

Public Hearing Draft
**Second Amendment to the
Housing Element and Fair Share Plan**

Township of Lawrence
Mercer County, New Jersey

November 2, 2020

Clarke Caton Hintz



Second Amendment to the Housing Element and Fair Share Plan

Planning Board
Township of Lawrence
Mercer County, New Jersey

November 2, 2020

Prepared By:



Brian M. Slauch, PR, AICP
New Jersey Professional Planner License 3743

With the assistance of
Elaine R. Clisham, MCP

CLARKE CATON HINTZ, PC
100 Barrack Street
Trenton, New Jersey 08608
(609) 883-8383

A signed and sealed original is on file with the Township Clerk



Township Council

James Kownacki, Mayor
Christopher Bobbitt, AIA, Council Member
Cathleen Lewis, Council Member
Michael Powers, Esq., Council Member
John Ryan, Council Member

Kevin P. Nerwinski, Esq., Township Manager
Kathleen Norcia, RMC, Township Clerk
David Roskos, Esq., Township Attorney

Township Planning Board

Terrence O. Leggett, Chair, Class IV
Maria Connolly, Vice Chair, Class IV
Hon. James Kownacki, Class I
Kevin Nerwinski, Esq., Class II
Christopher Bobbitt, AIA, Class III
Ian Dember, Class IV
Phillip Duran, Class IV
Kim Y. Taylor, Class IV
Edward Wiznitzer, Class IV
Jonathan Dauber, Alternate 1

James Parvesse, PE, Planning Board Secretary and Engineer
Edward Schmierer, Esq., Planning Board Attorney
Brian Slaugh, PP, AICP, Planning Board Planner

Table of Contents

Executive Summary	1
Fair Share Plan	2
Lawrence’s Affordable Housing Obligation	2
<i>Table 1. Lawrence Affordable Housing Allocation, Third Round Summary</i>	2
Third Round Realistic Development Potential	2
Vacant Land Analysis and Realistic Development Potential.....	2
Formulas Applicable to the Third Round	3
<i>Table 2. Formulas Applicable to the Third Round Obligation</i>	3
Satisfaction of the Third Round RDP.....	4
<i>Table 3. Satisfaction of the Third Round RDP</i>	4
Inclusionary Housing Proposed	6
Very Low-Income Units	7
Third Round Unmet Need Mechanisms	8
100% Affordable Housing Proposed	8
Summary	8
<i>Appendix A: Resolutions of Adoption and Endorsement</i>	
<i>Appendix B: Nexus Properties Zoning Ordinance</i>	
<i>Appendix C: Nexus Properties Water and Sewer Capacity To Serve</i>	
<i>Appendix D: Nexus Properties Site Remediation Letter</i>	
<i>Appendix E: Nexus Properties Concept Plan</i>	

EXECUTIVE SUMMARY

This amendment to the July 20, 2020 adopted Amended Third Round Housing Element and Fair Share Plan has been prepared for the Township of Lawrence, Mercer County, in accordance with the rules of the New Jersey Council on Affordable Housing (hereinafter “COAH”) at N.J.A.C. 5:93 et seq. Those portions of the July 20, 2020 housing plan that are not amended by this document remain in full force and effect as the policy and implementation document for affordable housing in Lawrence Township.

The Township is amending its Plan in order to take advantage of an unforeseen opportunity to develop affordable units, and to include those proposed affordable units toward satisfaction of the Township’s Third Round Realistic Development Potential.

FAIR SHARE PLAN

LAWRENCE'S AFFORDABLE HOUSING OBLIGATION

Lawrence Township entered into a settlement with Fair Share Housing Center (FSHC), an interested party in any municipality's proposal for meeting its affordable housing obligation as identified by the New Jersey Supreme Court. The settlement was approved through a judicial process, the Judgment of Repose that established the Township's Rehabilitation Share, Prior Round obligation, and Third Round obligation agreed to by the parties. The Third Round obligation includes both the Gap Present Need and Prospective Need allocations. A fairness hearing was held on July 5, 2017 before the Hon. Mary C. Jacobson, A.J.S.C., on the FSHC settlement agreement and reflected in the Court's Order on Fairness and Preliminary Compliance Hearing of the same date. Lawrence's obligation is as follows:

Table 1. Lawrence Affordable Housing Allocation, Third Round Summary

Affordable Housing Component	Number
Rehabilitation Share	73
Prior Round Obligation	891
Third Round Obligation	1,110
Total Obligation	2,074

Source: David N. Kinsey, PhD, PP, FAICP, New Jersey Low and Moderate Income Housing Obligations for 1999-2025 Calculated Using the NJ COAH Prior Round (1987-1999) Methodology, May 2016, as adjusted per the settlement agreement

THIRD ROUND REALISTIC DEVELOPMENT POTENTIAL

Vacant Land Analysis and Realistic Development Potential

As Lawrence lacks sufficient vacant developable land to address the entirety of its Third Round obligation, the extant rules permit an adjustment to be made based on an analysis of all vacant, developable land in the Township including all land held by the municipality. A vacant land analysis was conducted by using the Second Round rules at N.J.A.C. 5:93-4.2, Lack of Land, to include or exclude sites from presenting a realistic development opportunity or potential (RDP). Of the land examined, 23 parcels in the sanitary sewer service and 21 parcels outside of the service area were identified as generating an RDP. These sites have been accepted by FSHC and approved by the Court in 2017. Based on these sites, the Township's Third Round RDP was determined to be 696 units, resulting in a Third Round unmet need of 414 units ($1,110 - 696 = 414$).

The July 20, 2020 amended Plan increased the Township's RDP by 14 units, from 696 units and credits to 710, through the addition of a proposed development on a site that had originally been included in unmet need (Lawrence Shopping Center; RPM Development). This amendment to the

Plan changes the RDP again: It removes the 14 units generated by that development and moves the site back to unmet need.

In addition, this amendment reduces the RDP by 18 units due to a reduction in the maximum number of units that can be produced by the Brandywine site, from 60 to 42 units. This is detailed in the July 20, 2020 Housing Element and Fair Share Plan.

Finally, this Amendment adds 24 units to the RDP from a new opportunity to generate affordable housing that addresses the Brandywine reduction. All of these changes take the Township's RDP from 710 units and credits as detailed in the July 20, 2020 amended Plan to 702 ($710 - 14 - 18 + 24$), and the unmet need from 400 to 408 units and credits.

Formulas Applicable to the Third Round

The Township is required to adhere to a minimum rental obligation, a maximum number of age-restricted units, and a maximum number of bonuses in the Third Round (based on Second Round rules). Furthermore, the housing plan must meet a minimum number of very low-income units (based on the 2008 amendments to the NJ Fair Housing Act [FHA]), as well as other requirements such as minimum number of family units, family rental units, and family very low-income units, pursuant to the terms of the settlement agreement.

As a result of the Township's Court-approved vacant land adjustment and, pursuant to the terms of the settlement agreement, these calculations are based on the adjusted Third Round RDP obligation of 702 units or credits and the actual number of housing units that have or will be constructed. Table 2 contains the formulas used to determine the various components of Lawrence's affordable housing obligation.

Table 2. Formulas Applicable to the Third Round Obligation

Minimum Rental Obligation N.J.A.C. 5:93-5.15(a) = **176 units**

- .25 (RDP) = units
- .25 (702) = 175.5 rounded up to 176 units

Maximum Rental Bonus = **176 units**

- No more than the minimum rental obligation = 176 units

Maximum Senior Units N.J.A.C. 5:93-5.14(a)¹ = **173 units**

- .25 (RDP-RCAs) = units
- .25 (702-10) = .25 (692) = 173 units

Minimum Very Low-Income Units (P.L. 2008, Ch. 46) = **20 units**

- .13 (affordable units constructed or to be constructed after mid-2008) = units
- .13 (152) = 19.76 rounded up to 20 units

Minimum Family Rental Units = **88 units**

- .50 (Third Round minimum rental obligation) = units
- .50 (176) = 88 units

Minimum Very Low-Income Family Rental Units = **10 units**

- .50 (very low income units) = units
- .50 (20) = 10 units

Minimum Total Family Units = 275 units

.50 (RDP – rental bonuses) = units

.50 (702-152) = .50(550) =275 units

Additionally, with respect to rental bonuses, the housing plan abides by the following limitations from the Second Round rules:

- A rental unit available to the general public receives one rental bonus;
- An age-restricted rental unit receives a 0.33 rental bonus, but no more than 50% of the rental obligation may receive a bonus for age-restricted rental units.

Satisfaction of the Third Round RDP

As detailed in the July 20, 2020 adopted amended Plan and in this amendment, the Township will fully address its 702-unit RDP with 10 surplus RCA credits from the Prior Round; 75 units of alternative housing with 75 bonuses; 148 constructed units and two bonuses as part of the inclusionary housing developments at Berk’s Walk, Carriage Park, The Gatherings, Liberty Green, St. Mary’s at Morris Hall, and Traditions at Federal Point; 91 units and 11 credits of senior rental housing at Brookshire; 134 units and 64 bonuses from proposed family housing at Brandywine, Nexus Properties and the Quaker Bridge Mall; and 105 extension of controls credits, for a total of 721 credits.

Table 3 provides a summary of the compliance mechanisms employed to address the entirety of the Township’s Third Round RDP.

Table 3. Satisfaction of the Third Round RDP

Third Round RDP Obligation	702	Bonuses	Rental	Senior
Original 696 – Brandywine 18 + Nexus Properties 24 = 702				
EXCESS RCA CREDITS	10	0	N/A	N/A
ALTERNATIVE LIVING ARRANGEMENTS				
CIFA III	4	4	4	
Eden Acres, Inc. (Lawrenceville-Pennington Rd.)	3	3	3	
Hillcrest Group Home, Inc.	5	5	5	
Homefront-TLC, Inc.	6	6	6	
Mercer Alliance	3	3	3	
Project Freedom	54	54	54	
Subtotal	75	75	75	0
100% AFFORDABLE HOUSING CONSTRUCTED				
Brookshire (91 of 117; 2 surplus)	91	11	91	91
Subtotal	91	11	91	91

		Bonuses	Rental	Senior
Third Round RDP Obligation	702			
Original 696 – Brandywine 18 + Nexus Properties 24 = 702				
INCLUSIONARY HOUSING APPROVED OR CONSTRUCTED				
Berk's Walk (formerly Lawrenceville Gardens)	2	2	2	0
Carriage Park – For Sale	21	0	0	21
Carriage Park – Rental	16	0	16	16
The Gatherings (formerly Milestones)	22	0	0	22
Liberty Green	64	0	0	0
Morris Hall/St. Mary's	10	0	10	10
Traditions at Federal Point (13 of 28)	13	0	0	13
Subtotal	148	2	28	82
INCLUSIONARY HOUSING PROPOSED				
Brandywine	42	42	42	0
Nexus Properties	22	22	22	0
Quaker Bridge Mall	70	0	70	0
Subtotal	134	64	134	0
EXTENSIONS OF EXPIRING CONTROLS				
Various (58 completed)	105	0	N/A	N/A
PROJECT TOTALS	563	152	328	173
Total Units and Credits	715			
Excess Credits To Go Toward Unmet Need	13			

Lawrence will have a surplus of 13 credits that will be used towards unmet need. Depending on the Fourth Round rules, this will likely be a future credit against the Township's obligation.

Lawrence meets its required minimum rental unit obligation of 175 units with 328 rental units, of which 194 are already constructed. Additionally, 62 are constructed family rental units and in the future, the Nexus Properties, Brandywine and Quaker Bridge Mall units will bring that total to 127 to satisfy the 88-unit obligation. For total family units both rental and for-sale, the housing plan meets the 275-unit requirement with 305 units from the Berk's Walk, Liberty Green, Brandywine, Nexus Properties, Quaker Bridge Mall and the Extensions of Expiring Controls, which are all family units. The Township proposes no more than 173 senior units, the permissible limit, from Brookshire, Carriage Park, Morris Hall/St. Mary's and Federal Point.

This Plan amendment is being prepared in order to add the Nexus Properties site to the Township's Third Round RDP and compliance mechanisms. This amendment also moves the RPM site, which had been moved from unmet need to RDP in the July 20, 2020 amended Plan, back from RDP to unmet need. This amendment subtracts from the Township's RDP the 14 units the RPM site had generated and the 18 units removed as a result of the lower number of units being generated by the Brandywine site, and adds the 24 units from the Nexus Properties site.

Inclusionary Housing Proposed

Nexus Properties

In July 2020 Nexus Properties approached the Township to gauge its interest in having the 7.12-acre parcel at 1052 Spruce Street, known on the Township's tax map as Block 701, Lot 39, developed as an inclusionary residential site. The site is occupied by a one-story concrete and stucco office building, which the developer proposes to demolish in order to develop the property with 120 family rental units, adding 24 units to the Township's RDP. Of those 120 units, 22 would be affordable.

For this project, COAH's Second Round rules at *N.J.A.C. 5:93-5.3*, "New Construction," are addressed as follows:

- *Site Availability* – Sherwood Industries, Inc. is the current owner of the site and is an affiliated real estate holding company of Nexus Properties. The Township is not aware of any legal encumbrances that would prevent the project from moving forward.
- *Site Suitability* – The property is a flag lot, situated approximately southwest-to-northeast in the southwestern end of the Township. It has a 40-foot-wide access strip that is the frontage on Spruce Street, extending approximately 257 feet northeast. The main body of the property is a rectangle approximately 821 feet long by 382 feet wide. There is a 10-foot-wide utility easement running along the northwestern side of the driveway and extending approximately another 243 feet along the northwestern boundary of the site. The empty office building and associated parking occupy the southwestern half of the rectangle; the remainder of the rectangle is vacant and wooded.

In front of the rectangle portion of the property, fronting onto Spruce Street to the southeast of the property's driveway, is the Boys and Girls Club of Mercer County building. To the northeast and southeast of the site are residences in the Tiffany Woods development, an inclusionary townhouse development. Along the northwest border is the Center Court Club & Sports facility and at the rear end of that site are additional wooded lands. Across Spruce Street are also vacant wooded lands.

The site is located in the State Development and Redevelopment Plan's Planning Area 1, the Metropolitan Planning Area, which is a preferred location for development of affordable housing. The site is not within the jurisdiction of any regional planning entity, but it is within the Delaware & Raritan Canal Commission Review Zone, and the developer will need review from the Commission for any proposed development.

The site is currently zoned HC, Highway Commercial, which does not permit housing. The site will be rezoned so as to permit the residential development being proposed. The draft ordinance may be found in Appendix B.

- *Site Developability* – The property is within the Township's sanitary sewer service area and has access to potable public water from Spruce Street. Both Trenton Water Works, which is the water purveyor to the site, and the Ewing-Lawrence Sewerage Authority have

confirmed there is sufficient capacity to serve the site (see Appendix C). Spruce Street provides access to the site, and connects with State Route 206 to the southeast.

- *Site Approvability* – There are wetlands in the north corner of the site, which, when subtracted along with the driveway from the total area of the site, leaves approximately 5.7 developable acres. The development proposal for 120 units would represent a gross density of 16.9 housing units per acre and a net density of 21 housing units per acre. The site is on the state’s Known Contaminated Sites list, but is in the process of being remediated. A letter from the Licensed Site Remediation Professional overseeing the remediation indicates there is no environmental condition that precludes the use of the property for residential purposes (see Appendix D).
- *Administrative Entity* – The developer will be required to hire an experienced Administrative Agent to administer the affordable units. The Administrative Agent will provide long-term administration of the units in accordance with *N.J.A.C. 5:93 et seq.* and the Uniform Housing Affordability Controls (“UHAC”) per *N.J.A.C. 5:80-26.1*.
- *Low/Moderate Income* – Any residential development of site will require the affordable units to meet the low- and moderate-income requirements in accordance with UHAC at *N.J.A.C. 5:80-26.1*, the amended Fair Housing Act, the FSHC settlement agreement and municipal ordinance.
- *Affirmative Marketing* – The Administrative Agent will affirmatively market the units in accordance with COAH’s rules and UHAC per *N.J.A.C. 5:80-26.1*.
- *Controls on Affordability* – The units will be restricted to low- and moderate-income households, including very low-income households, for a period of at least 30 years from occupancy. These are requirements of Lawrence’s affordable housing ordinance and other state regulations, and the FSHC settlement agreement.
- *Bedroom Distribution* – The bedroom distribution will meet the requirements of *N.J.A.C. 5:80-26.1* and municipal ordinance.

VERY LOW-INCOME UNITS

Pursuant to the 2008 amendments to the FHA, P.L. 2008, c.46 (codified as *N.J.S.A. 52:27D-329.1*), municipalities must provide the opportunity for very low-income units equal to 13% of all affordable units approved and constructed after July 1, 2008. Additionally, pursuant to the settlement agreement, Lawrence will ensure that at least half of these very low-income units will be available to families. Lawrence’s obligation is 13% of 152 units approved, built or proposed since July 1, 2008, or 19.76 units, rounded up to 20 units. Ten of those units must be family units. This obligation is generated by the two new units at Berk’s Walk; the 16 new units at Carriage Park II; the 42 proposed units at the Brandywine site, the 22 proposed Nexus Properties units, and the 70 proposed units at the Quaker Bridge Mall.

In the Third Round, the CIFA III alternative living arrangement group home supplies services to dual-diagnosed persons with mental illness and developmental disabilities. The four individuals, who are selected from the New Jersey Division of Developmental Disabilities waiting list, are all very low-income. The Carriage Park II development includes two very low-income units; the Brandywine proposed development will provide six very low-income units; the proposed Nexus Properties development will provide three; and the Quaker Bridge Mall, an additional 10 such units. Of these, all but the CIFA II and Carriage Park II units will be family rental units. Thus, to satisfy the requirement for 20 very low-income units, the Township will have at least 24, of which 18 will be family rental units.

THIRD ROUND UNMET NEED MECHANISMS

As previously indicated, unmet need is the difference between the 702-unit RDP and the Township's 1,110-unit Third Round obligation, or 408 units. In addition to the compliance mechanisms detailed in the July 20, 2020 adopted amended Plan and the 13 surplus units from the Township's Third Round RDP compliance mechanisms as detailed in this amendment, Lawrence provides the following compliance mechanism to address unmet need:

100% Affordable Housing Proposed

Lawrence Shopping Center/RPM Development

The July 20, 2020 adopted amended Plan moved the Lawrence Shopping Center site from unmet need to RDP because a redevelopment study had identified a 4.1-acre parcel that was found suitable for development of affordable housing. RPM Development, an experienced tax-credit developer of affordable homes in New Jersey, has expressed interest in developing a 100% affordable family rental project on the parcel. The July 2020 adopted plan provided details of the proposed development, and the adopted spending plan included a municipal contribution to the project in order to make the project's tax-credit application more competitive. RPM is expected to apply to the 2021 low income housing tax credit program administered by the NJ Housing and Mortgage Finance Agency.

The Township is keeping the proposed project in the Plan as a compliance mechanism and the related trust fund expenditure in the adopted spending plan, but is moving the site back to unmet need. At such time as the project is completed, it will provide additional affordable family units towards the Township's unmet need obligation.

SUMMARY

This amendment to Lawrence Township's Amended Third Round Housing Plan Element and Fair Share Plan has been prepared in order to allow the Township to include an unforeseen opportunity for the development of affordable housing as an additional mechanism to help satisfy its Third Round RDP. The addition of the Nexus Properties site, and the reversion of the RPM site to unmet need, will reduce the Township's RDP from 710 to 702. The Nexus Properties site will provide 22 family affordable rental units toward satisfaction of that obligation.

Appendix A:
Resolutions of Adoption and Endorsement



RESOLUTION
Township of Lawrence,
County of Mercer Master Plan
Third Round Housing and
Fair Share Plan

RESOLUTION OF THE
TOWNSHIP OF LAWRENCE PLANNING BOARD
MERCER COUNTY, NEW JERSEY

WHEREAS, COAH's rules were overturned in The Matter of the Adoption of N.J.A.C. 5:96 AND 5:97 by the Council on Affordable Housing; and

WHEREAS, as COAH failed to adopt new constitutionally compliant rules, the New Jersey Supreme Court entered an Order dated March 10, 2015 which transferred responsibility to review and approve Housing Elements and Fair Share Plans from COAH to designated Mount Laurel trial judges within the New Jersey Superior Court; and

WHEREAS, pursuant to its commitment towards voluntary compliance, the Township of Lawrence filed for Declaratory Judgment with the New Jersey Superior Court on July 7, 2015; and

WHEREAS, the Township of Lawrence executed a Settlement Agreement with Fair Share Housing Center (FSHC) on April 28, 2017 that identified the Township's affordable housing obligation and a preliminary indication of how the Township would satisfy the affordable housing obligation; and

WHEREAS, the Settlement Agreement was the subject of a Fairness Hearing on July 5, 2017, during which the Court found that the Settlement Agreement was fair to the interests of low and moderate income households; and

WHEREAS, the Court's review and approval of the Settlement Agreement is reflected in a Court Order on Fairness and Preliminary Compliance Hearing signed by the Honorable Mary C. Jacobson, A.J.S.C. on June 15, 2017; and

WHEREAS, the Lawrence Township Planning Board adopted a Third Round Housing Element and Fair Share Plan at a public hearing on August 6, 2018, and the Township Council endorsed the Plan on August 28, 2018; and

WHEREAS, since the adoption of the Plan, a review of the Brandywine Operating Partnership site by the Delaware and Raritan Canal Commission has required a reduction in the number of affordable units the site will produce, from 60 to 42; and

WHEREAS, since adoption of the Plan, two developers have expressed interest in providing affordable housing, RPM Development Group and Nexus Properties. The RPM Development Group has expressed interest in developing a 100% affordable housing development and Nexus Properties an inclusionary development; and

WHEREAS, the Lawrence Township Planning Board adopted an amended Third Round Housing Element and Fair Share Plan at a public hearing on July 20, 2020, in order to reflect the lower number of affordable units from the Brandywine Operating Partnership site, and to assist the RPM Development Group in its application for low income housing tax credits which could be used to address the loss of 18 units and 18 bonus credits from the Brandywine site; and

WHEREAS, since the adoption of the amended Plan on July 20, 2020, the RPM Development Group site has been more specifically identified as a mechanism to partially fulfill the Township's Unmet Need at the 4.01-acre site on Texas Avenue behind the Lawrence Shopping Center; and

WHEREAS, since adoption of the amended Plan, Nexus Properties has or will shortly execute a developer's agreement with the Township to develop 21 affordable housing units on a 7.12-acre property at 1052 Spruce Street, designated on Township tax maps as Block 701, Lot 39, which inclusionary project can more quickly move forward to provide units addressing the Township's Third Round realistic development potential; and

WHEREAS, Planning Consultant Brian Slauch, PP, AICP, of Clarke Caton Hintz, PC, prepared a second amendment to the Township's Third Round Housing Element and Fair Share Plan to effectuate these changes; and

WHEREAS, the Lawrence Township Planning Board has determined that the second amendment to the Third Round Housing Plan Element and Fair Share Plan is consistent with the goals and objectives of the Township of Lawrence towards its Third Round Affordable Housing obligation.

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Township of Lawrence, County of Mercer, does hereby adopt the second amendment to the Third Round Housing Element and Fair Share Plan dated November 2, 2020 following a public hearing conducted by said Board on November 2, 2020.

James F. Parvesse, PE
Planning Board Secretary

**TOWNSHIP OF LAWRENCE
COUNTY OF MERCER**

RESOLUTION No. _____

**RESOLUTION ENDORSING THE SECOND AMENDMENT TO THE
THIRD ROUND HOUSING PLAN ELEMENT AND
FAIR SHARE PLAN**

WHEREAS, On March 10, 2015, the Supreme Court transferred responsibility to review and approve housing elements and fair share plans from the Council on Affordable Housing (COAH) to designated Mount Laurel trial judges within the Superior Court; and

WHEREAS, on July 7, 2015, the Township submitted a Declaratory Judgment Action to the New Jersey Superior Court; and

WHEREAS, the Township entered into a Mount Laurel Settlement Agreement with Fair Share Housing Center, Inc., which was designated by the New Jersey Supreme Court as an interested party and acknowledged representative of the Mount Laurel beneficiaries in all Third Round affordable housing proceedings throughout the State; and

WHEREAS, this agreement was the subject of a Fairness Hearing conducted by the Court upon adequate notice to the public, at which time the Court approved the agreement and required that the Lawrence Township Planning Board adopt and the Township Council endorse a Third Round Housing Element and Fair Share Plan to implement the terms of the Settlement Agreement; and

WHEREAS, the Lawrence Township Planning Board adopted a Third Round Housing Element and Fair Share Plan at a public hearing on August 6, 2018, and the Township Council endorsed the Plan on August 28, 2018; and

WHEREAS, since the adoption of the Plan, a review of the Brandywine Operating Partnership site by the Delaware and Raritan Canal Commission has required a reduction in the number of affordable units the site will produce, from 60 to 42; and

WHEREAS, since adoption of the Plan, two developers have expressed interest in providing affordable housing, RPM Development Group and Nexus Properties. The RPM Development Group has expressed interest in developing a 100% affordable housing development and Nexus Properties an inclusionary development; and

WHEREAS, the Lawrence Township Planning Board adopted an amended Third Round Housing Element and Fair Share Plan at a public hearing on July 20, 2020, in order to reflect the lower number of affordable units from the Brandywine Operating Partnership site, and to assist the RPM Development Group in its application for low income housing tax credits which could be used to address the loss of 18 units and 18 bonus credits from the Brandywine site; and

WHEREAS, since the adoption of the amended Plan on July 20, 2020, the RPM Development Group site has been more specifically identified as a mechanism to partially fulfill

the Township's Unmet Need at the 4.01-acre site on Texas Avenue behind the Lawrence Shopping Center; and

WHEREAS, since adoption of the amended Plan, Nexus Properties has or will shortly execute a developer's agreement with the Township to develop 21 affordable housing units on a 7.12-acre property at 1052 Spruce Street, designated on Township tax maps as Block 701, Lot 39, which inclusionary project can more quickly move forward to provide units addressing the Township's Third Round realistic development potential; and

WHEREAS, Planning Consultant Brian Slaugh, PP, AICP, of Clarke Caton Hintz, PC, prepared a second amendment to the Township's Third Round Housing Element and Fair Share Plan to effectuate these changes; and

WHEREAS, the Lawrence Township Planning Board has determined that the second amendment to the Third Round Housing Plan Element and Fair Share Plan is consistent with the goals and objectives of the Township of Lawrence towards its Third Round Affordable Housing obligation.

WHEREAS, COAH's Prior Round rules at N.J.A.C. 5:91-2.2(a), requires that the Township Council endorse the second amendment to the Third Round Housing Element and Fair Share Plan adopted by the Planning Board; and;

WHEREAS, The Township Council has reviewed the second amendment to the Third Round Housing Element and Fair Share Plan and has found it to be consistent with the goals and objectives of the Township of Lawrence Master Plan, as guiding the use of lands in the municipality in a manner which protects public health and safety and promotes the general welfare in accordance with N.J.S.A. 40:55D-28, and as achieving access to affordable housing to meet present and prospective housing needs in accordance with N.J.S.A. 52:27D-310.

NOW THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, hereby endorses the second amendment to the Housing Element and Fair Share Plan as adopted by the Planning Board on November 2, 2020; and

BE IT FURTHER RESOLVED that the Township Council authorizes and directs the Mayor, Township Clerk, and Township Manager to execute any and all necessary documents in order to implement the intent of this Resolution and for the Township Attorney to file them as necessary with the Court.

Adopted: _____

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mayor James Kownacki							
Christopher Bobbitt							
Cathleen Lewis							
Michael Powers							
John Ryan							

Appendix B:
Nexus Properties Zoning Ordinance



Ordinance No. _____-20

**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, 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 an amended 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 as follows. Letters and number in **BOLD** are intended to be added, while those ~~STRUCK THROUGH~~ are intended to be stricken from the ordinance.

§ 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 **or by municipal developer's agreement**, 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~~ 7 acres
- 2. Minimum buildable land area of tract: ~~7~~ 5 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
 - e. **In an AT-4 District: 17 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~~ 25 feet
 - c. From any common parking area to a building: ~~15~~ 12 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 42 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, except in the AH-4 district.
- 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 removing the HC District and adding the designation of AT-4 District to Block 701, Lot 39.

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.

[Add signature lines and standard certification language]

Appendix C:

Nexus Properties Water and Sewer Capacity To Serve





W. REED GUSCIORA
MAYOR

MARK LAVENBERG
ACTING DIRECTOR, WATER & SEWER

Trenton Water Works
Department of Water and Sewer
P.O. Box 528, Trenton, NJ 08604-0528
609-989-3208 FAX: 609-989-3943

October 2, 2020

Sent Via Electronic Mail

Elaine Clisham- Planner
Clarke Caton Hintz CM-PM Consulting LLC
100 Barrack Street, Trenton, NJ 08608

RE: 1052 Spruce Street proposed 105 residential units,
Block 701, lot 39;
Ewing Township, Mercer County, New Jersey.

Dear Elaine:

Our review of the above referenced address reveals an existing 2-inch copper service connected to an 8-inch water main servicing this property.

It is the responsibility of the engineer designing the project to determine if the existing water service off the existing 8- inch water main will provide sufficient volume and pressure to meet required demands of the proposed project. If fire sprinkler system is needed for this project, then plans for the installation of fire line and/or domestic service shall be sent to the TWW Engineering Office for Backflow Preventer (BFP) and meter installation review. TWW requires AWWA approved BFP with lead free detector check meter. This meter shall be a Sensus SR with an ECR register and touch pad device for outside reading. Fire flow test information is needed, the design engineer shall perform the flow test by using his or her own gauges in the presence of a TWW representative. The schedule of flow test to be witnessed can be set up by calling TWW at (609) 989-3444.

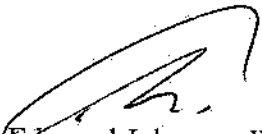
A letter from the design engineer of the fire sprinkler system shall be provided to TWW that the system has been designed in accordance with approved design drawing and prevailing standards. In addition, the letter shall state the hydraulic data of TWW's water system used in the design calculation with flow test data including name of the person who witness the flow test from TWW. The tapping locations and detail for the water services shall be submitted for TWW's review. The Fireline and domestic services installation shall be per TWW's requirements after the job is approved by TWW. It is also the responsibility of the owner/developer to verify from Ewing Township that the road is not under a street opening moratorium at the time of the construction.

RE: 1052 Spruce Street proposed 105 residential units
Block 701, Lot 39
Ewing Township, Mercer County, New Jersey
Page 2 of 2

The water service application shall be filled out with the Billing Office of TWW to establish fire line and domestic services account. The Billing Office is located at 333 Cortland Street, Trenton NJ 08638.

Find included for your convenience copies of Water map, Developer's packet, and service application. If there is any further question, please do not hesitate to reach me at (609) 989-3822.

Sincerely,



Edmund Johnson- Water Superintendent

Cc: Mark Lavenberg- Acting Director
David Smith- Chief Engineer, PE.

ALLEN LEE
Chairman

JAMES KOWNACKI
Vice Chairman

PASQUALE COLAVITA
Secretary

CHARLES GETER
Assistant Secretary

BASIT MUZAFFAR, P.E.
Treasurer

HAROLD VEREEN
Assistant Treasurer

W. BARRY RANK
Counsel

S. ROBERT FILLER
Executive Director

JACOBS ENVIRONMENTAL
CONSULTING
Engineers

Elaine Clisham, Planner
Clarke Caton Hintz
100 Barrack Street
Trenton, New jersey 08608

Re: Block 701, Lot 39
1052 Spruce Street
Lawrence Township, NJ

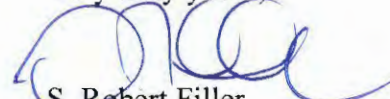
Dear Ms. Clisham:

Please be advised that capacity is available for the referenced project at the Authority's Treatment Plant, but it is subject to completion of an engineering review by the Authority's consulting engineer. If any upgrades or improvements are required to provide capacity in the collection system, they shall be at the expense of the applicant.

In order for the Authority to review the referenced project, an application must be filed with this office. The application package may be obtained from the Authority's website at ELSANJ.com.

If you have any questions or require additional information, please feel free to contact this office.

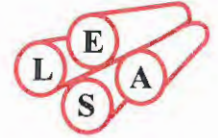
Very truly yours,


S. Robert Filler
Executive Director

SRF:sd
cc: William Hill

EWING-LAWRENCE SEWERAGE AUTHORITY

MERCER COUNTY
600 WHITEHEAD ROAD • LAWRENCEVILLE, NEW JERSEY 08648
TELEPHONE: (609) 587-4061
FAX: (609) 890-1902
WWW.ELSANJ.ORG



EWING TOWNSHIP
LAWRENCE TOWNSHIP

September 15, 2020

Appendix D:
Nexus Properties Site Remediation Letter





SEPTEMBER 15, 2020

MR. JEFFREY SUSSMAN
SHERWOOD INDUSTRIES, INC.
1 BRUNSWICK CIRCLE
SUITE 200
LAWRENCEVILLE, NJ 08648

SUBJECT: SHERWOOD INDUSTRIES, INC.
1052 SPRUCE STREET
LAWRENCE TOWNSHIP, NJ 08648
BLOCK 701, LOT 39
PI # 680461
CASE # 11-12-12-1613-59

Dear Mr. Sussman,

As you know Arecon Ltd. (Arecon) and I, as LSRP are performing a groundwater remedial investigation of the above referenced property. The investigation has confirmed that there are elevated volatile organic compounds (VOCs) at two monitoring wells. The groundwater remediation will be completed in accordance with the NJDEP Site Remediation Reform Act (SRRA) and will be protective of human health and the environment.

Regardless of the completion of the remediation, there is no environmental condition that will preclude the property being used for residential purposes.

Should you have any questions or comments regarding any of the information presented herein, please do not hesitate to contact our offices via telephone at (609) 298-0770.

Sincerely;
Arecon Ltd.,

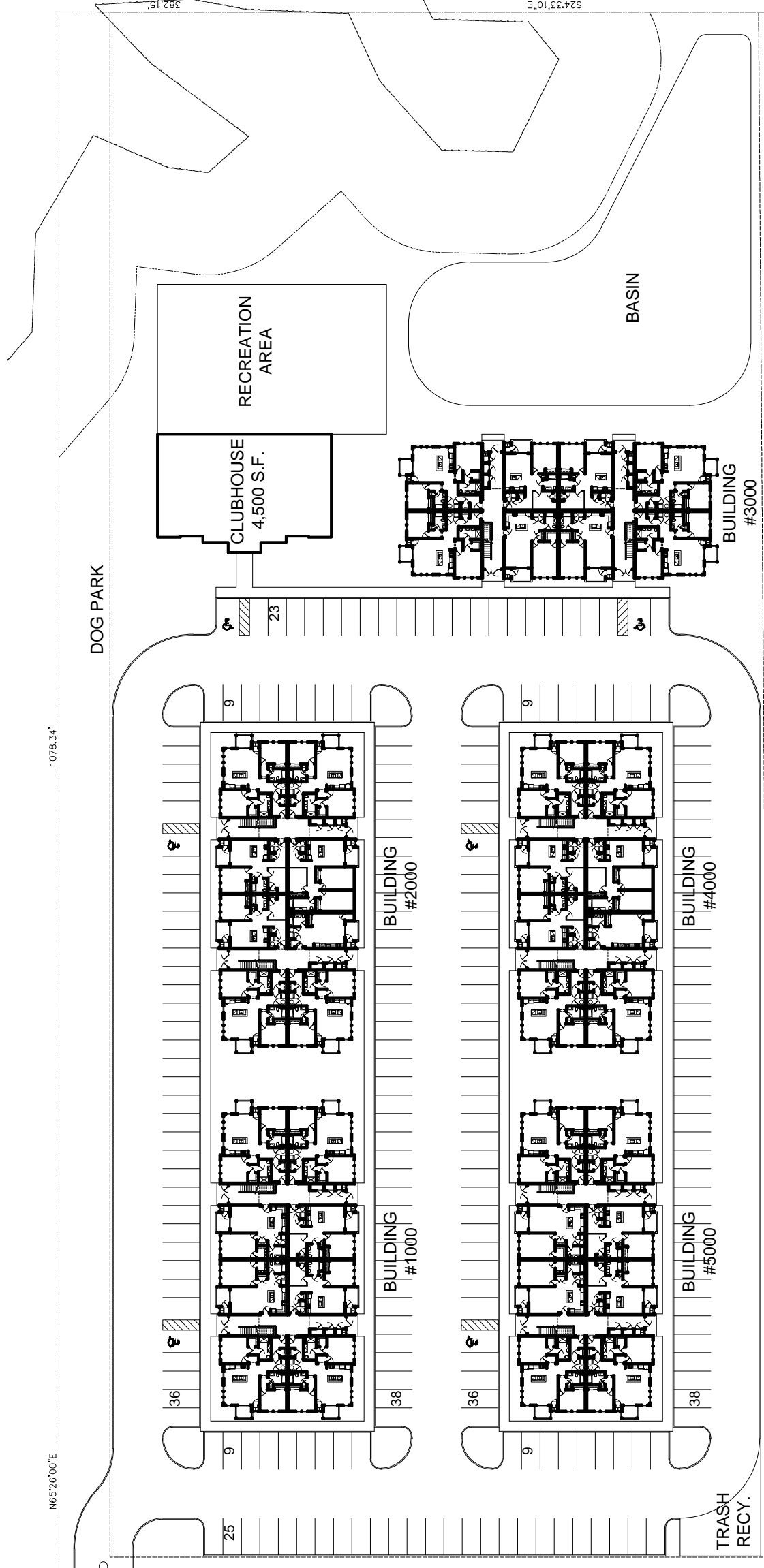
Patrick G. Nocera, PE, LSRP
Principal

SBE/MBE/DBE
Main Phone: (609)298-0770
Direct Phone: (609) 222-7618
Fax: (609) 228-7009
Web site: areconltd.com
email: pnocera@areconltd.com

C: ARECON FILES

Appendix E:
Nexus Properties Concept Plan





SITE PLAN

SCALE: 1/64" = 1'-0"

DEVELOPMENT DATA:

BUILDING	# TYPE	MARKET RATE UNITS				COAH RATE UNITS					MARKET	COAH	TOTAL		
		1 BEDROOM	2 BED	1 BEDROOM	2 BEDROOM	3 BEDROOM	1A (1B/1B)	1C-B (1B/1B)	2C-A (2B/1B)	3C-B (3B/1B)					
BUILDING #1000	24 3 S. WALK-UP	775	945	1,080	485	660	775	795	945	1,060	1,200	1,100			
BUILDING #2000	24 3 S. WALK-UP	850	1,030	1,160	565	735	850	875	1,030	1,154	1,290	1,190			
BUILDING #3000	24 3 S. WALK-UP	6	4	12	12	1	2	2		1	2		22	2	24
BUILDING #4000	24 3 S. WALK-UP	6	4	12	12	1	2	2		1	2		16	8	24
BUILDING #5000	24 3 S. WALK-UP	4	4	12	12	1	2	2		2	2		22	2	24
TOTAL		26	12	60	2	2	10	1	2	2	2	1	98	22	120
TOTAL PCT.		38	39%	60	4	18%	13	59%	5	23%					

PARKING REQUIRED

1 BED UNITS	42	X	1.80	76
2 BED UNITS	73	X	2.00	146
3 BED UNITS	5	X	2.00	10
TOTAL	120			232

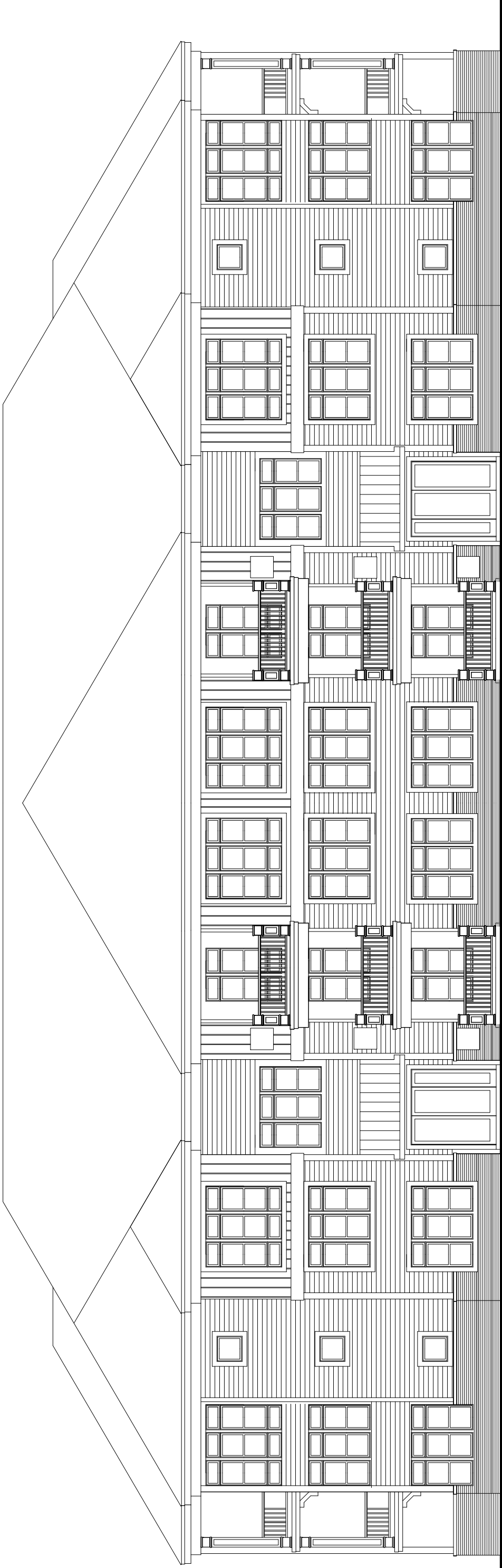
PARKING PROVIDED

TOTAL	232
--------------	------------



SPRUCE STREET APARTMENTS LAWRENCE TOWNSHIP, NEW JERSEY

SEPTEMBER 4, 2020



FRONT ELEVATION - ALL BUILDINGS

SCALE: $\frac{3}{32}$ "=1'-0"

SEPTEMBER 4, 2020