and 2025. This figure is based on the following assumptions:
1. Based on historical rates of residential development, the Township anticipates an average of 30 new dwellings per year over the next 9 years, which equates to 270 new dwelling units during this period.
  2. At an average equalized assessed value of \$418,000 per dwelling, and the imposition of the required 1.5% development fee for residential construction, these 270 new dwelling units will generate approximately \$1,692,900 in development fee revenues.

3. The Township does anticipates some non-residential development over the next 9 years, consisting of primarily commercial development. This may generate \$170,000 in development fee revenues.

(b) Projected interest: The Township also anticipates that the projected revenue in the municipal affordable housing trust fund will generate a total of \$6,750 in interest over the next 9 years.

In sum, the Township of Hanover expects to generate an additional \$1,869,650 for its affordable housing trust fund between now and 2025. When added to Hanover's current trust fund balance of \$1,054,025 as of February 2016, this results in total anticipated revenue of \$2,923,675 to fund and administer the Township's affordable housing plan.

## 2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by the Township:

(a) Collection of development fee revenues: Collection of development fee revenues shall be consistent with Hanover's development fee ordinance for both residential and non-residential developments in accordance with COAH's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

(b) Distribution of development fee revenues: The Planning Board adopts and forwards a resolution to the governing body recommending the expenditure of development fee revenues as set forth in this spending plan. The governing body reviews the request for consistency with the spending plan and adopts the recommendation by resolution.

The release of funds requires adoption of the governing body resolution in accordance with the spending plan. Once a request is approved by resolution, the Chief Financial Officer releases the requested revenue from the trust fund for the specific use approved in the governing body's resolution.

## 3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) Rehabilitation. The Township has a rehabilitation obligation of 28 units. Information obtained from Morris County Community Development indicates that 29 units have been rehabilitated in Hanover Township through the County's Home Improvement Program. Of these, County records indicate 7 have been sold. The Township seeks credit for the remaining 22 units completed. For the remaining obligation of 6 units

(28 rehabilitation obligation – 22 completed), the township will supplement funding if it is unavailable through Morris County's Home Improvement Program. The Township has sufficient Affordable Housing Trust funds available to allocate \$10,000 per unit, for a total of \$60,000 to fulfill the rehabilitation obligation.

- (b) Affordability assistance: Per N.J.A.C. 5:93-8.16(c), municipalities are required to spend at least 30% of the revenues collected from development fees towards affordability assistance to low- and moderate-income households. The plan anticipates \$877,000 available for affordability assistance.
  
- (c) Administrative Expenses: Per N.J.A.C. 5:93-8.16(e), no more than 20% of the revenues collected from development fees shall be expended on administration. The Township of Hanover projects that a maximum of approximately \$584,000 will be available from the affordable housing trust fund to be used for administrative purposes through 2025. Projected administrative expenditures, subject to the 20% cap, include the salaries and benefits for municipal employees and consultant fees necessary to develop or implement the following:
  - 1. An updated Housing Element and Fair Share Plan.
  - 2. A new construction program.
  - 3. An affirmative marketing program.

#### 4. EXCESS OR SHORTFALL OF FUNDS

Pursuant to the Housing Element and Fair Share Plan, the governing body of the Township of Hanover will adopt a resolution agreeing to fund any shortfall of funds required for implementing the plan. In the event that a shortfall of anticipated revenues occurs, the Township of Hanover will handle the shortfall of funds through adopting a resolution with an intent to bond.

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be reserved for additional affordable housing activity.

#### SUMMARY

The Township of Hanover intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:93-8.16 and consistent with the housing programs outlined in the Township's Housing Element and Fair Share Plan.

The Township of Hanover has a balance of \$1,054,025 as of February 2016, and anticipates an additional \$1,862,900 in revenues through 2025 for a total of \$2,923,675, with interest. During the Third Round period of substantive certification through 2025, the Township will spend approximately \$60,000 towards rehabilitation of existing housing units, and a maximum of \$584,000 towards administrative costs. A total of \$700,000 is allocated to subsidize a new 100% affordable age restricted development to be known as Metrowest II.

<b>SPENDING PLAN SUMMARY</b>		
Balance as of February 2016		\$1,054,025
<b>PROJECTED REVENUE 2016-2025</b>		
Development fees	+	\$1,862,900
Payments in lieu of construction	+	\$ 0
Other funds	+	\$ 0
Interest	+	\$6,750
<b>TOTAL REVENUE</b>	<b>=</b>	<b>\$2,923,675</b>
<b>EXPENDITURES</b>		
Funds used for Rehabilitation	-	\$60,000
Metrowest II Subsidy	-	\$700,000
Affordability Assistance	-	\$ 877,000
Administration	-	\$584,000
Excess Funds or Remaining Balance Reserved for Additional Affordable Housing Activity	=	\$0
<b>TOTAL PROJECTED EXPENDITURES</b>	<b>=</b>	<b>\$2,221,000</b>
<b>REMAINING BALANCE</b>	<b>=</b>	<b>\$702,675</b>

APPENDIX D  
REHABILITATED UNITS

# COAH Report

1/1/1987 - 1/13/2016

Address	Property Sold	Lot	Block	Date Approved	Income Date Inspected	Final Inspection	C.D. Grant Amount	Municipal CD\$	Rural Dev. \$	H/O \$	Municipal Dedicated	Total	Rehab Work	To Code
<u>Hanover</u> 56 Reynolds Ave	<input type="checkbox"/>	30	7602	5/13/2002	MOD	7/13/2002	11/25/2002	\$0.00	\$0.00	\$0.00	\$0.00	\$4,493.00	roof, electrical	<input checked="" type="checkbox"/>
9 Handzel Rd	<input type="checkbox"/>	9	8202	2/4/2000	ELI	6/29/2000	3/23/2001	\$0.00	\$0.00	\$50.00	\$0.00	\$10,432.00	electrical, roof, windows, gutters	<input checked="" type="checkbox"/>
94 Ridgedate Ave	<input checked="" type="checkbox"/>	18	1301		VLI	9/30/1997		\$0.00				\$10,607.00	WINDOWS, ELECTRIC, SUMP PUMP	<input checked="" type="checkbox"/>
17 Edwin Rd	<input checked="" type="checkbox"/>	2	302		VLI	9/19/1995		\$0.00				\$6,653.00	FURNACE, ROOF, STOVE	<input checked="" type="checkbox"/>
26 Grant Ave	<input checked="" type="checkbox"/>	7	1306		VLI			\$0.00				\$2,841.00	ROOF, MASON, PAINT	<input checked="" type="checkbox"/>
19 Salem Dr	<input type="checkbox"/>	17	4603		MOD			\$0.00				\$2,350.00	HEAT SYSTEM	<input checked="" type="checkbox"/>
7 Townsend Ave	<input type="checkbox"/>	4	2102		VLI			\$0.00				\$3,445.00	ROOF	<input checked="" type="checkbox"/>
20 Howell St	<input type="checkbox"/>	14	8401		MOD			\$0.00				\$4,497.00	ROOF, FURNACE, MASONRY	<input checked="" type="checkbox"/>
5 North Pond Rd	<input checked="" type="checkbox"/>	2	8103		VLI			\$0.00				\$5,000.00	HANDICAPPED BATH	<input checked="" type="checkbox"/>
8 South Belair Ave	<input type="checkbox"/>	3	1401		ELI	8/17/1999	6/28/2000	\$0.00	\$0.00	\$0.00	\$0.00	\$8,105.00	electric, roof, doors & windows	<input type="checkbox"/>
24 Legion Pl	<input type="checkbox"/>	26	4001	6/14/2002	MOD	8/29/2002	4/11/2003	\$0.00	\$0.00	\$0.00	\$0.00	\$15,932.00	windows, siding, porch	<input checked="" type="checkbox"/>
22 Kearney Ave	<input type="checkbox"/>	8	8701	2/2/2002	MOD	12/19/2001	6/26/2003	\$0.00	\$0.00	\$0.00	\$0.00	\$16,000.00	handicapped bathroom	<input checked="" type="checkbox"/>

# COAH Report

1/1/1987 - 1/13/2016

Address	Property Sold	Lot	Block	Date Approved	Income	Date Inspected	Final Inspection	C.D. Grant Amount	Municipal CD\$	Rural Dev. \$	H/O \$	Municipal Dedicated	Total	Rehab Work	To Code
28 Fairchild Pl	<input type="checkbox"/>	28	4502	7/19/2000	ELI	7/20/2000	11/1/2000	\$7,075.00	\$0.00	\$0.00	\$0.00	\$0.00	\$7,075.00	roof, windows, garage door	<input checked="" type="checkbox"/>
33 Manger Rd	<input type="checkbox"/>	16	1410	3/12/1998	MOD	5/5/1998	12/30/1999	\$5,102.00	\$0.00	\$0.00	\$50.00	\$0.00	\$5,152.00	roof, exterior painting, chimney	<input checked="" type="checkbox"/>
13 Locust Dr	<input type="checkbox"/>	6	101	11/30/2002	MOD	10/1/2002	5/21/2003	\$13,734.00	\$0.00	\$0.00	\$0.00	\$0.00	\$13,734.00	windows, boiler, painting, doors	<input checked="" type="checkbox"/>
26 Mountain Ave	<input checked="" type="checkbox"/>	3	1307	7/7/2011	VLI	8/25/2011	12/23/2011	\$11,775.00	\$0.00	\$0.00	\$0.00	\$0.00	\$11,775.00	furnace, roof, handrails	<input type="checkbox"/>
36 Farview Ave	<input checked="" type="checkbox"/>	2	1903		ELI	5/21/1998		\$7,605.00	\$0.00	\$0.00	\$0.00	\$0.00	\$7,605.00	ROOF	<input checked="" type="checkbox"/>
45 Boulevard Rd	<input type="checkbox"/>	5	2601	6/2/2004	MOD	8/26/2004	3/23/2005	\$9,848.00	\$0.00	\$0.00	\$0.00	\$0.00	\$9,848.00	boiler, elec., roof	<input checked="" type="checkbox"/>
44 Mountain Ave	<input type="checkbox"/>	9	1307	10/30/2003	ELI	4/13/2004	9/2/2004	\$4,745.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,745.00	roof, electrical	<input checked="" type="checkbox"/>
8A Kitchell Pl	<input type="checkbox"/>	14	8901	4/30/2004	ELI	5/3/2004	9/22/2004	\$5,445.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5,445.00	boiler, electric	<input checked="" type="checkbox"/>
8 South Belair Ave	<input type="checkbox"/>	3	1401	4/25/2006	ELI	3/24/2006	8/25/2006	\$4,628.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,628.00	roof	<input checked="" type="checkbox"/>
5 Sunrise Dr	<input type="checkbox"/>	17	9101	3/13/2006	ELI	3/28/2006	3/7/2007	\$8,090.00	\$0.00	\$0.00	\$0.00	\$0.00	\$8,090.00	windows HVAC	<input type="checkbox"/>
19 Sunrise Dr	<input type="checkbox"/>	17	9101	3/17/2006	VLI	3/22/2006	6/27/2006	\$2,518.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,518.00	windows	<input checked="" type="checkbox"/>
8 Sunrise Dr	<input type="checkbox"/>	17	9101	11/30/2006	ELI		3/2/2007	\$4,400.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,400.00	windows door	<input type="checkbox"/>
49 Salmon Dr	<input type="checkbox"/>	17	9101		MOD	7/22/2006	11/29/2006	\$1,400.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,400.00	window	<input checked="" type="checkbox"/>

# COAH Report

1/1/1987 - 1/13/2016

Address	Property Sold	Lot	Block	Date Approved	Income	Date Inspected	Final Inspection	C.D. Grant Amount	Municipal CD\$	Rural Dev. \$	H/O \$	Municipal Dedicated	Total	Rehab Work	To Code		
2 Sunrise Dr	<input type="checkbox"/>	17	9101	6/1/2006	MOD	7/21/2006	1/16/2007	\$8,185.00	\$0.00	\$0.00	\$0.00	\$0.00	\$8,185.00	windows HVAC	<input type="checkbox"/>		
15 Fieldstone Dr	<input checked="" type="checkbox"/>	12	4507	7/30/2007	MOD	10/11/2007	2/20/2008	\$8,069.00					\$8,069.00	electrical, HVAC	<input checked="" type="checkbox"/>		
2 Sunrise Dr	<input type="checkbox"/>	17	9101	6/21/2010	MOD		12/10/2010	\$6,325.00					\$6,325.00	compressor/ hwh	<input type="checkbox"/>		
77 Parsippany Rd	<input type="checkbox"/>	3	8802	4/18/2001	VLI	4/23/2001	6/21/2001	\$3,550.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,550.00	roof	<input checked="" type="checkbox"/>		
								<b>CD Grant Total:</b>	\$202,809.00								
																<b>Grand Total:</b>	\$202,899.00

*ELI = Extremely Low Income*

*VLI = Very Low Income*

*MOD = Moderate Income*

APPENDIX E  
MAPS OF PRIOR ROUND  
AND THIRD ROUND SITES



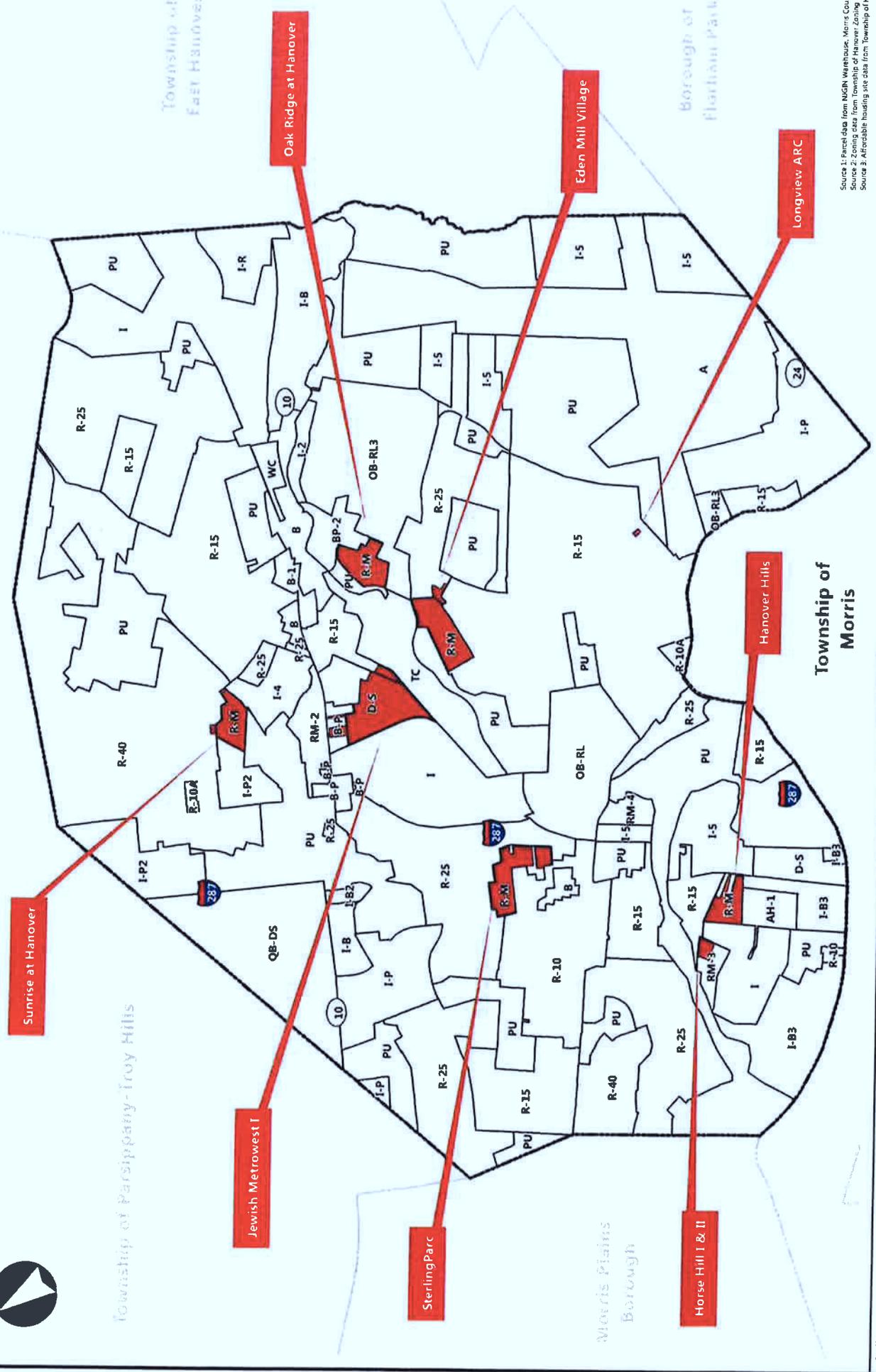


Township of Parsippany-Troy Hills

Township of East Hanover

Borough of Florham Park

Mounts Plains Borough



Source 1: Parcel data from MGN Warehouse, Morris County  
 Source 2: Zoning data from Township of Hanover, zoning map  
 Source 3: Affordable housing site data from Township of Hanover.

Proj. Title

### Affordable Housing Sites - Prior Round Obligation

**BURGETS ASSOCIATES, INC.**  
 COMMUNITY PLANNING | LAND DEVELOPMENT AND DESIGN | LANDSCAPE ARCHITECTURE  
 25 Westwood Avenue  
 Westwood, New Jersey 07675  
 P: 201.666.1511  
 F: 201.666.2599

Project Title  
**Housing Plan**  
 TOWNSHIP OF HANOVER, MORRIS COUNTY, NEW JERSEY

Project No.	3071.01	Date	01.01.15	Drawn	DN/TB
Scale	1" = 3,000'	Proj. No.	ahs2		

#### Legend

- Municipal Boundary
- Affordable Housing Sites
- Existing Zoning
- Parcels

Affordable Housing Sites

APPENDIX F  
ZONING MAP AND AFFORDABLE  
HOUSING DISTRICT REGULATIONS



## Chapter 166. Land Use and Development

### Part 5. Zoning

## Article XXIX. R-M Residential-Multifamily District

### § 166-177. Primary intended use.

[Amended 6-13-1996 by Ord. No. 6-96]

This R-M Residential-Multifamily Zone District is designed to accommodate various types of residential units, including single-family detached, two-family dwellings, single-family attached (townhouses), multifamily dwellings (garden apartments) at a gross density of 13 dwelling units per acre, conditioned upon the provision of a twenty-two-percent set-aside for low- and moderate-income housing units. In the event that an owner shall seek to develop at a gross density of less than 13 dwelling units per acre, the owner or developer seeking to so develop shall be required to provide the same number of low- and moderate-income units as if the land were developed on the basis of 13 units per acre with a twenty-two-percent set-aside for low- and moderate-income units unless the Planning Board shall grant a variance to this requirement. This zone was created for the purposes of settlement of Morris County Fair Housing Council v. Township of Boonton L-6001-78 P.W. insofar as the case involves the Township of Hanover. Community residences for the developmentally disabled or mentally ill persons, community shelters for victims of domestic violence, and community residences for persons with head injuries are also permitted, subject to the same regulations applicable to the type of building containing such residence or shelter in the district. In the event that there is any conflict between the standards established for this R-M Zone and other sections of this chapter not related to health and safety, the standards as set forth herein shall prevail.

### § 166-178. Accessory uses.

- A. Also permitted in this zone are accessory uses customarily incident and ancillary to the various permitted principal uses outlined above. These accessory uses may include:
- (1) Personal recreation facilities.
  - (2) Accessory buildings.
  - (3) Off-street parking, streets and driveways.
  - (4) Garages.
  - (5) Fences.
  - (6) Signs.
- B.

All fences and signs shall be subject to § 166-138.2 and Planning Board approval as to design and height.

[Amended 10-9-2014 by Ord. No. 38-14]

## § 166-179. Prohibited uses.

Any use other than those uses listed in § 166-177 above is prohibited.

## § 166-180. Required conditions.

The following requirements must be complied with in the R-M Zone:

- A. Height. No single-family detached, single-family attached nor two-family dwelling shall exceed 2 1/2 stories; provided, however, that said building is not higher than 35 feet. No multifamily apartment building for other than senior citizens shall exceed three stories; provided, however, that said building is not higher than 40 feet, and no multifamily apartment building for senior citizens shall exceed four stories; provided, however, that said senior citizen building is not higher than 45 feet.
- B. Bulk requirements for individual lots. The following bulk requirements shall be complied with for individual lots:
  - (1) Front yard. There shall be a front yard setback of 25 feet for single-family detached dwellings, two-family dwellings and single-family attached dwellings. There shall be a front yard setback for multifamily dwellings of 30 feet.
  - (2) Side yards. There shall be two side yards, and no side yard shall be less than six feet; provided, however, that the aggregate width of the two side yards combined shall not be less than 20 feet for all structures.
  - (3) Rear yard. There shall be a rear yard setback of 20 feet for all structures.
  - (4) Minimum lot size. Every individual lot developed with a single-family detached dwelling shall have a minimum lot size of 5,000 square feet with a minimum lot width of 50 feet. Every individual lot developed with a two-family dwelling shall have a minimum lot size of 6,000 square feet with a minimum lot width of 60 feet.
- C. Maximum gross density. The maximum gross density for any project shall be 13 dwelling units per acre; provided, however, that any project that contains senior citizen dwelling units for low- and moderate-income households shall be permitted to increase the maximum gross density throughout the project by 0.02 dwelling unit per acre for each low- and moderate-income senior citizen dwelling unit constructed up to a maximum gross density of 14 dwelling units per acre. In the event that an owner develops at a gross density of less than 13 dwelling units per acre, he shall be required to still provide the number of low- and moderate-income units as hereinafter set forth in Subsection M(1) of this section. For the purpose of administering this section, any project that is traversed by an existing public street, resulting in parts of said project being located on two or more separate parcels of land, shall be construed as one project, and all density and set-aside requirements shall be calculated on the basis of lands contained within the entire project.
- D. Building coverage. Not more than 30% of the land area of any lot shall be covered by any buildings.
- E. Usable open space. There shall be usable open space for single-family attached and multifamily dwellings of not less than 20%, which shall be exclusive of roads, parking areas, buffers, walkways and buildings.

- F. Minimum setbacks. There shall be a minimum setback of 25 feet from any internal roadway and 10 feet from any driveway or parking area and 20 feet from any other property line.
- G. Minimum distance between buildings. No building shall be closer to another building than 20 feet.
- H. Exterior access. No dwelling unit above the first floor shall have its sole access directly to the outside of the building via an open porch or stairway.
- I. Minimum tract size. No development project shall be permitted on a tract of less than 10 acres; provided, however, that any development project that is traversed by an existing public street, resulting in parts of the project being located on two or more separate parcels of land, shall be construed as one project for the purpose of meeting this ten-acre minimum tract size requirement.
- J. Recreation. All developments of between 10 and 50 dwelling units shall provide 250 square feet of land per unit, which shall be in a usable configuration for play lots, or a shaded area for the elderly or other space for recreation which is appropriate for that development. Developments of larger than 50 units shall provide for an additional 20 square feet per unit above 50 units for such purposes. In large developments, such space shall be subdivided into two or more usable areas, distributed throughout the development so as to be convenient to residents.
- K. Off-street parking. Off-street parking shall be provided to meet the following standards:
  - (1) Every dwelling unit containing at least three bedrooms: 2.0 parking spaces.
  - (2) Every dwelling unit containing at least two bedrooms: 1.75 parking spaces.
  - (3) Every dwelling unit containing less than two bedrooms: 1.5 parking spaces.
- L. Street widths, shoulders, rights-of-way. Street widths, shoulders and rights-of-way shall meet the following minimum standards:
  - (1) Paved street widths.
    - (a) Collector streets. All collector streets shall have a pavement width of 36 feet between a masonry curb of at least six inches in height constructed on both sides of the street.
    - (b) Minor streets. All internal streets shall have a pavement width of 22 feet between a battered curb of at least six inches in height constructed on both sides of the street; provided, however, that culs-de-sac less than 300 feet in length need not be wider than 20 feet between curbs.
  - (2) Shoulders. A planted shoulder of at least 8 1/2 feet shall be provided on either side of the paved roadway.
  - (3) Rights-of-way. The total right-of-way to be reserved shall be computed by adding the shoulder requirement to the paved roadway width required.
  - (4) Road gradients. Road gradients shall not be less than 0.5% for any road. The maximum gradient shall be 15% for minor streets and 10% for collector streets.
  - (5) Culs-de-sac. Culs-de-sac shall serve a maximum of 25 units or shall not be longer than 1,000 feet, whichever is less. The paved right-of-way of a cul-de-sac turnaround shall be at least 80 feet in diameter, and the right-of-way radius shall not be less than 50 feet.
- M. Low- and moderate-income housing requirements.
  - (1)

At least 11% of the maximum total number of residential dwelling units permitted within each development in the R-M Zone shall be made affordable and sold or rented to low-income persons, and 11% of the maximum total number of residential dwelling units permitted within each development in the R-M Zone shall be made affordable and sold or rented to moderate-income persons. For the purpose of administering this provision, the maximum total number of residential dwelling units permitted shall be determined by multiplying the total gross acreage of the tract by 13.

- (2) All low- and moderate-income housing units shall comply with the following housing standards:  
[Amended 12-26-1985 by Ord. No. 31-85; 12-9-1999 by Ord. No. 28-99]
- (a) Bedroom distribution. The number of bedrooms in affordable units shall be in accordance with N.J.A.C. 5:93-7.3.
- (b) Minimum unit floor area. Each unit shall contain a minimum floor area in accordance with the following schedule:
- [1] Efficiency units: 550 square feet.
  - [2] One-bedroom units: 600 square feet.
  - [3] Two-bedroom units: 750 square feet.
  - [4] Three-bedroom units: 950 square feet.
- (c) Unit maximum occupancy restrictions. The occupancy of each unit shall be in accordance with the following schedule (habitable rooms and habitable floor areas do not include attic, basement or garage areas or toilet compartments):
- [1] Efficiency units: 2 persons.
  - [2] One-or-more-bedroom units: one person per habitable room.
  - [3] All units: one person for the first 150 square feet of habitable floor area, plus one additional person for each additional 100 square feet of habitable floor area.
  - [4] All units: one person for the first 70 square feet of bedroom floor area, plus one additional person for each additional 50 square feet of bedroom floor area.
- (d) Notwithstanding the foregoing Subsection **M(2)(c)**, and in case of conflict, low- and moderate-income households will generally be referred to available housing units using the following standards for occupancy:
- [1] A maximum of two persons per bedroom.
  - [2] Children of the same sex in the same bedroom.
  - [3] Unrelated adults or persons of the opposite sex other than husband and wife in separate bedrooms.
  - [4] Children not in the same bedroom with parents.
- (e) Each dwelling unit shall either be provided with a clothes washer and dryer or else the plumbing and electric connections shall be installed by the developer for the ready connection of said washers and dryers by the occupants of the housing units; provided, however, that in senior citizen mid-rise buildings, washers and dryers shall be provided in common areas.

- (f) Low- and moderate-income units shall utilize the same heating source as market units within the same development.
- (3) The developer shall agree to not impose any residency requirements upon prospective renters or purchasers of any low- or moderate-income housing units. The developer shall agree to not impose age requirements upon occupants of low- and moderate-income housing units, except that in units designated by the Planning Board as senior citizen units, which shall include a total of no more than 25 low-income housing units and 25 moderate-income units constructed in the R-M Zone pursuant to this chapter, the developer may be required to restrict sale or rental to eligible low- or moderate-income households comprised of persons over the age of 62 years.  
[Amended 12-9-1999 by Ord. No. 28-99]
- (4) Affirmative marketing. The developer shall prepare and submit an affirmative marketing plan consistent with Subchapter 11 of the Substantive Rules of the New Jersey Council on Affordable Housing (N.J.A.C. 5:93-11), and as provided herein. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of sex, age or number of children, to housing units which are being marketed by a developer or sponsor of affordable housing. The plan is a continuing program and covers the period of deed restriction for affordability controls.  
[Amended 12-9-1999 by Ord. No. 28-99]
- (a) Administration responsibility. A Housing Committee, consisting of the Township's Business Administrator, Executive Assistant and Assistant to the Business Administrator, shall have the responsibility of administering the affirmative marketing plan.
- (b) Contents of plan. The affirmative marketing plan shall include the information required by N.J.A.C. 5:93-11.1(b).
- (c) Advertising program details. The advertising program shall be designed to reach all segments of the eligible population within the housing region. The plan shall describe the media to be used in advertising and publicizing the availability of housing and shall include the information required by N.J.A.C. 5:93-11.3(b).
- (d) Marketing process. The marketing process for available low- and moderate-income housing units shall begin at least four months prior to expected occupancy. In implementing the marketing program, there shall be at least one paid advertisement in a newspaper of general circulation within the housing region during the first week of the marketing program. Such advertisement shall include the information required by N.J.A.C. 5:93-11.3(c).
- (e) Application forms. Applications for low- and moderate-income housing units shall be available in several convenient locations, including, at a minimum, the Township Municipal Building, the Whippanong Library and at the developer's sales office. Applications shall be mailed to prospective applicants upon request.
- (f) Advertising cost responsibility. The cost for advertising low- and moderate-income housing units shall be the developer's responsibility.
- (g) Marketing for initial sales and rental. Marketing for the initial sales and/or rental of low- and moderate-income housing units shall be in accordance with N.J.A.C. 5:93-11.4, which establishes the procedures to be followed in screening applicants and verifying incomes.
- (h) Continuing marketing activities. Marketing activities to ensure a current pool of income-eligible applicants shall continue following completion of initial occupancy. Such activities shall be in accordance with the provisions of N.J.A.C. 5:93-11.5.

- (l) Monitoring and reporting requirements. The affirmative marketing activities shall be monitored and evaluation reports filed with the New Jersey Council on Affordable Housing in accordance with the provisions of N.J.A.C. 5:93-11.6.
- (5) Phasing schedule.
  - (a) The developer shall submit a phasing schedule for the construction of low- and moderate-income units. The phasing schedule shall provide that the number of low-income units constructed in each phase shall be approximately equal to the number of moderate-income units constructed in that phase. The developer may construct the first 20% of the market-rate units in the development before constructing any low- and moderate-income units. By the time 40% of the market-rate units have been constructed, at least 20% of the lower-income units must be constructed and sold or rented to lower-income households. No certificates of occupancy may be issued for market-rate units in excess of 20% of all market-rate units in the development until such sales or rentals have taken place.
  - (b) By the time 60% of the market-rate units have been constructed, at least 40% of the lower income units must be constructed and sold or rented to lower-income households. No certificates of occupancy may be issued for market-rate units in excess of 40% of all market-rate units in the development until such sales or rentals have taken place.
  - (c) By the time 80% of the market-rate units have been constructed, at least seventy percent 70% of the lower-income units must be constructed and sold or rented to lower-income households. No certificate of occupancy shall be issued for market-rate units in excess of 60% of all market-rate units in the development until such sales or rentals have taken place.
  - (d) By the time 100% of the market-rate units have been constructed, 100% of the lower-income units must be constructed and sold or rented to lower-income households. No certificates of occupancy shall be issued for market-rate units in excess of 80% of all market-rate units in the development until such sales or rentals have taken place.
- (6) Continuing controls on affordability. The developer shall submit a plan for controls on affordability in accordance with N.J.A.C. 5:93-9 to provide assurances that low- and moderate-income housing units remain affordable over time and that such units are occupied by low- and moderate-income households. The following provisions shall apply:  
[Amended 12-9-1999 by Ord. No. 28-99]
  - (a) Administration responsibility. A Housing Committee, consisting of the Township's Business Administrator, Executive Assistant and Assistant to the Business Administrator, shall have the responsibility of administering the affordability controls.
  - (b) Income verification and certification shall follow the procedures set forth in N.J.A.C. 5:93-9-1.
  - (c) The length of affordability controls shall be as set forth in N.J.A.C. 5:93-9.2 and shall be for a period of at least 30 years for new housing units.
  - (d) All affordable housing units shall be controlled by a deed restriction and mortgage lien in a form approved by the New Jersey Council on Affordable Housing, and in accordance with the rules in N.J.A.C. 5:93-9. Furthermore, the deed restriction shall include provisions requiring the payment of a fee in accordance with Subsection **M(6)(f)** below.
  - (e)

Initial rent and sales prices shall be in accordance with N.J.A.C. 5:93-7.4. Thereafter, rent and sales prices shall be in accordance with N.J.A.C. 5:93-9.

- (f) To assist the Township in defraying any and all administrative costs associated with the Township's affordable housing program, the seller of a low- or moderate-income housing unit shall pay the Township the sum of \$200 upon resale of the unit. The Township's Chief Municipal Finance Officer shall establish an Affordable Unit Resale Fund, separate and apart from any Township current fund account, for the sole purpose of receiving and depositing the two-hundred-dollar fee. The fund shall be under the administration and control of the Township's Housing Committee described in Subsection **M(6)(a)** above. In the event that excess resale fees are collected over and above that which is necessary to administer the affordable housing program, the excess funds may be utilized to improve, upgrade or add to the amenities of the affordable housing units.
- (7) A developer in the R-M Zone may request the Planning Board and/or the Township to further increase densities, to waive or modify cost-generating requirements in the Zoning, Subdivision or Site Plan Ordinance,<sup>[1]</sup> to waive or reduce fees or to grant tax abatement to the extent authorized by law if the developer determines that such actions are necessary to provide the twenty-two-percent low- and moderate-income housing. A developer may choose one of three impartial housing experts from a list prepared by the Planning Board and may have the expert make recommendations, at the expense of the developer, on the necessity for the proposed waivers, modifications or other actions. The expert shall also consider whether the requirements for which the waiver or modification is sought are necessary minimum standards required for public health and safety. In the event that the expert determines that, even after full municipal cooperation, it is not economically feasible for the developer to provide the full amount of affordable low- and moderate-income units as herein defined, the expert may recommend that the developer provide 13% moderate-income and 9% low-income units. Such a modification in the low and moderate obligation shall not be approved unless the expert determines that the Township has substantially complied with his recommendations for municipal actions to reduce costs. In the event that the Planning Board declines to accept one or more of the recommendations of the expert, it shall detail its reasons in writing.
- [1] *Editor's Note: See Parts 4 and 5 of this chapter.*
- (8) Upon the construction of 250 units of affordable low- and moderate-income households pursuant to this section, the Planning Board, in its discretion, may refuse to consider further applications for site plan approval for townhouses or garden apartments.
- N. Application fee. Every application for development within the R-M Residential-Multifamily District shall be accompanied by a site plan fee as set forth in Article **VII**, Fees, under § 166-48A(1)(b)[2] [b].
- O. Recycling plan. Every housing development project that takes place in the R-M Zone shall make provision for a recycling area on site that complies with those provisions as set forth in §§ **166-86** and **166-92E**.  
[Added 8-11-1988 by Ord. No. 19-88]

## Chapter 166. Land Use and Development

### Part 5. Zoning

#### Article XXIXE. AH-1 Affordable Housing Overlay District

[Added 8-12-2010 by Ord. No. 22-10]

##### § 166-180.19. Purpose and intent.

The purpose and intent of the AH-1 Overlay District is to provide an option for the development of affordable housing in accordance with the regulations in this article. The AH-1 District is an overlay district in that the district regulations only apply in the case of affordable housing development. The regulations of the I and I-B<sub>3</sub> Zone Districts, as applicable, which underlie the AH-1 Overlay District as depicted on the Zoning Map, shall apply to all development other than affordable housing development.

##### § 166-180.20. Permitted principal uses.

The permitted principal uses in the AH-1 Overlay District shall be limited to affordable housing within the following types of principal structures:

- A. Single-family attached dwellings, also known as "townhouses."
- B. Multifamily buildings up to three stories in height.
- C. Buildings containing a mixture of townhouse and multifamily dwellings up to three stories in height.
- D. Two-family dwellings.

##### § 166-180.21. Permitted accessory uses.

The permitted accessory uses the AH-1 Overlay District shall be limited to the following:

- A. Surface parking areas and driveways.
- B. Clubhouses.
- C. Recreational facilities for the use of residents of the development and their guests.
- D. Garages, attached or detached to a principal building.
- E. Storage buildings.

- F. Signs.
- G. Other accessory uses and structures that are customarily incidental to a permitted principal use, unless specifically prohibited herein.

## § 166-180.22. Prohibited uses.

Uses prohibited in the AH-1 Overlay District shall include the following:

- A. Any principal use not specifically permitted herein or permitted by other applicable law.
- B. Any use prohibited in all zone districts of the Township of Hanover.

## § 166-180.23. Lot, bulk and intensity of use standards.

The lot, bulk and intensity of use standards for the AH-1 Overlay District shall be as set forth below:

- A. Minimum lot area. 10 acres.
- B. Maximum unit density: eight dwelling units per gross lot area.
- C. Maximum building coverage: 20% of the gross lot area.
- D. Maximum improvement coverage: 50% of the gross lot area.
- E. Maximum building height.
  - (1) Principal buildings: three stories and 45 feet.
  - (2) Accessory buildings: Any permitted community center/clubhouse building shall not exceed two stories and 30 feet. Detached garages for the parking of motor vehicles, if provided, shall not exceed a height of 17 feet. All other detached accessory buildings shall comply with the height requirements for accessory buildings in § 166-114B.
- F. Minimum setback from lot lines.
  - (1) Buildings: 20 feet.
  - (2) Parking areas: 20 feet.
- G. Maximum number of principal buildings: no limit.
- H. Maximum number of dwelling units within the same building: 20 units.
- I. Minimum distance between principal buildings: 18 feet.
- J. Minimum distance between buildings and parking areas and driveways: 10 feet, except that no setback shall be required between garages and driveways designed and intended to provide direct access to said garages.  
[Amended 6-9-2011 by Ord. No. 20-11]
- K. Bedroom density and mixture.
  - (1) Maximum number of three bedroom units: 35% of the total units in the development.
  - (2) Maximum number of efficiency and one-bedroom units: 20% of the total units in the development.

## § 166-180.24. Other requirements.

In addition to all other applicable requirements of this article, Chapter **166** and any other applicable law, rule or regulation, development within the AH-1 Zone District shall comply with the following requirements:

- A. Minimum gross floor area, dwelling units:
  - (1) Efficiency: 600 square feet.
  - (2) One-bedroom: 700 square feet.
  - (3) Two-bedroom: 900 square feet.
  - (4) Three-bedroom: 1,050 square feet.
- B. Recreational facilities. There shall be provided as part of any residential development recreational facilities suitable for the use of the intended residents of the development. Such facilities shall include, as a minimum, a community building having a floor area of at least 1,500 square feet gross floor area and an outdoor recreation area. There shall be no limit on the maximum coverage by such community building other than the maximum coverage permitted for all buildings in the district.
- C. Affordable housing requirements.
  - (1) All housing units shall be affordable in accordance with the rules and regulations of the N.J. Council on Affordable Housing at N.J.A.C. 5:97-1.1 et seq. and the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq. In addition, at least 13% of the total number of housing units shall be affordable to very low-income households.
  - (2) All affordable dwelling units shall comply with all applicable rules and regulations of the N.J. Council on Affordable Housing at N.J.A.C. 5:97, of the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq., the N.J. Fair Housing Act and all other applicable rules and regulations pertaining to affordable housing, all as may be amended. In case of conflict between said rules, regulations and statutes and the requirements of this article, said rules, regulations and statutes shall supersede.
  - (3) The cost of administering and advertising the affordable units shall be the responsibility of the developer and his successor(s), and shall be a requirement of site plan approval for the development.
- D. Exemption from tree removal replacement requirements. Notwithstanding the provisions of § **166-131**, Tree preservation, removal and planting, developments containing one-hundred-percent affordable housing in the AH-1 Zone shall be exempt from the requirement to replace trees that must be removed as part of the development process, subject to review and approval of the tree removal by the Planning Board or Board of Adjustment, as applicable. The foregoing shall not be construed to exempt such developments from all other requirements to provide landscaping, including the planting of trees, on portions of the site not developed with buildings, pavement or other structures.  
[Amended 12-19-2011 by Ord. No. 30-11]
- E. All other applicable requirements of Chapter **166**, Land Use and Development Legislation, shall apply to development within the AH-1 Overlay District unless specifically superseded by the regulations of this article.

## Chapter 166. Land Use and Development

### Part 5. Zoning

#### Article XXIXB. RM-2 Residence District

[Added 11-14-2002 by Ord. No. 25-2002]

[1] *Editor's Note: Former Art. XXIXB, RM-1 Residential-Multifamily District, as added 12-22-1993 by Ord. No. 36-93 and as amended 6-13-1996 by Ord. No. 6-96, was repealed 10-10-1996 by Ord. No. 15-96.*

#### § 166-180.4. Purpose and intent.

[Amended 3-11-2010 by Ord. No. 11-10]

The purpose and intent of the RM-2 Zone District is to encourage limited multifamily and single-family residential development, limited office or institutional use, and the preservation of open space through appropriate standards. The standards are designed to encourage multifamily residential development in a manner that concentrates such development within a limited area and results in the preservation of open space in the adjacent PU Zone District. In order to encourage the development of affordable housing, an option for mixed-use development with more flexible standards is also provided. Single-family residential development is permitted as an alternative to multifamily development when the standards for multifamily development cannot be complied with. Office and institutional use is also permitted on a limited scale, provided certain standards are complied with.

#### § 166-180.5. Primary intended uses.

[Amended 3-11-2010 by Ord. No. 11-10]

The following principal uses and structures shall be permitted in the RM-2 Zone District:

- A. Single-family attached dwellings, also known as "townhouses."
- B. Multifamily apartment buildings.
- C. Buildings combining a mixture of townhouse and apartment dwellings.
- D. Single-family detached dwellings.
- E. Child-care centers.
- F. Administrative, business and professional offices.
- G. Mixed-use development involving nonresidential and residential uses permitted by this Article XXIXB on the same lot, excluding single-family detached dwellings, provided an affordable housing component is included as part of such development as regulated by this Article XXIXB.

## § 166-180.6. Accessory uses.

Permitted accessory uses shall be limited to those uses customarily incidental to the permitted principal uses in the district.

- A. Permitted accessory uses to single-family attached and multifamily residential developments shall include, but not be limited to, clubhouses, pools, tennis courts and similar personal recreation facilities for the exclusive use of the residents and guests of the development, plus gatehouses and gates.
- B. Permitted accessory uses to single-family detached residential developments shall be as permitted in the R-25 District.
- C. Permitted accessory uses to child care centers and office uses shall include parking areas and other uses and structures customarily incidental to such uses.

## § 166-180.7. Prohibited uses.

Any use other than the uses permitted by §§ 166-180.5 and 166-180.6 above shall be prohibited.

## § 166-180.8. Lot, bulk, intensity of use and other regulations.

In addition to any other applicable requirements of this chapter or any other applicable requirement, the following requirements shall apply to development within the RM-2 Zone District:

- A. Single-family detached dwellings shall be subject to the regulations for such dwellings in the R-25 Zone District.
- B. Townhouses and apartment buildings shall be subject to the following regulations:
  - (1) Minimum tract area. The minimum tract area shall be 50 acres. For purposes of administering this requirement, the tract area shall include any property located in the RM-2 District or within the adjacent PU District owned by the housing unit developer and which is, or is proposed by the developer to be, restricted in perpetuity for open space and recreational use or any permitted public use, whether or not such property is located on the same lot as the dwelling units.
  - (2) Maximum tract density. The maximum density shall be 2.45 dwelling units per acre of the tract. For purposes of administering this requirement, the tract area shall include any property located in the RM-2 District owned by the developer, including any area developed or planned for development for nonresidential use, plus any area within the adjacent PU District owned by the housing unit developer and which is, or is proposed by the developer to be, restricted in perpetuity for open space and recreational use or any permitted public use, whether or not such property in the PU District is located on the same lot as the property in the RM-2 District.
  - (3) Minimum front yard, buildings.
    - (a) One hundred feet from Route 10.
    - (b) Seventy-five feet from Jefferson Road.

- (c) Forty feet from any other street right-of-way line.
- (4) Minimum side and rear yards, buildings: 40 feet.
- (5) Minimum setback from center line of Stoney Brook: 75 feet (buildings); 50 feet (paved areas). No site disturbance of any kind shall be permitted within 50 feet of the center line of Stoney Brook except for improvements related to passive recreation activities, necessary utility and stormwater improvements other than detention or retention structures and landscaping designed to supplement and be consistent with existing natural vegetation.
- (6) Minimum distance between buildings. The following minimum dimensions shall separate principal buildings:
  - (a) Front wall facing front wall: 45 feet at any point; provided, however, that the average distance between the front walls of any two buildings shall not be less than 55 feet.
  - (b) Front wall facing rear wall: 50 feet.
  - (c) Front wall facing end/side wall: 35 feet.
  - (d) End/side wall facing end/side wall: 25 feet.
  - (e) End/side wall facing rear wall: 30 feet.
  - (f) Rear wall facing rear wall: 40 feet.
  - (g) In case of uncertainty as to the definition of "front," "rear," or "end/side" walls, or in case the angle of the walls facing each other makes interpretation of the required setbacks uncertain, the more restrictive of possible interpretations shall apply.
- (7) Maximum height of principal buildings. No building shall exceed 40 feet in height or 2 1/2 stories.
- (8) Accessory buildings. Accessory buildings and other roofed accessory structures shall comply with the minimum setback requirements applicable to principal buildings. Detached accessory buildings shall be located at least 25 feet from residential buildings located in the RM-2 District. Accessory buildings shall not exceed two stories or 30 feet in height.
- (9) Maximum coverage by buildings and improvements. The coverage by buildings shall not exceed 20% of the multi-family development lot area in the RM-2 District. The coverage by all improvements, including buildings, paved areas and other improvements other than soil, organic mulch and vegetation, shall not exceed 50% of the multifamily development lot area in the RM-2 District.
- (10) Buffer requirements. All of the applicable requirements of § 166-125 shall be complied with, except as may be superseded below. All buffer depths shall be measured from and perpendicular to the street right-of-way or residential property line, as applicable.
  - (a) Minimum buffer depth adjacent to single-family detached or two-family residential use or single-family residential zone district: 20 feet.
  - (b) Minimum buffer depth adjacent to Route 10: 80 feet.
  - (c) Minimum buffer depth adjacent to Jefferson Road: 75 feet.
- (11) Maximum dwelling units in building. The number of dwelling units in any apartment or townhouse building shall not exceed 10 units.
- (12)

Minimum dwelling unit gross floor area: 600 square feet, plus 150 square feet for each bedroom.

- (13) Building design.
- (a) Building dimension. The horizontal dimension of buildings shall not exceed 130 feet on any facade.
  - (b) Front wall horizontal projection. At least one story of the front wall of all townhouse and apartment buildings shall provide a horizontal projection or recess of at least five feet perpendicular to such front wall, at intervals of no greater than 30 feet measured parallel to such front wall. Such projections or recesses shall have a horizontal dimension of at least 15 feet, measured parallel to such front wall. The projections or recesses shall extend the full vertical height of the building story.
  - (c) Front wall material. The front wall of all townhouse and apartment buildings shall be surfaced with at least two different materials, including but not limited to brick, wood, stucco and similar materials. Each material shall comprise at least 25% of the front wall surface area.
  - (d) Roof pitch. The minimum roof pitch of all buildings shall be at least 20% (1:5).
  - (e) Windows and doors. At least 15% of the surface area of each wall of all townhouse and apartment buildings shall be comprised of windows and doors. Both pedestrian and garage doors shall be included in determining compliance with the foregoing requirement. The wall surface area shall be measured from the ground to the roof eaves, exclusive of gables located above the roof eaves. Walls facing interior courts shall be exempted from this requirement.
- (14) Access and circulation. The design of access and circulation improvements serving residential development within the RM-2 District shall be in accordance with the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.) and shall minimize detrimental impacts to area streets and residential neighborhoods. Access shall be designed to minimize traffic congestion, to ensure safety and to provide for the convenience of users of the development. At least one roadway shall be designed to provide direct access between residential development in the RM-2 District and Jefferson Road.
- (15) Parking. The amount and design of on-site parking shall be provided in accordance with the requirements of the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.). In addition, the following provisions shall apply:
- (a) Parking areas shall not be located in the front yard between townhouse or apartment buildings and Route 10 or Jefferson Road. Individual driveways serving townhouses or multi-family apartment dwellings shall not have direct access to a public street, but may have direct access to an internal roadway, parking loop, etc.
  - (b) Buildings shall be located at least 12 feet from internal roadways, driveways and access aisles, except for driveways located in front of garage doors.
  - (c) Parking areas and driveways shall be set back at least 20 feet from all property lines abutting a residential zone and at least 10 feet from all other property lines except as may otherwise be required by this chapter.
  - (d) Parking areas shall be set back at least 10 feet from building walls except parking spaces in driveways located in front of garage doors.
  - (e)

Parking areas shall be set back at least 10 feet from the traveled way of internal roadways, parking loops, etc., except that parking spaces adjacent to the traveled way and which use the traveled way for direct access to the space shall be exempt from this requirement.

- (16) Landscaping.
  - (a) Attractive landscape plantings shall be provided and maintained.
  - (b) Existing trees shall be retained wherever possible. Removal and preservation of trees shall comply with all applicable regulations of the Township of Hanover and any other entity having jurisdiction.
  - (c) Shade trees shall be evenly distributed within and/or around the perimeter of parking areas at a ratio of at least one tree for each 10 parking spaces, exclusive of spaces located within garages or within driveways providing direct access to garages.
- C. Permitted nonresidential development shall be subject to the following regulations, provided that nonresidential uses accessory to residential development, such as but not limited to clubhouses, shall not be considered nonresidential development for purposes of administering these regulations:
  - (1) Minimum lot area. The minimum lot area shall be five acres.
  - (2) Minimum front yard, buildings.
    - (a) One hundred feet from Route 10.
    - (b) Seventy-five feet from Jefferson Road.
    - (c) Forty feet from any other street right-of-way line.
  - (3) Minimum side and rear yards, buildings. 40 feet.
  - (4) Minimum setback from center line of Stoney Brook: 75 feet (buildings); 50 feet (paved areas). No site disturbance of any kind shall be permitted within 50 feet of the center line of Stoney Brook except for improvements related to passive recreation activities, necessary utility and stormwater improvements other than detention or retention structures and landscaping designed to supplement and be consistent with existing natural vegetation.
  - (5) Maximum height of principal buildings. No building shall exceed 40 feet in height or 2.5 stories.
  - (6) Accessory buildings. Accessory buildings and other roofed accessory structures shall comply with the minimum setback requirements applicable to principal buildings. Accessory buildings shall not exceed two stories or 30 feet in height.
  - (7) Maximum floor area. The floor area of any nonresidential use shall not exceed 7% of the nonresidential lot area in the RM-2 District or 15,000 square feet, whichever is less. Furthermore, the amount of non-residential floor area in the entire RM-2 District shall not exceed 15,000 square feet.
  - (8) Maximum coverage by buildings. The coverage by buildings shall not exceed 7% of the nonresidential lot area in the RM-2 District or 15,000 square feet, whichever is less. Furthermore, the amount of coverage by non-residential buildings in the entire RM-2 District shall not exceed 15,000 square feet.
  - (9)

Maximum coverage by improvements. The coverage by all improvements, including buildings, paved areas and other improvements other than soil, organic mulch and vegetation, shall not exceed 25% of the nonresidential lot area in the RM-2 District or 65,000 square feet, whichever is less. Furthermore, the amount of coverage by nonresidential improvements in the entire RM-2 District shall not exceed 65,000 square feet.

- (10) Buffer requirements. All of the applicable requirements of § 166-125 shall be complied with, except as may be superseded below. All buffer depths shall be measured from and perpendicular to the street right-of-way or residential property line, as applicable.
  - (a) Minimum buffer depth adjacent to single-family detached or two-family residential use or single-family residential zone district: 20 feet.
  - (b) Minimum buffer depth adjacent to Route 10: 80 feet.
  - (c) Minimum buffer depth adjacent to Jefferson Road: 75 feet.
- (11) Parking. The amount and design of on-site parking for nonresidential uses shall be as required for parking in the OB-RL Zone District except when the provisions of the RM-2 Zone District impose more stringent requirements, including but not limited to yard setbacks and buffer requirements.

D. Mixed-use development. In order to encourage the development of affordable housing, mixed-use development on the same lot involving nonresidential and residential uses permitted by this article shall be permitted, excluding single-family detached dwellings, and provided an affordable housing component is included as part of such development as regulated below. The following standards shall apply, in addition to all other applicable requirements of the RM-2 Zone District; provided, however that where the following provisions conflict with other requirements of the RM-2 Zone District, the following standards shall supersede.

[Added 3-11-2010 by Ord. No. 11-10]

- (1) Minimum lot area. The minimum lot area shall be five acres.
- (2) Maximum nonresidential floor area. The floor area of any nonresidential use shall not exceed 7% of the mixed-use lot area in the RM-2 District or 15,000 square feet, whichever is less. Furthermore, the amount of nonresidential floor area in the entire RM-2 District shall not exceed 15,000 square feet.
- (3) Maximum number of dwelling units. The maximum residential density shall be five dwelling units per acre of the lot, but not to exceed 24 dwelling units on the lot. Such density shall be permitted in addition to any nonresidential floor area permitted on the same lot.
- (4) Minimum front yard requirements: 100 feet from Route 10; 75 feet from Jefferson Road; 40 feet from any other street right-of-way line.
- (5) Minimum side and rear yards: 20 feet.
- (6) Maximum height of buildings. No principal building shall exceed 40 feet in height or 2 1/2 stories. No accessory building shall exceed 30 feet in height.
- (7) Maximum coverage by buildings. The coverage by buildings shall not exceed 15% of the lot area, including coverage by any nonresidential buildings on the same lot.
- (8) Maximum coverage by improvements. The maximum coverage by all improvements, including buildings, paved areas and other improvements other than soil, organic mulch and vegetation, shall not exceed 50% of the lot area, including coverage by any nonresidential buildings on the same lot.

- (9) Buffer requirements. All of the applicable requirements of § 166-125 shall be complied with, except as superseded below. All buffer depths shall be measured from and perpendicular to the street right-of-way or property line, as applicable.
  - (a) Minimum buffer depth adjacent to single-family detached or two-family residential use 10: feet.
  - (b) Minimum buffer depth adjacent to Route 10: 80 feet.
  - (c) Minimum buffer depth adjacent to Jefferson Road: 75 feet.
- (10) Minimum dwelling unit gross floor area. Affordable dwelling units shall comply with the floor area guidelines of the New Jersey Council on Affordable Housing.
- (11) Parking location. Parking areas shall comply with the following yard and setback requirements:
  - (a) Minimum setback from Route 10: 100 feet.
  - (b) Minimum setback from Jefferson Road: 75 feet.
  - (c) Minimum setback from other streets, including private streets: 75 feet.
  - (d) Minimum setback from other property lines: 10 feet.
- (12) Affordable housing requirements.
  - (a) At least 20% of the total number of dwelling units shall be affordable dwelling units, provided that there shall be provided at least five affordable dwelling units.
  - (b) All affordable dwelling units shall comply with the applicable rules of the New Jersey Council on Affordable Housing for inclusionary zoning development.

## Chapter 166. Land Use and Development

### Part 5. Zoning

#### Article XXIXC. RM-3 Residence District

[Added 3-11-2004 by Ord. No. 3-2004]

##### § 166-180.9. Purpose and intent.

The purpose and intent of the RM-3 Zone District is to address a need for senior citizen housing and to provide a transition in land use intensity in the location of the zone through the development of age-restricted residential townhouses and single-family dwellings in accordance with appropriate standards.

##### § 166-180.10. Permitted principal uses.

The following principal uses and structures shall be permitted in the RM-3 Zone District:

- A. Townhouse dwellings.
- B. Single-family detached dwelling units.
- C. Open space and recreational uses, public or private, limited to outdoor active and passive recreation facilities such as athletic fields, walking paths and similar uses.
- D. Any use permitted in all zone districts or in all residential zone districts by Chapter 166, Land Use and Development, of the Code of the Township of Hanover.

##### § 166-180.11. Permitted accessory uses.

Permitted accessory uses shall be limited to those uses customarily incidental to the permitted principal uses in the district. Permitted accessory uses to single-family attached developments shall include, but not be limited to, clubhouses, pools, tennis courts and similar personal recreation facilities for the exclusive use of the residents and guests of the development.

##### § 166-180.12. Prohibited uses.

Any use other than the uses permitted by §§ 166-180.10 and 166-180.11 above shall be prohibited.

## § 166-180.13. Lot, bulk, intensity of use and other regulations.

In addition to any other applicable requirements of this chapter or any other applicable requirement, the following requirements shall apply to development within the RM-3 Zone District:

- A. Townhouse dwellings. The development of townhouse dwellings shall be subject to the following requirements:
- (1) Minimum townhouse development area: 10 acres. For purposes of making this calculation, the development area shall include the area of the subject property plus any contiguous property in the RM-3 District containing an existing townhouse development.
  - (2) Maximum tract density: four dwelling units per acre of the tract.
  - (3) Minimum front yard, buildings: 50 feet from public street.
  - (4) Minimum side and rear yards: 25 feet, but 40 feet from a single-family residential zone district.
  - (5) Minimum distance between buildings. The following minimum dimensions shall separate principal buildings:
    - (a) Front wall facing front wall: 80 feet at any point.
    - (b) Front wall facing rear wall: 60 feet.
    - (c) Front wall facing end/side wall: 50 feet.
    - (d) End/side wall facing end/side wall; 25 feet.
    - (e) End/side wall facing rear wall: 30 feet.
    - (f) Rear wall facing rear wall: 40 feet.
    - (g) In case of uncertainty as to the definition of "front," "rear" or "end/side" walls, or in case the angle of the walls facing each other makes interpretation of the required setbacks uncertain, the more restrictive of possible interpretations shall apply.
  - (6) Maximum height of principal buildings. No building shall exceed 35 feet in height or 2 1/2 stories, whichever is less.
  - (7) Accessory buildings. Accessory buildings and other roofed accessory structures shall comply with the minimum setback requirements applicable to principal buildings. Detached accessory buildings shall be located at least 25 feet from residential buildings located in the RM-3 District. Accessory buildings shall not exceed one story or 15 feet in height, whichever is less.
  - (8) Maximum coverage by buildings and improvements. The coverage by buildings shall not exceed 20% of the tract area. The coverage by all improvements, including buildings, paved areas and other improvements other than soil, organic mulch and vegetation, shall not exceed 50% of the tract area.
  - (9) Buffer requirements. All of the applicable requirements of § 166-125 shall be complied with.
  - (10) Maximum dwelling units in building. The number of dwelling units in any townhouse building shall not exceed six units.
  - (11)

Minimum dwelling unit gross floor area: 600 square feet, plus 150 square feet for each bedroom.

(12) Building design.

- (a) Building dimension. The horizontal dimension of buildings shall not exceed 200 feet on any facade.
- (b) Front wall horizontal projection. The front wall of all townhouse buildings shall provide horizontal projections and/or recesses designed to provide visual interest and avoid large blank walls as viewed from the street or internal roadways.
- (c) Front wall material. The front wall of all townhouse and apartment buildings shall be surfaced with at least two different materials, including but not limited to brick, wood, stucco and similar materials. Each material shall comprise at least 25% of the front wall surface area.
- (d) Roof pitch. The minimum roof pitch of all buildings shall be at least 20% (i.e., 1:5).
- (e) Windows and doors. At least 15% of the surface area of each exterior wall of all townhouse buildings shall be comprised of windows and doors, except for side/end walls. Both pedestrian and garage doors shall be included in determining compliance with the foregoing requirement. The wall surface area shall be measured from the ground to the roof eaves, exclusive of gables located above the roof eaves. Walls facing interior courts shall be exempted from this requirement.

(13) Access and circulation. The design of access and circulation improvements serving residential development within the RM-3 District shall be in accordance with the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.).

(14) Parking. The amount and design of on-site parking shall be provided in accordance with the requirements of the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.). In addition, the following provisions shall apply:

- (a) Parking areas shall not be located in the front yard between townhouse buildings and any improved public street. Individual driveways serving townhouses shall not have direct access to a public street, but may have direct access to an internal roadway.
- (b) Buildings shall be located at least 25 feet from internal roadways, driveways and access aisles, except for driveways located in front of garage doors.
- (c) Parking areas and driveways shall be set back at least 20 feet from all property lines abutting a residential zone, and at least 10 feet from all other property lines, except when more stringent requirements may apply pursuant to this chapter.
- (d) Parking areas shall be set back at least 10 feet from building walls, except parking spaces in driveways located in front of garage doors.
- (e) Parking areas shall be set back at least 10 feet from the traveled way of internal roadways, except that parking spaces adjacent to the traveled way and which use the traveled way for direct access to the space shall be exempt from this requirement.

(15) Landscaping.

- (a) Attractive landscape plantings shall be provided and maintained.
- (b)

Existing trees shall be retained wherever possible. Removal and preservation of trees shall comply with all applicable regulations of the Township of Hanover and any other entity having jurisdiction.

- (c) Shade trees shall be evenly distributed within and/or around the perimeter of parking areas at a ratio of at least one tree for each 10 parking spaces, exclusive of spaces located within garages or within driveways providing direct access to garages.
- (16) Occupancy restrictions. All dwelling units within the RM-3 District shall be restricted to occupancy by at least one person 55 years of age or older. In addition, no children under the age of 18 years shall be permitted to reside in such dwelling units on a permanent basis. Appropriate restrictive covenants shall be imposed upon any development within the RM-3 District to ensure compliance with these age restrictions and with the "housing for older persons" exemptions of the Federal Fair Housing Act, 42 USC 3601, et seq.
- B. Single-family detached dwellings. The development of single-family detached dwellings shall be subject to the requirements of the R-15 Zone District and to all requirements of this chapter that generally apply to single-family detached dwellings. In addition, no lot containing or designed to be developed for a single-family detached dwelling shall be located within 300 feet of any nonresidential zone district located on the same side of Horsehill Road as the RM-3 District.

## Chapter 166. Land Use and Development

### Part 5. Zoning

#### Article XXIXD. RM-4 Residence District

[Added 12-19-2005 by Ord. No. 36-2005; amended 12-14-2006 by Ord. No. 30-2006; 8-14-2008 by Ord. No. 18-08]

##### § 166-180.14. Purpose and intent.

The RM-4 District is intended to promote and encourage the redevelopment of the zone for townhouse and/or multifamily housing units, including an affordable housing component.

##### § 166-180.15. Permitted principal uses.

The following principal uses and structures shall be permitted in the RM-4 Zone District:

- A. Townhouses.
- B. Multifamily residential buildings.
- C. Any use permitted in all zone districts or in all residential zone districts by this chapter or by other applicable law.

##### § 166-180.16. Permitted accessory uses.

Permitted accessory uses shall be limited to those uses customarily incidental to the permitted principal use in the district. These may include, but are not limited to:

- A. Community center/clubhouse.
- B. Outdoor active recreational facilities for the exclusive use of the residents in the zone district and their guests.
- C. Off-street parking areas.
- D. Fences, walls, gazebos, mail kiosks and other street furniture.
- E. Signs in accordance with § 166-143 of this chapter.
- F. A structure reserved exclusively for the storage of common area maintenance and recreation equipment.

- G. Detached garages designed and used primarily for the parking of residents' vehicles.

## § 166-180.17. Density, tract, bulk and other regulations.

In addition to any other applicable requirements of this chapter, the following requirements shall apply to development within the RM-4 Zone District:

- A. Minimum tract area. The minimum tract area shall be 12 acres.
- B. Maximum tract density. The maximum density shall not exceed 8.5 units per gross acreage of the tract; provided, however, that the maximum density may be increased to 9.4 units per gross acreage of the tract in order to permit the creation of additional affordable housing units within the district above and beyond that required herein. The foregoing shall not be construed to permit more than 112 market-rate dwelling units within the RM-4 Zone District; any and all housing units in excess of 112 units shall be required to be affordable units.
- C. Minimum tract frontage. The minimum tract frontage shall be 200 feet on an improved public street.
- D. Minimum tract boundary setbacks. The minimum setback from a tract boundary for all principal structures shall be 50 feet to a commercial or industrial zone district and to any public street contiguous with the tract boundary and 25 feet to all other tract boundaries.
- E. Minimum distance between buildings. The following minimum dimensions shall separate buildings; provided, however, that Subsection **E(1)** through **(6)** below shall apply only to the separation of residential buildings from each other and Subsection **E(7)** below shall apply only to the separation of residential buildings and any community center/clubhouse:
  - (1) Front wall facing front wall: 45 feet at any point.
  - (2) Front wall facing rear wall: 50 feet at any point.
  - (3) Front wall facing end/side wall: 45 feet at any point.
  - (4) End/side wall facing end/side wall: 20 feet at any point or one-half the height of the tallest of the buildings being separated, whichever is greater.
  - (5) End/side wall facing rear wall: 30 feet at any point.
  - (6) Rear wall facing rear wall: 45 feet at any point.
  - (7) The minimum distance between any residential building and a detached accessory building shall be 25 feet.
- F. Orientation of buildings to streets and parking areas.
  - (1) All residential buildings shall maintain a minimum setback of 10 feet from the curblineline of any internal street located within the tract boundaries, subject to the limitations set forth herein.
  - (2) The community center/clubhouse building shall maintain a minimum distance of 10 feet from any internal street or parking space, subject to the limitations set forth herein.
  - (3) All buildings shall be located at least 10 feet from any parking space or parking area located in front of or behind the building, and at least five feet from any parking space or parking area located on the side of the building. Excluded from this requirement are parking spaces located within individual driveways that provide direct access to garages which are a part of the same building.

- (4) Where individual unit driveways provide access to garages, and where such driveways provide parking spaces, the length of such driveway shall be at least 20 feet, measured between the building and the traveled way of the internal roadway or parking area to which the driveway connects or, if there is a sidewalk adjacent to the internal roadway or parking area, measured between the building and the sidewalk.
  - (5) No building shall be permitted to have direct driveway access onto Cedar Knolls Road; all driveways providing direct access to buildings shall be connected only to a road, driveway or other way that is internal to the development. Only a single access roadway providing common access for the development shall be permitted from Cedar Knolls Road.
- G. Maximum height of principal buildings. No principal building shall exceed a height of 45 feet and three stories. For purposes of administering this requirement, a parking level located beneath the first habitable floor shall not be considered a story.
- H. Accessory buildings and structures.
- (1) No accessory building, except for a community center/clubhouse, shall be permitted in the front yard. Accessory buildings and structures shall comply with the minimum setbacks from tract boundaries and principal buildings applicable to principal buildings, except as may be specifically provided otherwise herein.
  - (2) Community center/clubhouse.
    - (a) Maximum height: 30 feet and two stories.
    - (b) Maximum gross floor area: 4,000 square feet.
  - (3) Storage structure.
    - (a) Maximum height: 12 feet.
    - (b) Maximum gross floor area shall not exceed 300 square feet.
  - (4) Detached garages.
    - (a) Maximum height: 17 feet.
    - (b) Maximum gross floor area: 1,400 square feet per garage.
- I. Maximum building coverage. The coverage by principal and accessory buildings and structures shall not exceed 25% of the tract area.
- J. Maximum improvement coverage. The coverage by all improvements, including buildings, paved areas and other improved surfaces, shall not exceed 55% of the tract area.
- K. Building design standards.
- (1) Building dimension. The horizontal dimension of buildings shall not exceed 200 feet on any facade.
  - (2) Front wall horizontal projection. At least one story of the front wall of all principal buildings shall provide a horizontal projection or recess of at least four feet perpendicular to such front wall, at intervals of no greater than 30 feet measured parallel to such front wall. Such projections or recesses shall have a horizontal dimension of at least 12 feet, measured parallel to such front wall. The projections or recesses shall extend the full vertical height of the building story.
  - (3)

Front wall material. The front wall of all principal buildings shall be surfaced with at least two different materials, including but not limited to brick, wood, stucco and similar materials. Each material shall comprise at least 25% of the front wall surface area.

- (4) Windows and doors. At least 15% of the surface area of each wall of all townhouse and apartment buildings shall be comprised of windows and doors. Both pedestrian and garage doors shall be included in determining compliance with the foregoing requirement. The wall surface area shall be measured from the ground to the roof eaves, exclusive of gables located above the roof eaves. Walls facing interior courts shall be exempted from this requirement.
  - (5) Minimum gross floor area, market-rate dwelling units:
    - (a) Efficiency: 600 square feet.
    - (b) One-bedroom: 700 square feet.
    - (c) Two-bedroom: 900 square feet.
    - (d) Three-bedroom: 1,050 square feet.
- L. Parking.
- (1) The number and design of off-street parking spaces shall be provided in accordance with the requirements of the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.).
  - (2) At least 50% of the market-rate units shall be required to have available at least one garage parking space dedicated to the use of that unit.
- M. Pedestrian access. Sidewalks shall be provided in accordance with the requirements of the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.). All sidewalks shall be provided with appropriately scaled lighting to ensure public health and safety. Separate walking trails may be permitted as a component of the open space/recreation plan but shall not serve as a substitute for sidewalks.
- N. Landscaping. A landscape plan shall be required to provide the following:
- (1) Off-street parking areas shall be screened from the view of public streets and from adjacent Township property with year-round landscaping and/or decorative fencing. All screening materials shall be subject to Planning Board review and approval.
  - (2) Street trees shall be installed on both sides of all streets planted at a distance not to exceed 40 feet on center, except where such spacing is not feasible due to the location of approved driveways and on-street parking areas. Trees shall be spaced evenly along the street within a planting strip not less than eight feet in width.
  - (3) The interior and outer edge of stormwater basins shall be planted in a manner so as to simulate a natural woodland. The ground plane shall be seeded with a naturalization, wildflower and/or wet meadow grass mix. All woody and herbaceous plants shall be species indigenous to the area and/or tolerant to typical wet/dry floodplain conditions.
  - (4) A landscape buffer, consisting of a combination of deciduous trees, conifers, shrubs, berms and, if appropriate, fences or walls in sufficient quantities and sizes to create a year-round screen, shall be provided with a minimum depth of 25 feet between any buildings, parking areas and other public use areas and any commercial or industrial zone district and any public street contiguous with the tract boundary and with a minimum depth of 10 feet between such areas and all other tract boundaries. An enhanced buffer beyond the minimum standard may be required by the Planning Board if it determines that the minimum requirements are not

sufficient to provide adequate protection from the adverse impacts of factors external to the development site, including, but not limited to, noise and the visual impact of incompatible land uses.

- O. Utilities. The developer shall arrange with the servicing utility for the underground installation of the utilities' distribution supply lines and service connections.
- P. Trash storage areas. Trash and recycling storage areas shall be required to comply with the Township's recycling regulations and with the model ordinance promulgated by the New Jersey Department of Environmental Protection and Department of Community Affairs pursuant to § 2 of P.L. 1993, c. 81 (N.J.S.A. 13:1E-99.13a), regarding the inclusion of facilities for the collection or storage of source-separated recyclable materials.
- Q. Phasing plan. The developer shall submit a phasing plan for approval by the Planning Board. Each phase shall be designed to provide fully functional facilities to provide for the health, safety and comfort of the residents. These shall include, but are not limited to, stormwater management, utilities, vehicular and pedestrian circulation and landscaping for the phase in question. A community center, if approved, and all exterior recreational facilities shall be constructed and available for use by the residents no later than the point where 50% of the certificates of occupancy of the total approved residential units in the entire development have been approved.

## § 166-180.18. Affordable housing obligation.

- A. Required number of affordable units. Development within the RM-4 Zone District shall be required to provide at least 14 affordable housing units within the district. In addition, additional affordable units shall be required if the Township or another developer subsidizes the cost of such units, in accordance with the following procedure:
  - (1) Prior to filing a development application with the Planning Board or Board of Adjustment, the developer of any housing units within the district shall notify by certified mail the Township Administrator of his/her intent to file the application.
  - (2) The Township shall within 45 days of the mailing of such notice indicate whether or not it or another developer is interested in subsidizing the creation of additional affordable units in the development.
  - (3) If the Township fails to respond within 45 days, or indicates that it or another developer is not interested in subsidizing additional affordable units, the developer may proceed to file the development application and shall not be required to construct additional affordable units.
  - (4) If the Township or another developer indicates within the required 45 days a willingness to subsidize additional affordable units, the developer shall be required to negotiate the amount and terms of the subsidy with the Township or other developer, as applicable. If the parties cannot reach an agreement of the terms of the subsidy within 60 days of the notice of an interest in providing the subsidy, or any extension of such time that may be granted by the developer, the developer may proceed to file the development application and shall not be required to construct additional affordable units.
- B. Compliance with COAH rules. All affordable housing units shall be required to comply with all applicable rules of the New Jersey Council on Affordable Housing.
- C. Phasing requirements. Affordable housing units shall be built in accordance with the following schedule:

**Percentage of Market-Rate  
Units Completed**

**Minimum Percentage of Low- and  
Moderate-Income Units Completed**

**Percentage of Market-Rate  
Units Completed**

25  
25 + 1 unit  
50  
75  
90

**Minimum Percentage of Low- and  
Moderate-Income Units Completed**

0  
10  
50  
75  
100



Community Planning  
Land Development and Design  
Landscape Architecture

**B U R G I S**  
A S S O C I A T E S , I N C .

Principals:

*Joseph H. Burgis PP, AICP*  
*Edward Snieckus, Jr. PP, LLA, ASLA*

## SUPPLEMENT TO MATRIX SUMMARY OF PLAN FOR TOTAL FAIR SHARE OBLIGATION

TOWNSHIP OF HANOVER  
MORRIS COUNTY, NEW JERSEY

PREPARED: JANUARY 15, 2016

BA# 3071.01

## The Township's Historic Response to Its Affordable Housing Obligations

The Township of Hanover has moved affirmatively to satisfy its affordable housing obligation over the years. The Township was granted a final Judgment of Compliance and Repose from Honorable Stephen Skillman, JSC on March 11, 1988. The Township's obligation was 250 units, all new construction. The Judgment of Compliance and Repose included zoning on five sites to address the 250 unit first round obligation. The community implemented an RM Residential Multifamily District zone to permit townhouse, garden apartment and other housing types to be constructed with a 22 percent setaside for low and moderate income housing.

Then, in 1994, COAH issued new housing-need numbers for the combined first and second round period between 1987 and 1999. Hanover was assigned a precertified need of 366 units, inclusive of a 355-unit new construction obligation 11-unit rehabilitation share. This number was ultimately reduced to 83 after credits and reductions for zoning in place. The calculated need of 83 units consisted of 72 new construction units and 11 rehabilitation units. The Township's second round Housing Element & Fair Share Plan (adopted July 22, 1997) addressed a twelve year cumulative obligation for the years 1987-1999. The Township petitioned COAH on August 28, 1997 and published notice on September 22, 1997. No objections were received and COAH granted substantive certification on August 4, 1999.

The prior round plan components are summarized in the accompanying table. As shown, each of these plan components have been fully implemented.

Table 1: Prior Round Plan Components

Plan Component	# of Units	Status
<b>Inclusionary</b>		
Hanover Hills	165 units, including 39 affordable, condo	Complete.
Sunrise at Hanover	155 units, including 32 affordable, condo	Complete.
Eden Mill Village	298 units, including 66 affordable, condo	Complete.
Oak Ridge at Hanover	210 units, including 50 affordable, condo	Complete.
Sterling Parc (Formerly Cedar Glen at Hanover)	316 units, including 64 affordable rentals (56 age restricted, 8 family)	Complete.
Jewish Metrowest I	175 units total including 36 affordable age restricted rental	Complete.
<b>Special Needs/Supportive Housing</b>		
Longview ARC Group Home	4 bedrooms	Complete.
Horse Hill I Group Home	6 bedrooms	Complete.
Horse Hill II Group Home	6 bedrooms	Complete.
Mountain Ave Group Home	5 bedrooms	Complete.
<b>Rental Bonus Credits</b>		
Sterling Parc Rental Bonus	26 (18 age restricted + 8 family)	Complete.
Jewish Metrowest I	3 age restricted	Complete.
Group Homes	15	Complete
<b>RCA</b>		
City of Orange Twp	9	Complete.
<b>Total</b>	<b>361</b>	<b>Complete</b>

In December 2004, COAH adopted new substantive (N.J.A.C. 5:94) and procedural (N.J.A.C. 5:95) rules to address the Third Round period. Subsequently, in May 2008, COAH proposed revised procedural (N.J.A.C. 5:96) and substantive (N.J.A.C. 5:97) rules for the Third Round period. However, as detailed above, the 2004 regulations were challenged and, in 2007, various aspects of those regulations were invalidated by the Appellate Division.

The Township adopted a Housing Element & Fair Share Plan on September 28, 2010 to address this first iteration of Third Round Rules, and subsequently petitioned COAH for Substantive Certification on October 27, 2010. The Petition was deemed complete by COAH on December 7, 2010 and no objections were filed.

Although the Township filed its Petition for Substantive Certification with COAH on October 27, 2010 and was deemed complete on December 7, 2010, the Third Round methodology based upon growth share was subsequently invalidated and the Township never received Substantive Certification of its new third round

plan. See In re Adoption of NJAC 5:96 & 5:97, 215 NJ 578 (2013).

In response to In re Adoption of N.J.A.C. 5:96 & 5:97 ex rel. New Jersey Council on Affordable Hous., 221 N.J. 1 (2015) ("Mount Laurel IV"), the Township filed a Declaratory Judgment action on July 2, 2015, along with a simultaneous motion for temporary immunity.

### The Fair Share Affordable Housing Obligation

The state of the Third Round affordable housing obligations for municipalities throughout New Jersey at present remains a fluid one, given the fact that neither the Courts, COAH, nor the legislature has come up with a definitive set of housing-need numbers that has been universally accepted. Initially, two sets of numbers were promulgated and widely discussed, inclusive of numbers in COAH's proposed 2014 regulations prepared by Dr. Robert Burchell of Rutgers University, and numbers prepared by David Kinsey, P.P., A.I.C.P. in April 2015 on behalf of Fair Share Housing Center ("FSHC"). Their statewide numbers varied dramatically, with Dr. Burchell estimating the need for approximately 52,000 affordable housing units statewide, and Mr. Kinsey estimating the need for approximately 201,000 affordable housing units statewide.

In June 2015, the Township of Hanover, along with roughly 270 other New Jersey municipalities, entered into a Shared Services Agreement ("SSA") to retain Rutgers University so that Dr. Burchell could prepare an expert report containing updated fair share calculations for all municipalities, which contract required Rutgers to submit the report by September 30, 2015. Before Dr. Burchell finalized a draft of his report, he suffered a stroke and, on September 11, 2015, Rutgers University, referencing this health crisis, terminated the contract with the municipalities in the SSA.

In an effort to address this unforeseen problem, the consortium of municipalities then entered into a contract with Econsult Solutions, Inc. ("Econsult") to prepare a second report – the "Solutions Report" – which would calculate fair share obligations for all of the municipalities in the state. This report was released on December 30, 2015. A review of the Econsult report reveals that the fair share obligation numbers set forth for Hanover Township are as follows:

	<u>Econsult</u>
1. Rehabilitation (Present Need) Obligation:	28
2. Prior Round Obligation (1987-99):	356
3. Prospective Need Obligation (2015-25):	153
<i>Total Fair Share Obligation:</i>	<i>537</i>

Significantly, the Econsult numbers reflect the fact that Hanover Township is constrained by environmentally sensitive features and as such contains minimal developable land, whereas Kinsey's numbers do not apparently acknowledge this fact. For this reason, as well as others, the Township's plan at this time relies upon the Econsult report for its preliminary numbers only. It is recognized that there most likely will be an adjustment to all of the numbers contained in this document after the fair share numbers are adjudicated by the Court and final numbers are assigned.

## Plan Components

The following sections identify the manner in which the Township's fair share affordable housing obligations, as discussed above, are to be addressed. Note that we are utilizing Econsult's December 30, 2015 numbers until there is a final determination on the Township's affordable housing obligation.

1. **Rehabilitation Share**: The Township intends to satisfy its 28-unit rehabilitation (present need) obligation through participation in the Morris County Housing Rehabilitation Program and with funding from Hanover's affordable housing trust fund.
2. **Prior Round Obligation (1987-1999)**: As noted above, the total number of affordable units completed in accordance with the Township's Prior Round Plan actually exceed the number required. Any units exceeding the Prior Round Obligation can be applied to the Third Round.

Based on a minimum 25 percent rental obligation, maximum 25 percent age-restricted and rental bonus limitations, the Township proposes to utilize the following existing developments for its prior round obligation. The following table details those plan components that will be assigned to the Township's Prior Round Obligation.

Table 2: Plan Components Addressing Prior Round Obligation

Plan Component	# of Units	Status
<i>Inclusionary Development:</i>		
Hanover Hills	39	Completed
Sunrise at Hanover	32	Completed
Eden Mill Village	66	Completed
Oak Ridge at Hanover	50	Completed
Sterling Parc (rentals)	64 (56 age-restricted + 8 family)	Completed
Jewish Metrowest I (rentals)	30 (age-restricted)	Completed
<i>Special Needs/Supportive Housing:</i>		
Longview ARC	4	Completed
Horse Hill I	6	Completed
Horse Hill II	6	Completed
<i>Rental Bonus Credits:</i>		
Sterling Parc	26 (18 age-restricted + 8 family)	--
Jewish Metrowest I	10 (age-restricted)	--
Horse Hill I	6	--
Horse Hill II	6	--
Longview ARC	4	
<i>RCA:</i>		
City of Orange Twp.	9	Completed
<b>Total</b>	<b>358 (surplus)</b>	

3. **Prospective Need Obligation (2015-2025):** Econsult’s report assigns Hanover a total third round (Prospective Need) obligation of 153 for the period extending from 2015 to 2025. The Township proposes to address this obligation via surplus credits from the Prior Round, additional affordable housing completions that were not part of the Prior Round Plan, as well as rental bonus credits permitted in accordance with COAH’s Second Round rules. These components are detailed in the accompanying table.

Table 3: Plan Components Addressing Third Round Obligation

Plan Component	# of Units	Status
<i>Inclusionary Development:</i>		
Jewish Metrowest I (rentals)	6 (age-restricted)	Completed
Woodmont/Cedar Knolls (rentals)	14	Completed
<i>100% Affordable Development:</i>		
Ingerman/Saddlebrook (rentals)	78	Completed
<i>Special Needs/Supportive Housing:</i>		
Mountain Ave Group Home	5	Completed
Allegro School	4	Completed
Whippany Jewish Assoc.	4	Completed
Eden Lane ARC	6	Completed
Rose House	12	Completed
<i>Rental Bonus Credits:</i>		
Woodmont/Cedar Knolls	14	--
Ingerman/Saddlebrook	25	--
<b>Total</b>	<b>168 (surplus)</b>	<b>--</b>

As shown above, 11 of the units not included in the Prior Round have been applied to the Township’s third round (Prospective Need) obligation. This includes 6 age-restricted rental units completed as part of the Jewish Metrowest I development, and 5 excess units/bedrooms in the Mountain Avenue Group Home carried over from the Prior Round.

Also, in addition to satisfying the Prospective Need of 153 units, the Township has 15 excess credits from existing group homes that can be applied toward future obligations.



Township of Parsippany-Troy Hills

Township of East Hanover

Borough of Florham Park

Township of Morris

Sunrise at Hanover

Jewish Metrowest I

SterlingParc

Morris Plains Borough

Horse Hill I & II

Hanover Hills

Eden Mill Village

Longview ARC

Oak Ridge at Hanover

Source 1: Parcel data from NGIN Ware house, Morris County.  
Source 2: Zoning data from Township of Hanover Zoning Map  
Source 3: Affordable Housing Site data from Township of Hanover

Doc Title

Affordable Housing Sites - Prior Round Obligation



**BURGIS ASSOCIATES, INC.**  
COMMUNITY PLANNING | LAND DEVELOPMENT AND DESIGN | LANDSCAPE ARCHITECTURE  
p. 201.666.1811  
25 Westwood Avenue  
Westwood, New Jersey 07675

Project Title  
**Housing Plan**

TOWNSHIP OF HANOVER, MORRIS COUNTY, NEW JERSEY

Legend

- Municipal Boundary
- Affordable Housing Sites
- Existing Zoning
- Parcels

Project No.	3071.01	Date	01.01.15	Drawn	DN/TB
Scale	1" = 3,000'	Drawn By	ahs2	2015 COPYRIGHT EA - NOT TO BE REPRODUCED	



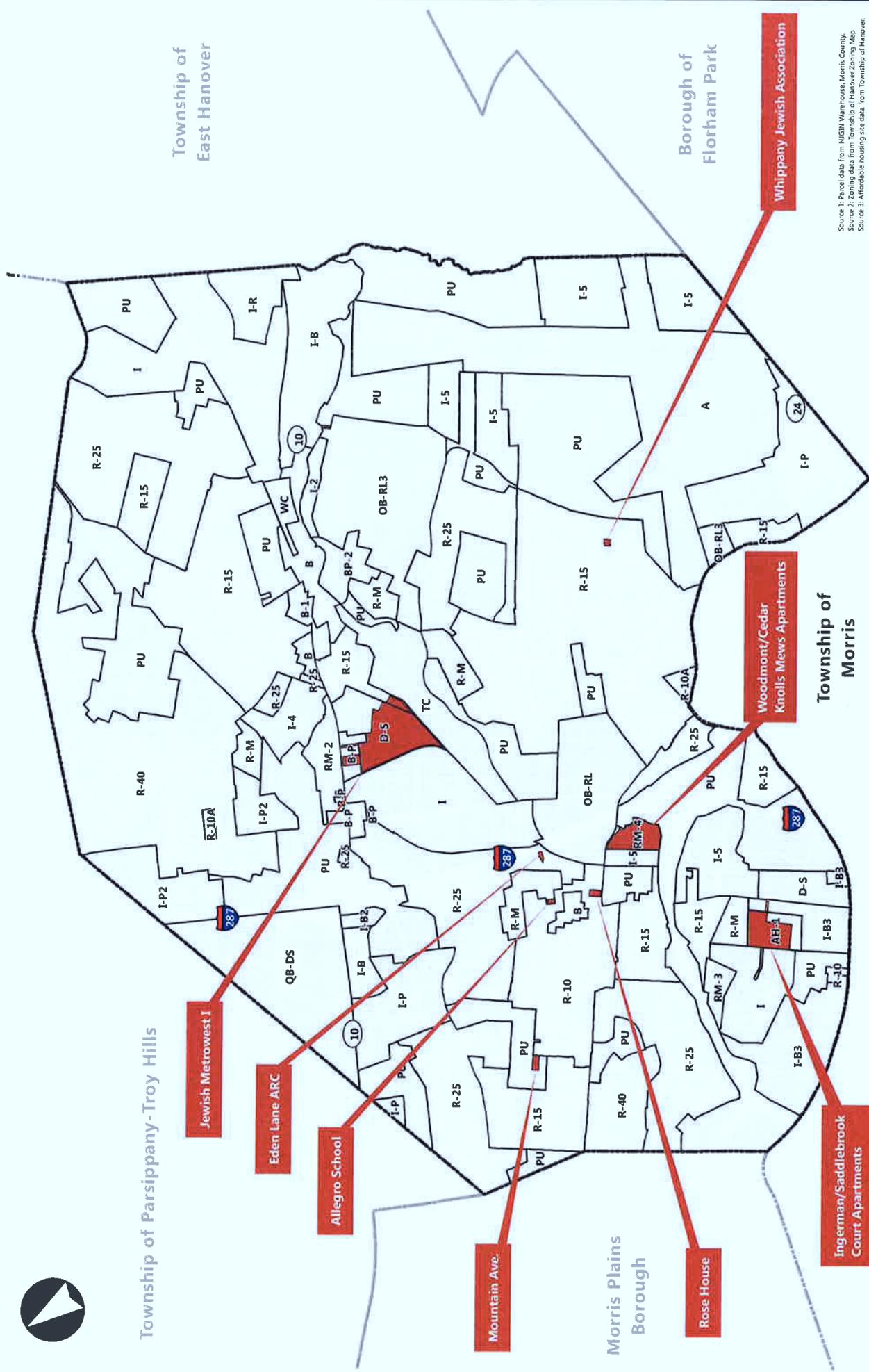
Township of Parsippany-Troy Hills

Township of East Hanover

Borough of Florham Park

Township of Morris

Morris Plains Borough



Source 1: Parcel data from NGIN Warehouse, Morris County.  
Source 2: Zoning data from Township of Hanover Zoning Map  
Source 3: Affordable housing site data from Township of Hanover.

**Legend**

- Municipal Boundary
- Existing Zoning
- Parcels
- Affordable Housing Sites

Project No.	3071.01	Date	01.01.15	Drawn	DN
Scale	1" = 3,000'		Dwg. No.	ahs	

**Affordable Housing Sites - Third Round**

**Housing Plan**

Project File: TOWNSHIP OF HANOVER | MORRIS COUNTY, NEW JERSEY

**BURGIS ASSOCIATES, INC.**  
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Township of Hanover  
**SUMMARY OF PLAN MUNICIPALITY:**  
**FOR**  
**TOTAL FAIR SHARE OBLIGATION**  
**COUNTY: Morris**

	EST. OBLIG.	COMPLETED UNITS	PROPOSED UNITS	LOW	MOD	VERY LOW	TOTAL UNITS
<b>Rehabilitation Share (per 2010 Census)</b>	28						
Rehabilitation Credits							
Rehab Program(s)			28				28
<b>Remaining Rehabilitation Share</b>							<b>0</b>
<b>Prior Round Obligation (1)</b>	356						
Vacant Land Adjustment (if applicable)	--						
<b>Unmet Need</b>	--						
<b>RDP</b>	--						
<b>Mechanisms (2)</b>							
Prior Cycle Credits (4/1/80-12/31/86)							
Credits without Controls							
Inclusionary Zoning		281		141	140		281
100% Affordable							
Accessory Apartments							
Write Down-Buy Down/Market-to-Affordable							
Alternative Living/Supportive & Special Needs		16				16	16
Assisted Living							
RCA Units (previously approved)		9		--	--		9
Compliance Bonus							
Rental Bonuses		52		--	--		52
<b>Total Prior Round Credits</b>		358		141	140	16	358
<b>Remaining Prior Round (Obligation) or</b>							<b>0</b>
<b>Third Round Projected Obligation (1)</b>	153						
<b>Mechanisms (2)</b>							
Vacant Land Adjustment (if applicable)	--						
<b>Unmet Need</b>	--						
<b>RDP</b>	--						
Inclusionary Zoning		20		10	10		20
Redevelopment							
100% Affordable		78		22	39	17	78
Accessory Apartments							
Market-to-Affordable							
Supportive & Special Needs/ Alternative Living		31		6	6	19	31



**Summary of  
Inclusionary/Redevelopment  
For Prior Round Obligation**

MUNICIPALITY: Hanover

Total Affordable Units: 297

COUNTY: Morris

Total Affordable Credits: 52 (bonus)

(Provide a narrative description and specify the number of proposed units associated with each project, site or zone on the form below)

Name of Project, Site or Zone (1)	Implementation Priority	Block/Lot(s)	Gross Acres	Net Acres (2)	Density (3)	Project and Site Suitability Criteria					Total Units	ZONING (4)  Y-Yes or N-No	Affordable Units						Tenure (Note R-Rental or S-Sale)	Rental Bonuses		
						Approvable (local/ State approval status?)	Available (clear title?)	Developable					Suit-able	Low (#/%)		Moderate (#/%)		Very Low (#/%)		Age-Restricted	Family	
								WATER	SEWER	WQMP				AR (5)	NAR (6)	AR	NAR	AR				NAR
Hanover Hills	Built	1502/21	13.28	10.16	16.24						165	Y		20		19			S			
Sunrise at Hanover	Built	9101/17	14.36	14.36	10.79						155	Y		16		16			S			
Eden Mill Village	Built	4402/14	24.72	22.52	13.23						298	Y		33		33			S			
Oak Ridge at Hanover	Built	4301/2	17.45	13.79	15.23						210	Y		25		25			S			
Sterling Parc (formerly Cedar Glen at Hanover)	Built	2503/62701/23	22.76	22.76	13.93						316	Y	28	4	28	4			R	18	8	
Jewish MetroWest I	Built	4001/9	37.45	30.00	6.00						175	Y	15		15				R	10		
Longview ARC	Built	5302/21	0.34	0.34	11.76						4	Y					4		R		4	
Horse Hill I	Built	601/5	1.60	1.60	3.75						6	Y					6		R		6	
Horse Hill II	Built	601/5.01	1.60	1.60	3.75						6	Y					6		R		6	
<b>TOTALS</b>											1,340		43	98	43	97		16		28	24	

(1) Attach narrative for each site. (2) less environmentally sensitive lands and easements. (3) Units/net acre (4) Zoned for affordable housing? (5) Age-Restricted (6) Not Age-Restricted

"Approvable site" means a site that may be developed for low and moderate income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low and moderate income housing. "Available site" means a site with clear title, free of encumbrances which preclude development for low and moderate income housing. "Developable site" means a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable areawide water quality management plan (including the wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP. "Suitable site" means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.

**Summary of  
Inclusionary/Redevelopment  
For 2015-2025 Fair Share Obligation**

MUNICIPALITY: Hanover

Total Affordable Units: 129

COUNTY: Morris

Total Affordable Credits: 39 (bonus)

(Provide a narrative description and specify the number of proposed units associated with each project, site or zone on the form below)

Name of Project, Site or Zone (1)	Implementation Priority	Block/Lot(s)	Gross Acres	Net Acres (2)	Density (3)	Project and Site Suitability Criteria				Total Units	ZONING (4) Y-Yes or N-No	Affordable Units						Tenure (Note R-Rental or S-Sale)	Rental Bonuses			
						Approvable (local/State approval status?)	Available (clear title?)	Developable				Suitable	Low (#/%)		Moderate (#/%)		Very Low (#/%)		Age-Restricted	Family		
								WATER	SEWER				WQMP	AR (5)	NAR (6)	AR	NAR				AR	NAR
Jewish MetroWest I	Built	4001/9	37.45	30.00	6.00						175	Y	3		3			R				
Woodmont/Cedar Knolls Mews	Built	2302/2	14.66	9.20	13.70						126	Y		7		7		R		14		
Ingerman/Saddlebrook Ct.	Built	1702/12.02	15.52	2.86	27.27						78	Y		22		39		R		25		
Mountain Ave	Built	908/10	1.08	1.08	4.63						5	Y					5	R				
Allegro School	Built	2503/6.02	0.37	0.37	16.22						4	Y					4	R				
Whippany Jewish Assoc	Built	5304/12	0.47	0.47	8.51						4	Y					4	R				
Eden Lane	Built	2601/1	0.89	0.89	6.74						6	Y					6	R				
Rose House	Built	2501/17	0.86	0.86	13.95						12	Y		6		6		R				
<b>TOTALS</b>	All Built										410	Y	3	35	3	52		36		39		

(1) Attach narrative for each site. (2) less environmentally sensitive lands and easements. (3) Units/net acre (4) Zoned for affordable housing? (5) Age-Restricted (6) Not Age-Restricted

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## TOWNSHIP OF HANOVER AFFORDABLE UNITS\*

PROJECT	V			TOTAL
	LOW	LOW	MOD	
<b>Inclusionary - Sale</b>				
Sunrise		18	14	32
Eden Lane		33	33	66
Hanover Hills		19	20	39
OakRidge		25	25	50
<b>SUBTOTAL</b>	<b>0</b>	<b>95</b>	<b>92</b>	<b>187</b>
<b>Inclusionary - Rental</b>				
MetroWest - Age Restricted		18	18	36
Sterling Parc - Age Restricted		47	9	56
Sterling Parc - Family		8	0	8
Woodmont Knolls	2	6	6	14
<b>SUBTOTAL</b>	<b>2</b>	<b>79</b>	<b>33</b>	<b>114</b>
<b>100% Affordable - Rental</b>				
Saddlebrook Court	12	28	33	73
<b>SUBTOTAL</b>	<b>12</b>	<b>28</b>	<b>33</b>	<b>73</b>
<b>Special Needs/Supportive - Rental</b>				
Saddlebrook Court	5			5
Rose House		12		12
Allegro School	6			6
Whippany Jewish Assoc	4			4
Mountain Ave ARC	5			5
21 Longview ARC	4			4
Eden Lane ARC	6			6
Horse Hill I ARC	6			6
Horse Hill II ARC	6			6
<b>SUBTOTAL</b>	<b>42</b>	<b>12</b>	<b>0</b>	<b>54</b>
<b>TOTAL</b>	<b>56</b>	<b>214</b>	<b>158</b>	<b>428</b>

*\*Provided by Hanover Township Planner & Municipal Housing Liaison on 3/3/16*