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HOUSING ELEMENT AND FAIR SHARE PLAN: FOR HIGHLANDS PLAN CONFORMANCE MODULE 3

**TOWNSHIP OF MONTVILLE
MORRIS COUNTY, NEW JERSEY**

PREPARED FOR:

**TOWNSHIP OF MONTVILLE PLANNING BOARD
BA# 2057.17**

May 12, 2010

Adopted: May 27, 2010

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The original document was appropriately signed and sealed on May 12, 2010 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

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INTRODUCTION

In 1975 the New Jersey Supreme Court decided, in So. Burlington Cty. NAACP v. Township of Mount Laurel, that every developing municipality in New Jersey had an affirmative obligation to provide for its fair share of affordable housing. In a subsequent decision in 1983, the Court acknowledged that the vast majority of municipalities in the State had ignored their constitutional obligation to provide a realistic opportunity for the construction of affordable housing. As a result of this decision, a suit was filed by the Morris County Fair Housing Council against various Morris County municipalities, including Montville Township. On November 15, 1985, Montville received a Judgment of Compliance and Repose from Superior Court Judge Stephen Skillman for a 565-unit fair share obligation, including 530 units of new construction and a 35-unit rehabilitation component.

Another result of the 1983 decision was the establishment of the New Jersey Council on Affordable Housing (COAH), the State agency responsible for overseeing the manner in which municipalities address their low- and moderate-income housing needs. In an effort to save municipalities from the burden of having the courts determine their affordable housing needs, COAH adopted a “fair share” methodology to determine the State’s low and moderate income housing needs in 1986. Their first round housing-need numbers for Montville, covering the period 1987 to 1993, called for the provision of 393 low- and moderate-income units, including 370 units of new construction and 23 rehabilitation units.

COAH’s projections of municipal housing needs have been adjusted a number of times since their preparation of the initial housing need numbers in 1986. These include:

1. In May 1994, COAH issued new housing-need numbers for the combined first and second round period between 1987 and 1999. Montville was assigned a precredited need of 280 units, half of the number for which it received a Judgment of Compliance. This 280-unit obligation consisted of a new construction obligation of 261 units and a rehabilitation obligation of 19 units. Because the Township had addressed this number in its last plan, including 211 units more than COAH called for, its second round Housing Element and Fair Share Plan did not propose any new units and included a 211-unit new construction surplus. COAH granted the Township substantive certification of this plan on June 3, 1998.
2. In December 2004, COAH adopted new rules substantive (N.J.A.C. 5:94) and procedural (N.J.A.C. 5:95) rules for the third-round period beginning December 20, 2004. However, as a result of an Appellate Division ruling, COAH’s substantive and procedural rules were revised again on June 2, 2008 (now NJAC 5:97 and NJAC 5:96, respectively). At the same time, COAH re-adjusted all municipal first and second round housing-need new construction numbers and rehabilitation numbers. Montville’s previously published new-construction obligation was held constant at 261 units, whereas its rehabilitation component was reduced to 14 units, for a total of 275 units.

These new third round rules also implement a new “growth share” approach to affordable housing and thus represent a significant departure from COAH’s first and second round rules in that they link the production of affordable housing with actual development and projected growth in the community. There are three components to the third round methodology. They include: 1) a rehabilitation share; 2) any remaining prior round obligation for the period 1987-1999; and 3)

growth share. Growth share is generated by projections of residential and non-residential growth for the period January 1, 2004 to January 1, 2018. The substantive rules state that for every four market-rate residential units projected to be constructed, the municipality shall be obligated to provide one unit that is affordable to low and moderate income households. In addition, each municipality is obligated to provide one affordable unit for every 16 newly created jobs.

3. COAH's June 2008 proposed estimates of need indicate that Montville has a 591 unit third round affordable housing obligation, inclusive of the 275-unit prior round component noted above and a 316-unit growth share component that is a function of projected residential and non-residential growth. (COAH estimates that by 2018 the Township will have an additional 987 dwellings in the community, which translates to 197.4 units of affordable housing, and 1,898 additional jobs, which translates to 118.6 units of affordable housing).
4. Just after COAH released its new third round estimates, the Fair Housing Act was amended in July 2008 to create a responsibility for the Highlands Water Protection and Planning Council to identify and coordinate opportunities for affordable housing while preserving critical environmental resources within the Highlands Region. This was followed by Executive Order 114 in September 2008, which granted those municipalities participating in the Highlands Plan Conformance process an extension for third round petitions, from COAH's December 31, 2008 deadline to December 8, 2009 (which was extended again to June 8, 2010).

Montville Township, being located entirely within the Highlands Region, participated in the Highlands Plan Conformance process during 2009 and was therefore granted the extension to submit a Housing Element and Fair Share Plan by June 8, 2010. While Montville has land area within both the Highlands Preservation and Planning Areas, the Township ultimately elected to petition for Highlands Plan Conformance only for the Preservation Area portion of the municipality. As such, the Planning Area portion of the municipality continues to be subject to COAH's third round projections, whereas the Preservation Area portion of the municipality is subject to the findings of the Highlands Municipal Build-Out Report. As set forth therein, the Highlands Council determined that Montville's Preservation Area has no capacity for additional growth. Therefore, the entirety of Montville's third round obligation shall be derived from projections for the Planning Area.

The analysis set forth herein indicates that Montville's affordable housing obligation for the period 2004-2018 consists of a Prior Round obligation of 261 units, a growth share obligation of 39 units, and 14 rehabilitation units. As detailed in the body of this report, the Township's housing obligations are to be addressed as follows:

- All 261 Prior Round units are addressed through credits from existing affordable housing developments. The developments that are being utilized to accommodate this 261 unit obligation are identified in the 'Plan' section of this report.
- A total of 211 of the 239 unit growth share obligation is also addressed through credits from existing affordable developments, as detailed in the 'Plan' section of this report. The remaining 28 units of growth share are to be addressed through three approved developments (see pages 25-26 herein) and zoning in Towaco near the train station (see page 24 for details).

SECTION I: HOUSING ELEMENT

A. RELATIONSHIP TO HIGHLANDS REGIONAL MASTER PLAN

The overriding policy of the Housing Element is to ensure provision of a variety of housing opportunities sufficient to address the needs of the community and the region, including the need for affordable housing, while at the same time respecting the established character of the township, the environmental resource constraints applicable to the region, and the numerous other policies, goals and objectives set forth by the Township Master Plan.

In furtherance of Township efforts to ensure sound planning, this Plan incorporates the following goals and objectives with respect to the Highlands Preservation Area:

1. To the extent feasible, the zone plan will guide anticipated new residential development into compact, center-based projects incorporating a mix of housing types.
2. To provide a realistic opportunity for the provision of the municipal share of the region's present and prospective needs for housing for low- and moderate-income families.
3. To the maximum extent feasible, to incorporate affordable housing units into any new residential construction that occurs within the township including any mixed use, redevelopment, and/or adaptive reuse projects.
4. To preserve and monitor existing stocks of affordable housing.
5. To reduce long term housing costs through:
 - a. The implementation of green building and energy efficient technology in the rehabilitation, redevelopment and development of housing. Recent innovations in building practices and development regulations reflect significant energy efficiency measures, and therefore cost reductions, through building materials, energy efficient appliances, water conservation measures, innovative and alternative technologies that support conservation practices, and common sense practices such as recycling and re-use.
 - b. The promotion of the use of sustainable site design, efficient water management, energy efficient technologies, green building materials and equipment, and retrofitting for efficiencies.
 - c. Maximizing the efficient use of existing infrastructure, through such means as redevelopment, infill and adaptive reuse.
6. To use a smart growth approach to achieving housing needs:
 - a. Use land more efficiently to engender economically vibrant communities, complete with jobs, houses, shopping, recreation, entertainment and multiple modes of transportation.

- b. Support a diverse mix of housing that offers a wide range of choice in terms of value, type and location. In addition, seek quality housing design that provides adequate light, air, and open space.
- c. Target housing to areas with existing higher densities and without environmental constraints, within walking distance of schools, employment, services, transit and community facilities with sufficient capacity to support them.

The goals and objectives set forth in the Township's Master Plan are applicable to the entire community.

B. COMMUNITY OVERVIEW

The Township of Montville is located in the northeastern portion of Morris County, immediately adjacent to the border with Essex County. It is bounded to the north by the Borough of Kinnelon, to the west by the Township of Boonton, the Town of Boonton and the Township of Parsippany-Troy Hills, to the south by the Township of East Hanover, and to the east by the Borough of Lincoln Park and the Township of Fairfield, which is located in northwestern Essex County.

The Township occupies an area of 12,233 acres, or 19.11 square miles. It is located entirely within the Highlands Region, with 28.1 percent of its land area (3,440 acres) located in the Highlands Preservation Area and 71.9 percent of its land area (8,793 acres) located in the Highlands Planning Area.

Major regional traffic is carried through the Township on Interstate Routes 80 and 287 as well as Route 46. Routes 80 and 46 run east-west across the southern portion of the municipality. Route 287 runs north-south and traverses the northern portion of the municipality.

The Towaco station offers along Route 202 New Jersey Transit train service along the Montclair-Boonton Line, which terminates to the east in Newark and Hoboken.

The following sections provide detailed information on the community, including data on the local housing stock, population, socio-economic statistics.

C. INVENTORY OF MUNICIPAL HOUSING STOCK

This section of the Housing Element provides an inventory of the Township's housing stock, as required by the Municipal Land Use Law. 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.

1. Number of Dwelling Units. As shown in the accompanying table, the Township's housing stock grew significantly between 1990 and 2000. Whereas there were 5,126 dwellings in 1990, there were 7,541 dwellings in 2000, representing a 47 percent increase. However, the rate of growth has slowed considerably in subsequent years. Estimates for 2008 suggest that Montville's housing stock has only grown by 4.0 percent since 2000.

Table 1: Dwelling Units (1990 to 2008*)
Montville, New Jersey

Year	Total Dwelling Units	Numerical Change	Percentage Change
1990	5,126	--	--
2000	7,541	2,415	47.1
2008*	7,844	303	4.0

* 2008 data is the average between January 2006 and December 2008.

Sources: U.S. Census – 1990 & 2000, American Community Survey 3-Year Estimates.

The following table provides additional detail regarding the tenure and occupancy of the Township’s housing stock. As shown below, 82.2 percent of the Township’s housing stock was estimated to be owner-occupied in 2008, down just slightly from 84 percent in 2000. The number of vacant units has more than doubled since 2000, from 161 units (2.1 percent of all units) in 2000 to 404 units (5.2 percent of all units) in 2008.

Table 2: Housing Units by Tenure and Occupancy Status (2000 and 2008*)
Montville, New Jersey

Category	2000		2008*	
	No. Units	Percent	No. Units	Percent
Owner-Occupied Units	6,336	84.0	6,452	82.2
Renter-Occupied Units	1,044	13.9	988	12.6
Vacant Units	161	2.1	404	5.2
Total Units	7,541	100.0	7,844	100.0

* 2008 data is the average between January 2006 and December 2008.

Source: U.S. Census – 2000, American Community Survey 3-Year Estimates.

2. Housing Characteristics. The following tables provide additional information on the characteristics of the Township’s housing stock, including data on the number of units in the structure and the number of bedrooms. As shown below, the housing stock is predominantly characterized by single-family detached units, which represent nearly 70 percent of all dwelling units. Single-family attached units represent the second most predominant housing type, at 15.8 percent.

Table 3: Units in Structure (2000 and 2008*)
Montville, New Jersey

Units in Structure	2000		2008*	
	Number	Percent	Number	Percent
One Unit Detached	5,066	67.2	5,471	69.7
One Unit Attached	1,194	15.8	1,237	15.8
2 Units	114	1.5	78	1.0
3 to 4 Units	178	2.4	171	2.2
5 to 9 Units	203	2.7	180	2.3
10 to 19 Units	364	4.8	499	6.4
20 or More Units	416	5.5	208	2.7
Mobile Home	6	0.1	0	0.0
Total	7,541	100.0	7,844	100.0

* 2008 data is the average between January 2006 and December 2008.

Source: U.S. Census – 2000, American Community Survey 3-Year Estimates.

**Table 4: Number of Bedrooms in Housing Units (2000 and 2008*)
Montville, New Jersey**

Number of Bedrooms	2000		2008*	
	Number	Percent	Number	Percent
Zero	14	0.2	138	1.8
One	593	7.9	390	5.0
Two	1,448	19.2	1,401	17.9
Three	2,203	29.2	1,976	25.2
Four	2,268	30.1	2,987	38.1
Five or More	1,015	13.5	952	12.1
Total	7,541	100.0	7,844	100.0

* 2008 data is the average between January 2006 and December 2008.
Source: U.S. Census – 2000, American Community Survey 3-Year Estimates.

3. Housing Age. The following table details the age of the Township’s housing stock. As shown, the majority (approximately 57 percent) of the Township’s housing units were constructed between 1970 and 1999. Five (5) percent of Montville’s housing stock was built in 2000 or later.

**Table 5: Year Structure Built
Montville, New Jersey**

Year Units Built	Number of Units	Percent
2005 or later	119	1.5
2000 to 2004	247	3.1
1990 to 1999	1,973	25.2
1980 to 1989	1,572	20.0
1970 to 1979	898	11.4
1960 to 1969	1,128	14.4
1950 to 1959	811	10.3
1940 to 1949	222	2.8
1939 or earlier	874	11.1
Total	7,844	100.0

Source: American Community Survey 3-Year Estimates.

4. Housing Conditions. An inventory of the Township’s housing conditions is presented in the following tables. The first table identifies the extent of overcrowding in the Township, defined as housing units with more than one occupant per room. The data indicates that the number of occupied housing units considered overcrowded has doubled since 2000, from 56 units (0.8 percent of all occupied units) in 2000 to 113 units (1.6 percent of all occupied units) in 2008.

**Table 6: Occupants Per Room (2000 and 2008*)
Montville, New Jersey**

Occupants Per Room	2000		2008*	
	Number	Percent	Number	Percent
1.00 or less	7,324	99.2	7,327	98.5
1.01 to 1.50	20	0.3	57	0.8
1.51 or more	36	0.5	56	0.8
Total	7,380	100.0	7,440	100.0

* 2008 data is the average between January 2006 and December 2008.
Source: U.S. Census – 2000, American Community Survey 3-Year Estimates.

The table below presents other key characteristics of housing conditions, including the presence of complete plumbing and kitchen facilities and the type of heating equipment used. As shown, the number of units lacking complete kitchen and plumbing facilities increased between 2000 and 2008. Units lacking complete kitchen facilities increased from 10 to 13 units, whereas units lacking complete plumbing facilities increased from 9 to 49 units. In 2000, there were 6 units that lacked standard heating facilities.

**Table 7: Equipment and Plumbing Facilities (2000 and 2008*)
Montville, New Jersey**

Facilities	2000		2008*	
	Number	Percent	Number	Percent
<u>Kitchen:</u>				
With Complete Facilities	7,531	99.9	7,427	99.8
Lacking Complete Facilities	10	0.1	13	0.2
<u>Plumbing:</u>				
With Complete Facilities	7,532	99.9	7,391	99.3
Lacking Complete Facilities	9	0.1	49	0.7
<u>Heating Equipment:</u>				
Standard Heating Facilities	7,374	99.9	No Data Available	
Other Means, No Fuel Used	6	0.1		

* 2008 data is the average between January 2006 and December 2008.
Source: U.S. Census – 2000, American Community Survey 3-Year Estimates.

5. Purchase and Rental Values. As shown in the following table, the majority (approximately 70 percent) of Montville’s rental housing stock had monthly rents of \$1,000 or more in 2000. The Township’s median monthly rent of \$1,186 was approximately 34 percent higher than the median monthly rent of Morris County as a whole, which was \$883. The Township’s average median monthly rent in 2008 was \$1,731, representing a 46 percent increase over the Township’s median monthly rent in 2000.

**Table 8: Gross Rent of Renter-Occupied Housing Units (2000)
Montville, New Jersey**

Rent	2000	
	Number	Percent
Less than \$200	10	1.0
\$200 to \$299	17	1.6
\$300 to \$499	4	0.4
\$500 to \$749	113	10.9
\$750 to \$999	132	12.7
\$1,000 to \$1,499	627	60.5
\$1,500 or More	101	9.7
No Cash Rent	32	3.1
Total	1,036	100.0
Median Gross Rent	\$1,186	
Morris County Median Gross Rent	\$883	

Source: U.S. Census – 2000

Table 9 below shows that whereas less than 20 percent of Montville’s owner-occupied units had a value of \$500,000 or more in 2000, nearly 75 percent of Montville’s owner-occupied units had a value of \$500,000 or more in 2008. The Township’s median value was approximately 35 percent higher than the County’s median value in both 2000 and 2008.

**Table 9: Value of Owner-Occupied Housing Units (2000 and 2008*)
Montville, New Jersey**

Value Range	2000		2008*	
	Number	Percent	Number	Percent
Less than \$50,000	81	1.4	79	1.2
\$50,000 to \$99,999	58	1.0	194	3.0
\$100,000 to \$149,999	125	2.2	14	0.2
\$150,000 to \$199,999	297	5.2	111	1.7
\$200,000 to \$299,999	1,570	27.3	228	3.5
\$300,000 to \$499,999	2,551	44.4	1,022	15.8
\$500,000 to \$999,999	1,007	17.5	3,706	57.4
\$1,000,000 or More	55	1.0	1,098	17.0
Total	5,744	100.0	6,452	100.0
Median Value	\$346,600		\$666,500	
Morris County Median Value	\$257,400		\$490,400	

* 2008 data is the average between January 2006 and December 2008.

Source: U.S. Census – 2000, American Community Survey 3-Year Estimates.

6. Number of Units Affordable to Low- and Moderate-Income Households. Based on the most current COAH regional income limits, the median household income for a three-person household in COAH Region 2, Montville’s housing region comprised of Essex, Morris, Union and Warren Counties, is \$78,763. A three-person moderate-income household, established at no more than 80 percent of the median income, would have an income not exceeding \$63,010.

An affordable sales price for a three person moderate-income household earning 80 percent of the median income is estimated at approximately \$150,000. This estimate is based on the UHAC

affordability controls outlined in N.J.A.C. 5:80-26.3. Approximately 5 percent of the Township’s housing units are valued at less than \$150,000, according to the Census data.

For renter-occupied housing, an affordable monthly rent for a three-person household is estimated at approximately \$1,200. According to 2000 U.S. Census data, approximately 27 percent of the Township’s rental units had a gross rent less than \$1,000.

7. Substandard Housing Capable of Being Rehabilitated. COAH provides the number of units in a community that are in need of rehabilitation and are not likely to experience “spontaneous rehabilitation.” Montville’s rehabilitation share is 14 units. This item is further explained in the Fair Share Obligation section of this document.

D. PROJECTION OF MUNICIPAL HOUSING STOCK

The Fair Share Obligation section of this document will include a detailed projection of the municipal housing stock, pursuant to COAH’s rules for establishing the “growth share” component of the fair share obligation. This section will also identify historical and projected growth trends.

E. POPULATION ANALYSIS

The MLUL requires that a Housing Element 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 has experienced growth in every decade since 1920, with the most growth occurring in the 1920s, 1950s and 1960s. The 2008 population estimate of 22,252 people, provided by the American Community Survey, suggests that Montville is currently experiencing its slowest growth rate on record, up only 6.8 percent since 2000.

**Table 10: Population Growth (1920 to 2008*)
Montville, New Jersey**

Year	Population	Population Change	Percent Change
1920	1,515	--	--
1930	2,467	952	62.8
1940	3,207	740	30.0
1950	4,159	952	29.7
1960	6,772	2,613	62.8
1970	11,846	5,074	74.9
1980	14,290	2,444	20.6
1990	15,600	1,310	9.2
2000	20,839	5,239	33.5
2008*	22,252	1,413	6.8

* 2008 data is the average between January 2006 and December 2008.
Source: Morris County Data Book – 2009, American Community Survey 3-Year Estimates.

2. Age Characteristics. The Township’s age characteristics are outlined in the table below. As

shown, the largest increases in the population between 2000 and 2008 were in the 5 to 19 and 55 and over age cohorts. The largest decrease in population between 2000 and 2008 was found in the population aged 25 to 34, which experienced a loss of over 43 percent. Overall, Montville's median age increased slightly between 2000 and 2008, from 38.9 to 41.

Table 11: Age Characteristics (2000 and 2008*)
Montville, New Jersey

Age	2000		2008*	
	Number	Percent	Number	Percent
Under 5 years	1,435	6.9	1,110	5.0
5 to 19 years	4,128	19.8	5,200	23.3
20 to 24 years	821	3.9	1,193	5.4
25 to 34 years	2,602	12.5	1,472	6.6
35 to 44 years	3,766	18.1	3,855	17.3
45 to 54 years	3,366	16.2	3,556	16.0
55 to 64 years	2,465	11.8	3,282	14.8
65 to 84 years	2,023	9.7	2,353	10.6
85 years and over	233	1.1	231	1.0
Total	20,839	100.0	22,252	100.0
Median Age	38.9		41.0	

* 2008 data is the average between January 2006 and December 2008.

Source: U.S. Census – 2000, American Community Survey 3-Year Estimates.

3. Average Household Size. The average household size for the Township declined steadily in the years between 1970 and 2000. However, the average household size for 2008 showed a slight increase from 2000, at 2.99 per household.

Table 12: Average Household Size (1970 to 2008*)
Montville, New Jersey

Year	Total Population	Number of Households	Average Household Size
1970	11,846	3,042	3.89
1980	14,290	4,016	3.56
1990	15,600	4,889	3.19
2000	20,839	7,380	2.82
2008*	22,252	7,440	2.99

* 2008 data is the average between January 2006 and December 2008.

Source: Morris County Data Book – 2009, American Community Survey 3-Year Estimates.

4. Household Income. Detailed household income figures are shown in the table below. As shown, less than half of the Township's households had an income of \$100,000 or more in 1999. In contrast, nearly 70 percent of Montville's households had an income of \$100,000 or more in 2008. The Township's median household income in 2008 was approximately 36 percent higher than the median household income of Morris County as a whole, an increase from 22 percent in 1999.

Table 13: Household Income (1999 and 2008*)
Montville, New Jersey

Income Category	1999		2008*	
	Number	Percent	Number	Percent
Less than \$10,000	213	2.9	50	0.7
\$10,000 to \$14,999	181	2.5	132	1.8
\$15,000 to \$24,999	283	3.8	182	2.4
\$25,000 to \$34,999	305	4.1	329	4.4
\$35,000 to \$49,999	604	8.2	662	8.9
\$50,000 to \$74,999	1,096	14.9	602	8.1
\$75,000 to \$99,999	1,275	17.3	447	6.0
\$100,000 to \$149,999	1,454	19.7	1,873	25.2
\$150,000 to \$199,999	950	12.9	1,206	16.2
\$200,000 or more	1,013	13.7	1,957	26.3
Total	7,374	100.0	7,440	100.0
Median Household Income	\$94,557		\$132,282	
Morris County Median	\$77,340		\$97,565	

* 2008 data is the average between January 2006 and December 2008.
Source: U.S. Census – 2000, American Community Survey 3-Year Estimates.

F. EMPLOYMENT ANALYSIS

The MLUL requires that the 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 the employment status of Township residents age 16 and over. As shown, the unemployment rate for Montville’s civilian labor force doubled between 2000 and 2008, from 2.0 percent in 2000 to 4.0 percent in 2008. This is slightly higher than Morris County’s 2008 unemployment rate of 3.9 percent. It is also important to note that the percentage of Montville’s population not in the labor force also increased during this period, from 29.1 percent in 2000 to 32.5 percent in 2008.

Table 14: Employment Status, Population 16 and Over (2000 and 2008*)
Montville, New Jersey

Employment Status	2000		2008*	
	Number	Percent	Number	Percent
In labor force	11,412	70.9	11,646	67.5
Civilian labor force	11,412	70.9	11,646	67.5
Employed	11,189	69.5	11,180	64.8
Unemployed	223	1.4	466	2.7
% of civilian labor force	--	2.0	--	4.0
Armed Forces	0	0	0	0
Not in labor force	4,680	29.1	5,595	32.5
Total Population 16 and Over	16,092	100.0	17,241	100.0

* 2008 data is the average between January 2006 and December 2008. Source: U.S. Census – 2000, American Community Survey 3-Year Estimates.

2. Employment Characteristics of Employed Residents. The following two tables detail information on the employment characteristics of employed Montville residents. Table 15 details occupation

characteristics, while Table 16 details industry characteristics.

**Table 15: Employed Residents Age 16 and Over, By Occupation (2000 and 2008*)
Montville, New Jersey**

Occupation	2000		2008*	
	Number	Percent	Number	Percent
Management, Professional and related occupations	6,023	53.8	6,445	57.6
Service Occupation	686	6.1	1,291	11.5
Sales and Office Occupations	3,205	28.6	2,271	20.3
Farming, fishing and forestry occupations	0	0	0	0.0
Construction, extraction and maintenance	638	5.7	628	5.6
Production, transportation and material moving occupations	637	5.7	545	4.9
Total	11,189	100	11,180	100

* 2008 data is the average between January 2006 and December 2008. Source: U.S. Census – 2000, American Community Survey 3-Year Estimates.

**Table 16: Employed Residents Age 16 and Over, By Industry (2000 and 2008*)
Montville, New Jersey**

Industry	2000		2008*	
	Number	Percent	Number	Percent
Agriculture, forestry, fishing, hunting and mining	0	0.0	0	0.0
Construction	623	5.6	813	7.3
Manufacturing	1,661	14.8	1,381	12.4
Wholesale trade	649	5.8	645	5.8
Retail trade	874	7.8	903	8.1
Transportation and warehousing, and utilities	506	4.5	548	4.9
Information	545	4.9	394	3.5
Finance, insurance, real estate and rental and leasing	1,273	11.4	1,520	13.6
Professional, scientific, management, administrative and waste management services	1,724	15.4	1,910	17.1
Educational, health and social services	2,269	20.3	1,718	15.4
Arts, entertainment, recreation, accommodation and food services	412	3.7	572	5.1
Other services	473	4.2	590	5.3
Public administration	180	1.6	186	1.7
Total	11,189	100.0	11,180	100.0

* 2008 data is the average between January 2006 and December 2008. Source: U.S. Census – 2000, American Community Survey 3-Year Estimates.

3. Employment Projections. Detailed employment projections are provided in the Fair Share Obligation section of this document, as required by COAH in determining the Township's growth share obligation.

SECTION II: FAIR SHARE OBLIGATION

A. INTRODUCTION

The methodology for determining the Township's third-round affordable housing obligation changed significantly from the prior round regulations. Under COAH's third-round rules, a municipality's third-round affordable housing obligation is a function of three components:

- Rehabilitation Share
- Remaining Prior Round Obligation
- Growth Share

The growth share component represents the most significant change from the prior round, as it requires that each municipality determine its own affordable housing obligation based on the amount of residential and non-residential growth anticipated over the third-round period from 2004 to 2018. Each of the three components is combined to determine the municipality's total affordable housing obligation. More detail on each component is provided below.

1. Rehabilitation Share. The rehabilitation share component of the affordable housing obligation is based on the municipality's existing housing deficiencies and includes existing housing units as of April 1, 2000 that are both deficient and occupied by households of low or moderate income. A municipality's Total Rehabilitation Share is equal to the sum of its overcrowded and dilapidated units, multiplied by its regional Low-/Moderate-Income Deterioration Share, minus its Rehabilitation Share Credit. The rehabilitation share essentially replaces what was known as indigenous need in the previous rounds. As detailed herein, COAH has assigned a new rehabilitation share of 14 units to Montville.
2. Remaining Prior Round Obligation. The Prior Round Obligation is the total Fair Share Obligation for the period 1987 to 1999. As noted in Appendix C, COAH is adopting municipalities' unadjusted 1987 to 1999 obligations, first published in 1993. Accordingly, Montville's Prior Round Obligation is 261 units.

To determine the remaining Prior Round Obligation, a municipality imposes any adjustments approved for its second round plan and subtracts affordable housing units already built or transferred as part of a certified plan (or judgment of repose).

3. Growth Share. The growth share portion of a municipality's fair share obligation is based on the projected residential and employment growth in the municipality over the period between 2004 and 2018. Growth share is defined as:

“The affordable housing obligation generated in each municipality by both residential and non-residential development from 2004 through 2018 and represented by a ratio of one affordable housing unit among five housing units constructed plus one affordable housing unit for every 16 newly created jobs as measured by new or expanded non-residential construction within the municipality.”

That is, each individual municipality's actual growth between 2004 and 2018 generates an affordable housing obligation. For residential development, one unit of affordable housing

obligation is generated for every four market rate residential units constructed in the municipality. For non-residential development, one unit of affordable housing obligation is generated for each 16 jobs created in the community. Job creation estimates are based on the amount of new non-residential square footage developed within the community.

The following section contains the information and resultant determination of the growth share assessment.

B. CALCULATION OF AFFORDABLE HOUSING OBLIGATION

The calculation of the Township’s affordable housing obligation is detailed below.

1. Rehabilitation Share. According to Appendix B of COAH’s third round substantive rules, the Township has a rehabilitation share of 14 units.
2. Remaining Prior Round Obligation. Appendix C indicates a prior round new construction obligation of 261 units for the Township.

As shown in the following table, the Township’s prior round plan addressed its new construction obligation through a combination of inclusionary developments and rental bonus credits. The Township has implemented all of its prior round plan components, and therefore has addressed its entire prior round obligation. Also, as shown below, Montville has 211 credits in excess of its prior round obligation that can be applied toward the Township’s growth share obligation. This is discussed in more detail in the Fair Share Plan section of this document

**Table 17: Prior Round Plan Components and Status
Montville, New Jersey**

Plan Component	Number of Units	Status
Inclusionary Developments:	407	
Longview Estates	119 (95 age-restricted + 24 family)	Completed
Rachel Gardens	168 (rentals)	Completed
Hunting Hills	22 (rentals)	Completed
Jade Commons	22	Completed
Montville Chase	76	Completed
Rental Bonus Credits:	65	
Rachel Gardens	65	Completed
Total	472	
<i>Surplus (Total of 472 units less 261 unit obligation assigned to Prior Round):</i>	<i>211</i>	

3. Growth Share. The growth share component of the Township’s affordable housing obligation is calculated based on the projected amount of residential and non-residential growth anticipated between 2004 and 2018. This projected growth is initially provided in Appendix F of the COAH regulations. However, per NJAC 5:97-5.6, a municipality may also request an adjustment to its household and employment projections provided in Appendix F based on an analysis of existing land capacity.

Once the detailed analysis is complete, this growth is translated into an affordable housing obligation, based on a standard of one affordable unit among five units that are projected and one affordable unit for every 16 jobs that are projected to be created.

- a. Initial Growth Share Projections. Appendix F of the third round regulations provides the data needed to calculate the baseline residential and non-residential growth share projections.

The baseline residential growth projection is determined by subtracting the number of households in 2004 from the projected household growth for the municipality in 2018. This calculation results in the estimated household growth. The following calculation details the baseline projection for Montville.

Table 18: Household Growth Estimates 2004 - 2018
Montville, New Jersey

2018 Household Estimate	-	2004 Household Estimate	=	Household Growth
8,738		7,751		987

Source: N.J.A.C. 5:97-Appendix F – Consultants’ Reports

Based on the calculation above, COAH projects Montville will experience an increase of 987 households by 2018. This projected growth translates to an estimated residential growth share obligation of 197.4 units, based on a standard of one affordable unit among five units created.

The baseline employment growth projection is determined by subtracting the number of jobs in 2004 from the projected number of jobs in the municipality in 2018. This calculation results in the estimated employment growth. The following calculation details the baseline non-residential growth projection for Montville.

Table 19: Employment Growth Estimates 2004 - 2018
Montville, New Jersey

2018 Employment Estimate	-	2004 Employment Estimate	=	Employment Growth
13,155		11,257		1,898

Source: N.J.A.C. 5:97-Appendix F – Consultants’ Reports

Based on the calculation above, COAH projects Montville will experience an increase of 1,898 jobs by 2018. This translates to an estimated affordable non-residential growth share obligation of 118.6 units, based on a standard of one affordable unit for every 16 jobs created.

As shown in the accompanying table, the sum of COAH’s projected residential growth share and non-residential growth share equals a total projected growth share obligation of 316 units.

**Table 20: Total COAH Projected Growth Share Obligation
Montville, New Jersey**

Residential Growth Share Obligation	+	Non-Residential Growth Share Obligation	=	Total Growth Share Obligation
197.4		118.6		316

- b. Adjustment to COAH’s Growth Share Projection. COAH’s rules at NJAC 5:97-5.6 permit municipalities to request an adjustment to its household projection provided in Appendix F based on an analysis of existing land capacity. If the sum of the projection and actual growth since 2004 is less than the growth projection provided in Appendix F by greater than 10 percent, the new figure can be used to determine the growth share obligation.

The steps and analyses for determining the adjustment to the baseline growth share projection are shown below.

- i. Actual Growth. First, actual residential and non-residential growth in the municipality is presented for the period between January 1, 2004 and year-to-date 2009.

The following table shows actual residential growth, as evidenced solely by certificates of occupancy (COs). For purposes of calculating residential growth, demolitions cannot be factored into the projection. As shown, actual growth from January 1, 2004 through 2009 YTD totals 169 units.

**Table 21: Actual Growth in Residential Development
Analysis of Certificates of Occupancy, 2004-2009 YTD
Montville, New Jersey**

	2004	2005	2006	2007	2008	2009 YTD*	Total
COs Issued	43	34	36	34	16	6	169

* Through September

Source: NJ DCA, The NJ Construction Reporter: <http://www.state.nj.us/dca/codes/cr/conrep.shtml>

Actual non-residential growth figures for 2004 through 2009 YTD are shown in the accompanying table. Non-residential growth is indicated by certificates of occupancy and demolition permits issued. The table presents this information based on the total square footage by type of non-residential development (i.e. office, retail, etc.), which is then translated into employment growth, based on the multipliers provided in Appendix D of the substantive rules. As shown, actual growth for the period totals 551 jobs.

**Table 22: Actual Growth in Non-Residential Development
Analysis of Certificates of Occupancy and Demolition Permits, 2004-2009 YTD
Montville, New Jersey**

	2004		2005		2006		2007		2008		2009 YTD*		Total Jobs
	SF	Jobs	SF	Jobs	SF	Jobs	SF	Jobs	SF	Jobs	SF	Jobs	
Certificates of Occupancy													
Office	13,040	36.5	40,903	114.5	17,379	48.7	5,742	16.1	15,525	43.5	25,212	70.6	329.9
Retail	0	0	113,718	193.3	0	0	0	0	0	0	0	0	193.3
A2 Assembly	0	0	0	0	0	0	8,098	25.9	0	0	0	0	25.9
A3 Assembly	0	0	0	0	0	0	1,715	2.7	3,814	6.1	0	0	8.8
A4 Assembly	0	0	0	0	32,619	110.9	0	0	0	0	0	0	110.9
Subtotal Jobs	36.5		307.8		159.6		44.7		49.6		70.6		668.8
Demolition Permits													
Office	0	0	32,832	91.9	0	0	0	0	2,782	7.8	0	0	99.7
A2 Assembly	0	0	0	0	5,600	17.9	0	0	0	0	0	0	17.9
Subtotal Demos	0		91.9		17.9		0		7.8		0		117.6
Total Jobs	36.5		215.9		141.7		44.7		41.8		70.6		551.2

* Through September

Source: NJ DCA, The NJ Construction Reporter: <http://www.state.nj.us/dca/codes/cr/conrep.shtml>.

Subtraction of actual residential and non-residential growth, as shown in the tables above, from COAH's baseline residential and non-residential growth projections results in a difference of 818 units and 1,347 jobs, respectively. An adjustment may only be sought against these numbers.

- ii. Projected Development in Highlands Preservation Area. Although the entirety of Montville Township is located within the Highlands region, the Township has petitioned for Highlands Plan Conformance only for that portion of the municipality within the Preservation Area. Thus, whereas the Township is permitted to seek a downward adjustment in accordance with NJAC 5:97-5.6 for the Planning Area portion of the municipality, it must use the Highlands Municipal Build-Out Report to project growth within the Preservation Area. As shown in the appendix of this document, the Highlands Municipal Build-Out Report for Montville Township estimates no capacity for additional growth in the Preservation Area portion of the municipality.
- iii. Projected Development Based on Existing Land Capacity. COAH then requires that an inventory of vacant land and other data to determine future growth be provided in accordance with NJAC 5:97-5.2(c) and (d). This information pertains only to the Planning Area portion of the municipality and is included in the appendix of this document.

The inventory of vacant land includes all privately- and municipally-owned parcels that are classified on the Township's tax records as vacant. This inventory is illustrated on the map titled "Vacant Parcels (Per Municipal Tax Records)" in the appendix of this document.

These parcels were then listed on Workbook C (Growth Projection Adjustment)¹ and categorized as either residential or non-residential based on the Township's existing zoning regulations.

In accordance with NJAC 5:97-5.2(d) and 5.6(c), parcels were determined to exhibit no potential for development if they contain environmentally sensitive features (illustrated on the "Environmental Constraints" map in the appendix of this document), are designated for active or passive recreation, or are too small or constrained to accommodate one housing unit. In addition, sites that have already been approved for development, but have not received certificates of occupancy, were assigned a development potential consistent with the actual development approved thereon.

The remaining lots on the vacant land inventory are presumed to have potential for development. COAH's rules at NJAC 5:97-5.6(e) require that any parcel with potential for development in Planning Area 1 be assigned a minimum density of 8 units per acre for residential sites and 80 jobs per acre for non-residential sites. For parcels that lie outside of Planning Areas 1 or 2, but are within an existing or proposed sewer service area (SSA), COAH assigns a minimum density of 4 units per acre for residential sites and 40 jobs per acre for non-residential sites. A map illustrating the boundaries of the State Development and Redevelopment Plan (SRDP) Planning Areas is in the appendix of this document.

As shown in Workbook C in the appendix of this document, the total buildable area in Montville's residential zones equals 67.47 acres, including 50.31 acres in Planning Area 1 and 17.16 acres outside of Planning Areas 1 or 2 but in the SSA. When applying COAH's minimum presumptive densities set forth above, this translates to a projected growth of 470.31 units through 2018.

Also shown in Workbook C is the total buildable area in Montville's non-residential zones, which equals 19.93 acres. This figure includes 10.7 acres in Planning Area 1 and 9.23 acres outside of Planning Areas 1 or 2 but in the SSA. When applying COAH's minimum presumptive intensities set forth above, this translates to a projected growth of 1,223.64 jobs through 2018.

- iv. Total Growth Share. In this step, NJAC 5:97-5.6(f) requires that the housing and growth share projections set forth in Workbook C be added back to the actual growth for the period 2004 to YTD 2009. In addition, the projected growth for the Highlands Preservation Area per the Highlands Municipal Build-Out Report must be added as well. The result is the growth share based on municipal capacity, which must be compared against COAH's baseline projected growth share from Appendix F.

¹ Because the number of vacant parcels categorized as residential exceeded the number of sheets allotted to the Residential Parcel Inventory in Workbook C, certain categories of residentially zoned parcels deemed to lack development potential were included in a Supplement to Workbook C. This is located in the appendix of this document. Parcels listed in the Supplement to Workbook C include existing preserved open space, municipally-owned lots whose use or environmental constraints prohibit any development potential, and lots that are too small to produce one dwelling unit. Such parcels are illustrated distinctly on the map titled "Vacant Parcels (Per Municipal Tax Records)".

The following table shows the sum of actual residential development for the period 2004 to YTD 2009, the Highlands Municipal Build-Out Results for Montville’s Preservation Area, and the projected residential growth based on our analysis above. As shown, this results in a total residential growth share based on municipal capacity of 639.31 units.

**Table 23: Residential Growth Share Based on Municipal Capacity
Montville, New Jersey**

2004-2009 YTD* Actual Growth	+	Projected Preservation Area Growth	+	Projected Residential Growth	=	Residential Growth Share Based on Municipal Capacity
169		0		470.31		639.31

* Through September

Applying the standard of one affordable housing unit among five units created to the residential growth share based on municipal capacity results in an obligation of 127.86 affordable housing units.

The sum of actual non-residential development for the period 2004 to YTD 2009, the Highlands Municipal Build-Out Results for Montville’s Preservation Area, and the projected non-residential growth is shown in the table below. As shown, this results in a total non-residential growth share based on municipal capacity of 1,774.84 units.

**Table 24: Non-Residential Growth Share Based on Municipal Capacity
Montville, New Jersey**

2004-2009 YTD* Actual Growth	+	Projected Preservation Area Growth	+	Projected Non-Residential Growth	=	Non-Residential Growth Share Based on Municipal Capacity
551.2		0		1,223.64		1,774.84

* Through September

Applying the standard of one affordable housing unit for every 16 jobs created to the non-residential growth share based on municipal capacity results in an obligation of 110.93 affordable housing units.

As shown in the table below, the sum of the residential and non-residential growth share obligations based on municipal capacity results in the need for 239 affordable housing units.

**Table 25: Total Growth Share Obligation Based on Municipal Capacity
Montville, New Jersey**

Residential Growth Share Obligation	+	Non-Residential Growth Share Obligation	=	Total Growth Share Obligation
127.86		110.93		238.79

- v. Comparison of COAH’s Baseline Projection to Adjusted Projection. Finally, the adjusted growth share projection based on municipal capacity must be compared to COAH’s

projected growth share in Appendix F. If the result of the adjustments based on municipal capacity is less than COAH's projections by greater than 10 percent, the projections utilized for the purpose of projecting the municipality's growth share obligation may be adjusted downward.

The municipal land capacity analysis resulted in a growth share projection of 239, which is less than COAH's growth share projection of 316 units by more than 10 percent. Therefore, the COAH-generated growth projection may be reduced accordingly. The total growth share obligation for Montville is 239 units.

4. Total Fair Share Obligation. As indicated previously, the total fair share obligation is the sum of the rehabilitation share, remaining prior round obligation, and the growth share. As shown below, Montville has a total fair share obligation of 253 units.

**Table 26: Total Fair Share Obligation
Montville, New Jersey**

Component	Obligation
Rehabilitation Share	14
Remaining Prior Round Obligation	0
Growth Share	239
Total Fair Share Obligation	253

SECTION III: FAIR SHARE PLAN

A. PLAN SUMMARY

This section of the plan details the projects, mechanisms and funding sources which will be used to meet the Township's affordable housing obligation. It is broken down into three subsections: (1) rehabilitation share, (2) remaining prior round obligation and (3) growth share obligation.

1. Rehabilitation Share. COAH has assigned the Township a rehabilitation share of 14 units. The Township's proposal for addressing its rehabilitation obligation is set forth later in this section.
2. Remaining Prior Round Obligation. As detailed in the previous section of this plan, the Township has satisfied the entirety of its 261 unit prior round obligation and has 211 surplus credits that can be applied toward the growth share obligation.
3. Growth Share Obligation. As detailed in the previous section of this plan, Montville's growth share obligation is 239 units. The rules governing the growth share obligation relate to Montville as follows:
 - a. Rental Component. COAH regulations stipulate in NJAC 5:97-3.10(b)3 that at least 25 percent of a municipality's growth share obligation must be addressed with rental housing. Therefore, the Township is obligated to provide 60 affordable rental units. Per NJAC 5:97-3.4(b), a minimum of 50 percent of these affordable rental units (equal to 30) shall be family housing.
 - b. Age Restricted Units. COAH regulations stipulate in NJAC 5:97-3.10(c)2 that up to 25 percent of a municipality's growth share obligation may be addressed with age-restricted housing. Therefore, the Township may provide up to 60 age-restricted units.
 - c. Bonus Caps. COAH regulations stipulate in NJAC 5:97-3.20(b) that the total number of bonuses for the growth share obligation granted in a fair share plan shall not exceed 25 percent of the projected growth share obligation. Therefore, the Township may be granted up to 60 bonus credits. It is noted that, per NJAC 5:97-3.6(a), a municipality may only receive rental bonus credits for units in excess of its growth share rental obligation.

B. PLAN COMPONENTS

1. Rehabilitation Program. The Township has been assigned a 14 unit rehabilitation share obligation. Municipalities are required to set aside sufficient funds to address half of their rehabilitation obligation by the mid-point of substantive certification of their plan. A minimum of \$10,000 per unit is required. In Montville's case, this means that \$70,000 must be set aside for this purpose. The Township will utilize its development fee monies for this purpose and will appropriate funds or authorize the issuance of debt if necessary to address any shortfalls in funding, in accordance with COAH regulations.
2. Growth Share Obligation Plan Components. The Township has a 239 unit growth share obligation. This obligation will be met as follows:

- a. Surplus Credit. As detailed in the previous section of this plan, the Township has 211 surplus credits from the prior round that can be applied toward the growth share obligation. In order to comply with the rules governing the prior round and growth share obligations, the prior round plan components shall be reallocated as follows:

**Table 27: Reallocation of Prior Round Plan Components
Montville, New Jersey**

Plan Component	Prior Round	Growth Share
Inclusionary Developments:	196	211
Longview Estates	89 (65 age-restricted + 24 family)	30 (age-restricted)
Rachel Gardens	65 (rentals)	103 (rentals)
Hunting Hills	22 (rentals)	--
Jade Commons	20	2
Montville Chase	--	76
Rental Bonus Credits:	65	--
Rachel Gardens	65	--
TOTAL	261	211

- b. Inclusionary Developments. The Township will address the remaining 28-unit growth share obligation via several inclusionary developments. These developments are as follows:
- i. *Montville LaSala LLC.* The Township Planning Board recently approved an inclusionary development application at 2 Jacksonville Road (Block 40 Lot 30.03). This 1.377 acre site has frontage along both Main Road and Jacksonville Road. Surrounding land uses include a daycare facility to the north, commercial and office uses to the west, an industrial use to the east, and the Towaco Train Station to the south. It is located in Planning Area 1, is free of environmental constraints, and has access to water and sewer utilities. The approved development consists of a two-story mixed use building, with 8,030 square feet of retail space on the ground floor and 6 residential units on the second floor. Two (2) of the 6 residential units are to be deed restricted for low- and moderate-income households. Because these units will be for rent, the site will also qualify for 2 rental bonus credits. Therefore, a total of 4 credits from this site can be applied to the growth share.
 - ii. *Montville Residency.* The Township Planning Board recently approved an inclusionary development application at 17 Hook Mountain Road (Block 160 Lot 4). This 3.1 acre site has frontage along Hook Mountain Road, Bloomfield Avenue, and Route 80. Surrounding land uses include a house of worship to the west, an office building to the east, and retail/service uses to the south. It is located in Planning Area 1 and has access to water and sewer utilities. Environmental constraints impacting the site include steep slopes, however these are limited to the site's northern boundary and do not preclude development. The approved development is for an age-restricted residential facility, consisting of 28 units. Six (6) of the 28 residential units are to be deed restricted for low- and moderate-income households. Because these units will be for rent, the site will also qualify for 6 rental bonus credits. Therefore, a total of 12 credits from this site can be applied to the growth share.

- iii. *Holiday Montville LLC.* The Township Zoning Board of Adjustment recently approved an inclusionary development application at 29 Vreeland Avenue (Block 52.03 Lots 19, 21 and 22). This 6.16 acre site has frontage along Vreeland Avenue near the municipal border with the Town of Boonton. Surrounding land uses include the Longview Estates inclusionary residential development to the north and east, and single-family residential to the south and west. It is located in Planning Area 1 and has access to water and sewer utilities. Although the site does contain steep slopes, the Planning Board granted the applicant a design waiver for the disturbance of such slopes. The approved development consists of a 31-unit age-restricted residential development. Six (6) of the 31 residential units are to be deed restricted for low- and moderate-income households, which can be applied to the growth share.

- iv. *Towaco Center Zoning Districts.* The remaining six (6) units of growth share obligation shall be addressed through zoning for the area in the vicinity of the Towaco Train Station. In 2008, the Township established new zoning districts for this area, including the Towaco Center Core (TC1) and Towaco Center Transitional (TC2) Zone Districts. These districts permit the development of up to 45 dwelling units in the area. Because 6 units have already been approved in the TC2 Zone (see Montville LaSala LLC under Subsection i. above), 39 additional units are anticipated in the area. Twenty (20) percent of these units are required to be set-aside for low- and moderate-income households. Therefore, 8 additional affordable dwelling units are anticipated to be developed in this area². Development proposals for properties in the Towaco Center Zoning Districts may need to be reviewed for consistency with the Highlands Regional Master Plan (RMP) provisions regarding water and sewer extensions. The necessity for review will be determined on a case-by-case basis.

- c. Development Fees. The Township proposes to adopt a development fee ordinance, which, as provided by COAH's rules at NJAC 5:97-8.3, permits the Township to impose such fees on new development. The funds generated by the collection of development fees will be applied directly toward implementation of the Township's Fair Share Plan.

Residential development fees of 1 percent of the equalized assessed value will be collected on residential development within all residential zoning districts. Non-residential development fees of 2.5 percent of the equalized assessed value will be collected on non-residential development within all non-residential zoning districts.

The following developers are exempt from paying development fees:

² It is noted that the Township will require a waiver from N.J.S.A. 52:27D-329.1 of the Fair Housing Act, which requires that at least 13 percent of the housing units made available for occupancy by low- and moderate-income households be reserved for occupancy by very low income households. Under this requirement, the Township would need to provide 30 very low income units (13% X 233 units provided to address the growth share obligation). Because 211 of the 233 total units addressing the growth share obligation are surplus units from the Township's prior round certified plan, all of which have already been completed without very low income units, only 22 new units are being proposed under the current plan. Therefore, the Township proposes to make 13 percent of the 22 proposed new units (or 3 units) available for very low income households.

- Developers of low and moderate income units, or those who have made a payment in lieu of constructing affordable units;
- Developers of any not-for-profit uses; federal, state and municipal government uses; churches and other places of worship; and public schools;
- Developers who expand, enlarge, or improve existing single family or two family residences, unless the expansion, enlargement, or improvement leads to the creation of additional dwelling units(s).

With respect to the proposed development fee ordinance, the following is attached in the appendix of this plan:

- An ordinance for the collection of development fees;
 - A resolution from the governing body requesting COAH review and approval of development fee ordinance;
 - A spending plan;
 - A resolution from the governing body requesting COAH review and approval of spending plan.
- d. Affordable Housing Ordinance. An affordable housing ordinance is attached as an appendix to this plan.

3. CONCLUSION

The Township has a 14 unit rehabilitation obligation and a 239 unit growth share obligation, for a total obligation of 253 units. The table below provides a summary of how this obligation will be met within the Township. As shown, the growth share obligation will be met via surplus credits from the prior round and inclusionary developments. A map depicting the locations of these plan components can be found in the appendix of this document.

**Table 28: Summary of Plan Components – Growth Share
Montville, New Jersey**

Plan Component	Number of Credits
Surplus Credits from Prior Round:	211
Longview Estates	30 age-restricted units
Rachel Gardens	103 rental units
Jade Commons	2 units
Montville Chase	76 units
Inclusionary Developments:	30
Montville LaSala LLC	2 rental units
Montville Residency	2 rental bonus credits
Holiday Montville LLC	6 age-restricted rental units
Towaco Center Zoning Districts	6 rental bonus credits
	8 units
Total	241 (239 needed)

APPENDICES

A - 1: Maps

- a. Vacant Parcels (Per Municipal Tax Records)**
- b. Environmental Constraints**
- c. State Development and Redevelopment Plan (SDRP) Planning Areas**
- d. Location of Plan Components**

A - 2: Workbook C: Growth Projection Adjustment Tables

A - 3: Supplement to Workbook C: Growth Projection Adjustment Tables

A - 4: Development Fee Ordinance

A - 5: Resolution Requesting COAH Review and Approval of Development Fee Ordinance

A - 6: Spending Plan

A - 7: Resolution Requesting COAH Review and Approval of Spending Plan

A - 8: Affordable Housing Ordinance

A - 9: Resolution of Intent to Bond in Event of a Funding Shortfall

PEQUANNOCK TWP

LINCOLN PARK BORO

FAIRFIELD BORO

WEST CALDWELL BORO

KINNELON BORO

EAST HANOVER TWP

PARSIPPANY-TROY HILLS TWP

BOONTON TOWN

BOONTON TWP

1	Added subdivisions	03/15/10	RW
Rev	Description	Date	Dwn Ckd

Dwg. Title
**Vacant Parcels
 (per Municipal Tax Records)**

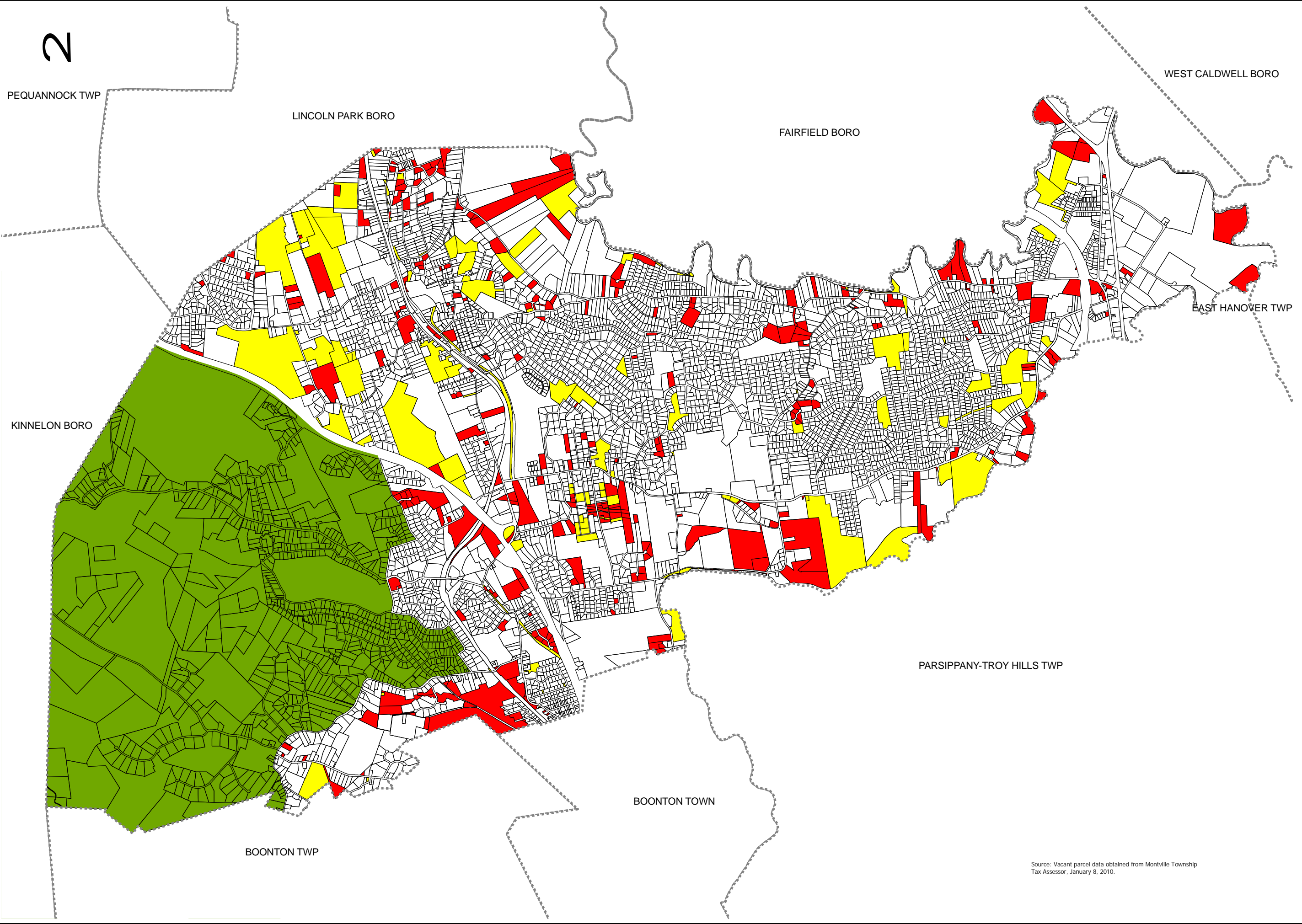
Graphic Scale

JOSEPH H. BURGIS AICP
 PROFESSIONAL PLANNER
 NEW JERSEY LIC. NO. 2450

Project No.	2057-17
Sheet No.	1 of 1
Date	1/14/10
Drawn	RW
Dwg Scale	N.T.S.
File Name	2057.17VAC

Dwg. No.
VAC
 2010 COPYRIGHT BA- NOT TO BE REPRODUCED

Source: Vacant parcel data obtained from Montville Township Tax Assessor, January 8, 2010.



Dwg. Legend

- Municipal Boundaries
- ▭ Montville Parcels
- Public Open Space
- Private Open Space
- Wetlands with 100 ft Buffers
- Streams with 300 ft Buffers
- Streams with 50 ft Buffers
- ▨ 100-Year Floodplain
- Lakes
- ▨ Slopes > 15%
- National Heritage Priority Sites
- Landscape Data Rank 3-5
- ⌋ Historic Properties
- ▨ Historic Districts

1	Added subdivisions	03/15/10	RW
Rev	Description	Date	Dwn Ckd

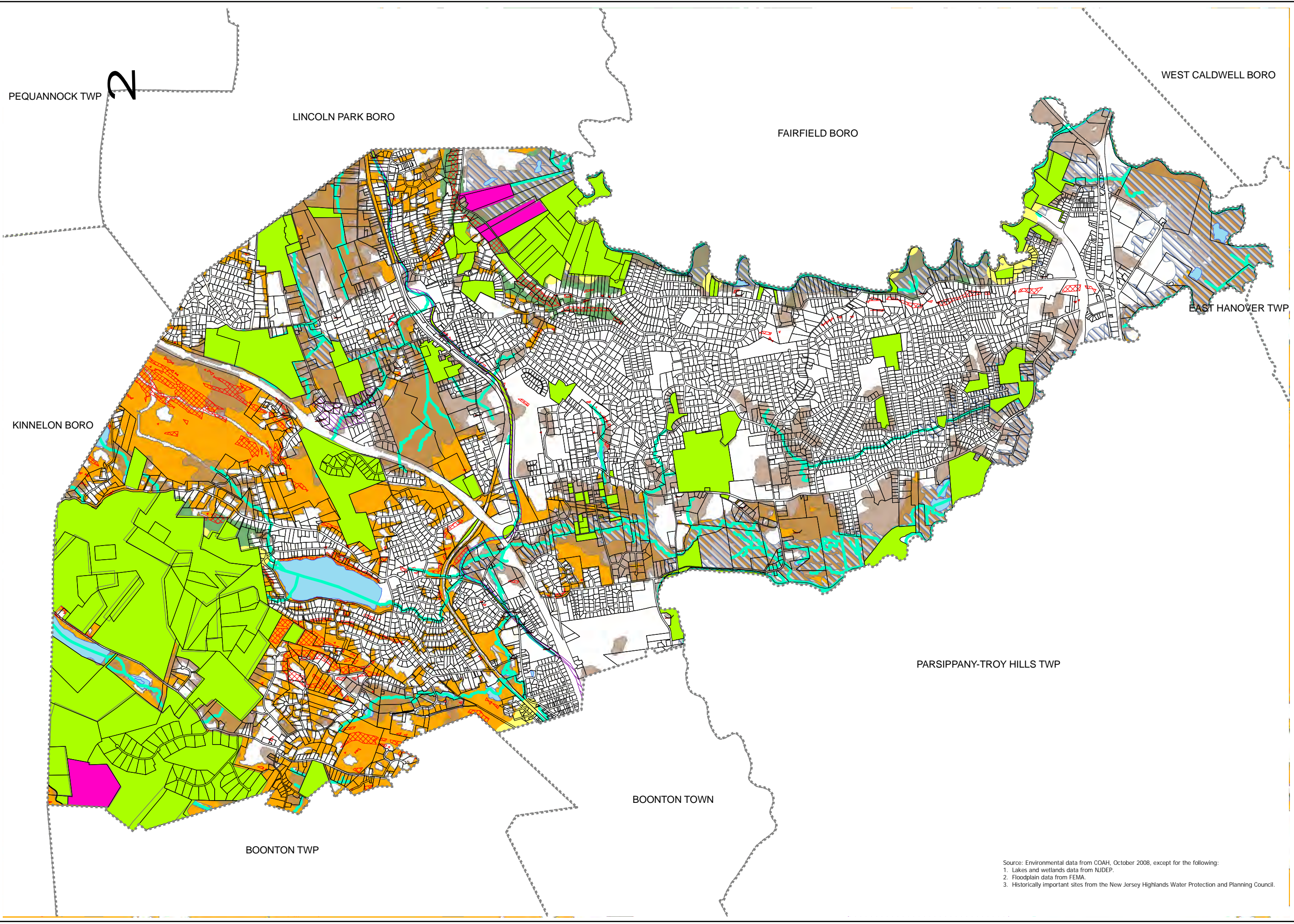
Dwg. Title
**Environmental
 Constraints**

Graphic Scale

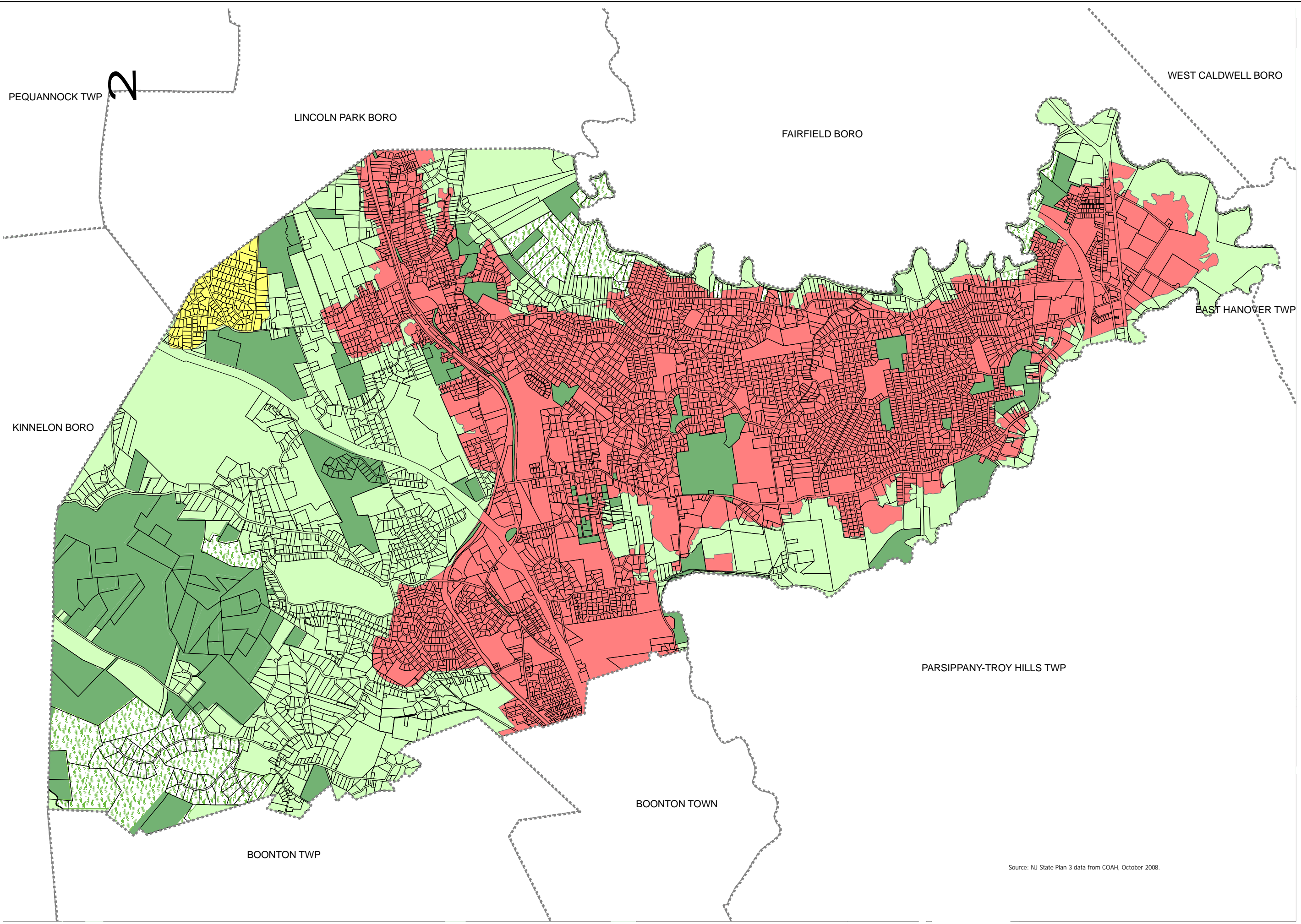
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 PROFESSIONAL PLANNER
 NEW JERSEY LIC. NO. 2450

Project No. 2057.17
 Sheet No. 1 of 1
 Date 1/14/10
 Drawn RW
 Dwg Scale N.T.S.
 File Name 2057.17ENV

Dwg. No.
 ENV
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Source: Environmental data from COAH, October 2008, except for the following:
 1. Lakes and wetlands data from NJDEP.
 2. Floodplain data from FEMA.
 3. Historically important sites from the New Jersey Highlands Water Protection and Planning Council.



BURGIS ASSOCIATES, INC.
 COMMUNITY PLANNING AND DEVELOPMENT CONSULTANTS
 25 Westwood Avenue
 Westwood, New Jersey 07675
 Phone: (201)-666-1811
 Fax: (201)-666-2599

Project Title
**2010
 Housing Plan**
 TOWNSHIP OF MONTVILLE
 MORRIS COUNTY, NEW JERSEY

Key Map
 Scale: NOT TO SCALE

Dwg. Legend

- Municipal Boundaries
- Montville Parcels

SDRP Planning Areas

- 1 - Metropolitan
- 3 - Fringe
- 5 - Environmentally Sensitive
- 6 - Local Park
- 8 - State Park

Rev	Description	Date	Drawn	Checked

Dwg. Title
SDRP Planning Areas

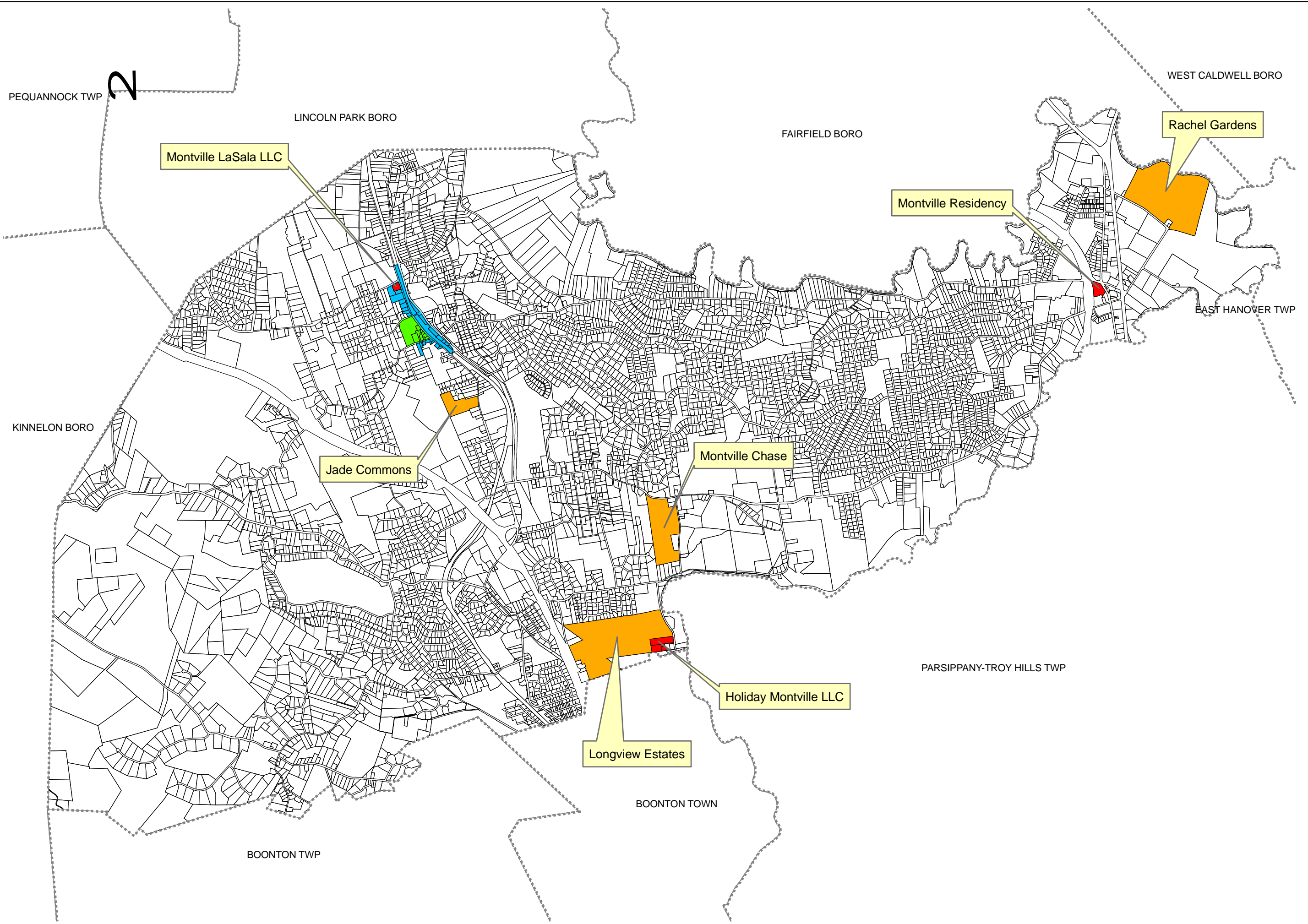
Graphic Scale

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 NEW JERSEY LIC. NO. 2450

Project No.	2057-17
Sheet No.	1 of 1
Date	1/14/10
Drawn	RW
Dwg Scale	N.T.S.
File Name	2057.17SPA

Dwg. No.
 SPA
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Source: NJ State Plan 3 data from COAH, October 2008.



Rev	Description	Date	Drawn	Checked

Dwg. Title
Location of Plan Components

Graphic Scale

Summary of Adjusted Growth Share Projection Based On Land Capacity
(Introduction to Workbook C)

Municipality Name: **Montville Township**

This workbook contains two separate worksheets to be used for determining the projected Municipal Growth Share Obligation. Worksheet A must be completed by all municipalities. The Worksheet is a tool that allows the user to enter COAH-generated Growth Projections included in Appendix F(2) of the revised Third Round Rules to determine the projected Growth Share Obligation after applying exclusions permitted by N.J.A.C. 5:97-2.4. Municipalities that accept the COAH-generated Growth projections need only use Worksheet A.
[Click Here to complete Worksheet A](#)

Municipalities seeking to request a downward adjustment to the COAH-generated growth projections may do so by providing a detailed analysis of municipal land capacity. After completing this analysis, the growth projections may be lowered if the resulting growth share obligation results in a figure that is at least 10 percent lower than the projected Growth Share Obligation that would result from the COAH-generated growth projections. Actual growth must first be determined using the Actual Growth worksheet. A growth projection adjustment may only apply to any remaining growth.
[Click Here to Enter Actual Growth to Date](#)
[Click Here to Complete the Residential Parcel Inventory and Capacity Analysis](#)
[Click Here to Complete the Non-residential Parcel Inventory and Capacity Analysis](#)

Summary Of Worksheet Comparison

	COAH Projected Growth Share (From Worksheet A)	Growth Share Based on Municipal Capacity (From Worksheet C)
Residential Growth	987	639
Residential Exclusions	0	0
Net Residential Growth	987	639
Residential Growth Share	197.40	127.86
Non-Residential Growth	1,898	1,775
Non-Residential Exclusions	0	0
Net Non- Residential Growth	1,898	1,775
Non-Residential Growth Share	118.63	110.93
Total Growth Share	316	239

The Municipal land capacity analysis results in a reduction to the COAH-generated growth projection. Please file Workbook C and use a Residential Growth Share of 127.86 plus a Non-residential Growth Share of 110.93 for a total Growth Share Obligation of 239 affordable units

Growth Projection Adjustment - Actual Growth

Municipality Name: Montville Township

Actual Growth 01/01/04 to Present

Residential COs Issued	169	
Qualified Residential Demolitions		

[Get Certification Form](#)

Note: To **qualify** as an offsetting residential demolition, the unit must be the primary residence of the household for which the demolition permit has been issued, it had to be occupied by that owner for at least one year prior to the issuance of the demolition permit demolition, it has to continue to be occupied by that household after the re-build and there can be no change in use associated with the property. (See [N.J.A.C. 5:97-2.5\(a\)1.v.](#)) A Certification Form must be completed and submitted for each qualifying demolition.

Non-residential CO's by Use Group		Square Feet	Square Feet	Jobs/1,000 SF	Total Jobs
		Added (COs Issued)	Lost Demolition Permits Issued)		
B		117,801	35,614	2.8	230.12
M		113,718		1.7	193.32
F		0		1.2	0.00
S		0		1.0	0.00
H		0		1.6	0.00
A1		0		1.6	0.00
A2		8,098	5,600	3.2	7.99
A3		5,529		1.6	8.85
A4		32,619		3.4	110.90
A5		0		2.6	0.00
E		0		0.0	0.00
I		0		2.6	0.00
R1		0		1.7	0.00
Total		277,765	41,214		551.19

[Return to Growth Projection Adjustment Summary Screen](#)

[Proceed to Inventory of Vacant Residential Land](#)

[Proceed to Inventory of Non-residential Land](#)

Worksheet A: Growth Share Determination Using Published Data
(Appendix F(2), *Allocating Growth To Municipalities*)

<p>COAH Growth Projections</p> <p>Must be used in all submissions</p>
--

Municipality Name: Montville Township

Enter the COAH generated growth projections form Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. on Line 1 of this worksheet. Use the Tab at the bottom of this page or the links within the page to toggle to the exclusions portion of this worksheet. After entering all relevant exclusions, toggle back to this page to view the growth share obligation that has been calculated based on COAH's growth projections.

	Residential	Non-Residential
1 Enter Growth Projections From Appendix F(2)*	987	1,898
2 Subtract the following Residential Exclusions pursuant to 5:97-2.4(a) from "Exclusions" tab	Click Here to enter Prior Round Exclusions	
COs for prior round affordable units built or projected to be built post 1/1/04		
Inclusionary Development	0	
Supportive/Special Needs Housing	0	
Accessory Apartments	0	
Municipally Sponsored or 100% Affordable	0	
Assisted Living	0	
Other	0	
Market Units in Prior Round Inclusionary development built post 1/1/04	0	
3 Subtract the following Non-Residential Exclusions (5:97-2.4(b))		
Affordable units	0	
Associated Jobs		0
4 Net Growth Projection	987	1,898
5 Projected Growth Share (Conversion to Affordable Units Divide HH by 5 and Jobs by 16)	197.40 Affordable Units	118.63 Affordable Units
6 Total Projected Growth Share Obligation		316 Affordable Units

[Click Here to return to Workbook C Summary](#)

* For Residential Growth, See Appendix F(2), Figure A.1, Housing Units by Municipality. For Non-residential Growth, See Appendix F(2), Figure A.2, Employment by Municipality

Affordable and Market-Rate Units Excluded from Growth

Municipality Name: Montville Township

Prior Round Affordable Units NOT included in Inclusionary Developments Built Post 1/1/04

Development Type	Number of COs Issued and/or Projected
Supportive/Special Needs Housing	
Accessory Apartments	
Municipally Sponsored and 100% Affordable	
Assisted Living	
Other	
Total	0

Market and Affordable Units in Prior Round Inclusionary Development Built post 1/1/04

N.J.A.C. 5:97-2.4(a)

(Enter Y for yes in Rental column if rental units resulted from N.J.A.C. 5:93-5.15(c)5 incentives)

Development Name	Rentals? (Y/N)	Total Units	Market Units	Affordable Units	Market Units Excluded
		0			0
		0			0
		0			0
		0			0
		0			0
Total		0	0	0	0

Jobs and Affordable Units Built as a result of post 1/1/04 Non-Residential Development

N.J.A.C. 5:97-2.4(b)

Development Name	Affordable Units Provided	Permitted Jobs Exclusion
		0
		0
		0
		0
Total	0	0

[When finished, click here to return to Worksheet A](#)

Montville Township Growth Projection Adjustment - Residential Parcel Inventory

Block	Lot	Address	Owner	SDRP Planning Area	Urban Center (Y/N)	Sewer Service Area (Y/N)	HUC 11 NO3 Density	Total Acreage	Constrained Acreage	Constraint Description	Buildable Acreage	Density (Units/Ac)	Capacity (Units)
Preservation Area capacity from Mod2 Table 4				5	n	n	0.25	0.00			0.00	0.25	0.00
100	5.02	33 Whitehall Rd	Nycz, Joseph C & Dolores B	1	n	y		0.81	0.81	Morris Canal Historic District, Wetlands with 100 ft Buffers, Streams with 50 ft Buffers	0.00	8.00	0.00
100	9	6 Berlin Ln	GPF, LLC	1	n	y		0.24	0.24	Developed (CO issued)	0.00	8.00	0.00
100.01	9	36 Two Bridges Rd	Lynch, Michael V L	1	n	y		0.72	0.595	Approved for 1 unit (Lynch)	0.13	8.00	1.00
102	4.11	7 Ryan Ct	Glover Family Partnership LP	1	n	y		0.98	0.855	Under construction for 1 unit	0.13	8.00	1.00
102	4.12	6 Ryan Ct	Meswani, Mihir & Miki	1	n	y		1.07	1.07	Developed (CO issued)	0.00	8.00	0.00
102	4.13	4 Ryan Ct	Glover Family Partnership LP	1	n	y		0.64	0.515	Under construction for 1 unit	0.13	8.00	1.00
107	4.01	19A Forest Pl	Cecere, Robert & Catherine	1	n	y		0.45	0.35	Landscape Data Rank 3-5	0.00	8.00	0.00
109	12	803 Rt 202	Tokarski, George Sr	1	n	y		0.28	0.25	Streams with 50 ft Buffers	0.00	8.00	0.00
109/109.1	30.3, 30.4, 30.11-30.15, 30	Gunther's View & Alpi	Peter Nagle Builders Inc	1	n	y		13.69	12.44	Approved for 10 units (Forest Ridge)	1.25	8.00	10.00
109	34	Lincoln Park	Borough of Lincoln Park	5	n	y		1.11	1.11	Preserved Open Space in Borough of Lincoln Park (with Blk 35 Lot 12.1)	0.00	4.00	0.00
109	42.1	27 Redding Pl	Vidovich, Daniel & Diane	5	n	y		2.578	2.106	Landscape Data Rank 3-5	0.47	4.00	1.89
109	44.02	29 Forest Pl	Kozell, Deborah M	1	n	y		2.14	2.14	Landscape Data Rank 3-5	0.00	8.00	0.00
110	21.04	7 Plane Ct	Voruganti, Venkat & Naga	1	n	y		0.85	0.85	Wetlands with 100 ft Buffers, Landscape Data Rank 3-5	0.00	8.00	0.00
111	3	863-867 Rt 202	Alpine Dev Co Inc	1	n	y		0.92			0.92	8.00	7.36
111	14	18A Alpine Rd	Santar, Mark c/o CDS	1	n	y		0.41			0.41	8.00	3.28
111	15.07	17 Rose Ct	Evangelical Mission & Seminary Ir	1	n	y		0.63			0.63	8.00	5.04
111	15.08, 15.09	Rose Ct	Evangelical Mission & Seminary Ir	1	n	y		0.39			0.39	8.00	3.12
113	23	56 Peace Valley Rd	Unknown % Realty Property	5	n	y		0.5	0.5	National Heritage Priority Site, Slopes > 15%, Wetlands with 100 ft Buffers	0.00	4.00	0.00
113	24	54 Peace Valley Rd	Mandelbaum, David et al	5	n	y		2.66	2.66	National Heritage Priority Site, Slopes > 15%	0.00	4.00	0.00

[Click Here to Return to Workbook C Summary](#)

[Click Here to Proceed to Non-residential Parcel Inventory and Capacity Analysis](#)

[Add More sheets](#)

* Note: Hyperlink to GIS files requires GIS software. Files must be downloaded first and then opened in a GIS Viewer.

Subtotal This Page	33.69
Subtotal Page 2	26.88
Subtotal Page 3	124.48
Subtotal Page 4	64.04
Subtotal Add'l Pages	221.22
Grand Total	470.31

Montville Township Growth Projection Adjustment - Residential Parcel Inventory Page 2

Block	Lot	Address	Owner	SDRP Planning Area	Urban Center (Y/N)	Sewer Service Area (Y/N)	HUC 11 NO3 Density*	Total Acreage	Constrained Acreage	Constraint Description	Buildable Acreage	Density (Units/Ac)	Capacity (Units)
113	27 42	Peace Valley Rd	Putz, Joseph	5	n	y		5.16	5.16	National Heritage Priority Site, Slopes > 15%, Wetlands with 100 ft Buffers	0.00	4.00	0.00
113	31 20	Peace Valley Rd	Scherzer, Harry S	5	n	y		1.03	1.03	National Heritage Priority Site, Slopes > 15%	0.00	4.00	0.00
113	36 10	Peace Valley Rd	Rapp, Stephen	5	n	y		1.07	1.07	National Heritage Priority Site, Slopes > 15%	0.00	4.00	0.00
113 43.01, 43.03, 43.13	1, 5, 6	Adams Way	Palmar Associates, LLC	5	n	y		3.763	3.012	Approved for 3 units (Skyview Heights)	0.75	4.00	3.00
113	43.15	Sellito Way	Montville Township	1	n	y		0.27	0.06	Landscape Data Rank 3-5	0.21	8.00	1.68
114	1 71	Two Bridges Rd	Plausha Water Co c/o G Marsnick	5	n	y		1.39	1.39	National Heritage Priority Site, Slopes > 15%, Wetlands with 100 ft Buffers	0.00	4.00	0.00
114	4 58	Peace Valley Rd	Riola, Michael J & Christine	5	n	y		1.03	1.03	National Heritage Priority Site, Slopes > 15%, Wetlands with 100 ft Buffers	0.00	4.00	0.00
115	5 14	Pepper Rd	Martin, Donald R & Janice R	1	n	y		1.73	0.68	National Heritage Priority Site	1.05	8.00	8.40
116	11 7	Pepper Rd	Calabrese, Pasquale	1	n	y		0.80	0.20	Landscape Data Rank 3-5	0.60	8.00	4.80
116	22 19	Two Bridges Rd	Leigh, Curt W & Karen E	1	n	y		1.10	1.10	Developed (CO issued)	0.00	8.00	0.00
116	33 12	Cedar Rd (T)	Como, Daniel III & Bono, Joseph J III	1	n	y		0.31			0.31	8.00	2.48
120	1.02	Passaic River Bank	Deer Run Golf & Tennis Club	5	n	y		5.27	5.27	National Heritage Priority Site, Wetlands with 100 ft Buffers, 100-Year Floodplain, Streams with 50 ft Buffers	0.00	4.00	0.00
120	4	Peace Valley Rd	Deer Run Golf & Tennis Club	5	n	y		18.09	18.09	National Heritage Priority Site, Wetlands with 100 ft Buffers, 100-Year Floodplain, Streams with 50 ft Buffers	0.00	4.00	0.00
120	5	Peace Valley Rd	Mandelbaum, David et al	5	n	y		28.68	28.68	National Heritage Priority Site, Wetlands with 100 ft Buffers, 100-Year Floodplain	0.00	4.00	0.00
120	10	Peace Valley Rd R	Sisco, Loretta	8	n	y		4.71	4.71	Public Open Space, Wetlands with 100 ft Buffers, Streams with 300 ft Buffers, 100-Year Floodplain, Landscape Data Rank 3-5	0.00	4.00	0.00
120	26 86	Pine Brook Rd	Panzariello, Elio & Virginia A	5	n	y		2.12	2.12	National Heritage Priority Site, Slopes > 15%, Wetlands with 100 ft Buffers	0.00	4.00	0.00
120	27.02	90A Pine Brook Rd	Claddagh	5	n	y		0.98	0.39	National Heritage Priority Site	0.59	4.00	2.36
120 28.03, 28.04	10-11	Midvale Ave	Mianecki, Joseph S Sr	8	n	y		5.92	5.42	Approved for 2 units (Amanda Woods)	0.50	4.00	2.00
120	44 16	Longview Dr	Camelot Homes	5	n	y		3.62	3.62	National Heritage Priority Site, Wetlands with 100 ft Buffers	0.00	4.00	0.00
122	2 202	Pine Brook Rd	Karas, George	1	n	y		1.25	0.98	National Heritage Priority Site, Wetlands with 100 ft Buffers, 100-Year Floodplain	0.27	8.00	2.16
Total Page 2											26.88		

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[Residential Inventory Main Page](#)

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Montville Township Growth Projection Adjustment - Residential Parcel Inventory Page 3

Block	Lot	Address	Owner	SDRP Planning Area	Urban Center (Y/N)	Sewer Service Area (Y/N)	HUC 11 NO3 Density*	Total Acreage	Constrained Acreage	Constraint Description	Buildable Acreage	Density (Units/Ac)	Capacity (Units)
122	6	15 Cole Ave	Karas, George	5	n	y		0.32	0.32	National Heritage Priority Site, Wetlands with 100 ft Buffers, 100-Year Floodplain	0.00	4.00	0.00
122	14	186 Pine Brook Rd	Lofaro, Denise L	1	n	y		2.16	1.77	National Heritage Priority Site, Wetlands with 100 ft Buffers, 100-Year Floodplain	0.39	8.00	3.12
122	18	176 Pine Brook Rd	Timmons, Mary B Est % Margaret Timmons	1	n	y		4.02	3.14	National Heritage Priority Site, 100-Year Floodplain	0.88	8.00	7.04
122.01	1	2 Horseneck Rd	Montville Township	5	n	y		0.36	0.09	100-Year Floodplain, Lake	0.27	4.00	1.08
123	10	29 Church Ln (M)	Ferraro, Salvatore	1	n	y		0.35	0.35	Common ownership with Lot 11 (no development potential)	0.00	8.00	0.00
123	15.01	Church Ln (M) S	Texas Eastern Trans Corp Tax Dept	5	n	y		9.21	9.21	Public utility (no development potential)	0.00	4.00	0.00
123	19, 20	112 & 118 River Rd	Market Place at Montville LLC	5	n	y		36.45	36.16	100-Year Floodplain, Streams with 50 ft Buffers, Landscape Data Rank 3-5	0.29	4.00	1.16
124.07	8.01, 8.02	33 Passaic Valley Rd	O'Dowd, Brian & O'Dowd, William E	1	n	y		2.44	2.19	Approved for 2 units (Whispering Brook)	0.25	8.00	2.00
124.07	22.05	6 Oxford Dr	Fu, Jessie	1	n	y		1.3	0.37	Streams with 50 ft Buffers	0.93	8.00	7.44
124.09	10	136A Change Bridge Rd	Campagna Condo Homeowners Assoc	1	n	y		2.3	2.3	Common open space for Campagna Condos, Landscape Rank 3-5	0.00	8.00	0.00
125	1.01	131 Pine Brook Rd	Perfect Image Builders, LLC	1	n	y		0.71	0.59	Approved for 1 unit (Pallay)	0.13	8.00	1.00
125	1.02	131A Pine Brook Rd	Miloseski, Slavco & Emilija	1	n	y		1.06	0.94	Approved for 1 unit (Pallay)	0.13	8.00	1.00
125	3	South Ln	Carpel, Scott	1	n	y		6.21			6.21	8.00	49.68
125.05	6	Stephen Dr Rear	La Scala, Joseph & Katherine	1	n	y		6.11	0.72	Slopes > 15%	5.39	8.00	43.12
125.05	13.1	Coppola Ct	Pisano, Russell	1	n	y		0.65	0.65	Wetlands with 100 ft Buffers	0.00	8.00	0.00
125.05	14.1-14.4	Horseneck Rd & Coppola Ct	Pisano, Russell G & Angela	1	n	y		13.59	13.09	Approved for 4 units (Brianna Estates)	0.50	8.00	4.00
125.06	17	203 Pine Brook Rd	Montville Township	1	n	y		0.23			0.23	8.00	1.84
125.07	18.2	38A Horseneck Rd	Alvine, Samuel J	1	n	y		1.06	0.935	Approved for 1 unit (Alvine)	0.13	8.00	1.00
130	38	20 Sunrise Way	Weiss, Henry Jr & Linda Jeanne	1	n	y		0.94	0.815	Under construction for 1 unit	0.13	8.00	1.00
131	15.01	Change Bridge Rd	Public Service E&G % Tax Dept T-6B	5	n	y		2.51	2.51	Public utility (no development potential)	0.00	4.00	0.00
Total Page 3												124.48	

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Montville Township Growth Projection Adjustment - Residential Parcel Inventory Page 4

Block	Lot	Address	Owner	SDRP Planning Area	Urban Center (Y/N)	Sewer Service Area (Y/N)	HUC 11 NO3 Density*	Total Acreage	Constrained Acreage	Constraint Description	Buildable Acreage	Density (Units/Ac)	Capacity (Units)
138	10.01	234 Change Bridge Rd	Change Bridge Associates	5	n	y		8.49	8.49	100-Year Floodplain, Streams with 50 ft Buffers, Landscape Rank 3-5, No street frontage	0.00	4.00	0.00
138.01	3	236 Change Bridge Rd	Bicalho, Aleksander & Francisco, Edson	1	n	y		1.8			1.80	8.00	14.40
139.06	19.02-19.04	171-176 Konner Ave Nor	Gage, Larry	1	n	y		4.143	3.518	Approved for 5 units (Whispering Oaks)	0.63	8.00	5.00
140	5.03	65 Horseneck Rd	Tollis, Nino & Lucia	1	n	y		0.887	0.762	Approved for 1 unit (Tollis)	0.13	8.00	1.00
152	12.01	Woodmont Rd	Royal Heights Builders	1	n	y		0.14			0.14	8.00	1.12
156	34.01	320 Change Bridge Rd	Leal Properties Inc	5	n	y		1.24	1.24	100-Year Floodplain	0.00	4.00	0.00
156	34.02	318 Change Bridge Rd	Leal Properties Inc	5	n	y		1.20	1.20	100-Year Floodplain	0.00	4.00	0.00
157	2.02	36 Woodmont Rd	Lizza, Ferdinand & Carmen	1	n	y		1.63			1.63	8.00	13.04
159	1	63 Hook Mt Rd	Lacey, A R Est % Juanita L Robinson	1	n	y		0.34			0.34	8.00	2.72
160	4	17 Hook Mt Rd	Hook Mountain Associates LLC	1	n	y		3.2	3.2	Approved for inclusionary development (Montville Residency: 28 units, incl. 6 affordable)	0.00	8.00	0.00
160.01	9	14 Bloomfield Ave	Cain, Ronald R & Ruth M	1	n	y		0.44			0.44	8.00	3.52
163	1.03	119 Hook Mt Rd	View Pointe Developers LLC	5	n	y		4.32	2.91	Slopes > 15%, Conservation Easement	1.41	4.00	5.64
163	10	9A Horseneck Rd	Nurdogan, Mehmet A & Semiha	1	n	y		0.27	0.27	Common ownership with Lot 9 (no development potential)	0.00	8.00	0.00
163	33	77 Hook Mt Rd	Montville Township	1	n	y		0.35			0.35	8.00	2.80
163.01	2	86 Windsor Dr	Lo Russo, Nicholas	1	n	y		0.63			0.63	8.00	5.04
163.01	3	88 Windsor Dr	Guerrero, Jose & Sara	1	n	y		0.72			0.72	8.00	5.76
164	8.01	80 Hook Mt Rd	S Development Co Inc	1	n	y		4.265	4.14	Approved for 1 unit (S. Development)	0.13	8.00	1.00
164	8.02	72A Hook Mt Rd	Zemanek, Joseph D	1	n	y		6.107	5.982	Approved for 1 unit (S. Development)	0.13	8.00	1.00
164	8.03	72B Hook Mt Rd	Press Construction LLC	1	n	y		6.019	5.894	Approved for 1 unit (S. Development)	0.13	8.00	1.00
164	13.01	60 Hook Mt Rd	JRB Group LLC	1	n	y		0.48	0.355	Approved for 1 unit (LoGrasso)	0.13	8.00	1.00
											Total Page 4	64.04	

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Montville Township Growth Projection Adjustment - Residential Parcel Inventory Page 5

Block	Lot	Address	Owner	SDRP Planning Area	Urban Center (Y/N)	Sewer Service Area (Y/N)	HUC 11 NO3 Density	Total Acreage	Constrained Acreage	Constraint Description	Buildable Acreage	Density (Units/Ac)	Capacity (Units)
164	13.02	66 Hook Mt Rd	JRB Group LLC	1	n	y		0.62	0.50	Approved for 1 unit (LoGrasso)	0.13	8.00	1.00
2	13.38	Boonton Ave	JCP&L Co c/o FE Service Tax Dept	5	n	y		4.22	4.22	Public utility (no development potential)	0.00	4.00	0.00
20	1.2	Vista Rd	Lake Valhalla Club	5	n	y		2.67	2.67	Developed with active recreational facilities	0.00	4.00	0.00
20	11.1	Hathaway Ln	Renold, William A	1	n	y		0.24			0.24	8.00	1.92
24.02	31.01	8 Indian Ln	Texas Eastern Trans Corp Tax Dept	5	n	y		2.02	2.02	Public utility (no development potential)	0.00	4.00	0.00
24.02	52	Tumbling Brook Dr	Carant LP c/o Pio Costa	3	n	y		2.54	2.54	Wetlands with 100 ft Buffers, Landscape Data Rank 3-5	0.00	4.00	0.00
28	13.122	Jacksonville Rd	Bott, Marilyn	3	n	y		0.59	0.34	Approved for 1 unit (Bott)	0.25	4.00	1.00
31	13.1	17 Glen View Rd	Beck, Joan & William G	3	n	y		0.967	0.716	Approved for 1 unit (Beck)	0.25	4.00	1.00
31.01	1.01	2 Glen View Rd	Torsiello, Victor Vito & Rosemary	3	n	y		0.85	0.6	Approved for 1 unit (Rosner)	0.25	4.00	1.00
31.01	1.02	2A Glen View Rd	Domino, Blaise & Elena	3	n	y		0.85	0.6	Approved for 1 unit (Rosner)	0.25	4.00	1.00
31.01	3	Glen View Rd (Rear)	Hertz, Barbara J	3	n	y		0.88	0.88	Part of qualified farm assessed in Lincoln Park	0.00	4.00	0.00
32	11.25	Old Jacksonville Rd	Colonelli, Umberto & Rosa	3	n	y		1.19	0.94	Under construction for 1 unit	0.25	4.00	1.00
33	2.61	Boonton Ave	Suppa, Frank III & Lisa A	5	n	y		0.25	0.25	Common ownership with Lot 1 (no development potential)	0.00	4.00	0.00
33	4.2	137 Taylortown Rd	Suppa, Frank Jr	5	n	y		1.292	1.041	Approved for 1 unit (Suppa)	0.25	4.00	1.00
33	12.03	49 Boonton Ave	Quilici, Brenda	5	n	y		0.595	0.595	Common ownership with Lot 12.02 (no development potential)	0.00	4.00	0.00
33	32	Taylortown Rd	Caggiano, Lou Carl	5	n	y		4.86	4.86	Wetlands with 100 ft Buffers, Streams with 50 ft Buffers, Lake, Landscape Data Rank 3-5, No street frontage	0.00	4.00	0.00
33	40.13	3 Pond View	The Pond at Cobblestone HOA LLC	5	n	y		14.937	14.937	Common open space for The Pond at Cobblestone, Wetlands with 100 ft Buffers, Streams with 50 ft Buffers, Landscape Data Rank 3-5	0.00	4.00	0.00
33	40.25	2 Pond View	Bivona, Donna	5	n	y		1.54	1.29	Approved for 1 unit (The Pond at Cobblestone)	0.25	4.00	1.00
33	40.27	14 Pond View	Nardin, Arthur & Patricia	5	n	y		5.273	5.022	Approved for 1 unit (The Pond at Cobblestone)	0.25	4.00	1.00
33	41.1	Capstick Ave	Mandelbaum, Philip	5	n	y		1.67	1.67	Landscape Data Rank 3-5	0.00	4.00	0.00
Total Page 5											10.93		

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Montville Township Growth Projection Adjustment - Residential Parcel Inventory Page 6

Block	Lot	Address	Owner	SDRP Planning Area	Urban Center (Y/N)	Sewer Service Area (Y/N)	HUC 11 NO3 Density*	Total Acreage	Constrained Acreage	Constraint Description	Buildable Acreage	Density (Units/Ac)	Capacity (Units)
33	42	2 Capstick Ave	Mandelbaum, Philip	5	n	y		23.22	23.22	Wetlands with 100 ft Buffers, Streams with 300 ft Buffers, Slopes > 15%, Landscape Data Rank 3-5	0.00	4.00	0.00
33	43	26 Capstick Ave	Galek, Theresa	5	n	y		1.31	1.31	Landscape Data Rank 3-5	0.00	4.00	0.00
33	52	17 Boonton Ave	JCP&L CO c/o FE Service Tax Dept	5	n	y		0.63	0.63	Public utility (no development potential)	0.00	4.00	0.00
34	4.02, 4.03	6 & 8 Blvd	Panzitta, Audrew/Gail & Leonard A Jr	5	n	y		3.69	3.69	Landscape Data Rank 3-5	0.00	4.00	0.00
34	12	Taylorstown Rd R	Davanne Realty Co % Mandelbaum	5	n	y		31.65	30.93	Streams with 300 ft Buffers, Streams with 50 ft Buffers, Slopes > 15%, Lake, Landscape Data Rank 3-5	0.72	4.00	2.88
35	2	Silver St	Stafford, Robert O Jr/Jannice V	1	n	y		0.19	0.19	Streams with 300 ft Buffers	0.00	8.00	0.00
36	1	4 Gold St	Faye, Tom Y	1	n	y		1.9	1.65	Streams with 300 ft Buffers, Landscape Data Rank 3-5	0.25	8.00	2.00
36.01	1	2 Capstick Ave	Faye, Tom Y	1	n	y		0.6	0.6	Lot previously consolidated with Block 36 Lot 1 (needs to be removed from tax records)	0.00	8.00	0.00
39	63.2	3 Twins Ct	N Realty Investors Inc	1	n	y		0.691	0.566	Approved for 1 unit (Laurel Green)	0.13	8.00	1.00
39	63.3	5 Twins Ct	N Realty Investors Inc	1	n	y		0.624	0.699	Approved for 1 unit (Laurel Green)	0.13	8.00	1.00
39	67.02	464 Rt 202	Dellechiaie, Anthony	1	n	y		6.38	6.38	Wetlands with 100 ft Buffers, Landscape Data Rank 3-5	0.00	8.00	0.00
39	75.03	Abbott Rd	Torch, Joseph	5	n	y		2.6	2.6	Wetlands with 100 ft Buffers, Landscape Data Rank 3-5, Remaining developable area too narrow for development	0.00	4.00	0.00
39.06	99.03	Abbott Rd	Torch, Joseph & Barbara	5	n	y		14.54	7.51	Slopes > 15%, Landscape Data Rank 3-5	7.03	4.00	28.12
39.07	2.1-2.7	1-7 W Serafin Way	K&S at Montville LLC	5	n	y		6.813	5.312	Approved for 6 units (K&S at Montville) (Lot 2.7 is dedicated detention basin)	1.50	4.00	6.00
39.07	3	57 Old Ln	Gallen Development	5	n	y		12.5	12.5	Landscape Data Rank 3-5	0.00	4.00	0.00
39.07	86.04	32 Abbott Rd	Blank, Jeffrey & Giovanna	5	n	y		0.621	0.37	Approved for 1 unit (Blank)	0.25	4.00	1.00
39.07	89	35 Abbott Rd	Bono, Joseph J III	5	n	y		2.2	1.57	Landscape Data Rank 3-5	0.63	4.00	2.52
40	2	5 Indian Ln	Mandelbaum, David et al	5	n	y		17.83	17.83	Wetlands with 100 ft Buffers, 100-Year Floodplain, Landscape Data Rank 3-5	0.00	4.00	0.00
40	35	7 Indian Hill Rd	Conklin, Richard D & Rose Marie	1	n	y		0.75	0.75	Common ownership with Lot 35.01 (no development potential)	0.00	8.00	0.00
40	61.01	39 Waughaw Rd	Brzozowski, Thomas & Mary Ann	5	n	y		2.94	2.94	Wetlands with 100 ft Buffers, 100-Year Floodplain, Streams with 50 ft Buffers, Landscape Data Rank 3-5	0.00	4.00	0.00
											Total Page 6	44.53	

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Montville Township Growth Projection Adjustment - Residential Parcel Inventory Page 7

Block	Lot	Address	Owner	SDRP Planning Area	Urban Center (Y/N)	Sewer Service Area (Y/N)	HUC 11 NO3 Density*	Total Acreage	Constrained Acreage	Constraint Description	Buildable Acreage	Density (Units/Ac)	Capacity (Units)
41	15	43 Bellows Ln	DAB Associates LP	1	n	y		3.83	3.08	Approved for 6 units (DAB Associates)	0.75	8.00	6.00
41	17	Bellows Ln	Unknown%Van Hartogh, OS#240, 605, 6	5	n	y		1.87	1.87	Wetlands with 100 ft Buffers, Streams with 50 ft Buffers, Landscape Data Rank 3-5, No street frontage	0.00	4.00	0.00
43	4	4A Benefly Rd	Evangelical Mission&Seminary Intrnl	5	n	y		3.44	3.44	Wetlands with 100 ft Buffers, Landscape Data Rank 3-5	0.00	4.00	0.00
45	2	34 Rt 202	Woytas, Lynn & Dubee, Carolyn	1	n	y		1.13	1.13	Streams with 300 ft Buffers, Streams with 50 ft Buffers, 100-Year Floodplain	0.00	8.00	0.00
46	5	72R Rt 202	Janiel, Bruno c/o Muszak, Ivona	1	n	y		4.97	4.97	Streams with 50 ft Buffers, 100-Year Floodplain, Landscape Data Rank 3-5, No street frontage	0.00	8.00	0.00
46	6	58 Rt 202	Cook, Virginia Ann	1	n	y		0.46	0.46	Streams with 50 ft Buffers, 100-Year Floodplain, Landscape Data Rank 3-5	0.00	8.00	0.00
51	30.01-30.0	21-30 Kokora St	Fairfield Acres LLC	1	n	y		7.42	6.42	Approved for 8 units (Park Lane Estates)	1.00	8.00	8.00
51	50.02	8 Kokora Ave	Kokora Ave LLC	1	n	y		0.36	0.23	Under construction with 1 unit	0.13	8.00	1.00
52	63.08	16 Fowler Pl	Chayka, Robert Inc.	1	n	y		0.48	0.355	Under construction with 1 unit	0.13	8.00	1.00
52	68	5 David Dr	Casarico & Rice, Paul & Elizabeth	1	n	y		0.55			0.55	8.00	4.40
52.03	23.02	Greenbriar Ct	Owens, Michael R & Alexandra S	1	n	y		1.18	1.18	Part of residentially developed parcel assessed in Town of Boonton	0.00	8.00	0.00
54	7	97 River Rd	Condurso, Anthony & P, B, A, J	5	n	y		0.39	0.39	Wetlands with 100 ft Buffers, Streams with 50 ft Buffers, Lot too narrow for development	0.00	4.00	0.00
54	8	River Rd W/S	Market Place at Montville LLC	5	n	y		0.51	0.51	Wetlands with 100 ft Buffers, Streams with 50 ft Buffers, Lot too narrow for development	0.00	4.00	0.00
56	1	16 Taylortown Rd	Unknown % J Matarazzo	1	n	y		0.17	0.1	Landscape Data Rank 3-5	0.00	8.00	0.00
57	10, 11	284 Rt 202 & Valhalla Rd	Torch, Joseph	1	n	y		11.48	11.48	Morris Canal Historic District (Lot 10), Wetlands with 100 ft Buffers, Streams with 50 ft Buffers, Landscape Data Rank 3-5	0.00	8.00	0.00
59	7.01	225 Rt 202	Seabury, Susan Stiegler	1	n	y		0.28	0.28	Common ownership with Lots 10 & 12 (no development potential), Morris Canal Historic District, Streams with 50 ft Buffers	0.00	8.00	0.00
59	8	Rt 202 R	Mon-Tow-Brook Corp	1	n	y		0.57	0.57	Streams with 50 ft Buffers, No street frontage	0.00	8.00	0.00
59	9	Rt 202 R	Deercroft Realty Inc	1	n	y		0.34	0.34	Streams with 50 ft Buffers, No street frontage	0.00	8.00	0.00
59	17-19	Daldunn Dr & River Rd	Gedro Associates	1	n	y		10.99	10.99	Wetlands with 100 ft Buffers, Slopes > 15%, No street access	0.00	8.00	0.00
59.01	3.01	25 Schneider Ln	Cheng, Wunjei J & Shin	1	n	y		3.91	3.91	Wetlands with 100 ft Buffers, 100-Year Floodplain, Streams with 50 ft Buffers, Landscape Data Rank 3-5	0.00	8.00	0.00
Total Page 7											20.40		

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Montville Township Growth Projection Adjustment - Residential Parcel Inventory Page 8

Block	Lot	Address	Owner	SDRP Planning Area	Urban Center (Y/N)	Sewer Service Area (Y/N)	HUC 11 NO3 Density	Total Acreage	Constrained Acreage	Constraint Description	Buildable Acreage	Density (Units/Ac)	Capacity (Units)
59.01	3.03	29 Schneider Ln	Hong, Paul & Olivia	1	n	y		2.06	2.06	Wetlands with 100 ft Buffers, 100-Year Floodplain, Streams with 50 ft Buffers, Landscape Data Rank 3-5	0.00	8.00	0.00
59.01	8.06	41 Kanouse Ln	Wanio, Jaroslaw E & Anna	1	n	y		1.11	1.11	Developed lot in Montville Acres II (CO issued)	0.00	8.00	0.00
59.01	8.06	Kanouse Ln (Rear)	Montville Township	1	n	y		7.57	6.79	Landscape Data Rank 3-5	0.78	8.00	6.24
59.02	1.21	Change Bridge Rd	Algonquin Gas Trans Co % Duke Energy	1	n	y		1.43	1.43	Public utility (no development potential)	0.00	8.00	0.00
63	4	Rosewood Ave C-14, 15,	JCP&L Co c/o FE Service Tax Dept	1	n	y		0.72	0.72	Public utility (no development potential)	0.00	8.00	0.00
63	5.11	Rosewood Ave	Algonquin Gas Trans Co % Duke Energy	1	n	y		0.46	0.46	Public utility (no development potential)	0.00	8.00	0.00
63	6.9	Rosewood Ave	Swerdlin, Millie	1	n	y		0.46	0.46	Wetlands with 100 ft Buffers	0.00	8.00	0.00
65	1.10	Hillcrest Ave	Pblc Srvc Gas & Elec Co c/o AM Capen	1	n	y		1.16	1.16	Public utility (no development potential)	0.00	8.00	0.00
65	2.12	Hillcrest Ave	JCP&L Co c/o FE Service Tax Dept	1	n	y		0.72	0.72	Public utility (no development potential)	0.00	8.00	0.00
65	3.14	Hillcrest Ave	Algonquin Gas Trans Co % Duke Energy	1	n	y		0.64	0.64	Public utility (no development potential)	0.00	8.00	0.00
67	4.30	Millers Ln	Public Service E&G % Tax Dept T-6B	1	n	y		0.89	0.89	Public utility (no development potential)	0.00	8.00	0.00
68	1.28	Millers Ln	Public Service E&G % Tax Dept T-6B	1	n	y		0.81	0.81	Public utility (no development potential)	0.00	8.00	0.00
68	2.26	Millers Ln	JCP&L Co c/o FE Service Tax Dept	1	n	y		0.7	0.7	Public utility (no development potential)	0.00	8.00	0.00
68	3.24	Millers Ln	Algonquin Gas Trans Co % Duke Energy	1	n	y		0.30	0.30	Public utility (no development potential)	0.00	8.00	0.00
70	2.29	Millers Ln	Public Service E&G % Tax Dept T-6B	5	n	y		1.31	1.31	Public utility (no development potential)	0.00	4.00	0.00
70	3.31	Millers Ln	Gorgano, Giovanni c/o J.Gorgano	1	n	y		0.19	0.19	Wetlands with 100 ft Buffers, Landscape Data Rank 3-5	0.00	8.00	0.00
70	6.35	Millers Ln	Hicks, William & Shirley	5	n	y		0.94	0.94	Common ownership with Lot 7 (no development potential), Wetlands with 100 ft Buffers, 100-Year Floodplain, Landscape Data Rank 3-5	0.00	4.00	0.00
70	9.28	Lake Ave	Public Service E&G % Tax Dept T-6B	5	n	y		1.81	1.81	Public utility (no development potential)	0.00	4.00	0.00
70	10.24	Lake Ave	JCP&L Co c/o FE Service Tax Dept	5	n	y		0.92	0.92	Public utility (no development potential)	0.00	4.00	0.00
70	11	Lake Ave	Algonquin Gas Trans Co % Duke Energy	5	n	y		0.61	0.61	Public utility (no development potential)	0.00	4.00	0.00
Total Page 8											6.24		

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Montville Township Growth Projection Adjustment - Residential Parcel Inventory Page 9

Block	Lot	Address	Owner	SDRP Planning Area	Urban Center (Y/N)	Sewer Service Area (Y/N)	HUC 11 NO3 Density	Total Acreage	Constrained Acreage	Constraint Description	Buildable Acreage	Density (Units/Ac)
70	12/22	Lake Ave	JCP&L Co c/o FE Service Tax Dept	5	n	y		0.94	0.94	Public utility (no development potential)	0.00	4.00
70	14.01	65 Change Bridge Rd	Schnatz, George	1	n	y		3.7	3.7	Common ownership with Lot 15 (no development potential), Wetlands with 100 ft Buffers, Streams with 50 ft Buffers, Landscape Data Rank 3-5	0.00	8.00
71	2/25A	Millers Ln	JCP&L Co c/o FE Service Tax Dept	5	n	y		0.79	0.79	Public utility (no development potential)	0.00	4.00
71	4/21	Lake Ave	Billack, Joseph M	5	n	y		0.79	0.79	Wetlands with 100 ft Buffers, Streams with 50 ft Buffers, Landscape Data Rank 3-5	0.00	4.00
71	5/25	Millers Ln	Algonquin Gas Trans Co % Duke Energy	1	n	y		0.3	0.3	Public utility (no development potential)	0.00	8.00
71	6/23	Millers Ln	JCP&L Co c/o FE Service Tax Dept	1	n	y		0.42	0.42	Public utility (no development potential)	0.00	8.00
71	7/19	Lake Ave	Bertram, Irma c/o Harry A Bertram	5	n	y		0.22	0.22	Wetlands with 100 ft Buffers, Streams with 50 ft Buffers, Landscape Data Rank 3-5	0.00	4.00
76	2/73	Change Bridge Rd	Kim, Gene Young	1	n	y		5.60	4.92	Wetlands with 100 ft Buffers, Landscape Data Rank 3-5	0.68	8.00
76	2/01	73R Change Bridge Rd	Public Service E&G % Tax Dept T-6B	5	n	y		0.97	0.97	Public utility (no development potential)	0.00	4.00
76	2/02	Change Bridge Rd (Rear)	Kim, Gene Young	5	n	y		5.40	5.40	Wetlands with 100 ft Buffers, 100-Year Floodplain, Streams with 50 ft Buffers, Landscape Data Rank 3-5, No street frontage	0.00	4.00
76	2/03	Change Bridge Rd (Rear)	JCP&L Co c/o FE Service Tax Dept	5	n	y		0.71	0.71	Public utility (no development potential)	0.00	4.00
76	3	Change Bridge Rd	Public Service E&G % Tax Dept T-6B	5	n	y		0.91	0.91	Public utility (no development potential)	0.00	4.00
76	12.02-12.0	10-12 Meadow Ct	Har-EI & Bendory	5	n	y		4.12	3.37	Approved for 3 units (Moore Realty)	0.75	4.00
76	13.02-13.0	3-6 Jewel Ct	Lee, Patel & Guttilla	1	n	y		4.32	3.95	Approved for 3 units (Jewel Estates)	0.38	8.00
77	4/2	Mountain Ave	Downey, Catherine	1	n	y		0.16	0.16	Common ownership with Lot 5 (no development potential)	0.00	8.00
78	5/01	3 Chestnut St	Weiss, Gary	1	n	y		1.17			1.17	8.00
79	8/17	Mountain Ave	Senatore, Bruce R	1	n	y		1.03			1.03	8.00
79	19/47	Mountain Ave	Montville Township	1	n	y		0.22			0.22	8.00
81	13/483	Rt 202	Kanouse, William Jr & Anna	1	n	y		0.46	0.46	Common ownership with Lot 12 (no development potential)	0.00	8.00
82	8.3/32	Change Bridge Rd	Iellimo, William & Sharon	1	n	y		1.04	0.92	Approved for 1 unit (Iellimo)	0.13	8.00
Total Page 9												

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Montville Township Growth Projection Adjustment - Non-Residential Parcel Inventory

Block	Lot	Address	Owner	SDRP Planning Area	Urban Center (Y/N)	Sewer Service Area (Y/N)	HUC 11 NO3 Density *	Total Acreage	Constrained Acreage	Constraint Description	Remaining Buildable Acreage	Density (Jobs/Ac)	Capacity (Jobs)
Preservation Area capacity from Mod2 Table 4				5	n	n	0.25	0.00			0.00	2.00	0.00
124.09	9	152 River Rd	Montville River Rd Prop LLC	1	n	y		1.66	1.66	Wetlands with 100 ft Buffers, Remaining developable area too narrow for development	0.00	80.00	0.00
131	3	175 Change Bridge Rd	Montville Township	1	n	y		0.18	0.18	Wetlands with 100 ft Buffers	0.00	80.00	0.00
131	16.01	155 Change Bridge Rd	Local 427 Allied Ind Pension Plan	5	n	y		1.38	1.38	Wetlands with 100 ft Buffers	0.00	40.00	0.00
131	18	147 Change Bridge Rd	Pinto Mgmt Group LLC	5	n	y		40.70	40.70	Wetlands with 100 ft Buffers, 100-Year Floodplain, Streams with 50 ft Buffers, Landscape Data Rank 3-5	0.00	40.00	0.00
131	21	137 River Rd	River Holdings Group	5	n	y		19.23	19.23	Wetlands with 100 ft Buffers, 100-Year Floodplain, Streams with 50 ft Buffers, Landscape Data Rank 3-5	0.00	40.00	0.00
138	8	217 Change Bridge Rd	Pier 79 North River Development LLC	1	n	y		0.62	0.045	Approved for 17,690 sf day care facility (JLJ&J: 46 jobs)	0.58	80.00	46.00
138	10.03	Kramer Dr	Sai Baba Realty LLC	1	n	y		0.19	0.11	Wetlands with 100 ft Buffers	0.08	80.00	6.40
149.04	4.01	44 Stiles Ln	Kebakis, Christine	1	n	y		0.73	0.31	Wetlands with 100 ft Buffers	0.43	80.00	34.00
159	4	43 Hook Mt Rd	Hill Top Care Ctr % Hook Mt Rd Assoc	1	n	y		6.32	5.53881	Approved for rebuild of nursing home/assisted living facility lost to fire, with 24,051 additional sf (Hook Mtn Care: 62.5 jobs)	0.78	80.00	62.50
159	18	21 Hook Mt Rd	Van Duyn Est, A A % Kurt Roessner	1	n	y		6.10	2.11	Slopes > 15%	3.99	80.00	319.20
160	1	362 Change Bridge Rd	C & L Realty	1	n	y		1.04			1.04	80.00	83.20
160.02	1	41 Stiles Ln	Montville Township	5	n	y		0.57	0.57	Wetlands with 100 ft Buffers, 100-Year Floodplain	0.00	40.00	0.00
160.02	4	1 Barnet Rd	Mainardi, Trustees, Mark E & France	5	n	y		2.18	2.18	Wetlands with 100 ft Buffers, 100-Year Floodplain	0.00	40.00	0.00
160.02	16	315 Change Bridge Rd	Bartel, Paul & Alma B	5	n	y		2.00	2.00	Wetlands with 100 ft Buffers, 100-Year Floodplain	0.00	40.00	0.00
160.02	17	301 Change Bridge Rd	Patel, Mahesh	5	n	y		5.19	5.19	Wetlands with 100 ft Buffers, 100-Year Floodplain	0.00	40.00	0.00
160.02.21, 22	327 & 329	Change Bridge Rd	JDF Family Holdings LLC	1	n	y		3.94	3.94	Common ownership with Lot 23 (developed with parking lot)	0.00	80.00	0.00
167.30-32	80	Bloomfield Ave/84 Rt 46	Avila, Rene A & Nancy	5	n	y		16.02	6.79	Approved for 217,112 sf retail (Lowe's: 369.1 jobs)	9.23	40.00	369.10
168	2	92 Rt 46	Khubani Entrp Inc & Ajit Khubani	5	n	y		11.83	11.83	Wetlands with 100 ft Buffers	0.00	40.00	0.00
169	3	Hook Mt Rd	FI New Jersey Exchange LLC	1	n	y		0.07			0.07	80.00	5.60
178	3	83 Bloomfield Ave	Avila, Rene A & Nancy	1	n	y		0.38	0.38	Wetlands with 100 ft Buffers, 100-Year Floodplain, Streams with 50 ft Buffers, Lake	0.00	80.00	0.00
183	10	10 Chapin Rd	JCP&L Co c/o FE Tax Service Dept	1	n	y		1.51	1.51	Public utility (no development potential)	0.00	80.00	0.00

[Click Here to Return to Workbook C Summary](#)

[Click Here to Proceed to Residential Parcel Inventory and Capacity Analysis](#)

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Subtotal This Page	926.00
Subtotal Page 2	159.24
Subtotal Page 3	138.40
Subtotal Page 4	0.00
Grand Total	1223.635

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Montville Township Growth Projection Adjustment - Non-Residential Parcel Inventory - Page 2

Block	Lot	Address	Owner	SDR Planning Area	Urban Center (Y/N)	Sewer Service Area (Y/N)	HUC 11 NO3 Density -	Total Acreage	Constrained Acreage	Constraint Description	Remaining Buildable Acreage	Density (Jobs/Ac)	Capacity (Jobs)
184	8	Riverside Dr	Swamp LLC	5	n	y		11.56	11.56	Wetlands with 100 ft Buffers, 100-Year Floodplain, Streams with 50 ft Buffers	0.00	40.00	0.00
184	9	Riverside Dr	Ecology Lake Club c/o Robert Forte	5	n	y		23.00	23.00	Wetlands with 100 ft Buffers, 100-Year Floodplain, Streams with 50 ft Buffers, Lake, Landscape Data Rank 3-5	0.00	40.00	0.00
32	22	47 Indian Ln E	Yassin & Co LLC	5	n	y		2.33	2.33	Wetlands with 100 ft Buffers, Streams with 50 ft Buffers	0.00	40.00	0.00
32	23	49 Indian Ln E	49 Indian Lane Co Inc	5	n	y		2.40	2.40	Wetlands with 100 ft Buffers, Streams with 50 ft Buffers	0.00	40.00	0.00
32	24.01	53 Indian Ln E	Sharpe, Stephen N	5	n	y		2.32	2.32	Wetlands with 100 ft Buffers, 100-Year Floodplain, Streams with 50 ft Buffers	0.00	40.00	0.00
39.11	78.01	448 Rt 202	Boiling Springs Savings Bank	1	n	y		0.55	0.55	Developed with 2,579 sf bank (CO issued)	0.00	80.00	0.00
40	30.03	702 Rt 202	Montville La Sala LLC	1	n	y		1.38	1.38	Approved for inclusionary mixed use development (La Sala: 8,030 sf retail & 6 units, incl. 2 affordable)	0.00	80.00	0.00
40	33.05	674 Rt 202	Conklin, Richard, E, Mahan, A, Reimers S	1	n	y		0.55			0.55	80.00	43.64
40	48	662 Rt 202	Ho, Stanley & Ni, Y Michael	1	n	y		9.39			0.17	80.00	13.60
41	1	110 Cooks Ln	Como, D&J, D JR&R, M J & LL	5	n	y		10.00	10.00	Qualified farmland, developed with landscaping business and wireless communications tower	0.00	40.00	0.00
41	3.03	Cooks Ln	Montville Township	5	n	y		0.23	0.23	Wetlands with 100 ft Buffers, Landscape Data Rank 3-5	0.00	40.00	0.00
45	5	20 Rt 202	Woytas & Dube	1	n	y		0.14	0.14	Common ownership with Lot 1 (no development potential), 100-Year Floodplain, Streams with 50 ft Buffers	0.00	80.00	0.00
45	7	16 Rt 202	Jenkins, Richard H Jr	1	n	y		0.12	0.10	100-Year Floodplain	0.02	80.00	1.60
46	1	3 Taylortown Rd	Brodson Prop Inc	1	n	y		7.71	7.16	Wetlands with 100 ft Buffers, 100-Year Floodplain, Streams with 50 ft Buffers, Landscape Data Rank 3-5	0.55	80.00	44.00
55	1	330 Rt 202	Bruckmuhl Penne LLC	1	n	y		0.98	0.98	Morris Canal Historic District, Wetlands with 100 ft Buffers, Streams with 50 ft Buffers	0.00	80.00	0.00
56	6.02	Rt 202	Unknown	1	n	y		1.79	1.79	100-Year Floodplain, Streams with 50 ft Buffers, Landscape Data Rank 3-5, No street frontage	0.00	80.00	0.00
56	6.03	Rt 202 (Rear)	Unknown	1	n	y		1.65	1.65	Landscape Data Rank 3-5, No street frontage	0.00	80.00	0.00
57.01	2	364 Rt 202	P S Gas Elec Co c/o A M Capen	1	n	y		0.95	0.95	Public utility (no development potential)	0.00	80.00	0.00
58	1	394-398 Rt 202	WB Developers, LLC	1	n	y		1.72	1.02	Landscape Data Rank 3-5	0.71	80.00	56.40
59.02	22	361 Rt 202	P S Gas Elec Co c/o A M Capen	1	n	y		1.07	1.07	Public utility (no development potential)	0.00	80.00	0.00
59.02	23	369 Rt 202	Montville Township	1	n	y		1.83	1.83	Landscape Data Rank 3-5	0.00	80.00	0.00
59.02	26	331 Rt 202	Public Service Electric & Gas Co	1	n	y		14.00	14.00	Public utility (no development potential)	0.00	80.00	0.00
Subtotal This Page											159.24		

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[Non-Residential Main Page](#)

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Supplement to Workbook C

Montville Township Growth Projection Adjustment - Existing Preserved Open Space Parcel Inventory

Block	Lot	Address	Owner	Constraint Description	Buildable Acreage
105	6	14 Barney Rd	Montville Township	Existing preserved open space.	0
109	7	795 Rt 202	Montville Township	Existing preserved open space.	0
109	21	829 Rt 202	Montville Township	Existing preserved open space.	0
110	14	844 Rt 202	Montville Township	Existing preserved open space.	0
110	22	Rt 202 (Rear)	Montville Township	Existing preserved open space.	0
113	4.02	Hewlett Rd	Montville Township	Existing preserved open space.	0
113	5.01	43 Two Bridges Rd	Montville Township	Existing preserved open space.	0
113	11	4 Hewlett Rd	Montville Township	Existing preserved open space.	0
116	4	15 Cedar Rd (T)	Montville Township	Existing preserved open space.	0
116	16	9 Hewlett Rd	Montville Township	Existing preserved open space.	0
124.06	9.01	35 Passaic Valley Rd	Montville Township	Existing preserved open space.	0
124.08	1	8 Bromley Ct	Montville Township	Existing preserved open space.	0
124.09	11.01	Change Bridge Rd	Montville Township	Existing preserved open space.	0
131	2	177 Change Bridge Rd	Montville Township	Existing preserved open space.	0
131	14	Green Meadows Rd	Montville Township	Existing preserved open space.	0
131	15	179-181 Change Bridge Rd	Montville Township	Existing preserved open space.	0
138	10.02	229 Change Bridge Rd	Montville Township	Existing preserved open space.	0
138	12	249 Change Bridge Rd	Montville Township	Existing preserved open space.	0
141.01	14	12 Tristam-131 Konner	Montville Township	Existing preserved open space.	0
144	18	Hilldale Rd	Montville Township	Existing preserved open space.	0
147	1	12 Walnut Dr	Montville Township	Existing preserved open space.	0
149.01	2	33A Buckingham Cir	Montville Township	Existing preserved open space.	0
151	21	Gillens Rd	Jersey City Water Attn Daniel Sarpa	Existing preserved open space.	0
156	30.02	Change Bridge Rd	Montville Township	Existing preserved open space.	0
156	34	308 Change Bridge Rd	Montville Township	Existing preserved open space.	0
163	22	111 Hook Mt Rd	Jersey City Water Attn Daniel Sarpa	Existing preserved open space.	0
164	3	116 Hook Mt Rd	Montville Township	Existing preserved open space.	0
164	38	Maple Ave (Rear)	Montville Township	Existing preserved open space.	0
167	15	32 Maple Ave	Montville Township	Existing preserved open space.	0
167	26	10 Maple Ave	Montville Township	Existing preserved open space.	0
2	12	12 Kingsland Rd	Montville Township	Existing preserved open space.	0
21.02	42	80A Waughaw Rd	Montville Township	Existing preserved open space.	0

21.02	42.01	Old Ln	Montville Township	Existing preserved open space.	0
24.02	34	80 Jacksonville Rd	Montville Township	Existing preserved open space.	0
32	14	35 Old Jacksonville Rd	Montville Township	Existing preserved open space.	0
32	27	61 Cooks Ln	Montville Township	Existing preserved open space.	0
39	9.02	Waughaw Rd	Montville Township	Existing preserved open space.	0
39	34.02	586 Rt 202	Montville Township	Existing preserved open space.	0
39	42	568 Rt 202	Montville Township	Existing preserved open space.	0
39	58	520 Rt 202	Montville Township	Existing preserved open space.	0
39	75	Peach Hill Rd	Montville Township	Existing preserved open space.	0
39	83.02	15 Abbott Rd	Montville Township	Existing preserved open space.	0
40	3.04	Indian Ln	Montville Township	Existing preserved open space.	0
40	69.03	67 Waughaw Rd	Montville Township	Existing preserved open space.	0
41	3.02	Cooks Ln	Montville Township	Existing preserved open space.	0
41	5	Benafly Rd R	Tipcor Inc Attn Frieda Dimitry	Existing preserved open space.	0
41	43.02	56 Cooks Ln	Tipcor Inc Attn Frieda Dimitry	Existing preserved open space.	0
51	19.12	4 Renshaw Rd	Montville Township	Existing preserved open space.	0
51	29	River Rd W	Montville Township	Existing preserved open space.	0
51	31	River Rd W	Montville Township	Existing preserved open space.	0
51	36	River Rd W	Montville Township	Existing preserved open space.	0
54	2	26 Vreeland Ave	Montville Township	Existing preserved open space.	0
54	5	81 River Rd	Montville Township	Existing preserved open space.	0
54	6	87 River Rd	Montville Township	Existing preserved open space.	0
55	2	332 Rt 202	Montville Township	Existing preserved open space.	0
59	7	177 Rt 202	Montville Township	Existing preserved open space.	0
79	43	8 Daro Ct	Montville Township	Existing preserved open space.	0
82.01	10	27 Mary Dr	Montville Township	Existing preserved open space.	0
82.05	86	70 Change Bridge Rd	Montville Township	Existing preserved open space.	0
82.09	1	38 Jarombek Dr	Montville Township	Existing preserved open space.	0
82.09	12	4 Change Bridge Rd	Montville Township	Existing preserved open space.	0
95	13	Whitehall Rd	Montville Township	Existing preserved open space.	0
98	5	Whitehall Rd	Montville Township	Existing preserved open space.	0

Montville Township Growth Projection Adjustment - Inventory of Additional Township Owned Parcels Without Development Potential

Block	Lot	Address	Owner	SDRP Planning Area	Urban Center (Y/N)	Sewer Service Area (Y/N)	HUC 11 NO3 Density	Total Acreage	Constrained Acreage	Constraint Description	Buildable Acreage
100	4.16	Brookwood Rd	Montville Township	1	n	y		0.99	0.99	Wetlands with 100 ft Buffers, Streams with 50 ft Buffers	0
109	2	749 Rt 202	Montville Township	6	n	y		0.89	0.89	Historic site (Morris Canal Bridge 98-A Site), Streams with 50 ft Buffers	0
109	30.02	2 Gunther's View	Montville Township	1	n	y		0.975	0.975	Dedicated detention basin for Forest Ridge	0
110	19.0A	Rt 202	Montville Township							Lot does not exist (needs to be removed from tax records)	0
113	29	30 Peace Valley Rd	Montville Township	6	n	y		8.37	8.37	National Heritage Priority Site, Wetlands with 100 ft Buffers, Streams with 300 ft Buffers, Slopes > 15%, Landscape Data Rank 3-5, Will be added to ROSI once DEP Green Acres accepts Township's most recent revised submission	0
113	43.14	Sellito Way	Montville Township	1	n	y		0.55	0.55	Dedicated detention basin for Skyview Heights	0
120	8.01	39 Peace Valley Rd	Montville Township	6	n	y		9.79	9.79	Wetlands with 100 ft Buffers, Streams with 300 ft Buffers, 100-Year Floodplain, Landscape Data Rank 3-5	0
120	12	Peace Valley Rd	Montville Township	6	n	y		19.9	19.9	Wetlands with 100 ft Buffers, Streams with 300 ft and 50 ft Buffers, 100-Year Floodplain, Landscape Data Rank 3-5	0
120	28.06	Midvale Ave Rear	Montville Township	8	n	y		2.45	2.45	Dedicated detention basin for Amanda Woods	0
122	47-49	Nicholas St R	Montville Township	5	n	y		0.663	0.663	National Heritage Priority Site, 100-Year Floodplain, Streams with 50 ft Buffers	0
124.09	11	137 Change Bridge Rd	Montville Township	1	n	y		1.09	1.09	Developed with Montville Township First Aid Squad	0
139.06	19.08	178 Konner Ave North	Montville Township	1	n	y		2.66	2.66	Dedicated detention basin for Whispering Oaks	0
149	35	Manchester Way	Montville Township	1	n	y		0.27	0.27	Borough-owned drainage easement	0
149.02	2	Buckingham Cir	Montville Township	1	n	y		0.52	0.52	Borough-owned drainage easement	0
149.05	8	Lancaster Ave	Montville Township	1	n	y		0.6	0.6	Borough-owned drainage easement	0
149.06	11	Lancaster Ave	Montville Township	1	n	y		0.27	0.27	Borough-owned drainage easement	0
152	4	58 Woodmont Rd	Montville Township	1	n	y		0.34	0.34	Public utility (no development potential)	0
40	4	35 Indian Ln	Montville Township	5	n	y		0.36	0.36	Public utility (no development potential)	0
40	8	Jacksonville Rd	Montville Township	6	n	y		8.21	8.21	Wetlands with 100 ft Buffers, 100-Year Floodplain, Streams with 50 ft Buffers, Landscape Data Rank 3-5	0
40.04	8, 9	36 & 38 Clifford Dr	Montville Township	1	n	y		2.02	2.02	Public utility (no development potential)	0
40.05	11	39 Clifford Dr	Montville Township	1	n	y		0.56	0.56	Wetlands with 100 ft Buffers, 100-Year Floodplain, Landscape Data Rank 3-5	0
41	6	Cooks Ln Below	Montville Township	6	n	y		5.78	5.78	Wetlands with 100 ft Buffers, Streams with 50 ft Buffers, Landscape Data Rank 3-5, No street frontage	0
41	18	9 Benefly Rd	Montville Township	5	n	y		14.27	14.27	Wetlands with 100 ft Buffers, Streams with 50 ft Buffers, Landscape Data Rank 3-5	0
59.01	16	303 Rt 202	Montville Township	1	n	y		2.71	2.71	Public utility (no development potential)	0
62	1	West End Ave	Montville Township	6	n	y		3.17	3.17	Wetlands with 100 ft Buffers, 100-Year Floodplain, Landscape Data Rank 3-5	0
63	1	19 Rosewood Ave	Montville Township	6	n	y		1.46	1.46	Wetlands with 100 ft Buffers, 100-Year Floodplain, Streams with 50 ft Buffers, Landscape Data Rank 3-5	0
63	7	7 Rosewood Ave	Montville Township	6	n	y		0.69	0.69	Wetlands with 100 ft Buffers	0
63	8	5 Rosewood Ave	Montville Township	6	n	y		0.46	0.46	Wetlands with 100 ft Buffers	0
64	1, 2, 3	2 & 6 Hillcrest Ave, 18 Rosev	Montville Township	6	n	y		4.056	4.056	Wetlands with 100 ft Buffers, 100-Year Floodplain, Streams with 50 ft Buffers, Landscape Data Rank 3-5	0
65	4	16 Hillcrest Ave	Montville Township	6	n	y		1.85	1.85	Wetlands with 100 ft Buffers, Landscape Data Rank 3-5	0
68	4	17 Hillcrest Ave	Montville Township	6	n	y		1.4	1.4	Wetlands with 100 ft Buffers, Landscape Data Rank 3-5	0
70	8	32 Lake Ave	Montville Township	6	n	y		0.91	0.91	Wetlands with 100 ft Buffers, 100-Year Floodplain, Streams with 50 ft Buffers, Landscape Data Rank 3-5	0
70	13	18 Lake Ave	Montville Township	6	n	y		2.78	2.78	Wetlands with 100 ft Buffers, Streams with 50 ft Buffers, Landscape Data Rank 3-5	0
71	13	13 Lake Ave	Montville Township	6	n	y		0.92	0.92	Wetlands with 100 ft Buffers, Streams with 50 ft Buffers, Landscape Data Rank 3-5	0
72	1	13 Millers Ln	Montville Township	6	n	y		1.33	1.33	Wetlands with 100 ft Buffers, Streams with 50 ft Buffers, Landscape Data Rank 3-5	0
79	26	Country Brook Dr	Montville Township	1	n	y		7.25	7.25	Will be added to ROSI once DEP Green Acres accepts Township's most recent revised submission.	0

Montville Township Growth Projection Adjustment - Lots that are too small to produce 1 unit

Block	Lot	Address	Owner	SDRP Planning Area	Urban Center (Y/N)	Sewer Service Area (Y/N)	HUC 11 NO3 Density	Total Acreage
109	20	817 Rt 202	Bott, Elmer & Marie	1	n	y		0.104
110	15	846 Rt 202	Serafin, William	1	n	y		0.05
111	15.01	38 Alpine Rd	Alpine Rd Home Ass c/o Ray Praml	1	n	y		0.06
113	28	38 Peace Valley Rd	Schinman, H Lawrence & Sabbatino, Al	5	n	y		0.02
119	12	Nicholas St R	Montville Township	5	n	y		0.17
122	4	11 Cole Ave	Montville Township	5	n	y		0.09
122	5	13 Cole Ave	Chapman, Shirley	5	n	y		0.09
125.07	6	Lee Ct R	Montville Township	1	n	y		0.12
149	13	31A Walnut Dr	Montville Township	1	n	y		0.1
164	1	132 Hook Mt Rd	Montville Township	5	n	y		0.16
18	32	17 Taylortown Rd	Unknown % Stafford	1	n	y		0.12
2	25	14 Boonton Ave	Rexroth, Andrew J	5	n	y		0.23
33	40.11	Taylortown Rd (Rear)	Montville Township	5	n	y		0.23
39	84	10 Abbott Rd	Montville Township	5	n	y		0.133
45	4	30 Rt 202	Woytas, John R III & Dubee, Robert W	1	n	y		0.05
51.02	6.01	12A Montville Ave	Montville Township	1	n	y		0.12
51.02	12	28 Montville Ave	Johnson, William J	1	n	y		0.12
59	7.02	233 Rt 202	Montville Township	1	n	y		0.08
70	1	Lake Ave	JCP&L Co c/o FE Service Tax Dept	5	n	y		0.05
70	4	33 Millers Ln	Montville Township	6	n	y		0.18
70	5	29 Lake Ave	Montville Township	5	n	y		0.23
71	1	27 Millers Ln	Public Service E&G % Tax Dept T-6B	1	n	y		0.09
71	3	1 Midland Rd	Algonquin Gas Trans Co % Duke Energ	5	n	y		0.11
82.05	90.01	40 Cedar Rd (M)	Bowers, James L & Marie V	1	n	y		0.0092

TOWNSHIP OF MONTVILLE
DEVELOPMENT FEE ORDINANCE

1. Purpose

- a) In Holmdel Builder’s Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing’s (COAH’s) adoption of rules.
- b) Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.
- c) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH’s regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH’s rules on development fees, codified at N.J.A.C. 5:97-8.

2. Basic requirements

- a) This ordinance shall not be effective until approved by COAH pursuant to N.J.A.C. 5:96-5.1.
- b) The Township of Montville shall not spend development fees until COAH has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

3. Definitions

- a) The following terms, as used in this ordinance, shall have the following meanings:
 - i. **“Affordable housing development”** means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary

development, a municipal construction project or a 100 percent affordable development.

- ii. **“COAH”** or the **“Council”** means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.
- iii. **“Development fee”** means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.
- iv. **“Developer”** means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
- v. **“Equalized assessed value”** means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).
- vi. **“Green building strategies”** means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

4. Residential Development fees

- a) Imposed fees
 - i. Within the all zone district(s), residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one (1) percent of the equalized assessed value for residential development provided no increased density is permitted.
 - ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a “d” variance) has been permitted, developers may be required to pay a development fee of six (6) percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.
- b) Eligible exactions, ineligible exactions and exemptions for residential development

- i. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
- ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
- iii. Developers who expand, enlarge, or improve existing single family or two family residences, shall be exempt from development fees, unless the expansion, enlargement, or improvement leads to the creation of additional dwelling units(s).
- iv. Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.

5. Non-residential Development fees

- a) Imposed fees
 - i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2½) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
 - ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2½) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
 - iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half (2½) percent shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

- b) Eligible exactions, ineligible exactions and exemptions for non-residential development
- i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2½) percent development fee, unless otherwise exempted below.
 - ii. The two and one-half (2½) percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
 - iii. The two and one-half (2½) percent fee shall not apply to developers of any not-for-profit uses; federal, state and municipal government uses; churches and other places of worship; and public schools.
 - iv. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF “State of New Jersey Non-Residential Development Certification/Exemption” Form. Any exemption claimed by a developer shall be substantiated by that developer.
 - v. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three (3) years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
 - vi. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Township of Montville as a lien against the real property of the owner.

6. Collection procedures

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

Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

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

- 2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Township of Montville. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

7. Affordable Housing trust fund

- a) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the chief financial officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 1. payments in lieu of on-site construction of affordable units;
 2. developer contributed funds to make 10 percent of the adaptable entrances in a townhouse or other multistory attached development accessible;
 3. rental income from municipally operated units;
 4. repayments from affordable housing program loans;
 5. recapture funds;
 6. proceeds from the sale of affordable units; and
 7. any other funds collected in connection with the Township of Montville's affordable housing program.
- c) Within seven (7) days from the opening of the trust fund account, the Township of Montville shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- d) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

8 Use of funds

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

approved by COAH to address the Township of Montville's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.

- b) Funds shall not be expended to reimburse the Township of Montville for past housing activities.
- c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third (1/3) of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
 - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
 - ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income. The use of development fees in this manner may entitle the Township of Montville to bonus credits pursuant to N.J.A.C. 5:97-3.7.
 - iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d) The Township of Montville may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.

- e) No more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

9. Monitoring

- a) The Township of Montville shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Township of Montville's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

10. Ongoing collection of fees

- a) The ability for the Township of Montville to impose, collect and expend development fees shall expire with its substantive certification unless the Township of Montville has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If the Township of Montville fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). The Township of Montville shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification, nor shall the Township of Montville retroactively impose a development fee on such a development. The Township of Montville shall not expend development fees after the expiration of its substantive certification.

TOWNSHIP OF MONTVILLE

RESOLUTION NO. 2010-__

TOWNSHIP COMMITTEE RESOLUTION REQUESTING REVIEW AND APPROVAL OF DEVELOPMENT FEE ORDINANCE

WHEREAS, the Township Committee of the Township of Montville, County of Morris petitioned the Council on Affordable Housing (COAH) for substantive certification on *[insert date]*; and

WHEREAS, P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), permits municipalities that are under the jurisdiction of COAH or of a court of competent jurisdiction and that have a COAH-approved spending plan to impose and retain fees on residential and non-residential development; and

WHEREAS, subject to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), N.J.A.C. 5:97-8.3 permits a municipality to prepare and submit a development fee ordinance for review and approval by the Council on Affordable Housing (COAH) that is accompanied by and includes the following:

1. A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d);
2. A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e);
3. A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d) ;
4. A description of collection procedures per N.J.A.C. 5:97-8.3(f);
5. A description of development fee appeals per N.J.A.C. 5:97-8.3(g); and
6. A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h).

WHEREAS, the Township of Montville has prepared a draft development fee ordinance that establishes standards for the collection, maintenance, and expenditure of development fees consistent with COAH's regulations at N.J.A.C. 5:97-8 and in accordance with P.L.2008, c.46, Sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

NOW THEREFORE BE IT RESOLVED that the Township Committee of the Township of Montville, County of Morris requests that COAH review and approve the Township of Montville's development fee ordinance.

Gertrude H. Atkinson
Township Clerk

TOWNSHIP OF MONTVILLE

AFFORDABLE HOUSING TRUST FUND SPENDING PLAN

INTRODUCTION

The Township of Montville, County of Morris 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. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.). The Township of Montville affordable housing trust fund for which this spending plan is prepared was opened on September 17, 2008.

As of May 1, 2010, the Township of Montville has collected \$72,929.15, reimbursed \$71,990.50, resulting in a current balance of \$938.65. 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 in Lakeland Bank for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of third round substantive certification, the Township of Montville considered the following:

(a) Development fees:

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

(b) Payment in lieu (PIL):

Payments in lieu have not been collected or assessed.

(c) Other funding sources:

No other funds have been or are anticipated to be collected.

(d) Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate.

SOURCE OF FUNDS	PROJECTED REVENUES-HOUSING TRUST FUND – MAY 2010 THROUGH 2018									
	5-12/ 2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
(a) Development fees:										
1. Approved Development		\$162,500	\$195,000	\$143,000						\$500,500
2. Development Pending Approval										
3. Projected Development		\$305,500	\$305,500	\$381,216	\$381,216	\$381,216	\$381,216	\$381,216	\$381,216	\$2,898,296
(b) Payments in Lieu of Construction										
(c) Other Funds (Specify source(s))										
(d) Interest		\$4,680	\$5,005	\$5,242	\$3,812	\$3,812	\$3,812	\$3,812	\$3,812	\$33,987
Total	\$0	\$472,680	\$505,505	\$529,458	\$385,028	\$385,028	\$385,028	\$385,028	\$385,028	\$3,432,783

The Township of Montville projects a total of \$3,432,783 in revenue to be collected between May 1, 2010 and December 31, 2018. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

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 of Montville:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with the Township of Montville'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 administration of Montville's development fee spending plan will be undertaken by the Township Committee and the Township Chief Financial Officer. First, the Township Committee will approve the expenditure of development fee revenues. The Township Committee will then review the request for consistency with the spending plan. If consistent with the plan, the Township Committee will adopt a resolution authorizing the use and release of trust fund monies. Upon approval of the Township Committee resolution, the Township Chief Financial Officer will be authorized to release the funds.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) **Rehabilitation and new construction programs and projects (N.J.A.C. 5:97-8.7)**

The Township of Montville will dedicate a minimum \$140,000 to rehabilitation or new construction programs (see detailed descriptions in Fair Share Plan) as follows:

Rehabilitation program: \$140,000

New construction project(s): \$0

(b) **Affordability Assistance (N.J.A.C. 5:97-8.8)**

Projected minimum affordability assistance requirement:

Actual development fees through 5/1/2010		\$0
Actual interest earned through 5/1/2010	+	\$938.65
Development fees projected May 2010-2018	+	\$3,398,796
Interest projected May 2010-2018	+	\$33,987
Less housing activity expenditures through 5/1/2010	-	\$0
Total	=	\$3,433,721.65
30 percent requirement	x 0.30 =	\$1,030,116.50
Less Affordability assistance expenditures through 12/31/2008	-	\$0
PROJECTED MINIMUM Affordability Assistance Requirement 1/1/2009 through 12/31/2018	=	\$1,030,116.50
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 1/1/2009 through 12/31/2018	÷ 3 =	\$343,372.165

The Township of Montville will dedicate a minimum of \$1,030,116.50 from the affordable housing trust fund to render units more affordable, including a minimum of \$343,372.165 to render units more affordable to households earning 30 percent or less of median income by region.

(c) **Administrative Expenses (N.J.A.C. 5:97-8.9)**

The Township of Montville projects that a maximum of \$686,744.33 will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, will include consulting fees, legal fees, personnel, office supplies and other administrative costs.

4. EXPENDITURE SCHEDULE

The Township of Montville intends to use affordable housing trust fund revenues for the creation and/or rehabilitation of housing units. Where applicable, the creation/rehabilitation funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.

Program <i>[Individually list programs and projects e.g. Rehab, Accessory Apartments, for-sale and rental municipally sponsored, etc].</i>	Number of Units Projected	Funds Expended and/or Dedicated	PROJECTED EXPENDITURE SCHEDULE 2009 -2018										
			2005-2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Rehabilitation	14	\$0			\$10,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$10,000	\$140,000
Total Programs													
Affordability Assistance		\$0			\$128,765	\$128,765	\$128,765	\$128,765	\$128,765	\$128,765	\$128,765	\$128,761.50	\$1,030,16.50
Administration		\$0			\$85,843	\$85,843	\$85,843	\$85,843	\$85,843	\$85,843	\$85,843	\$85,843.33	\$686,744.33
Total	--	\$0	\$0	\$0	\$224,608	\$234,608	\$234,608	\$234,608	\$234,608	\$234,608	\$234,608	\$224,604.83	\$1,856,860.83

5. EXCESS OR SHORTFALL OF FUNDS

Pursuant to the Housing Element and Fair Share Plan, the Township Committee of the Township of Montville has adopted a resolution agreeing to fund any shortfall of funds required for implementing its rehabilitation program. In the event that a shortfall of anticipated revenues occurs, the Township of Montville will appropriate funds or authorize the issuance of debt to fund any shortfall in its affordable housing program that may arise. A copy of the draft resolution is attached.

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be dedicated to the rehabilitation and/or used to render units more affordable, as determined to be appropriate.

6. BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with the Township of Montville's Affordable Housing Ordinance in accordance with N.J.A.C. 5:97-8.5.

SUMMARY

The Township of Montville intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the housing element and fair share plan dated *[insert date]*.

The Township of Montville has a balance of \$938.65 as of May 1, 2010 and anticipates an additional \$3,432,783 in revenues before the expiration of substantive certification for a total of \$3,433,721.65. The municipality will dedicate a minimum of \$140,000 towards its rehabilitation program, a minimum of \$1,030,116.50 to render units more affordable, and a maximum of \$686,744.33 to administrative costs. Any shortfall of funds will be offset by the appropriation of funds or an authorization to issue debt. The municipality will dedicate any excess funds toward rehabilitation and/or to render units more affordable, as determined to be appropriate.

SPENDING PLAN SUMMARY	
Balance as of May 1, 2010	\$938.65
PROJECTED REVENUE May 2010-2018	
Development fees	+ \$3,398,796
Payments in lieu of construction	+ \$0
Other funds	+ \$0
Interest	+ \$33,987
TOTAL REVENUE	= \$3,433,721.65
EXPENDITURES	
Funds used for Rehabilitation	- \$140,000
Funds used for New Construction	
1. <i>Not Applicable</i>	- \$0
2.	- \$
3.	- \$
4.	- \$
5.	- \$
6.	- \$
7.	- \$
8.	- \$
9.	- \$
10.	- \$
Affordability Assistance	- \$1,030,116.50
Administration	- \$686,744.33
Excess Funds for Additional Housing Activity	= \$1,576,860.82
1. Rehabilitation and/or affordability assistance, as determined to be appropriate.	- \$1,576,860.82
2.	- \$
3.	- \$
TOTAL PROJECTED EXPENDITURES	= \$3,433,721.65
REMAINING BALANCE	= \$0.00

TOWNSHIP OF MONTVILLE

RESOLUTION NO. 2010-__

**TOWNSHIP COMMITTEE RESOLUTION REQUESTING REVIEW AND APPROVAL
OF A MUNICIPAL AFFORDABLE HOUSING TRUST FUND SPENDING PLAN**

WHEREAS, the Township Committee of the Township of Montville, County of Morris petitioned the Council on Affordable Housing (COAH) for substantive certification on (*insert date*); and

WHEREAS, the Township of Montville received approval from COAH on [*insert date*] of its development fee ordinance; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, and/or proceeds from the sale of affordable units;

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from COAH prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;
5. A schedule for the expenditure of all affordable housing trust funds;
6. If applicable, a schedule for the creation or rehabilitation of housing units;

7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
8. A plan to spend the trust fund balance as of July 17, 2008 within four years of the Council's approval of the spending plan, or in accordance with an implementation schedule approved by the Council;
9. A plan to spend and/or contractually commit all development fees and any payments in lieu of construction within three years of the end of the calendar year in which funds are collected, but no later than the end of third round substantive certification period;
10. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
11. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, the Township of Montville has prepared a spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

NOW THEREFORE BE IT RESOLVED that the Township Committee of the Township of Montville, County of Morris requests that COAH review and approve the Township of Montville's spending plan.

Gertrude H. Atkinson
Township Clerk

TOWNSHIP OF MONTVILLE
AFFORDABLE HOUSING ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF MONTVILLE TO ADDRESS THE REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING (COAH) REGARDING COMPLIANCE WITH THE MUNICIPALITY’S PRIOR ROUND AND THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS

Section 1. Affordable Housing Obligation

- (a) This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.
- (b) The Township of Montville Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways the Township of Montville shall address its fair share for low- and moderate-income housing as determined by the Council on Affordable Housing (COAH) and documented in the Housing Element.
- (c) This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as may be amended and supplemented.
- (d) The Township of Montville shall file monitoring reports with COAH in accordance with N.J.A.C. 5:96, tracking the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by COAH in accordance with N.J.A.C. 5:96 shall be available to the public at the Township of Montville Municipal Building, Municipal Clerk’s Office, 195 Changebridge Road, Montville, New Jersey, or from COAH at 101 South Broad Street, Trenton, New Jersey and on COAH’s website, www.nj.gov/dca/affiliates/coah.

Section 2. Definitions

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

“Accessory apartment” means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

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

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

“Administrative agent” means the entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.

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

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

“Affordable” means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable development” means a housing development all or a portion of which consists of restricted units.

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

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

“Affordable unit” means a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

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

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

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

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

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

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

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

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

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

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

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the median household income.

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

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

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

“Median income” means the median income by household size for the applicable county, as adopted annually by COAH.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

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

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

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one

applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

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

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

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

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

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

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

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

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

Section 3. Affordable Housing Programs

The Township of Montville has determined that it will use the following mechanisms to satisfy its affordable housing obligations:

- (a) A Rehabilitation program.
 1. The Township of Montville’s rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
 2. Both owner occupied and renter occupied units shall be eligible for rehabilitation funds.
 3. All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner occupied units the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.

4. The Township of Montville shall dedicate a minimum of \$10,000 for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
5. The Township of Montville shall adopt a resolution committing to fund any shortfall in the rehabilitation programs for the Township of Montville.
6. The Township of Montville shall designate, subject to the approval of COAH, one or more Administrative Agents to administer the rehabilitation program in accordance with N.J.A.C. 5:96 and N.J.A.C. 5:97. The Administrative Agent(s) shall provide a rehabilitation manual for the owner occupancy rehabilitation program and a rehabilitation manual for the rental occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of COAH. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
7. Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
 - i. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.
 - ii. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.
 - iii. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.
 - iv. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:97-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

Section 4. Inclusionary Zoning

- (a) **Presumptive densities and set-asides.** To ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, inclusionary zoning permits minimum presumptive densities and presumptive maximum affordable housing set-asides as follows:

1. For Sale Developments

- i. Inclusionary zoning in Planning Area 1 permits residential development at a presumptive maximum affordable housing set-aside of 25 percent of the total number of units in the development;

The zoning of the TC1 and TC2 zone districts provides for a 20 percent set-aside for restricted units.

2. Rental Developments

- i. Inclusionary zoning permits a presumptive maximum affordable housing set-aside of 20 percent of the total number of units in the development and the zoning provides for at least 10 percent of the affordable units to be affordable to households earning 30 percent or less of the area median income for the COAH region.

The zoning of the TC1 and TC2 zone districts provides for a 20 percent set-aside for restricted units.

3. Where an executed development agreement exists for affordable housing on a specific site or sites, list the sites below and identify the density and set-aside for each:

- i. Montville LaSala LLC (Block 40 Lot 30.03) has been approved to provide for a 33 percent set aside for restricted units and a density of 4 units per acre, in addition to over 8,000 square feet of retail space.
- ii. Montville Residency (Block 160 Lot 4) has been approved to provide for a 21 percent set aside for restricted units and a density of 9 units per acre.
- iii. Holiday Montville LLC (Block 52.03 Lot 19, 21, 22) has been approved to provide for a 19 percent set aside for restricted units and a density of 5 units per acre.

(b) **Phasing.** In inclusionary developments the following schedule shall be followed:

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

- (c) **Design.** In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- (d) **Payments-in-lieu and off-site construction.** The standards for the collection of Payments-in-Lieu of constructing affordable units or standards for constructing affordable units off-site, shall be in accordance with N.J.A.C. 5:97-6.4.
- (e) **Utilities.** Affordable units shall utilize the same type of heating source as market units within the affordable development.

Section 5. New Construction

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

- (a) Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.
2. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
3. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - i. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - ii. At least 30 percent of all low- and moderate-income units shall be two bedroom units;
 - iii. At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
 - iv. The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
4. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

(b) Accessibility Requirements:

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.
2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - i. An adaptable toilet and bathing facility on the first floor;
 - ii. An adaptable kitchen on the first floor;
 - iii. An interior accessible route of travel on the first floor;
 - iv. An interior accessible route of travel shall not be required between stories within an individual unit;
 - v. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 - vi. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, or evidence that the Township of Montville has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:

- A. Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
- B. To this end, the builder of restricted units shall deposit funds within the Township of Montville's affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
- C. The funds deposited under paragraph B. above shall be used by the Township of Montville for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
- D. The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Township of Montville.
- E. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township of Montville's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.
- F. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

(c) Maximum Rents and Sales Prices

- 1. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and in COAH, utilizing the regional income limits established by COAH.
- 2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.
- 3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
 - i. At least 10 percent of all low- and moderate-income rental units shall be affordable to households earning no more than 30 percent of median income.

4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
 - i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household;
 - iii. A two-bedroom unit shall be affordable to a three-person household;
 - iv. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - v. A four-bedroom unit shall be affordable to a six-person household.
6. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
 - i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household; and
 - iii. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
9. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each

housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

10. The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.
11. **Utilities.** Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

Section 6. Affirmative Marketing Requirements

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

- (a) The Township of Montville shall adopt by resolution an Affirmative Marketing Plan, subject to approval of COAH, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (b) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 2 and covers the period of deed restriction.
- (c) The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 2 comprised of Essex, Morris, Union and Warren Counties.
- (d) The Administrative Agent designated by the Township of Montville shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- (e) In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (f) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.

- (g) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Township of Montville.

Section 7. Occupancy Standards

- (a) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - 1. Provide an occupant for each bedroom;
 - 2. Provide children of different sex with separate bedrooms; and
 - 3. Prevent more than two persons from occupying a single bedroom.
- (b) Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

Section 8. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

- (a) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance until the Township of Montville elects to release the unit from such requirements however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- (c) Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.
- (d) At the time of the first sale of the unit, the purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the requirements of this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- (e) The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- (f) A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit

meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

Section 9. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

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

- (a) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- (b) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- (c) The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- (d) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

Section 10. Buyer Income Eligibility

- (a) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's certified monthly income.

Section 11. Limitations on indebtedness secured by ownership unit; subordination

- (a) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- (b) With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness

secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C.5:80-26.6(b).

Section 12. Control Periods for Restricted Rental Units

- (a) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance until the Township of Montville elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Morris. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- (c) A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
 - 1. Sublease or assignment of the lease of the unit;
 - 2. Sale or other voluntary transfer of the ownership of the unit; or
 - 3. The entry and enforcement of any judgment of foreclosure.

Section 13. Price Restrictions for Rental Units; Leases

- (a) A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- (b) No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- (c) Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

Section 14. Tenant Income Eligibility

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

1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 3. The household is currently in substandard or overcrowded living conditions;
 4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 5. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- (c) The applicant shall file documentation sufficient to establish the existence of the circumstances in (b)1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

Section 15. Administration

- (a) The position of Municipal Housing Liaison (MHL) for the Township of Montville is established by this ordinance. The Township Committee shall make the actual appointment of the MHL by means of a resolution.
1. The MHL must be either a full-time or part-time employee of the Township of Montville.
 2. The person appointed as the MHL must be reported to COAH for approval.
 3. The MHL must meet all COAH requirements for qualifications, including initial and periodic training.
 4. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of Montville, including the

following responsibilities which may not be contracted out to the Administrative Agent:

- i. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - ii. The implementation of the Affirmative Marketing Plan and affordability controls.
 - iii. When applicable, supervising any contracting Administrative Agent.
 - iv. Monitoring the status of all restricted units in the Township of Montville's Fair Share Plan;
 - v. Compiling, verifying and submitting annual reports as required by COAH;
 - vi. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
 - vii. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH.
- (b) The Township of Montville shall designate by resolution of the Township Committee, subject to the approval of COAH, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC.
- (c) An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of COAH. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
- (d) The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 2. Affirmative Marketing;
 2. Household Certification;
 3. Affordability Controls;
 4. Records retention;
 5. Resale and re-rental;
 6. Processing requests from unit owners; and
 7. Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.

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

Section 16. Enforcement of Affordable Housing Regulations

- (a) Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- (b) After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:
 - i. A fine of not more than [*insert amount*] or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
 - ii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Montville Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - iii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
 2. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.
- (c) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the

costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.

- (d) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.
- (e) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- (f) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- (g) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (h) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

Section 17. Appeals

Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing with the Executive Director of COAH.

REPEALER

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

SEVERABILITY

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

EFFECTIVE DATE

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

TOWNSHIP OF MONTVILLE

RESOLUTION NO. 2010-__

**TOWNSHIP COMMITTEE RESOLUTION OF INTENT TO APPROPRIATE FUNDS
OR BOND IN THE EVENT OF A FUNDING SHORTFALL**

WHEREAS, the Township of Montville, County of Morris has petitioned the Council on Affordable Housing (COAH) for substantive certification of its adopted Housing Element and Fair Share Plan; and

WHEREAS, the plan submitted to COAH allocates funds for a rehabilitation program, affordability assistance and administrative expenses; and

WHEREAS, the Township of Montville anticipates that funding will come from the Township's mandatory development fee ordinance and affordable housing trust fund to satisfy these obligations; and

WHEREAS, in the event that the above funding sources prove inadequate to complete the affordable housing programs included in the Township of Montville's COAH-certified Housing Element and Fair Share Plan, the Township of Montville shall provide sufficient funding to address any shortfalls.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Montville, County of Morris, State of New Jersey, that the Township Committee does hereby agree to appropriate funds or authorize the issuance of debt to fund any shortfall in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other reason; and

BE IT FURTHER RESOLVED that, upon written notification by COAH after a finding that inadequate funding exists to complete the affordable housing programs included in the Township of Montville's COAH-certified Housing Element and Fair Share Plan, the Township of Montville agrees to appropriate funds or authorize the issuance of debt within 90 days of written notification by COAH; and

BE IT FURTHER RESOLVED that the Township of Montville may repay debt through future collections of development fees, as such funds become available.

Gertrude H. Atkinson
Township Clerk