

**AMENDMENT TO THE LAND USE ELEMENT OF
OF THE MASTER PLAN**

Hardyston, Sussex County, New Jersey

HARDYSTON TOWNSHIP PLANNING BOARD

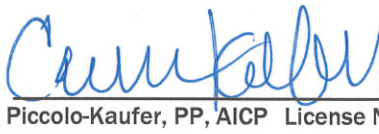
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The original of this document was signed and sealed
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TABLE OF CONTENTS

	PAGE
CHAPTER 1. INTRODUCTION	- 2 -
CHAPTER 2. THE NECESSITY FOR AMENDING HARDYSTON'S MASTER PLAN	- 3 -
A. Description of the Study Area	- 3 -
B. Planning and Zoning History of the Study Area	- 6 -
C. The Development History of the Study Area	- 7 -
CHAPTER 3. PROPOSED REZONING OF THE SUBJECT PROPERTY	- 10 -
A. Overview	- 10 -
B. Benefits of the Proposed Rezoning	- 10 -
C. Parameters of the Proposed Rezoning	- 14 -
D. Advancement of the Township of Hardyston Master Plan Goals and Objectives	- 16 -
E. Affordable Housing	- 16 -
F. Advancement of the Purposes of the Municipal Land Use Law	- 17 -
CHAPTER 4. SUMMARY AND CONCLUSION	- 18 -

LIST OF FIGURES

Figure 1: Tax Map	4
Figure 2: Aerial Map	5
Figure 3: Current Zoning Map	8
Figure 4: Proposed Land Use Plan	11

CHAPTER 1 INTRODUCTION

The purpose of this Amendment to the Land Use Element of the Township of Hardyston Master Plan is to guide the development of the remaining undeveloped portion of a large parcel of land ("Study Area") within the Township known as "Ridgefield Commons." Development has been stalled for the past 8 or 9 years. However, the economic recovery and a recent change of ownership has provided an opportunity to foster the completion of development within the Study Area in a manner which may benefit the existing residents within the Study Area, the neighboring property owners, and the entire Township.

The Study Area consists of two parcels, originally identified as Lot 2.01 and 2.08 of Block 67 on the Hardyston tax map, that comprise 84.6 acres in size and are located in the western portion of the Township. After several zone changes and site plan approvals dating back to the late 1980s, 112 townhouses were built on a portion of the property between 2005 and 2006. The project came to a standstill over the recent recession. After changing hands in 2013, a small number of additional townhouses have been completed. The Township now has the opportunity to reexamine and revise the existing zoning in manner that will encourage the development's successful completion while simultaneously promoting many the goals and objectives of the Master Plan.

Chapter 2 of this amendment summarizes the planning and development history of the Study Area. Chapter 3 sets forth the Township's vision for its future development and provides a detailed framework for a potential rezoning of the property to implement the Township's planning objectives. Chapter 4 provides a summary of and conclusion to the Master Plan Amendment.

CHAPTER 2. THE NECESSITY FOR AMENDING HARDYSTON'S MASTER PLAN

A. Description of the Study Area

The Study Area consists of two parcels, originally identified as Lot 2.01 and 2.08 of Block 67 on the Hardyston tax map, that comprise 84.6 acres in size and are located in the western portion of the Township. The Study Area is highlighted on the Township's tax maps in Figure 1. Access to the Study Area is provided via Wits End Road to the developed southern portion of the Study Area, and via Shady Lane and Wits End Road to the undeveloped eastern portion of the Study Area. Wits End Road provides access to Route 94 located to the southeast of the Study Area.

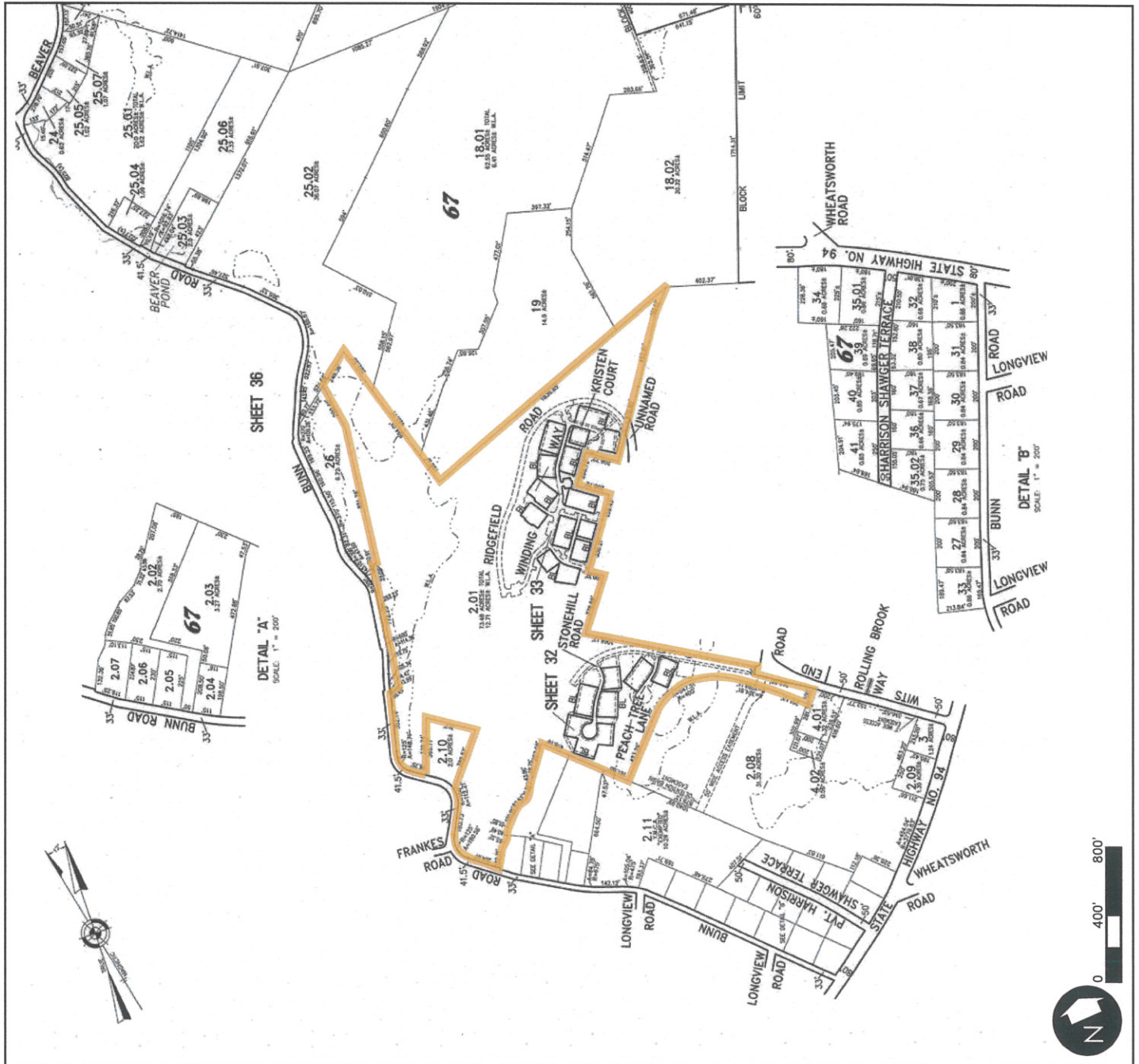
As shown on the aerial photograph in figure 2, the eastern portion of the Study Area, and the southern portion of the Study Area are developed with townhouses as part of the Ridgefield Commons condominium. The southern portion consists of 38 townhouses off Stone Hill Court and Peach Tree Lane. The eastern portion consists of 93 townhouses, developed off a central roadway (Ridgefield Road), with townhouses located along Ferndale Lane, Winding Way, Kirsten Court, Highview Knoll, Virginia Drive, Crestmont Court and Brookview Lane. The remainder of the Study Area (the "western portion"), which lies to the west and north of these developed portions, is undeveloped. Within the undeveloped "western portion," the northern part is environmentally constrained and is wooded, while the remaining southern portion is cleared of vegetation and has been regraded.

The Study Area falls within two different zoning districts (see Figure 3). The southern portion, which contains the 38 existing townhouses, is located within the R-4 Medium Density Residential Zone. The remainder of the property, which includes the 93 existing townhouses in the eastern portion, and both the environmentally constrained and cleared but undeveloped western portion, are located within the MIDD-3 Minimum Impact Development District. The R-4 Medium Density Residential Zone is the zoning district under which the entire Study Area received its original site plan approval in 1989 for a project originally known as Walden Village-Upper Section and later came to be known as Ridgefield Commons in 2003. The existing site plan approval is for a total of 303 townhouses. The MIDD-3 District, which encompasses most of the Study Area including the undeveloped portion, permits only detached single family dwellings, farms, cluster development, parks and municipal uses.

A multi-family residential rental development known as Carlton Village is located immediately east of the Study Area. Single-family residential properties are located to the south and east of the Study Area along Bunn Road. Wooded areas border the Study Area to the west and north. Generally, the surrounding area is devoted to residential uses or is undeveloped. The YMCA of Sussex County and several small strip retail centers are located to the east of the site closer to Route 94. Properties located to the south and west of the Study Area are also located in the MIDD-3 zone; properties to the north and east are located in the R-4 Medium-Density Residential zone.

Hardyston Township Sussex County, New Jersey

Figure 1:
Tax Map Showing the
Land Use Amendment Study Area



Hardyston Township
Sussex County, New Jersey

Figure 2:
Aerial Photograph Showing the
Context Surrounding the
Land Use Amendment Study Area



B. Planning and Zoning History of the Study Area

In December 1989, the Township Planning Board granted preliminary site plan approval to permit the development of 287 townhouse units within the Study Area. This was subsequently amended to allow 303 units with a affordable housing requirement. At the time of the original approval, the entire Study Area was located in the R-4 Medium-Density Residential zone, in which townhouses were a permitted use. In addition to the residential units, the developer was to construct road improvements, recreational amenities, and utilities within the Study Area, to support the proposed development. No variances were required under the R-4 zoning that was in place at this time. The preliminary subdivision and site plan approvals granted at this time were to be valid for five years, beginning in January 1989.

In 1990, the Township Master Plan was revised. The 1990 Master Plan recommended the addition of two new Minimum Impact Development Districts to reduce residential development densities within environmentally sensitive portions of the Township. The intention of the MIDD districts was to channel future growth within the Township towards developable property in the vicinity of Route 94 in the northern portion of the Township. While the majority of the land area with significant environmental constraints was located in the southern portion of the Township, a portion of the Study Area, (as described above) was recommended to be included within the proposed MIDD districts. The Study Area was subsequently rezoned such that the majority of the Study Area was now located in the MIDD-2 zoning district. The MIDD-2 district was the least restrictive of the two newly created MIDD zones. A small portion (that southern portion which now contains the 38 existing townhouses) remained in the R-4 zone.

The standards of the MIDD-2 zone provided for much less intense development than the previous zoning. The standards required 5-acre minimum residential lot sizes and prohibited multi-family residential dwellings. Despite this rezoning of the Study Area, the property owner at that time was granted several extensions of the approvals by the Planning Board for the townhouse development. As such, the zoning change did not affect the site plan approval that was in place at the time of the rezoning.

Several years later, with no actual development having been commenced within the Study Area, the 2003 Township Master Plan was adopted. This Master Plan recommended the creation of three separate MIDD districts with varying density restrictions based environmental sensitivity and other site conditions. The 2003 Master Plan and subsequent zoning amendments created three MIDD districts with 10-acre, 5-acre, and 3-acre minimum lot sizes with the stated goal as follows:

The ordinance will continue the Township's policy of natural resource protection while maintaining consistency with the State

Plan. The creation of this district will enable the Township to avoid inappropriate development and protect natural resources and the Township's built environment.

In 2004 that portion of the Study Area previously located in MIDD-2 District was now placed in the MIDD-3, which is a 3-Acre Density Residential district and the least restrictive of the MIDD districts, with the southern portion still remaining in the R-4 zone. No further zoning changes were enacted for the Study Area after 2004. Thus the Study Area remains split into two zoning districts today. The present zoning of the Study Area is shown in Figure 3.

Subsequent to the zoning change in 2004, the previous owner of the development within the Study Area applied for an extension of the original approvals. In 2006 the Planning Board granted extension of approvals subject to an amended site plan approval that would modify the phasing plan for the project and include twenty-four (24) affordable housing units. The amended site plan approval for the project was granted in 2007 and the project has since received additional extensions of the 2007 approvals, which are valid until December of 2015.

It should also be noted that while the Study Area is located within the New Jersey Highlands, Hardyston Township opted to not seek Plan Conformance with the Highlands Regional Master Plan for the portion of the Township located in the Planning Area and therefore the Study Area does not need to conform with the Highlands Plan.

C. The Development History of the Study Area

Despite having received site plan approval in 1989, as well as several amendments and extensions of that approval over the next 14 years, the original property owner did not commence with construction. In 2003 the Study Area's ownership was transferred to Pottersville Properties ("Pottersville"). The new owners then returned to the Board for several amended approvals, including amended final subdivision and final site plan approvals, prior to beginning construction on the townhouse development in 2005. Between 2005 and 2006, Pottersville constructed and completed the first 112 townhouse units on the site and started construction on 19 further townhouse units before ceasing construction. Most of the community facilities however, (such as the pool and clubhouse), were not constructed before development was halted. Additionally, none of the development's low- and moderate-income housing component (which was determined to be 24 of the total 303 approved units based on the Township's fair share obligation at that time) were constructed.

The undeveloped portion of the Study Area remained in an unfinished state for the next seven years, as it was under development by Pegasus Group as a bankruptcy receiver. Pegasus Group developed several of the 19 townhouse units. In 2013, following several years of dormancy on the site, SMS Hardyston LLC ("SMS") took ownership of the Study Area, and is still today the Study Area's owner.

Since taking ownership of the Study Area in 2013, SMS has completed construction of all the 19 additional townhouses that were left in various states of completion by Pottersville Properties. A total of 131 completed townhouses in all are now present within the Study Area. SMS has however approached the Township with a proposal to develop the remaining developable portion of the Study Area, but with a modification to the type of dwelling units to be constructed thereon. In the meantime, SMS is moving forward with plans to construct site improvements and utility upgrades throughout the site in advance of completing development within the Study Area.

It has been SMS's intention to complete development within the Study Area which will include not only building additional dwelling units on the property, but also fulfilling various unmet obligations which were not fulfilled by the previous developer. This includes providing community facilities in the existing townhouse portion of the Study Area that was originally promised (i.e., pool and clubhouse), as well as to provide all twenty-four (24) of the affordable housing units necessary to fulfill the Township's fair share obligation as it relates to the Study Area.

While SMS has constructed some additional townhouses since it took ownership of the Study Area under the extension of site plan approvals, there has been a substantial shift in the residential real estate market, supporting a re-evaluation of the appropriateness and feasibility of completing the Study Area's development as approved.

SMS approached the Township with a proposal to amend the current zoning in order to modify the building typologies that were originally approved. Such a rezoning would replace 160 of the originally approved townhouse and affordable housing units with quadraplex units. A quadraplex is a single building which contains four attached dwelling units.* This change in dwelling unit typology is seen by SMS as necessary to allow for completion of development to be carried out within the Study Area in an economically feasible manner, and most importantly, in order to assist the Township's in meeting its affordable housing obligations. It is important to note that the proposed rezoning would not increase the total number of dwelling units to be developed within the Study Area. Of the total of 303 dwelling units to be developed on the property, the proposed rezoning would add twelve (12) additional townhouses to the 131 existing townhouses on the site resulting in 143 townhouses. Added to this would be 160 quadraplexes, built within 40 quadraplex buildings.

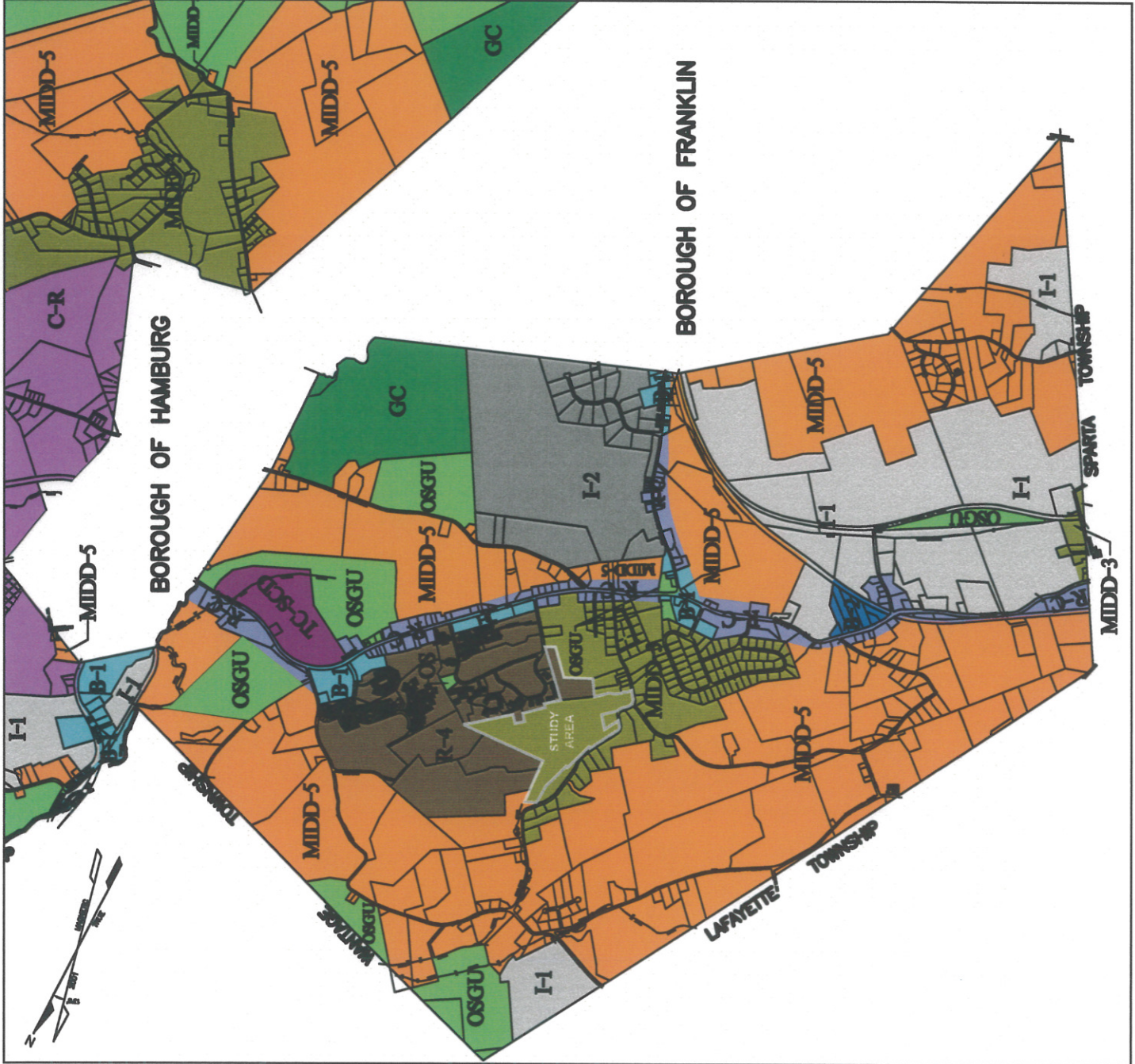
The following chapter assesses the proposed rezoning in light of the Township of Hardyston's Master Plan goals and objectives.

* According to "The Complete Illustrated Book of Development Definitions," Fourth Edition, Moskowitz, Lindbloom et al. 2015, a quadraplex building is defined as "Four attached dwellings in one building in which each unit has two open space exposures and shares one or two walls with adjoining unit or units."(p. 169)

Hardyston Township Sussex County, New Jersey

Figure 3:
Current Zoning of the
Land Use Amendment Study Area

MIDD-10	MINIMUM IMPACT DEVELOPMENT DISTRICT (10)
MIDD-6	MINIMUM IMPACT DEVELOPMENT DISTRICT (6)
MIDD-3	MINIMUM IMPACT DEVELOPMENT DISTRICT (3)
GC	GOLF COURSE
OSGU	OPEN SPACE/GOVERNMENT USE
R-3	LAKESIDE RESIDENTIAL
R-4	MEDIUM DENSITY RESIDENTIAL
R-C	RESIDENTIAL COMMERCIAL
C-R	COMMERCIAL RECREATION
C-RVC	COMMERCIAL RECREATION (VILLAGE CENTER)
B-1	NEIGHBORHOOD COMMERCIAL
B-2	HIGHWAY BUSINESS
TC-SCD	TOWN CENTER SHOPPING CENTER DISTRICT
I-1	LIMITED INDUSTRIAL
I-2	MEDIUM INDUSTRIAL



CHAPTER 3. PROPOSED REZONING OF THE SUBJECT PROPERTY

A. Overview

As described in the preceding chapter of this amendment, at the time of the original approval for the site in 1989 the entire Study Area was located in the R-4 Medium Density Residential zone, which permitted both townhouses and multifamily residential uses. In the intervening years, the Township's Master Plan recommendations and subsequent zoning amendments have split the Study Area into two zones: the southern portion encompassing 38 existing townhouses off Stone Hill Road and Peach Tree Lane remain in the R-4 zone, while the remainder of the Study Area is located in the MIDD-3 zone.

SMS has proposed to complete the Study Area's development by adding 12 additional townhouse units across from the existing townhouse units located along Brookview Lane, which are consistent with the townhouses that exist on the eastern portion of the Study Area. SMS also proposes to add a pool, clubhouse, tot lot and parking lot within that developed townhouse portion of the Study Area. The major change proposed by SMS is to replace the approved 136 townhouse units and 24 affordable housing units on the western side of the Study Area with an equivalent number of quadraplex units, which will include a minimum of 24 affordable units dispersed throughout the quadraplex buildings. Essentially the proposed rezoning would yield the same density and number of residential units within the entire Study Area as originally contemplated and for which site plan approval is still in place, but with a change in housing typologies on the site, by replacing townhouse with quadraplex units. The proposed change to the Township's Land Use Plan is shown in Figure 4.

In summary, the rezoning proposed within the amendment is as follows:

The entire Study Area, including all of the existing townhouse development, the proposed 12 additional townhouses and 160 quadraplex units will be in a new zoning district, proposed to be called the R-5 Attached Single Family/Multi-Family District.

B. Benefits of the Proposed Rezoning

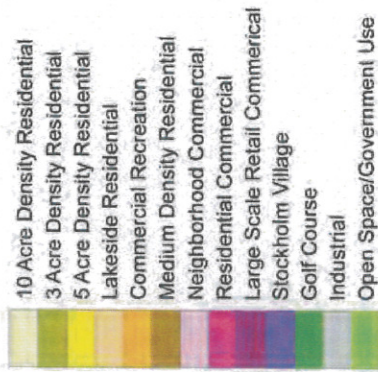
There are numerous benefits which would accrue to the Township with the rezoning of the Study Area as proposed above, as follows:

1. Completion of the Townhouses in the Eastern Portion of the Study Area

One of the most significant benefits of the rezoning is that it would allow for the completion of townhouse development in the eastern portion of the site. At the present time, the existing site is partially developed with townhouse units, but some gaps still remain. Under the proposed rezoning, the area on the side north of Brookview Lane – opposite existing townhouse units – would also be developed

Hardyston Township Sussex County, New Jersey

Figure 4:
Proposed Land Use Plan for the
Land Use Amendment Study Area



with townhouse units. Thus the eastern portion of the Study Area will contain only townhouse units as originally contemplated and approved.

2. Completion of the Common Facilities for the Townhouse Development

The common recreational facilities that were intended to be provided with the full build-out of the project (pool, clubhouse, tot lot, etc.) were never built (with the exception of the multi-purpose court and portions of the recreational path), leaving the residents in the existing development with few on-site active recreational facilities. The rezoning and subsequent development of the remaining 12 townhouse units and 160 additional quadruplex units, will allow an opportunity for the developer to provide those common amenities for the existing townhouse residents, and within a central location, for the exclusive use of the townhouse residents, and under the control and ownership of the Homeowner's Association.

3. Removes Eyesore of Incomplete Development

Because the prior developer cleared and regraded a significant area within the undeveloped portion of the Study Area – without actually completing the roadways and infrastructure in that portion of the Study Area – it has become an eyesore, and has reinforced the perception of the unfinished development with an indeterminate status. This has had a negative visual impact on the existing developed townhouse portion in the Study Area. The completion of the development within the Study Area would be aided and accelerated by the rezoning, and should ameliorate some of these negative perceptions.

4. Completion of Road Network and Utilities

The rezoning will also spur the installation of all utilities and infrastructure within the Study Area (roads, parking areas, sewer, utilities, stormwater drainage) as well as landscaping, lighting, and other on-site amenities within the remainder of the Study Area. The completion of the full length of Ridgefield Road, for example, will provide a second means of access to all the townhouses within the Study Area, which will not only be an added convenience to existing and future residents of the project, but also an improvement for both emergency and service vehicular access (fire, police, ambulance, garbage and snow removal, etc.). The overall visual environment of the Study Area will also improve significantly as a result of these infrastructure improvements.

5. Helps Township Meet its Affordable Housing Obligation

The approved development of 303 total units was to have provided 24 affordable housing units on-site as a mean of assisting the Township meet its affordable housing obligation under New Jersey's Fair Housing Act. (These represent about \pm 8% of the total units or about 1 out of every 12 units.) Zero units of affordable housing have been provided despite the fact that 131 market rate townhouses have been completed. As part of the rezoning, all 24 of the affordable units will be built, and a mandated phasing plan within the rezoning will ensure that the current deficit is ad-

dressed in the early stages or phases of the build-out of the remaining units. The rezoning will also mandate that the last of the 24 affordable units would have to be completed prior to the issuance of building permits for the last phase of development of the market rate units. Another major benefit is that the affordable housing will be rental units for which a 2 for 1 credit will be possible. Thus the 24 units of affordable housing to be provided will provide a credit of 48 units against Hardyston's third round prospective need obligation. Finally, the affordable housing units will be dispersed and fully integrated within the quadraplex portion of the Study Area, with no external differentiation from the market rate units. This will ensure that the overall quality of development and appearance will be a consistently high.

6. Reasonably Priced Rental Housing

Aside from the fact that affordable housing will be provided through the rezoning – most of which is anticipated to be occupied by local teachers, police, municipal employees and younger families and children of existing residents (as studies of affordable housing in New Jersey have shown) – it will provide reasonably priced rental housing as well. Those in Hardyston whose incomes do not qualify them for affordable housing, but at the same time need reasonably priced rental housing, will be afforded an opportunity to live in the community.

7. Tax Revenues

Completion of development within the Study Area will generate substantial tax revenues for the community. This is because few school children will be generated by the proposed quadraplex units. This will generate a surplus for the municipality as well as additional revenue for the school district.

Aside from all of the direct benefits which would ensue from the rezoning, there are several other benefits to the Township.

The overall density of the development within the Study Area will be consistent with the other medium density zoned areas in the Township with a maximum of 303 total units in the overall development, which is slightly less than 4 dwelling units per acre. This will allow for a significant amount of open space to be provided, which in fact goes beyond those areas within the Study Area which cannot be developed because of environmental constraints (e.g., wetlands, steep slopes, etc.). Moreover, the significantly environmentally constrained portions of the Study Area will be preserved and protected. Utilizing quadraplex units as opposed to townhouses will lower both the building and impervious coverage on the property, leaving more of the site as open space and will reduce the amount of stormwater runoff generated. Moreover, because the quadraplex building design is more compact and not as wide as the townhouse buildings, it will allow for a greater amount and more frequent open space between buildings. The quadraplex design also allows each home to have 3 exterior walls facing out onto open space. This allows residents to take advantage of the great views afforded by the Study Area's varied topography and the amount of preserved natural open space in the vicinity of the site. Every unit in the

quadraplex portion will have its own enclosed garage space and its own private entry, which is similar to what is provided in the townhouse units. All of these features and benefits will be provided to prospective residents despite the fact that the quadraplex will be rental units, not sales units such as are provided in the townhouse portion.

It should also be noted that the Study Area's rezoning would neither call for an increase in density nor for a significant changes in the development standards that exist in the existing R-4 zoned (Townhouse) portion of the Study Area. In fact, aside from the switch from townhouses to quadraplex dwelling units, and allowing units to be spaced closer to one another,^{*2} there will be little distinction between the bulk standards (setbacks, height, coverage, density, etc.) in comparison to the R-4 (townhouse) zone district.

Finally, it should also be noted that the project will have to comply with the more stringent DEP environmental protection requirements that exist today - compared to the standards under which the Study Area received its original approvals back in 1989. This will offer the community a much greater level of protection of the natural environment than before.

C. Parameters of the Proposed Rezoning

Under the proposed rezoning, the entire Study Area will be located in an entirely new zoning district to be called the "R-5 Attached Single Family/Multi-Family Residential District." The new proposed zone will permit both townhouses (attached single-family units) and quadraplex units as permitted principal uses. A definition for quadraplex units will be added to the zoning ordinance. The zone will permit a maximum of 303 units, including existing and future units.

The bulk standards for townhouse units will be similar to the standards for the attached single-family units in the Township's existing R-4 zone, with some revisions established. New bulk standards will be established for the quadraplex units.

The permitted accessory and conditional uses will be the same as the R-4 zone with the exception that rental/management offices and storage will be an additionally permitted accessory use.

^{*2} The extent of the side-to-side setbacks, or the separation between buildings will have to be reduced because there will be many more buildings than before. However, each quadraplex building will have only 4 units as opposed to the 6-unit townhouse buildings, and will also be narrower than the townhouse buildings.

The purpose for rezoning the entire Study Area as the proposed R-5 zone is to accommodate the necessary changes in recreational amenities for the existing and future townhomes that would require a variance under the previous and existing R-4 zoning standards as well address the requirements for the provision of affordable housing. The proposed rezoning will include requirements for appropriate recreational amenities and affordable housing as additional conditions.

The major parameters for the proposed R-5 zone are as follows:

- Maximum number of residential units permitted in the district shall be 303.
- Maximum building coverage in the district shall be 20 percent
- Minimum perimeter setback to the zone boundary is 25 feet
- Minimum distance from a townhouse unit and a quadraplex unit is 80 feet

Schedule of Bulk Requirements		
Development Standard	Attached Single-Family	Quadraplex Dwellings
Maximum number of units per structure	6	4
Maximum length of structure	200 feet	100 feet
Maximum number of single units served by a single common entrance	1	1
Minimum number of entrance/exits per unit	2	1
Maximum height	35 feet	35 feet
Minimum distance between groups of structures:		
End to End	35 feet	15 feet
Rear to rear	60 feet	25 feet ^[1]
Front to rear	75 feet	75 feet
Front to front	75 feet	75 feet
Front to side (except that buildings may join at corners)	50 feet	50 feet
Minimum distance to public road	65 feet	65 feet
Minimum distance to private road	25 feet	25 feet
Minimum lot width at street	12 feet	N/A
Minimum lot width at building front line	18 feet	N/A
Minimum distance to side property line	25 feet	N/A
Minimum distance to rear property line	25 feet	N/A
Minimum front yard	25 feet	N/A
Minimum rear yard	25 feet	N/A
Required off-set	Minimum of 4 feet every 50 feet	Minimum of 4 feet every 50 feet ^[2]
Required off-street parking spaces	Per Residential Site Improvement Standards	Per Residential Site Improvement Standards

^[1] The 25 feet setback requirement also applies to decks and patios attached to the rear of the buildings.

^[2] Applies only to the front (street-facing) façade of the building.

Patios and decks	Permitted in rear yard but not within 15 feet of a rear property line	Permitted within the rear yard but not within 30 feet of another building
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D. Advancement of the Township of Hardyston Master Plan Goals and Objectives

Several of the goals and objectives as set forth in the Township's adopted 2003 Master Plan, and endorsed in the 2014 Master Plan Reexamination would be furthered by the proposed rezoning, as follows:

Goals:

- *To maintain harmonious land uses and circulation patterns*
- *To retain water quality and environmental resources*
- *To provide open space and recreational opportunities close to all residents*

Land Use Objectives:

- *Minimize the impact of large scale medium density residential development on the surrounding natural environments*
- *Promote "Smart Growth" principles*

Conservation Objectives:

- *Protect areas constrained by steep slopes, poor drainage, flood-prone lands, and wetlands*
- *Minimize the visual impact of development on important natural environments*
- *Use all available tools to protect and preserve environmentally sensitive natural resources in the Township*

Utility Objective:

- *Utilize utility plan as a growth management tool, extending infrastructure only in areas intended for growth*

Housing Objective:

- *Provide adequate housing for all ages and demographics, especially senior citizens*

The Township's most recent reexamination report was adopted May 2014 and identifies the Study Area as a split-zoned property that should be reviewed and potentially rezoned to fall entirely within one zone district, or have a clear setback line for areas to remain in the split zones. The proposed rezoning would be consistent with this recommendation.

E. Affordable Housing

As noted previously, the rezoning of the Study Area will mandate the building of 24 units of low and moderate income housing. These 24 units were part and parcel of the Township's

2008 Housing Element and Fair Share Plan which received Substantive Certification by the Council on Affordable Housing in 2009. In 2014 the Supreme Court invalidated COAH's Third Round methodology for determining a municipality's third round affordable housing obligation and directed COAH to adopt new rules. Because of COAH's failure to adopt new rules, in March of 2015, the Supreme Court transferred jurisdiction over this matter to 15 specially designated judges, and has set certain procedures and timelines for municipalities to remain protected from builder's remedy lawsuits and to comply with the mandates of the Fair Housing Act. It is this very important to the Township to continue to implement its adopted Fair Share Plan, inclusive of the 24 units of be provided within the Study Area.

Moreover, it will be necessary for the 24 units to meet both the requirements of the Uniform Affordability Housing Controls (UHAC) with respect to bedroom and income distributions as well as to the phasing of units as mandated by the Fair Housing Act. The latter is of particular importance to the Township because all of the units completed in the Study Area to date have been market rate units and no affordable units have been provided. Consistent with the phasing requirements of the Fair Housing Act and the necessity to "catch-up" with the prior unmet obligations of the previous developer, some affordable housing units will have to be provided within the very first phase of development in the R-5 zone rather than wait until 25% of the units are completed as mandated by the FHA phasing requirements.

F. Advancement of the Purposes of the Municipal Land Use Law

The proposed rezoning would also directly advance several purposes of the Municipal Land Use Law (NJSA 40:50D-2 et seq.), as follows:

- (a) To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals and general welfare.
- (e) To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment.
- (g) To provide sufficient space in appropriate locations for a variety of residential uses according to its respective environmental requirements in order to meet the needs of all New Jersey citizens.
- (i) To provide a desirable visual environment through creative development techniques and good civic design and arrangements.

CHAPTER 4 SUMMARY AND CONCLUSION

The Study Area that is the subject of this amendment to the Land Use Element of the Hardyston Township Master Plan has a long history which has included both development approvals and multiple zone changes. The Township, in an effort to preserve the character and rural nature of the Township, originally rezoned the study area as a minimum impact development zone. However, the original approvals and subsequent site plan amendments which are still valid allowed for the development of medium density semi-attached and attached housing. Given the existing development pattern of the Study Area, the condition of the site, and the shift in demand for housing since the Great Recession, the need to revisit the existing zoning is necessary. The proposed rezoning of the entire Study Area to a new medium density residential zone with townhomes and quadraplex units is consistent with the current development of the study area. The proposed density and unit types for the new zone are similar to the existing housing already constructed in the adjacent R-4 zone, which consists of garden style apartments, townhouses and patio homes. Furthermore, rezoning of the property to the proposed R-5 zone may help ensure completion of the stalled townhome development of Ridgefield Commons, alleviating what is commonly viewed as an eyesore by surrounding residents. Finally, the proposed rezoning will require the construction of affordable housing in connection with any future market rate development consistent with the Township's Housing Element and Fair Share Plan, therefore helping the Township achieve compliance with their fair share obligation.