

REGULAR MEETING
LAWRENCE TOWNSHIP COUNCIL
LAWRENCE TOWNSHIP MUNICIPAL BUILDING
COUNCIL MEETING ROOM – UPPER LEVEL

December 19, 2017

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, December 19, 2017, at 6:30 P.M.

The meeting was opened with the Inspiration and Pledge of Allegiance, led by Municipal Clerk.

At the commencement of the meeting Mayor Maffei read the following statement of proper notice:

STATEMENT OF PROPER NOTICE: "Adequate notice of this meeting of the Lawrence Township Council being held on Tuesday, December 19, 2017, has been provided through the posting of the annual meeting schedule of said Council in accordance with Section 13 of the Open Public Meetings Act." Said Notice was forwarded to The Trentonian, The Times and The Princeton Packet on December 22, 2016.

The roll was then called as follows:

Present: Councilmembers Bobbitt, Kownacki, Lewis, Powers and Mayor Maffei.
Absent: None.

Also in attendance were Kevin Nerwinski, Esq., Municipal Manager, and David Roskos, Esq., Municipal Attorney.

Special Proclamations, Recognitions and Presentations

“Beautification Award Presented by the Garden Gate Garden Club”

Ms. Pam Mills, President of Garden Gate Garden Club, greeted and thanked the Council for giving her an opportunity to come before them this evening, and indicated the Garden Gate Garden Club has been in Lawrence for 50 years and they have been presenting the Beautification Award since 1973. This year’s recipient of the Award is Lawrenceville Main Street for the beautiful job they have done in brightening up Main Street in Lawrenceville. Unfortunately, the recipient is not present to receive the award. Subsequently, a member in the audience, part of Main Street, accepted the Award on behalf of Lawrenceville Main Street.

Public Participation (5-minute limitation per speaker)

Colonial Lake/Proposed Hotel Matter

Prior to the public comments, Mayor Maffei asked Mr. Roskos to make a statement regarding the process of filing an application with the Zoning Board for proposed construction/development. Mr. Roskos explained when an application is filed with the Zoning Board the Township Council acts as an Appellant Panel, in certain instances, when the Board acts on a matter and coming before the Council today is like coming before the Appellant Court prior to the matter being tried at the Trial Court level. So, the Township Council will not be hearing individual testimonies or swearing-in anyone this evening as the matter should first go before the Zoning Board for their review then submitted back to the Council to not muddy the waters prior to the Trial Court level. However, if they would like to make general statements that would be appropriate. He then opened the floor for public comments.

Mr. James Hooker, 713 Bunker Hill Avenue, advised that he has been a resident of Lawrence for 22-years and he is present this evening along with about (50) fifty other residents to voice his concerns and objection to the proposed development of a 126-Room, 3-Story, Extended Stay Hotel on the bank of Colonial Lake and requested that the Township buy the property with Open Space taxes to preserve land from development and retain the beauty and character of the neighborhood and noted that the Township has not purchased an acre of Open Space in about nine years. He further requested that the Township look for a willing 'partner' such as the D & R Greenway Land Trust; an organization that has been operating in New Jersey for 20 plus years, preserving over 20-thousand acres of land and has put forward an offer to acquire the property with the idea of seeking others such as the county, municipal, Green Acres and other conservation groups to aid in the purchase. He then asked if the Township could act on their behalf to ensure fire safety codes are met and a traffic study is done which would enable them to purchase the property without any problems.

Mr. Roskos referenced again that there is no problem with anyone voicing their general objections to the development; he is just cautioning that the Council may act on an Appellant basis on what is done by the Zoning Board and explained when an application is submitted to the Zoning Board, the Board acts as a quasi-judicial entity separate and apart from the Governing Body. There are specific statutes on point as to how that review should take place. Furthermore, any traffic or feasibility studies needed will be done prior to any development taking place and reviewed by the Board.

Mr. Hooker noted that they have a Petition of 3100 signatures opposing the development, 600 Facebook members who are opposed to the idea and very passionate in voicing their opposition on their Facebook page (Save Colonial Lake); a pair of bald eagles who hunt regularly at the site along with other forms of wildlife - osprey, blue herons, kingfishers, foxes, turtles and many other species of wildlife that

would be damaged by the proposed development, ruining of the beautiful view and the clear-cut eliminating trees. He further discussed the beautiful boulevard project put in by NJDOT on Whitehead Road, the revitalization of Colonial Bowling Lanes, which he feels should have been purchased and moved to the Lawrence Shopping Center near the Acme to help revitalize that area, and indicated how much he regrets not speaking out on the issue when he had an opportunity. And did not want to make the same mistake by not speaking up on this issue and asked the Council to have a little vision, purchase the property with Open Space taxes, for future generations to come, given Colonial Lake Park is a beautiful attribute to the community and the only water feature in Lawrence.

Ms. Laura Lynch, ex-officio on the Open Space Committee and elected representative of the New Jersey Chapter of the Sierra Club, echoed Mr. Hooker's sentiments with regards to Lawrence Township buying the park at Colonial Lake to help pull together the community that is fractured by Route 1 given there is great potential for redevelopment and re-envisioning what that stretch of Route 1 looks like and this is the Council's chance to pick up where NJDOT left off and turn the whole area into something more of a community rather than another New Jersey retail wasteland. They can purchase the property and reclaim the ground space as open space, turn the Lawrence Shopping Center into something that is multi-use and create some kind of pedestrian access from the Shopping Center to the bowling alley and park area and in connecting the two pieces of land they will not have an impassable river as there is a lot of potential there; but, it will have to start with them thinking about buying the park and turning it into something else. She advised that the matter is in front of the Planning Board and not the Zoning Board as previously indicated and they do not know when the matter will be heard again. But, it is moving along and urged the Township Council to seriously consider not just that property but the whole neighborhood including the shopping area as one piece of Lawrence not just a whole bunch of different parcels in a highway commercial zone.

Mr. Steve Howell, 138 Villanova Drive, advised that he and his wife moved to Lawrence in 1985 and they have resided in the wonderful Colonial Lake neighborhood since 1993 and have significantly improved their home, although it might not have been the best financial move based on the value, but they wanted to stay in the neighborhood and continued to discuss the park's incredible significance to him and his neighbors who he sees around town and his three daughters who enjoy the park immensely. He then asked the viewers to put aside the demise of wildlife factor for a moment and imagine if the tree line that they can now see from the park to Route 1 was cleared and how that would decimate and lessen the importance of the in their neighborhood and advised that he works in Princeton and he hears a lot of bragging going on about the attributes of the town and he in turn brags about the attributes of the Lawrenceville schools, his appealing neighborhood and the park that is a special beautiful little gem for the entire community to enjoy. In closing, he echoed the same sentiments of the previous two speakers relative to buying the property or the township purchasing the property to save the park.

Ms. Marie Hamerstone, 135 Villanova Drive, advised that she moved in Colonial Lake around the same time as the previous speaker, Mr. Howell, and she and her son, who she raised in the Lakelands, use the park on a regular basis as she runs on a trail that goes all the way around the park and during the course of her run she speaks to the fishermen. Further, they have children walking with their parents and parents strolling their children in the park and she cannot envision having a huge parking lot full of transients who come in and out so close to their neighborhood and who have a legitimate reason to be there because of the type of hotel it will be, and indicated she knows her neighbors and friends in the neighborhood; but, she does not know who will be staying in that extended stay hotel so close to their homes and school. Furthermore, she loves that piece of property that is owned by someone else...but is a huge part of their community and thanked the Council for hearing her plea.

Ms. Maria Delaney, 94 Harmony Avenue, stated yesterday she seen four or five large deer running down Harmony Avenue over Hopewell into Pintanelli Garden and then back and asked where would they relocate if a hotel was built there. She then indicated that she was born and raised in Princeton, where her mother and sister still reside, and in comparison to north Lawrence which borders Princeton the southern end of Lawrence that borders Trenton is always given the short end of the stick and it is unfair to the proud, blue collar, hardworking people that live on that end of town and advised that her 60 year old home with a broken bathroom is no mansion; but, it is still her home.

Ms. Delaney advised that she works for American Express doing corporate travel and the hotels along Route 1 are never full...it will be just like the Red Roof Inn who house people being released from Mercer County jail. And, she knows the people need somewhere to stay; however, she is very concerned about who will live there because she cannot foresee the hotel being occupied by IBM or BMS people; so, in her opinion, it is just another ploy to get another homeless shelter in south Lawrence and it is unfair to residents in that area and for that reason they are in opposition of an extended stay hotel being built. They want their park with the, fish, air, water and wildlife maintained and they want the leaders of Lawrence Township to tell the developers no and advocate on their behalf to preserve the park as open space and proceeded to comment on the many things being cut out by the government and urged the Council to please consider her plea.

Mr. Marshall Hosel, 736 President Avenue, advised that he purchased his home about five years ago from a couple, Rose and Joe, who lived there for 50 years and that he has invested heavily into the value of his home and he could have lived anywhere but he chose Colonial Park because of the lake. He is also the person who spotted the bald eagle yesterday and it was beautiful and the first time he had ever seen one and he is present this evening to petition the Council's help given he and his neighbors are not lawyers or particularly organized; but, they are voters who live in the community and who pay their taxes and they want members of Council help to keep their park and urged them to please help...

Review and Revisions of Agenda

The Municipal Clerk requested that Resolution (18-H.12) – Authorizing the Approval of Towing Licenses; Resolution (18-H.13) – Authorizing an Amendment Between the Township of Hopewell and SBA Towers III, LLC and Resolution (18-H.14) – Authorizing Funding for Shortfalls in the Affordable Housing Program/Fair Share Plan, be added to agenda.

Mr. Roskos noted that the Resolution (18-H.13 – No. 455-17) dealing with the SBA Towers needs to be voted upon separately as the resolution needs a little cleanup on the verbiage.

On a motion by Ms. Lewis, seconded by Mr. Powers, the Agenda was amended to include the above revisions.

Same was carried on the following roll call vote:

Ayes: Councilmembers Bobbitt, Kownacki, Lewis, Powers and Mayor Maffei.
Nays: None.

Adoption of Minutes

There was no adoption of minutes.

Awarding or Rejecting of Bids

There was no award of bids.

Introduction of Ordinances

There was no introduction of ordinances.

Adoption of Ordinances

Mayor Maffei read by title, an ordinance entitled, "AN ORDINANCE REPLACING ORDINANCE NOS. 599-70 AND 1403-94 IN THEIR ENTIRETY AND AMENDING CHAPTER 10 OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE ENTITLED "GARBAGE AND REFUSE"

Ordinance No. 2282-17

AN ORDINANCE REPLACING ORDINANCE NOS. 599-70 AND 1403-94 IN THEIR ENTIRETY AND AMENDING CHAPTER 10 OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE ENTITLED "GARBAGE AND REFUSE"

BE IT ORDAINED by the Township Council of the Township of Lawrence in the County of Mercer and State of New Jersey, that:

SECTION 1: Accumulation prohibited. No owner, lessee, tenant, mortgagee, its agent and/or assigns or occupant of lands lying within the township shall accumulate or allow to accumulate on such lands, including sidewalks and gutters thereon, lands, brush, weeds, dead or dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris, if such accumulation is adverse to the public health, safety, general welfare or creates a fire hazard.

SECTION 2: Inspections; notice to remove. The department of health and welfare shall from time to time make inspections, and if it finds any violation of section 1, or if any such violation is reported to it by the health officer, police department, fire chiefs or manager, the department of health and welfare shall give written notice to the owner, tenant, lessee or occupant to remove or correct the violations.

SECTION 3: Removal by town when owner or occupant fails to do so. In the event the owner, lessee, tenant, mortgagee, its agent and/or assigns or occupant, within ten days after such notice to such owner, tenant, lessee or occupant, shall refuse or neglect to remove the same, the township manager may provide for the removal from such lands of brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris or under the direction of any officer of the township the township manager may designate.

SECTION 4: Costs of removal constitute lien upon property. In all cases where brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris are removed from any lands by or under the direction of the manager, or such other officer as provided above, such officer shall certify the cost thereof to the township council, which shall examine the certificate, and if found correct, shall cause the cost as shown thereon to be charged against such lands, which amount so charged shall forthwith become a lien upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced in the same manner as taxes.

SECTION 5: Certain portions of land or certain items may be included in notice to_remove. The department of health and welfare, in preparing the notice described in section 1, shall have discretion to include all or only certain portions of the lands of the owner, tenant, lessee or occupant to be served with such notice, or all or only specified types, quantities or sizes of brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris, as may be described and designated in such notice.

SECTION 6: Penalty. Any person, firm or corporation violating the terms of this article shall, upon conviction in the municipal court, be punished for each offense by a fine not to exceed five hundred dollars or by imprisonment for a term not to exceed ninety days, or both. Each day this article is violated shall be deemed and taken to be a separate and distinct offense.

SECTION 7: Repealer. All ordinances or parts of same inconsistent with any of the provisions of this ordinance and the code established hereunder are hereby repealed to the extent of such inconsistency.

SECTION 8: Severability. If any section, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect.

SECTION 9: Effective Date. This ordinance shall take effect twenty (20) days following adoption thereof in accordance with law.

Ordinance No. 2282-17 was introduced and approved on the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Bobbitt	X						
Mr. Kownacki	X						
Ms. Lewis	X						X
Mr. Powers	X					X	
Mayor Maffei	X						

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Mayor Maffei read by title, an ordinance entitled, "ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF LAWRENCE TO REVISE SECTION 409, THE APARTMENT AND TOWNHOUSE DISTRICT"

Ordinance No. 2283-17

ORDINANCE AMENDING THE  
LAND USE ORDINANCE  
OF THE TOWNSHIP OF LAWRENCE  
TO REVISE SECTION 409, THE APARTMENT AND  
TOWNHOUSE DISTRICT

WHEREAS, the Township Council of the Township of Lawrence ("Township Council"), a municipal corporation in the County of Mercer, State of New Jersey, finds that the public health, safety, morals, and general welfare of the community shall be promoted by the revision and amendment of the Land Use Ordinance of the Township to implement the Housing Element and Fair Share Plan of the municipality; and

WHEREAS, these amendments to the Land Use Ordinance are necessitated by the entry of an Order on Fairness and Preliminary Compliance Hearing dated July 5, 2017 by the Hon. Mary Jacobson, A.S.J.C. finding that the Township's summary outline to meet its affordable housing obligation was fair to the citizens of Lawrence Township, the housing region and the State of New Jersey as a whole and approving settlement agreements with an interested party and an intervenor; and

WHEREAS, the Planning Board of the Township of Lawrence has adopted a Master Plan that comprehensively provides a foundation for the appropriate use, regulation and development of lands for affordable housing in the Township in a manner which will promote the public health, safety, morals, and general welfare; and

WHEREAS, the Municipal Land Use Law at *N.J.S.A. 40:55D-62a* requires substantial consistency of the provisions regulating zoning and land use with the adopted Master Plan; and

WHEREAS, the Planning Board has determined that the revisions and amendments to the Land Use Ordinance set forth herein are consistent with the goals and objectives of the Master Plan and more specifically the Housing Element to complete the necessary steps to obtain a Judgment of Repose from the Court and therefore favorably recommends to the Township Council that Section 409 of the LUO be so amended.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Lawrence that the Land Use Ordinance be hereby amended as follows:

**Section 1.** §409, Apartment and Townhouse (AT) District, shall be amended in its entirety as follows:

**§ 409 Apartment and Townhouse (AT) Residential District.**

- A. **Purpose.** The Apartment and Townhouse (AT) residential zone is intended to provide for dwellings in a garden apartment, multi-story or townhouse configuration at moderate multi-family densities. The AT district may be designated either as a base zoning district or as an overlay district in selected areas on the Zoning Map. When used as an overlay district, it is intended that the development adhere to the specific density and other regulations for each type of overlay district as identified on the Zoning Map.
- B. **Permitted Uses.** In the Apartment and Townhouse zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

- 1. Apartments.
- 2. Townhouses.
- 3. Common open space.
- 4. Age-restricted development pursuant to the SCR district regulations.
- 5. Conservation.
- 6. Municipal use.

C. **Accessory Uses Permitted.** Any of the following uses may be permitted when used in conjunction with a principal use and conforming to the applicable subsection in §428:

- 1. Home occupation.
- 2. Community center for the common use of residents.
- 3. Community swimming pool for the common use of residents.
- 4. Private residential tool shed on fee simple lots, only, not exceeding 108 square feet.
- 5. Outdoor recreational facilities, including tennis or other court sports.
- 6. Off-street parking and private garages.
- 7. Decks and above ground private swimming pools for fee simple townhouses.
- 8. Fences, walls, gazebos, mail kiosks and other street furniture.
- 9. Signs.
- 10. Satellite dish and television antennae.
- 11. Maintenance building.
- 12. Accessory uses customarily incidental to a principal use.

D. **Conditional Use Permitted.** The following use may be permitted when located on Lawrenceville-Pennington Road and authorized as a conditional use by the Planning Board in accordance with §429 and §705:

- 1. Uses permitted in the NC-1 district and the following conditions:
  - a. Minimum lot size: 30,000 sf.
  - b. Minimum lot frontage: 150 feet
  - c. Minimum front yard: 50 feet
  - d. Minimum side yard: 25 feet
  - e. Minimum rear yard: 50 feet

- f. Maximum floor area ratio:
  - (1) Non-residential use: .10
  - (2) Residential use: .20
  - (3) Mixed use: .20 provided no more than .10 is a non-residential use
  
- g. Maximum impervious surface ratio:
  - (1) Non-residential use: .65
  - (2) Residential use: .35
  - (3) Mixed use: .75

E. **Required Use.** A minimum of 20% of all units in an Apartment and Townhouse development, excepting conditional uses, shall be affordable to households of low and moderate income pursuant to Article X of this Ordinance.

F. **General District Regulations.** In the Apartment and Townhouse district, the following general regulations shall apply:

- 1. Minimum gross acreage of tract: 10 acres
- 2. Minimum buildable land area of tract: 7 acres
- 3. Maximum gross density:
  - a. Not in an overlay district: 10 units per acre
  - b. In an AT-1 Overlay district: 8 units per acre
  - c. In an AT-2 Overlay district: 10 units per acre
  - d. In an AT-3 Overlay district: 15 units per acre
- 4. Minimum open space: 30% of total tract area
- 5. Minimum tract frontage on a public or private right-of-way: 300 feet
- 6. Building setback from tract perimeter: 50 feet from any tract boundary
- 7. Parking area or internal driveway or street setback (excluding entrances and exits) from tract perimeter: 25 feet
- 8. Maximum number of dwelling units in one building:
  - a. Building with all townhouses: 8 units
  - b. Building with all apartments: 24 units
    - (1) On tracts of at least 35 acres: 80 units
    - (2) On tracts with a density greater than 12 units per acre: 48 units
  - c. Building with both dwelling types: 16 units

- 9. Minimum distance between buildings:
  - a. From the front or back of any building to any other building: 50 feet
  - b. From the side of any building to any other building: 30 feet
  - c. From any common parking area to a building: 15 feet
  - d. The Planning or Zoning Board, after due consideration of plans, testimony, or other evidence, may waive strict compliance with this subsection to further the architectural relationship of building groups.
- 10. Maximum building height: 38 feet or 3 stories, whichever is less, except that on tracts more than 35 acres in area or more than 12 units per acre, the height may be increased to 55 feet or 4 stories, whichever is less
- 11. Maximum building length through the long axis: 240 feet
- 12. Any development incorporating both apartments and townhouses shall be limited to a total of 80% of either type of unit.
- 13. Each townhouse or ground floor apartment unit shall have a private rear yard of 200 square feet minimum for the occupants' exclusive use or an active and/or passive recreation area equal to 200 square feet per unit available to all tenants or owners.
- 14. Public water and sewer. All such development shall be served by public water and public sanitary sewer.

G. **Area, Yard, Height and Building Coverage.** Except as otherwise modified, the following bulk standards shall apply to all buildings:

- 1. Townhouses with fee simple lots:
  - a. Minimum lot area: 1,200 sf.
  - b. Minimum lot frontage: 20 feet (per unit)
  - c. Minimum lot width: 20 feet (per unit)
  - d. Minimum front yard:
    - (1) 30 feet for units with garages or driveways;
    - (2) 15 feet for units without garages or driveways
  - e. Minimum side yard: 0 feet if adjoining another unit, 15 feet if an outside wall
  - f. Minimum rear yard:
    - (1) 20 feet
    - (2) 5 feet for a rear entry garage from an alley.

2. Additional townhouse requirements:
  - a. Minimum unit width: 20 feet
  - b. A minimum of 300 square feet of storage shall be provided for each unit in the basement, attic or other area attached to unit for storage of garbage, recyclables in the front of the unit, bicycles, garden equipment, or other common household items.
3. Apartments.
  - a. The minimum size for each apartment shall be 550 square feet.
  - b. Each unit above the ground floor shall have a balcony or terrace of at least 50 square feet in area unless common open space for all units is provided as indicated in –F.13, hereinabove.
  - c. A minimum of 100 square feet of storage shall be provided for each unit, including interior and/or exterior storage for garbage and recyclables in the front of the unit, and bicycles, garden equipment, and other common household items in an appropriate location. This minimum floor area for storage may be reduced to no more than 75 square feet in the event that each building has an internal garbage and recyclable collection area or readily accessible exterior garbage and trash collection point.
4. Accessory Structures.
  - a. Accessory structures for individual units shall not be permitted in any front yard area. Such structures shall not be located closer than 5 feet to a property line.
  - b. Community centers and recreational buildings shall conform to the general district requirements in this section.
  - c. Common garages or carports providing shelter for the motor vehicles of residents shall conform to the setback requirements for parking areas in this section, except that no such accessory building or structure is located in a front yard.

**Section 2.** §301, Zoning Map, shall be modified by replacing the Research and Development District with the Apartment and Townhouse District for a 35± acre portion of easterly side of Block 5101, Lot 18, an existing lot of 51.75 acres located at the end of Lenox Drive as more particularly shown in Exhibit A, attached hereto; by adding the designation of AT-1 Overlay to Block 3901, Lot 4.01; by adding the designation AT-2 Overlay to Block 3901, Lot 2.01; and by adding the designation AT-3 Overlay to Block 4201.01, Lots 32.01.2 and 33.03.

**Section 3.** Continuation. In all other respects, the Land Use Ordinance of the Township of Lawrence shall remain unchanged.

**Section 4.** Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Land Use Ordinance as a whole, or any other part thereof.

**Section 5.** Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

**Section 6.** Enactment. This Ordinance shall take effect upon the filing thereof with the Mercer County Planning Board after final passage, adoption, and publication by the Township Clerk of the Township of Lawrence in the manner prescribed by law.

Ordinance No. 2283-17 was introduced and approved on the following roll call vote:

| COUNCIL      | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|--------------|-----|-----|---------|--------|---------|------|--------|
| Mr. Bobbitt  | X   |     |         |        |         |      |        |
| Mr. Kownacki | X   |     |         |        |         |      |        |
| Ms. Lewis    | X   |     |         |        |         |      | X      |
| Mr. Powers   | X   |     |         |        |         | X    |        |
| Mayor Maffei | X   |     |         |        |         |      |        |

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Mayor Maffei read by title, an ordinance entitled, "ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF LAWRENCE TO REVISE SECTION 421"

**Ordinance No. 2284-17
ORDINANCE AMENDING THE
LAND USE ORDINANCE
OF THE TOWNSHIP OF LAWRENCE
TO REVISE SECTION 421**

WHEREAS, the Township Council of the Township of Lawrence, a municipal corporation in the County of Mercer, State of New Jersey, finds that the public health, safety, morals, and general welfare of the community shall be promoted by the revision and amendment of the Land Use Ordinance of the Township pertaining to Section 421 entitled Regional Commercial District; and

WHEREAS, the Planning Board of the Township of Lawrence has adopted a Housing Element and Fair Share Plan that comprehensively provides for the appropriate use, regulation and development of affordable housing in the Township in a manner which will promote the public health, safety, morals, and general welfare; and

WHEREAS, the Housing Element specifically identifies the Quaker Bridge Mall as an area suitable for the development of multi-family housing, including affordable multi-family housing, as the commercial center evolves to become a mixed-use development; and

WHEREAS, the Planning Board has determined that the revisions and amendments to the Land Use Ordinance are consistent with the Housing Element in the Master Plan of Lawrence Township, represent sound land use regulation and therefore favorably recommends to the Township Council that the regulations pertaining to Section 421 be so amended; and

WHEREAS, this Ordinance also implements an Order on Fairness and Preliminary Compliance issued by the Hon. Mary C. Jacobson, A.J.S.C., dated July 5, 2017.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Lawrence that the Land Use Ordinance be hereby amended as follows:

Section 1. §421, Regional Commercial (RC) District, shall be revised to amend Sub-sections D, E and F, to read as follows [underlined text, aside from headers, is added]:

- D. **Conditional Uses Permitted.** The following use may be permitted when authorized as a conditional use by the Planning Board in accordance with §705 [Ord. 1941-07, 9/4/07]:
1. Hotels conforming to the following conditions:
 - a. Each unit of accommodation shall contain a minimum floor area of 250 square feet. Ceilings shall be a minimum of 8 feet in height.
 - b. There shall be a residency limitation on all guests of 30 days' maximum. The residency limitation shall not apply to an employee living on the premises.
 - c. Restaurants and nightclubs shall be permitted as an accessory use within the hotel.
 - d. Barber shops and hair salons, gift shops, newspaper stands, smoking shops, spa, health club and similar uses shall be permitted as accessory uses.
 2. Extended Stay Lodging Facilities conforming to the following conditions:
 - a. Accessory uses shall be permitted as follows:
 - (1) Exercise facilities, spa, and health club.
 - (2) Business services, such as access to fax, copier, personalized voice mail, meeting rooms and computers and Internet access, etc.
 - (3) Limited recreation facilities, such as a swimming pool,

jogging trails and child play areas.

- b. Each unit of accommodation shall contain a minimum floor area of 325 square feet. Ceilings shall be a minimum of 8 feet in height.
- c. All access to individual units shall be from interior hallways.
- d. Off street parking shall be provided based on a minimum of one parking space for each guest unit, inclusive of units occupied by resident employees.

3. Apartment dwellings conforming to the following conditions:

- a. Affordable housing conforming to Article X shall be required.
- b. The use shall be located on one or more of the parcels that comprise the Quaker Bridge Mall.
- c. The use shall be on a lot of at least 10 acres but no more than 20 acres of land.
- d. The total number of dwelling units shall not exceed 350 units.

E. **General District Regulations.** The following general district requirements shall apply:

- 1. Minimum tract requirements: 40 acres
- 2. Minimum tract frontage: 600 feet on U.S. Route 1
- 3. Minimum tract width: 1,000 feet
- 4. Minimum tract depth 1,000 feet
- 5. Minimum building setback from tract perimeter:
- 6. Minimum building setback from tract perimeter: 75 feet for regional shopping mall structure, including any multi-level parking structure; 25 feet for single story, free-standing buildings; 50 feet for any predominantly residential building.
- 7. Maximum floor area ratio: .50
- 8. Maximum impervious surface ratio: .85

F. **Area, Yard, and Height.** Except as otherwise modified, the following bulk standards shall apply to all lots:

- 1. Principal building.
 - a. Minimum lot area: 10 acres
 - b. Minimum lot width: 400 feet
 - c. Minimum lot depth: 400 feet
 - d. Maximum building height, non-residential building:60 feet and

- e. Maximum building height, predominantly residential building:
 - (1) With residential floors over non-residential use: 80 feet and 4 residential stories, whichever is less
 - (2) With residential floors over parking 75 feet and 4 residential stories, whichever is less
- 2. Accessory building.
 - a. Minimum distance to other building: 25 feet except for structured parking facilities where no setback is required.
 - b. Maximum height: 30 feet, except for structured parking facilities where no setback is required.
 - c. Minimum setback from a street line: 50 feet from a public street; 15 feet from a private street
- 3. Surface parking area setback.
 - a. From a street line: 50 feet from a public street (also subject to-G7 below); 10 feet from a private street where no sidewalk is specified; 15 feet from a private street where a sidewalk is specified
 - b. From a building: 25 feet from a regional shopping mall; 15 feet from a free-standing building

Section 2. Continuation. In all other respects, the Land Use Ordinance of the Township of Lawrence shall remain unchanged.

Section 3. Severability. If any portion of this Ordinance is for any reason *held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Land Use Ordinance as a whole, or any other part thereof.*

Section 4. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 5. Enactment. This Ordinance shall take effect upon the filing thereof with the Mercer County Planning Board after final passage, adoption, and publication by the Township Clerk of the Township of Lawrence in the manner prescribed by law.

Ordinance No. 2284-17 was introduced and approved on the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Bobbitt	X						X
Mr. Kownacki	X						
Ms. Lewis	X						
Mr. Powers	X					X	
Mayor Maffei	X						

~~~

Mayor Maffei read by title, an ordinance entitled, "ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF LAWRENCE TO REVISE ARTICLE X, AFFORDABLE HOUSING PROCEDURAL AND ELIGIBILITY, TO IMPLEMENT THE THIRD ROUND OF AFFORDABLE HOUSING IN ACCORDANCE WITH THE FAIR HOUSING ACT OF 1985"

Ordinance No. 2285-17

ORDINANCE AMENDING THE LAND USE ORDINANCE  
OF THE TOWNSHIP OF LAWRENCE  
TO REVISE ARTICLE X, AFFORDABLE HOUSING  
PROCEDURAL AND ELIGIBILITY REQUIREMENTS, TO  
IMPLEMENT THE THIRD ROUND OF AFFORDABLE HOUSING  
IN ACCORDANCE WITH THE FAIR HOUSING ACT OF 1985

**WHEREAS**, the New Jersey Supreme Court and New Jersey Legislature have recognized and mandated in So. Burl. Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") and the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. ("FHA") that every municipality in New Jersey has an affirmative obligation to facilitate the provision of low and moderate income housing; and

**WHEREAS**, the Mayor and Township Council of the Township of Lawrence are desirous of ensuring the proper implementation of the Fair Housing Act and associated rules through the adoption of a Housing Element of the Master Plan by the Planning Board and Fair Share Plan and land use regulations by the governing body; and

**WHEREAS**, the Township of Lawrence desires to implement policies established by the New Jersey Supreme Court in In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (Mount Laurel IV) to foster affordable housing opportunities for the production of dwellings and their occupancy by low and moderate income households.

**WHEREAS**, the Mayor and Township Council of the Township of Lawrence recognize the need to amend Article X, Affordable Housing Procedural and Eligibility Requirements, of the Land Use Ordinance of the Township of Lawrence to implement the Housing Element and Fair Share Plan; and

**WHEREAS**, the Planning Board of the Township of Lawrence has adopted the Housing Element and Fair Share Plan, and reviewed and recommended the adoption of this and other implementing ordinances.

**NOW THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Lawrence, Mercer County, New Jersey, as follows:

**Section 1.** Article X of the Land Use Ordinance of the Township of Lawrence, entitled, Affordable Housing Procedural and Eligibility Requirements, shall be amended in its entirety as follows:

**ARTICLE X  
AFFORDABLE HOUSING PROCEDURAL  
AND ELIGIBILITY REQUIREMENTS**

**§ 1000**                      **Purpose and General Provisions.**

- A. The purpose of this Article is to implement the Uniform Housing Affordability Controls (*N.J.A.C. 5:80-26.1 et seq.*, as they may be amended or superseded), the New Jersey Fair Housing Act (*N.J.S.A.52:27D-301, et seq.*) and the Housing Element and Fair Share Plan of Lawrence Township. This Article is designed to ensure that affordable housing created under the Fair Housing Act is occupied by low- and moderate-income households for the appropriate period of time. The words, phrases, and terms herein shall be interpreted to have the same meanings and usages as in the Fair Housing Act and related regulations. It is the further purpose of this Article to regulate the development and management of low- and moderate-income housing units constructed in compliance with these regulations.
- B. Projects utilizing Federal Low-Income Housing Tax Credit under Section 42 of the Internal Revenue Code, units that receive Balanced Housing funds under the NJ Housing and Mortgage Finance Agency's Home Express program or similar programs, or to units receiving assistance under the Federal HOME program, 24 §92.252(e), §92.254(a)(4); HUD 202 program, 24 C.F.R. Part 891; HUD 811 program, 24 C.F.R. Part 890; HUD HOPE VI program; or Federal Home Loan Bank, Affordable Housing Program, 12 C.F.R. Part 60 shall adhere to the regulations of their respective programs.
- C. The Affordable Housing Board created pursuant to §607 of this Ordinance shall administer the provisions of this Article in conjunction with the staff of the Lawrence Township Department of Planning and Redevelopment.
- D. Definitions pertaining to affordable housing are incorporated into Article II.

**§ 1001 Affordable Housing Required.**

- A. Any residential development approved after January 28, 1998, including those developments consisting in whole or in part of beds counted as a residential dwelling, shall set aside dwelling units for persons of low and moderate income as defined in this Article. Unless otherwise stated or as may be required within specific zoning districts, the minimum set aside shall be 15% for those units that are leased and 20% of the total number of units for sale in the development. In assisted living residence developments, the set aside shall be a minimum of 5% of the total number of units or beds. At least half shall be affordable to persons of low income. Except on sites zoned to permit a residential density of 6 units per acre or greater, developments consisting solely of single family detached and/or duplex or two-family dwellings shall be exempt from these inclusionary requirements but shall pay an affordable housing fee pursuant to Article IX.
- B. All developers with sites identified for affordable housing pursuant to the most recent Housing Element and Fair Share Plan adopted by the Planning Board and Township Council of Lawrence, according to their respective duties, shall provide affordable housing units in accordance with the plan. All development that falls within the time period of the present round of affordable housing obligation shall construct units, pay a development fee, or pay a fee in lieu of construction in accordance with this Article and Article IX.

**§ 1002 Affordable Housing Administrator and Administrative Agent**

- A. The Township Council shall yearly appoint an Affordable Housing Administrator (the Administrator) to monitor sales and resales of affordable housing units. The Administrator shall be the Municipal Housing Liaison and may, but is not required to be, the Administrative Agent of the municipality pursuant to N.J.A.C. 5:80-26.14.
- B. The Administrator shall monitor the designated Administrative Agent of the developer in the initial sales and rental transactions for low- and moderate-income dwellings in accordance with N.J.A.C. 5:80-26.14, as it may be amended or superseded. The developer's administrative agent shall have all of responsibilities as put forth in this rule. After the initial sales and rental transactions, the Administrator shall monitor, if such person is not the municipality's Administrative Agent, the activities of the Administrative Agent for any re-sales or re-rentals. If the Administrator is the Administrative Agent for the municipality, then he or she shall assume all of the duties and responsibilities set forth in N.J.A.C. 5:80-26.14 following the initial renting, sales and occupancy of low- and moderate-income dwellings. The affordability controls set forth in this chapter shall be administered and enforced by the Administrative Agent regardless of association. The primary responsibility of the Administrative Agent shall be to ensure that the restricted units are sold or rented, as applicable, only to low- and moderate-income households in accordance with the Fair Housing

Act.

- C. The Township Council may establish a reasonable fee to program participants for the administration of the affordability controls program.
- D. The Administrative Agent, whether the Administrator, developer's agent, or a delegated agent, shall have the responsibility to income qualify low and moderate-income households, to place income eligible households in low- and moderate-income units upon initial occupancy, to provide for the initial occupancy of low- and moderate-income units with income qualified households, to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls, to assist with advertising and outreach to low- and moderate-income households, and to enforce the terms of the deed restriction and mortgage loan. The Administrative Agent shall provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements and landlord/tenant law.
- E. The Administrator shall coordinate his or her activities with any outside Administrative Agent to ensure the accurate tracking of the progress of affordable housing in the municipality, answer inquiries regarding affordable housing from the public or direct same to the appropriate official or agency, and comply with the affordable housing monitoring and reporting requirements of the state.
- F. In order to ensure an orderly transfer of control responsibility from a municipality to an administrative agent, from one administrative agent to another administrative agent, or other transfer, the requirements as set forth in N.J.A.C. 5:80-26.17 shall apply as are necessary before or during the transition. The Administrative Agent's enforcement responsibility for implementing such practices and procedures shall not be delegated or otherwise transferred to any other party, except to a successor administrative agent.
- G. By accepting state funds for affordable housing purposes, or by submitting to the jurisdiction of the NJ Department of Community Affairs or its successor agency, the Township of Lawrence shall be deemed to have delegated to the Administrative Agent the day-to-day responsibility for implementing practices and procedures designated to ensure effective compliance with the controls set forth in this Article. The governing body of the municipality, however, shall retain the ultimate responsibility for ensuring effective compliance with the requirements as set forth in the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1, et seq.).
- H. The Administrator shall complete and return to COAH, its successor or court of competent jurisdiction all forms necessary for monitoring requirements related to dwelling units in affordable housing projects and 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 Lawrence's approved housing program, as well as to the expenditure of revenues and implementation of the approved plan.

- I. The Administrator shall keep records of the affirmative marketing activities undertaken in accordance with the affirmative marketing plan established by any developer's administrative agent. The records shall include, but not be limited to, the following:
  - 1. Electronic reporting of affordable housing activity; any required paper forms;
  - 2. Copies of any press releases, brochures, flyers, print advertisements and application forms used in the affirmative marketing program.
  - 3. The income and demographic characteristics of each household applying for and occupying income-restricted housing.
  - 4. An evaluation of any necessary adjustments required to the affirmative marketing program as communicated by the Administrative Agent.

**§ 1003                      Submission of Affordable Housing Plan.**

- A. The developer of low and moderate income housing units shall submit to the Affordable Housing Board a description of the means to be used to insure that the required low and moderate income units are sold or rented only to low and moderate income households for a period of not less than 30 years, that such units meet bedroom distribution and phasing requirements, and comports with the requirements of this Chapter pertaining to the provisions, leasing, selling and transferring units among eligible low and moderate income households. The Affordable Housing Board may delegate such plan review to the Administrator.
- B. The Affordable Housing Plan shall indicate how the developer will comply with the procedures of this Article for selecting occupants of low and moderate income housing and the required affirmative marketing requirements. The requirements for affirmative marketing are found in §1015. Whenever a developer proposes a third party operator or manager of affordable housing units, the Affordable Housing Board shall specifically approve such operator and manager.
- C. The following information shall promptly be provided to the Administrator and/or Administrative Agent by the developer or sponsor of any project containing any affordable units subject to the requirements of this Article, upon the later of either final municipal land use approval or issuance of a grant contract by a governmental authority:
  - 1. The total number of units in the project, and number of restricted units, broken down by bedroom size, identifying which are low and which are moderate income dwellings, and including street addresses of restricted dwellings;
  - 2. Floor plans of all affordable dwellings, including complete and accurate identification of uses and dimensions of all rooms;

3. A project map identifying the locations of low and moderate income and market dwellings;
  4. A list of project principals or partners, together with a list of all other affordable projects in which they have been involved over the previous five years;
  5. Projected construction schedule;
  6. Proposed pricing for all units, including any purchaser options and add-on items;
  7. A list of all public funding sources and copies of grant or loan agreements for those sources;
  8. Condominium fees or homeowner association and any other maintenance or other fees;
  9. Estimated real property taxes for sale units;
  10. Sewer, trash disposal and any other utility assessments;
  11. Flood insurance requirement, if applicable;
  12. A description of all HVAC systems;
  13. Location of any common areas and elevators;
  14. Proposed form of lease for any rental units;
  15. The name of the person who will be responsible for official contact with the Township Administrator for the duration of the project;
  16. The name and qualifications of the developer's administrative agent, if applicable; and
  17. The State-approved Planned Real Estate Development public offering statement and/or master deed where available or applicable.
- D. The developer shall submit the marketing plan to the Affordable Housing Board at least 45 days prior to the advertising of the availability of the units. The Affordable Housing Board will approve or modify the plan within 30 working days of receipt of the plan or within such time as additionally granted by the developer.

**§ 1004 Household Income Limitations.**

The incomes of low and moderate-income households occupying affordable housing shall not exceed the income limits as of January 1 of the current year.

- A. **Median Income Determination.** Median income by household size shall be established by a regional weighted average of the uncapped Section 8 income limits published annually by the U.S. Department of Housing and Urban Development.

- B. **Affordable Housing Purchase or Rent.** Very low income housing units shall be reserved for households with a gross household income less than or equal to 30% of the median regional income. Very low income households shall be considered a subset of low income units. Of the number of very low income households, at least 50% shall be for family households. Low income housing units shall be reserved for households with a gross household income less than or equal to 50% of the median regional income. Moderate income units shall be reserved for households with a gross household income more than 50% but equal to or less than 80% of the median income.
- C. **Assisted Living Facilities.** Income determination and eligibility for assisted living facilities shall also comply with the New Jersey Housing and Mortgage Finance Agency's Assisted Living Underwriting Guidelines and Financing Policy, dated May 28, 1996, as it may be amended or superseded. The monthly fee for rent, meals, and basic services for the affordable units in the assisted living facility shall not exceed 80% of household income. For the purposes of this section, 62.5% of the fee shall be assumed to be for meals and basic services and 37.5% of the fee for rent.

**§ 1005 Household Income Verification.**

- A. The Administrative Agent shall secure all information from applicant households necessary and appropriate to determine that restricted dwellings are occupied by properly sized households with appropriate very low, low or moderate income levels. No household may be referred to a restricted dwelling, or may receive a commitment with respect to a restricted dwelling, unless that household has received a signed and dated certification, as set forth in this section, and has executed the certificate in the form provided.
- B. The Administrative Agent shall use a random selection process to select occupants of very low, low and moderate- income housing.
- C. The Administrative Agent shall prepare a standard form of certification and shall sign and date one for each household when certified. This certification shall be known as a Certificate of Eligibility and shall be a prerequisite for the purchase or rental of an income-restricted dwelling. An initial certification shall be valid for no more than 180 days unless a valid contract for sale or lease has been executed within that time period. In this event, certifications shall be valid until such time as the contract for sale or lease is ruled invalid and no occupancy has occurred. Certifications may be renewed in writing at the request of a certified household for an additional period of 180 days at the discretion of the Administrator or Administrative Agent.
- D. When reviewing an applicant household's income to determine eligibility, the Administrator or Administrative Agent shall compare the applicant household's total gross annual income to the regional very low, low and moderate income limits then in effect, as approved by the court of competent jurisdiction. For the purposes of this subchapter, income includes, but is not limited to, wages, salaries, tips, commissions, alimony, regularly scheduled overtime, pensions,

social security, unemployment compensation, Temporary Assistance for Needy Families (TANF), verified regular child support, disability, net income from business or real estate, and income from assets such as savings, certificates of deposit, money market accounts, mutual funds, stocks, bonds and imputed income from non-income producing assets, such as equity in real estate.

- E. Except as otherwise specifically stated in this subchapter, the sources of income considered by the Administrator or Administrative Agent shall be the types of regular income reported to the Internal Revenue Service and which is eligible to be used for mortgage loan approval. Household annual gross income shall be calculated by projecting current gross income over a 12-month period.
- F. Assets not earning a verifiable income shall have an annual imputed interest income using a current average annual savings interest rate. Assets not earning income include, but are not limited to, present real estate equity. Applicants owning real estate shall produce documentation of a market value appraisal and outstanding mortgage debt. The difference shall be treated as the monetary value of the asset and the imputed interest added to income. If the applicant household owns a primary residence with no mortgage on the property valued at or above the regional asset limit, a Certificate of Eligibility shall be denied by the Administrator or Administrative Agent, unless the applicant's existing monthly housing costs (including principal, interest, taxes, homeowner and private mortgage insurance, and condominium and homeowner association fees as applicable) exceed 38 percent of the household's eligible monthly income.
- G. Rent from real estate shall be considered income, after deduction of any mortgage payments, real estate taxes, property owner's insurance and reasonable property management expenses as reported to the Internal Revenue Service. Other expenses are not deductible. If actual rent is less than fair market rent, the Administrator or Administrative Agent shall impute a fair market rent.
- H. Income does not include benefits, payments, rebates or credits received under any of the following:
  - 1. Federal or State low income energy assistance programs;
  - 2. Food stamps, payments received for foster care, relocation assistance benefits;
  - 3. Income of live-in attendants, scholarships, student loans, and personal property, including but not limited to, automobiles; and
  - 4. Lump-sum additions to assets such as inheritances, lottery winnings, gifts, insurance settlements, and part-time income of persons enrolled as full-time students.
  - 5. Income, however, does include interest and other earnings from the investment of any of the foregoing benefits, payments, rebates, or credits.
- I. The Administrative Agent shall require each member of an applicant household who is 18 years of age or older to provide documentation to verify the member's income, including income received by adults on behalf of minor children for their

benefit. Household members 18 years of age or older who do not receive income must produce documentation of current status. Income verification documentation may include, but is not limited to, the following for each and every member of a household who is 18 years of age or older:

1. Four consecutive pay stubs, not more than 120 days old, including bonuses, overtime or tips, or a letter from the employer stating the present annual income figure;
  2. Copies of Federal and State income tax returns for each of the preceding three tax years;
  3. A letter or appropriate reporting form verifying monthly benefits such as Social Security, unemployment, TANF, disability or pension income (monthly or annually);
  4. A letter or appropriate reporting form verifying any other sources of income claimed by the applicant, such as alimony or child support;
  5. Income reports from banks or other financial institutions holding or managing trust funds, money market accounts, certificates of deposit, stocks or bonds; and
  6. Evidence or reports of income from directly held assets such as real estate or businesses.
  7. Court ordered payments for alimony or child support to another household, whether or not it is being paid regularly, shall be excluded from income for purposes of determining income eligibility.
- J. At the discretion of the Administrator or Administrative Agent, households may also be required to produce documentation of household composition for determining the correct dwelling size and applicable median income guide.

§ 1006 Certificate of Eligibility, Waiting List and Selection

- A. If the household is found to be eligible for low and moderate income housing, they shall be issued a Certificate of Eligibility and placed on the affordable housing waiting list, except in the event that such a certificate is withheld or removed in accordance with this section. Eligible persons that live or work within the East Central Housing Region (Region 4) shall have preference over those that live or work in another housing region.
- B. Applicants shall be selected in the order in which their applications are certified and in accordance with the provisions of this section.
- C. Households remaining on a waiting list shall update its application no later than April 30 each year, including the most recent federal income tax return of each member of the proposed household and such other updated income and other information requested on the application.
- D. Households on the waiting list who have not submitted the required information by May 15 each year shall be notified by certified mail, mailed to the address on

- file that they have until June 30 of that year to provide the information or they shall be removed from the waiting list.
- E. Any household whose income or priority category has changed such that the household has become eligible for a different category of housing or priority list shall be placed on the appropriate list without penalty or favor as of the date of the original application.
  - F. Any household whose income has increased to the degree that it is no longer eligible for low or moderate income housing shall be removed from the waiting list.
  - G. If the Administrator or Administrative Agent has reason to believe that the information on file is erroneous or incomplete, he or she shall have the right to conduct an investigation and request any additional information deemed necessary to obtain accurate household information. If an applicant does not cooperate in such investigation or refuses to reply with the requested additional information within 30 days of said request, the applicant shall be removed from the list.
  - H. All applications shall be notarized and certified complete and accurate. Anyone knowingly submitting incomplete, inaccurate, incorrect or false information may be removed from eligibility for very low, low and moderate income dwellings. All information submitted to the Administrator or Administrative Agent for the purposes of determining applicant eligibility shall be strictly confidential and not considered a public record.
  - I. Prior to the time of availability of a very low, low and moderate income dwelling, the Administrator or Administrative Agent shall notify by certified mail the top three households on the waiting list for the type of dwelling available, its location and the estimated date it will be available. If a purchaser or tenant cannot be found from the top three households on the waiting list, notice shall be sent to the fourth, fifth, etc., household until a purchaser or tenant is found. The household shall, within 14 days of mailing, notify the Administrator or Administrative Agent, in writing, of its intent to occupy the dwelling and, if selected, its intent to comply with the requirements of paragraph –I, below, within 15 days. Any household which fails to respond to the notice or chooses to reject a specific dwelling by informing the Administrative Agent in writing, shall retain its priority and shall be notified of available dwellings in the future, except that if a household chooses to reject a dwelling or fails to respond three times, it shall be removed from the list and must reapply and re-qualify if it wishes to be placed on the list at a new qualified priority.
  - J. At the time of notice to a household of the availability of an appropriate type of dwelling and if the household notifies the Administrative Agent of its intent to occupy the dwelling and that household is selected for occupancy, each household member shall update the records on file and recertify the accuracy of the information as required herein. Information shall be reviewed and the eligibility status reconfirmed. The household selected shall only at that point

proceed to make the legal and financial arrangements to acquire or lease the dwelling.

- K. If a household selected for occupancy is unable to obtain financing, it shall lose its eligibility for that dwelling, after notice, but shall retain its priority status for a similar appropriate dwelling as other dwellings become available and as long as the household remains eligible. When notified of the availability of another dwelling, updating and recertifying data as outlined in Subsection –50.H above is required.
- L. A certificate of eligibility may be withheld by the Administrator or Administrative Agent as a result of an applicant's inability to demonstrate sufficient present assets for down payment or security deposit purposes.
- M. A certificate of eligibility may be withheld by the Administrator or Administrative Agent as a result of an applicant's inability to verify funds claimed as assets, household composition or other facts represented.
- N. A certificate of eligibility shall be denied by the Administrator or Administrative Agent as a result of any willful and material misstatement of fact made by the applicant in seeking eligibility.

**§ 1007 Unit Standards and Requirements.**

- A. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units and the remainder may be moderate income units.
- B. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
  - 1. The combined number of efficiency and one-bedroom units is no greater than 20 percent of the total low- and moderate-income units;
  - 2. At least 30 percent of all low- and moderate-income units are two bedroom units;
  - 3. At least 20 percent of all low- and moderate-income units are three bedroom units; and
  - 4. The remainder, if any, may be allocated at the discretion of the developer.
- C. Age-restricted low- and moderate-income units may utilize a modified bedroom distribution. At a minimum, the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the affordable development. The standard may be met by creating all one-bedroom units or by creating a two-bedroom unit for each efficiency unit.

- D. In determining the initial rents and initial sales prices for compliance with the affordable average requirements for restricted units other than assisted living facilities, the following standards shall be used:
  - 1. An efficiency shall be affordable to a one-person household;
  - 2. A one-bedroom dwelling shall be affordable to a one and one-half person household;
  - 3. A two-bedroom dwelling shall be affordable to a three-person household;
  - 4. A three-bedroom dwelling shall be affordable to a four and one-half person household;
  - 5. A four-bedroom dwelling shall be affordable to a six-person household.
  - 6. In referring certified households to specific income-restricted units, to the extent feasible and without causing an undue delay in occupying the dwelling, the Administrator shall strive to:
    - a. Provide an occupant for each unit’s bedroom;
    - b. Provide children of different sex with separate bedrooms; and
    - c. Prevent more than two persons from occupying a single bedroom.
  
- E. **Size of Units.** The minimum size of affordable housing units, which is necessary to ensure the public health safety and welfare of its occupants, shall be as indicated in Table 10.1.

**Table 10.1 Minimum Size of Affordable Housing Units.**

| <b>Type of Unit</b> | <b>Minimum Size<br/>(gross square feet)</b> |
|---------------------|---------------------------------------------|
| Efficiency          | 500                                         |
| One-bedroom         | 600                                         |
| Two-bedroom         | 750                                         |
| Three-bedroom       | 900                                         |

- F. **Certificates of Occupancy.** The following additional requirements for the issuance of certificates of occupancy shall apply to inclusionary developments:
  - 1. The initial issuance of certificates of occupancy for market units shall be linked to the issuance of certificates of occupancy for affordable units. Prior to the issuance of the certificates of occupancy for market units, certificates of occupancy for affordable units shall be required in the following minimum ratios:

**Table 10.2 Required Percentage of Affordable to Market Units.**

| Percentage of Affordable Housing Units Completed | Percentage of Market Housing Units Completed |
|--------------------------------------------------|----------------------------------------------|
| 0%                                               | 25%                                          |
| 10%                                              | 25% + 1                                      |
| 50%                                              | 50%                                          |
| 75%                                              | 75%                                          |
| 100%                                             | 90%                                          |

- 2. Each unit of affordable housing shall require a certificate of occupancy, which shall become void upon a change of owner or tenant.
- 3. No certificate of occupancy shall be issued for a low and moderate income unit unless the provisions of N.J.A.C. 5:93-9.3, or superseding administrative code, are met.

G. Unit Type and Household Size. The following housing type shall be used in determining affordability as it relates to household size:

**Table 10.3 Unit Type and Household Size.**

| Unit Size     | Household Size (persons) |
|---------------|--------------------------|
| Efficiency    | 1                        |
| One-bedroom   | 1.5                      |
| Two-bedroom   | 3                        |
| Three-bedroom | 4.5                      |
| Four-bedroom  | 6                        |

- H. Distribution of Low and Moderate Income Units. At least 50% of all units within each inclusionary development shall be affordable to low income households. At least 50% of all rental units shall be affordable to low income households. Of the total number of affordable housing units, 13% of the total shall be earmarked as very low income units and shall be counted towards the minimum low income requirement.
- I. Utilities and Heating Source. 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 the NJ Department of Community Affairs for its Section 8 program. Affordable units shall utilize the same type of heating source as market units within the affordable development.
- J. Appearance. The facade of an affordable housing dwelling shall be indistinguishable from those of market units in terms of the use of exterior materials, windows, doors, reveal, roof pitch, color, or other material. Affordable housing units shall be fully integrated with market rate housing to the greatest extent feasible.

- K. Tenure. For inclusionary developments with a single housing type, the affordable housing units shall have the same tenure as the market housing units.

**§ 1008 Initial Selling and Renting Determinations.**

- A. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures as set forth in the Uniform Housing Affordability Controls.

B. Required pricing stratification.

1. The maximum rent for affordable units within each affordable development shall be affordable to households earning no more than 60% of median income and the average rent for low and moderate income units shall be affordable to households earning no more than 52% of median income. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low income and moderate income units, provided that at least 13% of all low and moderate income units shall be affordable to households earning no more than 30% of median income.
2. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income. Each affordable development shall achieve an affordability average of 55% for restricted ownership units. In achieving this affordability average, moderate income ownership units shall be available for at least three different prices for each bedroom type, and low income ownership units shall be available for at least two different prices for each bedroom type.

C. Initial Pricing and Annual Increases of Affordable Dwellings.

1. Owner-occupied dwellings initial pricing. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the dwelling, including principal and interest (based on a mortgage loan equal to 95% 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% of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4; provided, however, that the price shall be subject to the affordability average requirement as noted above.
2. Rental dwellings initial pricing. The initial rent for a restricted rental dwelling shall be calculated so as not to exceed 30% 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.

3. Owner-occupied dwellings annual increase. 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.
  4. Rental dwellings annual increase. 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 9% 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.
  5. 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 the NJ Department of Community Affairs for its Section 8 program.
- D. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.
1. The initial purchase price for a restricted ownership dwelling shall be approved by the Administrator.
  2. The Administrator shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
  3. The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low and moderate income homeowners and the market homeowners.
- E. The owners of restricted ownership units may apply to the Administrator to increase the maximum sales price for the dwelling on the basis of eligible capital improvements. Eligible capital improvements shall be those that render the dwelling suitable for a larger household or the addition of a bathroom.

**§ 1009                      Affordability Controls for Ownership Units.**

- A. The affordability control period for a restricted ownership dwelling shall commence on the date the initial certified household takes title to the dwelling.
- B. Each restricted ownership dwelling shall remain subject to the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1, et seq.) until the Township of Lawrence elects to release the dwelling from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.5(g). Prior to such municipal election, a restricted ownership dwelling shall remain subject to the requirements of N.J.A.C. 5-80-26.5, for a period of at least thirty (30) years, and

for a period of at least 10 years or the sale and repayment of any loan proceeds for owner-occupied units that were rehabilitated.

- C. The affordability control period for a restricted ownership dwelling shall commence on the date the initial certified household takes title to the dwelling.
- D. Each restricted ownership dwelling shall remain in compliance with and subject to the requirements of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.5 for control periods, N.J.A.C. 5:80-26.6 for price restrictions, N.J.A.C. 5:80-26.7 for buyer income eligibility, N.J.A.C. 5:80-26.8 for limitations on indebtedness and subordination, N.J.A.C. 5:80-26.9 for capital improvements, and N.J.A.C. 5:80-26.10 for maintenance.
- E. Limitations on Indebtedness Secured by Ownership Dwelling; Subordination.
  - 1. Prior to incurring any indebtedness to be secured by a restricted ownership dwelling, the Administrator shall determine in writing that the proposed indebtedness complies with the provisions of this section.
  - 2. 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 dwelling to exceed 95% of the maximum allowable resale price of that dwelling, as such price is determined by the Administrator in accordance with N.J.A.C. 5:80-26.6(b).
- F. Capital Improvements to Ownership Units.
  - 1. The owners of restricted ownership units may apply to the Administrator to increase the maximum sales price for the dwelling on the basis of capital improvements made since the purchase of the dwelling. Eligible capital improvements shall be those that render the dwelling suitable for a larger household or that adds an additional bathroom. In no event shall the maximum sales price of an improved housing dwelling exceed the limits of affordability for the larger household.
  - 2. Upon the resale of a restricted ownership dwelling, all items of property that are permanently affixed to the dwelling or were included when the dwelling was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrator at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the dwelling and not included in the base price may be made a condition of the dwelling resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrator. Unless otherwise approved by the Administrator, the purchase of any property other than central air conditioning shall not be made a condition of the dwelling resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer

of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

G. Notice of Resale, Recapture Covenant and 95/5 Purchase Options.

1. The owner of the property is required to notify the Administrator by certified mail of any intent to sell the property 90 days prior to entering into an agreement for the first non-exempt sale of the Property after the conclusion of the period of affordability controls on restricted units in effect at the time the Property was first restricted as part of the Affordable Housing Program.
2. The municipal housing inspector shall inspect the available affordable resale unit for construction and property maintenance code violation(s). The housing inspector shall submit in writing to the owner and the Administrator a listing of the violation(s). The estimated cost of the repairs not completed by the owner prior to resale shall be deducted from the resale price. The cost of repairs not undertaken by the owner will be determined by estimator(s) and/or contractor(s) supplied by the Administrator and charged back to the seller.
3. Upon the first such non-exempt sale of the Property, 95% of the difference between, (i), the actual sale price; and (ii), the regulated maximum sales price that would be applicable were the period of affordability controls on restricted units still in effect, shall be paid at closing to the Township of Lawrence; or, to the NJ Department of Community Affairs or NJ Housing and Mortgage Finance Agency, when acting as receiving agent for the municipality. Exempt sales shall be as listed in §1012.
4. Such non-exempt sale is subject to the options provided for in N.J.A.C. 5:80-26.20 (Option to buy 95/5 units), N.J.A.C. 5:80-26.21 (Municipal Option on 95/5 units), N.J.A.C. 5:80-26.22 (State Option on 95/5 Units), N.J.A.C. 5:80-26.23 (Non-Profit Option on 95/5 Units), N.J.A.C. 5:80-26.24 (Seller Option on 95/5 Units), N.J.A.C. 5:80-26.25 (Municipal Rejection of Repayment Option on 95/5 Units) and N.J.A.C. 5:80-26.26 (Continued Application of Options to Create, Rehabilitate or Maintain 95/5 Units) of UHAC.

**§ 1010**

**Affordability Controls on Rental Dwellings.**

- A. Each restricted rental dwelling shall remain subject to the requirements of the Uniform Housing Affordability Controls until the Township of Lawrence elects to release the dwelling from such requirement pursuant to action taken in compliance with N.J.A.C. 5:80-26.11(e). Prior to such a municipal election, a restricted rental dwelling shall remain subject to the requirements of N.J.A.C. 5:80-26.11, for a minimum of 30 years, and for a period of at least 10 years or the sale and repayment of any loan proceeds for renter-occupied units that were rehabilitated.

- B. Each restricted rental dwelling shall remain in compliance with and subject to the requirements of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.11 for control periods, N.J.A.C. 5:80-26.12 for restrictions on rents, and N.J.A.C. 5:80-26.13 for tenant income eligibility.
- C. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Mercer. A copy of the filed document shall be provided to the Administrator within 30 days of the receipt of a Certificate of Occupancy.
- D. A restricted rental dwelling shall remain subject to the affordability controls of this Article, despite the occurrence of any of the following events:
  - 1. Sublease or assignment of the lease of the dwelling;
  - 2. Sale or other voluntary transfer of the ownership of the dwelling; or
  - 3. The entry and enforcement of any judgment of foreclosure.
- E. Rent Restrictions for Rental Units; Leases.
  - 1. A written lease shall be required for all restricted rental units, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental dwelling shall be provided to the Administrator.
  - 2. No additional fees or charges shall be added to the approved rent without the express written approval of the Administrator.
  - 3. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted dwelling and shall be payable to the Administrator to be applied to the costs of administering the controls applicable to the dwelling as set forth in this Article.

**§ 1011                      Accessibility Requirements.**

The following barrier free accessibility and adaptability requirements shall apply to all new construction:

- A. 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 Sub-code, N.J.A.C. 5:23-7.
- B. All restricted townhouse dwellings and all restricted units in other multistory buildings in which a restricted dwelling is attached to at least one other dwelling shall have the following features:
  - 1. An adaptable toilet and bathing facility on the first floor;

2. An adaptable kitchen on the first floor;
3. An interior accessible route of travel on the first floor;
4. An interior accessible route of travel shall not be required between stories within an individual dwelling;
5. 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
6. An accessible entranceway in accordance with N.J.S.A. 52:27D-311a, et seq. and the Barrier Free Sub-code, N.J.A.C. 5:23-7, or evidence that the municipality has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
  - a. Where a dwelling has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling, an accessible entrance shall be installed.
  - b. To this end, the developer of restricted units shall deposit funds within the affordable housing trust fund of the Township of Lawrence sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
  - c. The funds deposited under sub-paragraph –(b) above shall be used by the Township for the sole purpose of making the adaptable entrance of any affordable dwelling accessible when requested to do so by a person with a disability who occupies or intends to occupy the dwelling and requires an accessible entrance.
7. The developer of the restricted units shall submit a design plan and cost estimate for the conversion from an adaptable to an accessible entrance to the Construction Code Official.
8. Once the Construction Code 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 that the cost estimate of such conversion is reasonable, payment shall be made into the municipality's affordable housing trust fund by the Chief Financial Officer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.
9. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that physical or environmental conditions of the site render it 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.

**§ 1012 Exempt Transactions.**

- A. The following transactions shall be deemed "non-sales" for purposes of these regulations and the owner receiving title by virtue of any of the following transactions shall be entitled to a statement of exemption to the owner receiving title by virtue of any of the following transactions:
1. Transfer of ownership of an affordable sales unit between husband and wife;
  2. Transfer of ownership of an affordable sales unit between former spouses ordered as a result of a judicial decree of divorce (and not including sales to third parties);
  3. Transfer of ownership of an affordable unit between family members as a result of inheritance;
  4. Transfer of ownership of an affordable unit through an executor's deed to a Class A beneficiary;
  5. Transfer of ownership of an affordable unit through an order of the Superior Court or other court, in a foreclosure proceeding or transfer in lieu of foreclosure after a foreclosure proceeding has commenced.
- B. Except for the income level of the family acquiring title by an exempt transaction, the exempt transfer will not eliminate any restrictions set forth herein including, but not limited to, the unit remaining the prime resident and the requirement for resale to low and moderate income families as applicable and all such restrictions shall remain in effect following the exempt transfer except as stated in subsection -A.5.
- C. Should a mortgagee acquire title pursuant to subsection -A.5 it may re-sell the unit to any family, regardless of income, with the municipality having the right of first refusal. The sales price to the municipality is the amount necessary to cure the foreclosure. This includes all principal and interest due to the mortgagee and other lien holders, repayment of equity to the owner prior to foreclosure and the costs of foreclosure. If the municipality does not purchase the unit, the mortgagee may sell the unit without any of the restrictions set forth in this section. The amount of the sale above that which is necessary to cure the foreclosure will be turned over to the municipality to be used for low and moderate income housing.

**§ 1013 Leasing Restriction.**

Initial and subsequent owners of affordable housing units shall occupy the dwelling as their principal residence. RENTAL OR SUBLEASING OF THE AFFORDABLE HOUSING UNIT IS EXPRESSLY FORBIDDEN.

**§ 1014 Effect on Landlord and Tenant Relationship.**

- A. Nothing in these rules should be construed to limit the rights and duties of the owner and tenant to maintain the dwelling in accordance with all appropriate New Jersey State or municipal construction and property maintenance codes.
- B. Notwithstanding anything to the contrary in this Article, any member of a household occupying a dwelling under this Article and subject to the regulations of the Township of Lawrence is subject to eviction for any reasons allowed under applicable New Jersey law. The provisions of this Article are not intended to confer any additional rights or obligations on property owners or tenants other than those mandated by statute or required by the courts of the State of New Jersey or the duly adopted regulations of any of its agencies.

**§ 1015 Affirmative Marketing for Affordable Housing**

- A. Purpose. The purpose of this Section is to establish administrative procedures to ensure a wide dissemination of knowledge of affordable housing units as they become available to the low and moderate income population, and that the selection of tenants or homeowners, as the case may be, meets the requirements of the Uniform Housing Affordability Controls.
- B. An 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 or sponsor of affordable housing. An Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region.
- C. Affirmative Marketing Requirements. Within the overall framework of the municipality's affirmative marketing program, all affordable housing units in Lawrence Township shall be marketed in accordance with the provisions in this Section unless otherwise provided for in N.J.A.C. 5:80-26-1. An Affirmative Marketing Plan shall be created for each development that contains or will contain low and moderate income units, including those that are part of the Township's prior round Housing Element and its current Housing Element and those that may be constructed in future developments not yet anticipated. This Affirmative Marketing Plan shall also apply to any rehabilitated units that are vacated and re-rented during the applicable period of controls for rehabilitated rental units when Lawrence is allocated a rehabilitation component.
- D. Plan Preparation. The Administrator or Administrative Agent shall prepare an Affirmative Marketing Plan for each affordable housing program, as applicable, comporting with N.J.A.C. 5:80-26.15, for review and approval by the Affordable Housing Board. The Administrator of the Township shall oversee the work of a developer's Administrative Agent provided that the person has been approved by the Affordable Housing Board. Regardless of the drafting agent, the Affirmative

Marketing Plan is intended to be used by developers of affordable housing restricted to low and moderate income households located within the municipality. The Administrative Agent responsible for specific affordable housing programs or developments shall ensure that the affirmative marketing of all affordable units is consistent with these provisions.

E. Affirmative Marketing Implementation. The Affirmative Marketing Plan includes regulations for qualification of income eligibility, price and rent restrictions, bedroom distribution, affordability control periods, and unit marketing in accordance to N.J.A.C. 5:80-26. All newly created affordable units will comply with the thirty-year affordability control required by UHAC, N.J.A.C. 5:80-26-5 and 5:80-26-11. This plan will be adhered to by all private, non-profit or municipal developers of affordable housing units and will cover the period of deed restriction or affordability controls on each affordable unit. The Affirmative Marketing Plan for each affordable housing development shall meet the following minimum requirements:

1. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 4, comprised of Mercer, Monmouth and Ocean Counties.
2. Although the Township has the ultimate responsibility for implementing all aspects of Lawrence's affordable housing program, the Administrative Agent designated by the Affordable Housing Board shall assure that the affirmative marketing of all affordable units is consistent with the Affirmative Marketing Plan for the municipality.
3. 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.
4. The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy. Advertising and outreach shall take place during the first week of the marketing program and each month thereafter until all of the affordable units have been leased or sold.
5. 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 Lawrence.
6. The Affirmative Marketing Plan for each affordable housing development shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
7. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the

County Library for each county within the housing region; the municipal administration building and the municipal library in Lawrence; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.

8. The Administrator shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in the Region 4 Housing Area for the use of the Township and other Administrative Agents. This list shall be updated periodically. The list shall contain organizations that will aid in the affirmative marketing program with particular emphasis on contacts with outreach to groups and individuals that are least likely to apply for affordable housing within the region. A representative sample of the organizations on the list shall be contacted as part of the affirmative marketing effort as approved by the Administrator.
9. The Affirmative Marketing Plan shall be approved by the Affordable Housing Board pursuant to §1003 prior to implementation.

**§ 1016      Violations of Article X Regulations.**

- A. Upon the occurrence of a breach of any of the regulations governing the affordable dwelling 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 dwelling 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:
    - a. A fine of not more than \$1,000.00 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;
    - b. In the case of an owner who has rented his or her low or moderate income dwelling in violation of the regulations governing affordable housing units, payment into the Township of Lawrence's Affordable Housing Trust Fund of the gross amount of rent illegally collected;

- c. 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 dwelling, 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.
  3. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the County 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.
- C. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien upon the dwelling and any prior liens on the dwelling. The excess, if any, shall be applied to reimburse the Township for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the Township in full as aforesaid, the violating owner shall be personally responsible for the deficiency, in addition to any and all costs incurred by the Township in connection with collecting said deficiency. The remainder, if any, up to a maximum of the amount the owner would be entitled to if he or she were to sell the dwelling as permitted by N.J.S.A. 5:80-26.1 et seq., shall be placed in escrow by the Township for the owner and shall be held in such escrow for a period of two years or until such time as the owner shall make a claim with the Township for the same. Failure of the owner to claim said sum within the two-year period shall automatically result in a forfeiture of said remainder to the municipality and paid into the Affordable Housing Trust Fund. Any interest accrued or earned on the remainder while being held in escrow shall belong to and shall be paid to the Lawrence Township Affordable Housing Fund whether the remainder is paid to the owner or forfeited to the Township. Any excess funds derived over and above the sum due the owner shall be paid over to the Township's Affordable Housing Trust Fund.
- D. 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 dwelling. 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.

- E. 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.
- F. 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.
- G. 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.
- H. Right to Cure. The Township may, at its option, advance and pay all sums necessary to protect, preserve and retain the dwelling as an affordable dwelling, subject to the terms of this Article. All sums so advanced and paid by the Township shall become a lien against said dwelling and shall have a higher priority than any lien except the first purchase money mortgage lien and liens by duly authorized government agencies. Such sums may include but are not limited to insurance premiums, taxes, assessments (public or private) and costs of repair necessary to bring the dwelling up to any and all applicable local, state or federal codes and liens which may be or become prior and senior to any first purchase money mortgage as a lien on the dwelling or any part thereof. If, in the event of a default or nonpayment by the owner of an affordable dwelling, any first mortgagee or other creditor of an owner of an affordable dwelling exercises its contractual or legal remedies available, the owner shall notify the Administrative Agent and the Township Solicitor of the Township, in writing, within 10 days of notification by the first mortgagee or creditor and no later than 10 days after service of any summons and complaint, and the Township shall have the option to purchase, redeem or cure any default upon such terms and conditions as may be agreeable to all parties in interest and/or to acquire the first purchase money mortgage to the dwelling, thereby replacing the first mortgagee as the first mortgagee of the dwelling. The Township shall have the same priority of lien as

was held by the first mortgagee at the time the Township acquires such first purchase money mortgage and shall have the right of subrogation with respect to any other claim or lien it satisfies or acquires.

I. Provisions for First Purchase Money Mortgagees.

1. The terms and restrictions of this section shall be subordinate only to a first purchase money mortgage lien on any affordable dwelling and in no way shall impair the first mortgagee's ability to exercise the contract remedies available to it in the event of default as set forth in the first purchase money mortgage. The first mortgagee and/or mortgage servicer shall serve written notice upon the Township within 10 days after the first purchase money mortgage is two months in arrears and again within 10 calendar days of the filing of a complaint seeking foreclosure of the first purchase money mortgage held on an affordable dwelling. However, a judgment of foreclosure upon the property shall in no instance terminate the conditions and requirements of this Article maintaining the dwelling as an affordable, income-restricted residence.
2. The obligation of the first mortgagee and servicer to notify the Township shall cease automatically and immediately upon the sale of the first purchase money mortgage to the Federal National Mortgage Association or in the secondary mortgage market, unless the rules and regulations or guidelines of the Federal National Mortgage Association are amended so as to not prohibit or exclude placing such obligation upon the holder of the mortgage or its service representative, in which case, an instrument duly evidencing the same shall be recorded with the Register of Deeds, Mercer County, New Jersey, before any such obligation shall exist. Provided that the first mortgagee is obligated to give the Township the above-mentioned notices, the first mortgagee shall also serve written notice of any proposed foreclosure sale upon the Township at least 30 days prior to the first scheduled date of such sale. The first mortgagee shall serve notice upon the Township within 30 days of the sale of the first purchase money mortgage to the Federal National Mortgage Association or in the secondary mortgage market.
3. The Township of Lawrence or any instrumentality designated by the Township shall have the right to purchase any mortgage which is in default at any time prior to the entry of a foreclosure judgment or within the redemption period thereafter. Notification of a default and of the institution of a foreclosure action and of a sheriff's sale shall be served, in writing, upon the Township Clerk and Municipal Attorney. The Township of Lawrence shall at all times be considered a party in interest and shall have the right to be joined as a party defendant and/or shall have the right to intervene in any foreclosure action seeking foreclosure of a first mortgage and/or shall have the right to redeem and acquire the owner's equity of

redemption or to acquire the dwelling from the owner upon such terms and conditions as may be determined by the Township.

4. Surplus funds. In the event of a foreclosure sale by the holder of the first purchase money mortgage, the owner shall be personally obligated to pay to the Township any excess funds, but only to the extent that such excess funds exceed the difference between what the owner could have resold his dwelling for under this Article at the time of the foreclosure sale and the amount necessary to redeem and satisfy the first purchase money mortgage debt, including costs of foreclosure and costs of repairs necessary to bring the dwelling up to any and all applicable local, state or federal codes. For the purposes of this subsection, excess funds shall be the total paid to the sheriff in excess of the amount required to pay and satisfy the first purchase money mortgage, including the costs of foreclosure, even if junior creditors actually receive payment from said surplus funds to the exclusion of the owner. The Township is hereby given a first priority lien, second only to the first mortgagee for any taxes or public assessments by a duly authorized governmental body up to the full amount of excess funds. This obligation of the owner to pay this full amount to the Township shall be deemed to be a personal obligation of the owner of record at the time of the foreclosure sale, and the Township is hereby empowered to enforce this obligation in any appropriate court of law or equity as though the same were a personal contractual obligation of the owner. Neither the first mortgagee nor the purchaser at the foreclosure sale shall be responsible or liable to the Township for any portion of this excess. The Township shall deposit any funds received in the Affordable Housing Trust Fund and use it for the purposes as set forth in the Housing Element and Fair Share Plan.

**Section 2.** Continuation. In all other respects, the Land Use Ordinance of the Township of Lawrence shall remain unchanged.

**Section 3.** Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Land Use Ordinance as a whole, or any other part thereof.

**Section 4.** Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

**Section 5.** Enactment. This Ordinance shall take effect upon the filing thereof with the Mercer County Planning Board after final passage, adoption, and publication by the Township Clerk of the Township of Lawrence in the manner prescribed by law.

Ordinance No. 2285-17 was introduced and approved on the following roll call vote:

| COUNCIL      | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|--------------|-----|-----|---------|--------|---------|------|--------|
| Mr. Bobbitt  | X   |     |         |        |         |      | X      |
| Mr. Kownacki | X   |     |         |        |         |      |        |
| Ms. Lewis    | X   |     |         |        |         |      |        |
| Mr. Powers   | X   |     |         |        |         | X    |        |
| Mayor Maffei | X   |     |         |        |         |      |        |

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**Manager’s Report –**

Mr. Nerwinski advised that he completed the interview process with regards to the Captains position for the Police Department. He interviewed two eligible officers, both of whom are highly qualified and he does expect to make a decision by the end of this year with the position of Captain being filled at the beginning of next year.

Mr. Nerwinski reported that Lawrence Township is the beneficiary of a Display Cabinet from the Schnur family and that the cabinet is located in the hallway of Town Hall near the Manager’s Office. The cabinet brought to him through Mayor Maffei who thought it was a great opportunity to have a piece that was built in 1863 displaying some of Lawrence’s historical artifacts and exhibits and the history behind the display is that it was offered to a couple of other entities that looked at the unit and because it was dusty, cracked and scratched they did not want it. But, Greg Whitehead, Director of Public Works, and his staff picked it up and felt the cabinet was worth restoring and it now looks amazing. He further noted that he watched the care and pride the Public Works staff put into restoring that cabinet and he is really appreciative of their efforts, as it is something to be proud of and the town will benefit from and advised the dedication of the piece will take place on December 29<sup>th</sup> once the Township Historian helps them with the placement of some historical pieces from the Township collection.

Mr. Nerwinski further reported that the Township is also going to be the beneficiary of a donation from the Lawrence Township First Aid Squad located on Pilla Avenue where they plan to put a First Responders Memorial Park. The environmental investigation and the title work are all completed and good and the closing/transfer of ownership of the property is scheduled to take place on Friday, December 22<sup>nd</sup>. No time has been set as of yet.

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**Attorney’s Report –**

Mr. Roskos stated he has no official Attorney’s report but he would like to note for the record that Lawrence Township did acquire two properties this year without having to devote monies from the Open Space Tax towards those acquisitions. One being the Rescue Squad property and another property in the Eldridge Park area where the town had done an appraisal and was about to acquire the property when the owner became

convinced it was in his best interest to donate the land to the Township and in return the owner received quite a tax break. So, it is not as if the Township has not explored acquiring properties over the last few years...but if they are lucky enough to get a donation they are certainly going to take advantage of that. Afterwards, Mayor Maffei imparted maybe they can get a donation around Colonial Lake.

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### **Clerk's Report –**

There was no Clerk's report.

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### **Unfinished Business –**

Councilman Powers asked if there was any feedback regarding the Deputy Mayor position. Mr. Nerwinski imparted he would first like to update the public to give them a better understanding of the matter, and advised that the Lawrence Township Municipal Charter was created in 1971 and it included the position of a Deputy Mayor and that position was filled for years until either 2004 or 2006 when that position was determined not to be in compliance with the current Statutes and was not filled again. But, the Administration has done some additional research with regards to it and based on Councilwoman's Lewis request for him to research other municipalities operating under the Council-Manager form of government in the State of New Jersey under the Faulkner Act and a great majority of those towns still had a deputy mayor in place. And, when he says great majority...he means 41 of the towns out of the 44 are still utilizing that position.

Mr. Nerwinski proceeded to explain that the Faulkner Act, under that form of government, does not specifically provide for a Deputy Mayor; but, Lawrence Township Municipal Charter does. And, they have confirmed that the removal of the Deputy Mayor's role in 2004 or 2006 was based upon a wrong set of facts, as analyzed by the State, applying to a different form of government, not Lawrence Township. Once the letter was found and they reviewed the State's opinion they realized that Lawrence Township is fully able to satisfy and have the position of deputy mayor as a lawful position without the authority that the Mayor has in executing documents...but the town can certainly have a Deputy Mayor to fill in for the Mayor.

Mr. Rosko advised since the last Council Meeting he has had the opportunity to review the letter from 2003 which predated his work with the Township and it was clear to him in the State's response that incorrect information had been assumed being Lawrence is certainly not a town of 300,000 people. So, given the letter had been issued on some mistaken assumption, they went back and reviewed the matter and found that Lawrence Township is actually a Manager-Council form of government under Option E under the Faulkner Act which has since been repealed. It was repealed

in 1982; however, as long as the Township does not modify their Municipal Charter the town is allowed to continue as an Option E entity, which means they can continue to have a deputy mayor position, and advised it was an investigation that required the Manager's help and assistance and he thanked him because he could not have acquired the right answer without him joining in on the investigation.

Mr. Roskos further advised that he reached out to Director Glenn at the State of New Jersey and she seems to agree with him and asked that the letter be directed to her department for review which has been done but he has not received confirmation back relative to the determination; but, he feels comfortable and has concluded, based on the additional information discovered, that the town can have a deputy mayor. He then asked the Township Council to consider in the New Year paying to get the Township Ordinances updated and codified because he does not know when the last time it has been done...but it will help solve mysteries like this one going forward. Further, he contacted each member of Council concerning the situation and is now stating for the record that they can select a Deputy Mayor on January 1<sup>st</sup>. The Municipal Clerk advised that she has begun the codification process and that the town will have hardcopies and the Code Book will also be online. A general comment and question period ensued relative to the duties and role of the ceremonial position of Deputy Mayor and a resolution being crafted by the Township Attorney to that affect as well as the Council awaiting the confirmation of the position from the State of New Jersey prior to moving forward on the matter.

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Mayor Maffei stated he would like to say a few words as this is his last Council Meeting as the Mayor and indicated he has been extremely proud of an all Democratic Council. To be successful the Mayor needs the support of all Councilmembers and since they are all Democratic they can chose to disagree but in the end they should all be able to come together for a just conclusion. They should be able count on each other in a time of adversity and rely on each other when important topics come before them. And, it is obvious as to the way they should collectively agree. Council represents the 34,000 residents of Lawrenceville and it must remain united and strong so their residents can have faith and beliefs in their decisions.

He thanked the Lawrence Township Police Department, Firemen, EMT's and First Responders for their dedication to ensure the safety of their citizens. He believes the Council made the correct decision in choosing Kevin Nerwinski as the Township Manager as he has tried to his utmost to listen and respond to Council's request. The residents respect him as one of their own and they rely on his character and listen to his suggestions for complaints. Along with David Roskos as Township Attorney, Kathleen Norcia as Municipal Clerk and the Directors of all the departments... all have made Lawrence the jewel of Mercer County. The Zoning and Planning Boards are a 17 volunteer committees and various other organizations have gain the respect of Council...they have listened and learned.

Last, he has spoken about Captain James Lawrence Memorial to represent the naming of their town and what he stood for...his courage and sacrifice. In the face of that with his immortal words "Don't Give up the Ship" is standard that is taught to all their elementary school children; but, Lawrence has nothing to visit or see in his honor. He would like to begin a project on behalf of Captain Lawrence; before a Committee can be formed to inquire about a commitment from the community he would like to hear from Council on this project. It would be privately funded and a staff assembled to make decisions. If this is an agreement with Council he would like to hear some feedback on it. Councilwoman questioned if he had any type of proposal put in place for the project, and Councilman Kownacki suggested that he have a study done first to see if the project is feasible and based on the results members of Council can determine if it is something they would like to move forward with.

In closing, Mayor Maffei stated the diversity of their community has made Lawrence the most desirable place to live in in Mercer County and they have heard several people say that tonight about Colonial Lake. Words of advice for the next Mayor...HAVE FUN!

New Business –

Councilman Bobbitt stated that this meeting has been the most difficult Council Meeting for him as someone who lives on Nathan Hale in the Colonial Lake, who has seen the bald eagle fly over Colonial Lake and has seen the beaver that lives on the lake; it is a difficult position to be in when you sit on the dais and serve on Council because of your interest in the community and yet cannot say a word and indicated the only thing he would like to asked for under new business is for the Township Manager to take a look at the Green Acres fund and let Council know how much is available and what other funds might be appropriate.

Councilman Powers stated Councilman Bobbitt calls him the Dean because of his length of time on Council and advised historically when the Brearley House was in a disarray the Historical Society came out and asked the Township Council to do something and the Council at that time told them to meet them halfway, 50/50, fifty-percent from private citizens and fifty-percent from the Historical Society in terms of restoring the Brearley House. And, he knows people hate to hear about the north Lawrence, south Lawrence dichotomy...but south Lawrence pays just as much of the Open Space Tax as north Lawrence does. Also, when they had the Carson Road Woods matter the neighbors surrounding Carson Road Woods contributed significantly towards the purchase of that property and he is just putting it out there because there needs to be a partner in the matter.

Councilwoman Lewis stated as the Governing Body of the Township they have to be ever so careful not to indicate their particular preference as they have various community groups with similar interest that come before them with their request, and historically and what she thinks is a smart move, is for the groups to come up with a plan, find willing partners who will put that willingness on paper then come back and present their proposal to the Council. Ms. Lewis stated as for the dichotomy that has been referenced a few times four of the five members of Council live south of I-95. A brief discussion took place relative to soliciting the support of the D&R Greenway.

Public Participation (3-minute limitation per speaker) –

Mr. John Ryan, 128 Villanova Drive, advised that he has been a resident of Lawrence for 32 years and suggested that the Council purchase Colonial Lanes and honor Captain James Lawrence by putting the Memorial right on the water overlooking the lake which would enhance the park... just do not clear-cut the trees.

Mr. James Hooker, 713 Bunker Hill Avenue, advised that the Council has given them some positive feedback tonight and they have also heard from the neighborhood what a beautiful jewel and treasure Colonial Lake is and proceeded to thank his daughter who has been working on the issue and encouraged everyone to work together to save the park.

Mr. Tom Drexel, 712 Mayflower Avenue, advised that he has lived in the Colonial Lake neighborhood for 35 years and the lake has always been a gem; a place where his daughter played and he and his wife walk and he just wanted to thank each member of Council for their positive feedback, suggestions and consideration and he is looking forward to attending more meetings in hope of moving forward on the matter.

Mr. Andrew Hayes, 20 Winnipeg Lane, stated he is the newest member of the community as they closed on their house last November and just looking at the lake, walking along the lake and seeing the scenery made him fall in love with that area. And, he loves his home, fixing it up...but the lake has helped him bond so much with the neighborhood, and advised over the summer he trained in the park for Trenton Half Marathon that happened in November and he would love to protect that, potentially, for future children and future generations and thanked the Council for their time, attention and care in the matter.

Mr. Kyle Hammerschmidt, 45 Colonial Lake Drive, advised that he is also one of the newer members of the Colonial Lake community but he has been a Lawrence Township resident for 32 of his 34 years as he and his family moved to Yardley, Pennsylvania but after two years he moved back to Lawrence with his wife and their daughter. And, one of reasons they purchased their property is because of the beautiful view they have of the lake from the kitchen window and they take their daughter around the park which she absolutely loves and they could not think of better home to have and

he is present this evening because they do not want to see that view taken away and thanked the Council for their consideration.

Ms. Karen Kessell, resident of Ewing Township, stated she goes to the Staple Store in the Lawrence Shopping Center and when the traffic is very busy on Route 1 she will stay and walk the lake and it is a beautiful little play...a gem and a diamond in the rough, as it is restful, peaceful and beautiful spot and she hates the thought of anything happening to that parcel of land and she really wants the Council to try and preserve it being they really do not have a lot of places to go and get in touch with nature and asked that they keep that in mind in their decision-making.

Resolutions

Resolution Nos. 435-17 (18-A.1) through 457-17 (18-H.12 and 18-H.14) with the exception of (18-H.13) were approved by the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Bobbitt	X						X
Mr. Kownacki	X						
Ms. Lewis	X					X	
Mr. Powers	X						
Mayor Maffei	X						

Cited Resolutions are spread in their entirety in the Resolution Books of the Township of Lawrence.

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Mr. Roskos noted the corrections and language changes needed to be added to the Resolution prior to adoption.

Resolution No. 455-17 (18-A.13) was approved (as amended) by the following roll call vote:

| COUNCIL      | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|--------------|-----|-----|---------|--------|---------|------|--------|
| Mr. Bobbitt  | X   |     |         |        |         |      | X      |
| Mr. Kownacki | X   |     |         |        |         |      |        |
| Ms. Lewis    | X   |     |         |        |         | X    |        |
| Mr. Powers   | X   |     |         |        |         |      |        |
| Mayor Maffei | X   |     |         |        |         |      |        |

Cited Resolutions are spread in their entirety in the Resolution Books of the Township of Lawrence.

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**Council Initiatives/Liaison Reports –**

Councilwoman Lewis noted that the Reorganization Meeting is on January 1<sup>st</sup> at 12 Noon at Town Hall, and the Colonel Hand March is on January 6<sup>th</sup> at 10:00 a.m.

There were no additional Liaison reports.

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**Written Communications –**

There was no written communication.

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There being no further business to come before this Council, the meeting adjourned at 7:45 p.m.

Respectfully submitted by,

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Kathleen S. Norcia, Municipal Clerk

Attest:

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David C. Maffei, Mayor