

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL SPECIAL MEETING  
HELD ON DECEMBER 30, 2004.

The meeting was called to order by Mayor Armstrong at 6:30 P.M. with the opening statement that the meeting had been duly advertised and met all the requirements of the Sunshine Law. Also present were: Deputy Mayor Ross, Councilwoman Hamilton, Councilman Kievit, and Manager Marianne Smith

**SALUTE THE FLAG:**

**ORDINANCES:**

**2nd READING: 2004-12**

ORDINANCE OF THE TOWNSHIP COUNCIL  
OF THE TOWNSHIP OF HARDYSTON  
AMENDING SECTION 90.1 ENTITLED  
"LOW AND MODERATE INCOME HOUSING"  
CHAPTER 185 ENTITLED "ZONING" TO  
INCREASE THE HOUSING TRUST FUND FEE  
AND ADD AFFORDABLE HOUSING  
REQUIREMENTS IN ALL ZONES AND FOR ALL  
BUILDING PERMITS AND CERTIFICATES OF  
OCCUPANCY AND FOR ALL SUBDIVISIONS,  
SITE PLANS AND VARIANCES

WHEREAS, the Council on Affordable Housing has promulgated draft regulations which indicate that the Council is adopting a formula known as "growth share" as the method of calculating each municipality's future fair share under the Mt. Laurel II and Fair Housing Act doctrines; and

WHEREAS, the purpose of the growth share formula as promulgated by COAH is to promote production of affordable housing and affordable housing funds in lieu of construction as a function of growth occurring in municipalities based upon certificates of occupancy issued after January 2004; and

WHEREAS, the Township of Hardyston is expecting to experience some growth in the next decade which will result in a substantial growth share requirement for the Township; and

WHEREAS, the Planning Board of the Township of Hardyston has recommended this ordinance to the Township Council and finds it to be consistent with the Master Plan of the Township of Hardyston.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Hardyston as follows:

**SECTION 1.** Article XXI, Section 185-90.1D, entitled "Affordable housing development fees," is hereby amended to read,

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- (1) Imposition of fees.
  - (a) Mandatory participation, Residential, Commercial and Industrial. Any developer of commercial and/or industrial property in the Township shall have the responsibility to participate in the Township's efforts to provide its fair share of lower-income housing. Mandatory commercial and/or industrial development fees shall be .50% of the equalized assessed value for commercial and/or industrial development. Mandatory residential development fees shall be 1% of the equalized assessed values for residential development for any new development approved after December 1, 2004.

**SECTION 2.** Section 185-90.1 entitled "Low and Moderate Income Housing" is hereby amended to include the following new subsection:

**F. Growth Share Housing Requirements:**

All subdivisions, site plans and variances reviewed and approved by the Planning or Zoning Board, and all building permits and certificates of occupancy for structures shall be required to provide for construction of affordable housing units or funds in lieu of construction of the affordable housing units. The affordable housing requirement shall, at a minimum, include one housing unit or pro rata portion thereof for every eight residential units proposed and one affordable housing unit or funds in lieu thereof for every 25 new jobs as calculated based upon the formulas established by the Council on Affordable Housing. For payment in lieu of construction, the cost of the affordable housing unit shall be the estimated cost of construction of an affordable housing unit as determined by the Township Engineer. This affordable housing requirement shall apply to all building permits and certificates of occupancy issued based upon Board approvals adopted after December 1, 2004, and to any extensions and amendments to existing site plans or subdivision approvals. For each individual, residential, commercial or industrial building permit and each individual certificate of occupancy issued after December 1, 2004 which does not require a subdivision or site plan approval, the applicant for the building permit or certificate of occupancy shall pay into the Housing Trust Fund of the Township a pro rata share of an affordable housing unit based upon the number of housing units over eight in the case of residential building permits or certificates of occupancy, or the number of employees over 25 in the case of non-residential building permits or certificates of occupancy. If low and moderate units are constructed or funded in lieu of construction in accordance with this subsection F, then the percentage housing trust fund fee in Section 90.1 D(1) above shall not apply. This section shall not apply to building permits issued for changes or additions to an existing residential, commercial or industrial structure which does not require a subdivision or site plan approval.

**SECTION 3. Severability.**

If any section, paragraph, subdivision, clause or provision of this ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision, and the remainder of this ordinance shall be deemed valid and effective.

**SECTION 4. Repealer.**

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

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**SECTION 5.** This ordinance shall take effect within twenty (20) days of the date of adoption hereof.

A motion was made by Kievit to approve Ordinance 2004-12 on second reading, seconded by Ross. All in favor with Hamilton voting “no”. Motion carried.

**PUBLIC PORTION:** A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

**ADJOURNMENT:** A motion was made by Hamilton to adjourn, seconded by Kievit. All in favor. Motion carried.

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Jane Bakalarczyk, RMC  
Municipal Clerk