

EXHIBIT J



Housing Plan Element & Fair Share Plan
Township of Cranford
Union County, New Jersey

November 30, 2018

Prepared for:

Township Committee and Planning Board
Township of Cranford
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TABLE OF CONTENTS

- I. INTRODUCTION**
- II. 2018 THIRD ROUND HOUSING PLAN ELEMENT**
 - A. OVERVIEW
 - B. SUMMARY OF CRANFORD'S PAST AFFORDABLE HOUSING HISTORY AND ACTIVITIES
 - C. HOUSING, DEMOGRAPHIC, AND EMPLOYMENT INFORMATION
 - 1. Analysis of Population and Demographics
 - 2. Analysis of Housing Characteristics
 - 3. Analysis of Employment Characteristics
- III. 2018 THIRD ROUND FAIR SHARE PLAN**
 - A. THE INITIAL FAIR SHARE OBLIGATIONS
 - B. SATISFACTION OF REHABILITATION OBLIGATION
 - C. SATISFACTION OF PRIOR ROUND OBLIGATION
 - 1. Prior Round Rental Obligation
 - 2. Prior Round Age-Restricted Cap
 - 3. Prior Round Rental Bonus Credits
 - 4. Allocation of Credits for Satisfaction of Prior Round Obligation
 - D. SATISFACTION OF THE TOWNSHIP'S ALLOCATION OF THE THIRD ROUND REGIONAL NEED
 - 1. Vacant Land Capacity Analysis & Changed Circumstances
 - 2. Round 3 Rental Obligation
 - 3. Round 3 Age-Restricted Cap
 - 4. Round 3 Very Low Income Housing Obligation
 - 5. Round 3 Rental Bonus Credits
 - 6. Satisfaction of RDP
 - 7. Redevelopment
 - 8. Addressing the Third Round Unmet Need
- IV. APPENDIX**

Appendix

- Appendix A. Vacant Land Capacity Analysis, Appendix A of 2013 Housing Plan Element Fair Share Plan, prepared by Birdsell Services Group, adopted by Cranford Planning Board on April 3, 2013
- Appendix B. 2017-2018 Affordable Housing Trust Fund Spending Plan, prepared by CGP&H, dated May 2017
- Appendix C. Home Improvement Program Policies and Procedures Manual, prepared by CGP&H, dated May 1, 2017
- Appendix D. Home Improvement Flyer and Marketing Plan
- Appendix E. Township of Cranford Ordinance, Chapter 255. Land Development, Article VIII. Affordable Housing
- Appendix F. Township of Cranford Ordinance, Chapter 255 Land Development, Article II. Development Administration, Section 6: Affordable Housing Development Fees

- Appendix G. Professional Services Agreement Township of Cranford Administrative Agent for Affordable Housing Matters by and between the Township of Cranford and Community Grants, Planning & Housing LLC, effective March 9, 2018
- Appendix H. Order Granting Relief in Exclusionary Zoning, dated December 9, 2011
- Appendix I. Final Judgment of Compliance, dated May 22, 2013
- Appendix J. Report of the Special Master Final Compliance Report, prepared by Elizabeth McKenzie, dated March 2013
- Appendix K. Woodmont (Lehigh Acquisition Project) Recorded Deed Restriction
- Appendix L. Needlepoint Recorded Deed Restriction
- Appendix M. Lincoln Apartments Supporting Documentation
 - 1. Zoning for Inclusionary Development Checklist
 - 2. Letter from director of Cranford Lincoln Senior Apartments dated November 29, 2012
 - 3. Deed of Easement and Restrictive Covenant for Extended Low-Income Occupancy
- Appendix N. Homefirst Supporting Documentation: CDBG Loan Agreement and Deed Restriction between New Jersey Housing and Mortgage Finance Agency and Homefirst Interfaith Housing and Family Services, Inc., recorded on August 8, 2014
- Appendix O. Community Access Unlimited Supporting Documentation: Funding Agreement for Construction, Purchase, Or Purchase and Renovation of Community Based Facilities with the New Jersey Department of Human Services
- Appendix P. SERV Supporting Documentation
 - 1. Funding Agreement for Construction, Purchase, Or Purchase and Renovation of Community Based Facilities with the New Jersey Department of Human Services (Block 514, Lot 3)
 - 2. Purchase Money Order (Block 569, Lot 8)
- Appendix Q. Bridgeway Supporting Documentation: Funding Agreement for Construction, Purchase, Or Purchase and Renovation of Community Based Facilities with the New Jersey Department of Human Services
- Appendix R. Birchwood Supporting Documentation
 - 1. Township Committee Resolution No. 2017-188A designating the Birchwood site as a non-condemnation area in need of redevelopment
 - 2. Township Committee Resolution No. 2017-285C Designating Birchwood Developers Associates, LLC as the Developer for the Birchwood Avenue Site, dated July 18, 2017
 - 3. Township Committee Resolution No. 2018-144 Execution of Redevelopment Agreement in Furtherance of Redevelopment of Property Located at 215 and 235 Birchwood Avenue (Block 291, Lot 15.01 and Block 292, Lot 2), dated February 27, 2018.
 - 4. Executed Redevelopment Agreement by and between the Township of Cranford and Birchwood Developers Associates, dated March 12, 2018
 - 5. Planning Board Resolution Approving Birchwood Preliminary and Final Site Plan Application, dated April 18, 2018
- Appendix S. 310 Centennial Avenue Supporting Documentation
 - 1. Board of Adjustment of the Township of Cranford Resolution of Memorialization Application No. ZBA-15-026 (310 Centennial Avenue), dated April 24, 2017
 - 2. Settlement Agreement by and between the Township of Cranford and 310 Centennial Avenue LLC, dated April 2018

- Appendix T. Board of Adjustment of the Township of Cranford Resolution of Memorialization Application No. ZBA-17-002 (109 Walnut Avenue), dated June 19, 2019
- Appendix U. Letter from Special Master Elizabeth McKenzie re Amendment to Prior Round Crediting in Support of Motion to Amend Judgment of Repose, dated March 9, 2018
- Appendix V. Letter from Special Master Elizabeth McKenzie re Recommendation to the Court that the Motion for Temporary Immunity of the Declaratory Judgment Action be Granted, dated November 27, 2018
- Appendix W. Cranford Township Supportive and Group Home Summary Table
- Appendix X. Aerial Map of Proposed North Avenue Redevelopment Area
- Appendix Y. Myrtle Street Concept Site Plans for Myrtle Street Properties
- Appendix Z. Aerial Map of Proposed North and South Avenue Overlay

Tables

- Table 1. Population 1930-2016, Township of Cranford
- Table 2. Population 1990-2010, Township of Cranford & Union County
- Table 3. Population by Sex and Age 2010, Township of Cranford
- Table 4. Population by Age 1990-2010, Cranford & Union County
- Table 5. Race 2010, Township of Cranford
- Table 6. Households and Population 1990-2010, Cranford & Union County
- Table 7. Household Size, 2012-2016 ACS, Township of Cranford
- Table 8. Income Characteristics – 2012-2016 ACS, Cranford & Union County
- Table 9. Affordable Housing Regional Income Limits, Union County, New Jersey
- Table 10. Age of Housing – 2012-2016 ACS, Township of Cranford & Union County
- Table 11. Residential Units Authorized by Building Permits: 1990-2018, Township of Cranford
- Table 12. Housing Size by Number of Rooms – 2012-2016 ACS, Township of Cranford & Union County
- Table 13. Tenure and Housing Vacancy Rates 2010, Township of Cranford
- Table 14. Value of Owner Occupied Housing – 2012-2016 ACS, Township of Cranford & Union County
- Table 15. Rent Levels – 2012-2016 ACS, Township of Cranford
- Table 16. Economic Data for Cranford
- Table 17. Township of Cranford, Major Employers
- Table 18. Education and Employment Data for Cranford
- Table 19. Industries of Cranford
- Table 20. Occupations of Cranford
- Table 21. Prior Round Affordable Housing Fulfilment
- Table 22. Group Home Credits Pending Documentation
- Table 23. Third Round RDP Calculation
- Table 24. Cranford Affordable Housing Units
- Table 25. Application of Credits to RDP
- Table 26. Proposed North and South Avenue Overlay to Address Unmet Need

THE TOWNSHIP OF CRANFORD HOUSING PLAN ELEMENT AND FAIR SHARE PLAN

I. INTRODUCTION

This document is presented in two parts; which include (i) the Township of Cranford's Master Plan Housing Plan Element and (ii) the Township of Cranford's Fair Share Plan. This Housing Plan Element and Fair Share Plan addresses the Township's compliance with the Municipal Land Use Law (N.J.S.A. 40:55D-28b(3)), relevant Council on Affordable Housing ("COAH") regulations, relevant Uniform Housing Affordability Controls ("UHAC") regulations, and other applicable laws. The Housing Element of the Master Plan will examine the Township's population, demographic characteristics, and employment characteristics, as well as housing stock and historic trends throughout the decades. According to the Fair Housing Act (N.J.S.A. 52:27D-310 et seq.), a municipality's Housing Element must include, but is not limited to, residential standards and proposals for the construction and improvement of housing. The Housing Element shall contain at least the following:

- An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated;
- A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development trends;
- An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level, and age;
- An analysis of the existing and probable future employment characteristics of the municipality;
- A determination of the municipality's present and prospective fair share of low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low- and moderate-income housing; and
- A consideration of the lands most appropriate for construction of low- and moderate-income housing and the existing structures most appropriate for conversion to, or rehabilitated for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing.

The Fair Share Plan will address the plan to meet Cranford's Fair Share Housing Obligation. The Township of Cranford received a Judgment of Compliance and Repose on May 22, 2013 until December 31, 2018. The Fair Share Plan is part of the Township of Cranford's request to acquire a Judgment of Compliance and Repose ("JOR") from the Court and will include the projects and strategies to address Cranford's affordable housing obligations.

*Housing Plan Element and Fair Share Plan***II. 2018 THIRD ROUND HOUSING PLAN ELEMENT****A. OVERVIEW**

This 2018 Housing Plan Element and Fair Share Plan was prepared in response to the preference of the Honorable Camille M. Kenny, J.S.C. that the Township file a declaratory relief action to resolve all outstanding affordable housing issues in lieu of a procedure the Township had proposed. In this regard, the Township had made a motion on July 14, 2017 to amend the Housing Element and Fair Share Plan approved by the Honorable Lisa F. Crystal, J.S.C. on May 22, 2013 to resolve all issues with the approved plan and to resolve any outstanding affordable housing issues. Instead of utilizing the procedure the Township proposed, the Honorable Camille M. Kenny, J.S.C. directed the Township to proceed in two stages. In the first stage, the judge directed the Township to make a motion concerning how to cure a 20-unit gap that had emerged in its approved affordable housing plan. In the second stage, the judge directed the Township to file a declaratory judgment action because she was familiar with this procedure brought by several Union County municipalities pursuant to In re Adoption of N.J.A.C. 5:96 & 5:97 by the N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (“Mount Laurel IV”). In accordance with the direction of the Court, the Township made a motion on May 24, 2018 to cure concerning the 20-unit gap that had emerged in the Township’s approved plan. On November 20, 2018, the Township filed a declaratory relief action as directed. This plan is being submitted in conjunction with said action. It has been prepared in accordance with the Municipal Land Use Law (MLUL) (40:55D-28b(3)), the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), COAH Round 2 regulations (N.J.A.C. 5:93-1, et seq.), and Mount Laurel case law.

Affordable Housing History in New Jersey

The affordable housing or Mount Laurel doctrine, started with the 1975 decision by the N.J. Supreme Court involving the Township of Mount Laurel (So. Burl. Cty. N.A.A.C.P. v. Tp. Of. Mt. Laurel, 67 N.J. 151 (1975) or “Mount Laurel I”). In Mount Laurel I, the Supreme Court decided that under the State Constitution, each municipality “must, by its land use regulations, make realistically possible the opportunity for an appropriate variety and choice of housing for all categories of people who may desire to live there,” including those of low- and moderate-income, thereby prohibiting municipalities from using zoning powers to prevent the potential for the development of affordable housing.

Displeased with general inaction or movement by municipalities under its earlier decision to produce affordable housing, in 1983, the N.J. Supreme Court released a second Mount Laurel decision (So. Burlington Ct. N.A.A.C.P. v. Mount Laurel Tp., 92 N.J. 158 (1983) or “Mount Laurel II”). Because the legislature had not acted to administer laws to implement the Court’s ruling in Mount Laurel I, the Court fashioned a judicial remedy, or what is commonly referred to as a “builder’s remedy.” This remedy created a special litigation track for exclusionary zoning cases and permitted a “builder’s remedy” which enabled builders to file suit to attempt to secure the right to construct housing at higher densities than the municipality would otherwise allow in exchange for a commitment to reserve at least 20 percent of the units for low and moderate income households.

In 1985 the State Legislature passed and the Governor signed the Fair Housing Act (“FHA”), which the N.J. Supreme Court upheld in Hills Dev. Co. v. Bernards Twp., 103 N.J. 1 (1986) or “Mount Laurel III.” The FHA created the Council on Affordable Housing (“COAH”) and entrusted it with the primary responsibility for assigning and determining municipal affordable housing obligations.

Through the FHA, COAH was required to (1) enact regulations that established the statewide affordable housing need, (2) assign to each municipality an affordable housing obligation for its designated region, and (3) identify the techniques available to municipalities to meet its assigned obligation. THE FHA included a process for municipalities to obtain Substantive Certification, which, if granted by COAH, would protect municipalities against exclusionary zoning lawsuits such as Builder's Remedy lawsuits by rendering a municipality's housing element and ordinances presumptively valid in any exclusionary zoning litigation for six years. The Legislature subsequently amended the FHA to extend the period of protection for ten years. The FHA also enabled municipalities with pending Mount Laurel lawsuits to have those suits transferred to COAH for resolution through the administrative process COAH established through its regulations.

To implement the FHA requirements, COAH adopted a series of regulations. Round 1 regulations were adopted by COAH in 1987 and Round 2 regulations were adopted in 1994.

In 2004, COAH adopted the first iteration of the Third Round rules. In 2007, the Appellate Division affirmed portions of COAH's 2004 Third Round rules, but invalidated other aspects of them. See In re Adoption of N.J.A.C. 5:94 & 5:95, 390 N.J. Super. 1 (App. Div. 2007). The opinion remanded the matter to COAH for adoption of new compliant regulations, and gave the agency six months to do so. The Appellate Division granted COAH two extensions, and COAH finally adopted a second set of Third Round rules in May of 2008. Many municipalities submitted Third Round Affordable Housing plans to COAH and to courts for approval in December of 2008 in response to the new Third Round Rules.

On October 8, 2010, the Appellate Division concluded that COAH's revised 2008 regulations suffered from many of the same deficiencies as the first set of Third Round rules, and it invalidated substantial portions of the 2008 Third Round regulations again. See In re Adoption of N.J.A.C. 5:96 & 5:97, 416 N.J. Super. 462 (App. Div. 2010). The Appellate Division specifically directed COAH to use a methodology for determining prospective affordable housing needs similar to the methodologies used in the prior rounds.

In 2013, the Supreme Court affirmed the Appellate Division's decision, and directed COAH to adopt new third round regulations promptly. When it failed to do so, the Supreme Court entered an order on March 14, 2014 requiring COAH to adopt new Third Round regulations by October 22, 2014 or risk serious consequences. COAH proposed the third version of Third Round regulations on April 30, 2014 and many municipalities adopted resolutions urging COAH to meet the Supreme Court's deadline. Unfortunately, in October of 2014, the COAH Board deadlocked 3-3 when voting to approve the regulations, and therefore were not adopted.

In response, on March 10, 2015 the Supreme Court issued its Mount Laurel IV decision, in which it (1) found that COAH had violated the March 14, 2014 Order by failing to adopt new Third Round regulations by October 22, 2014, (2) held that, without new Third Round regulations, COAH could not process the petitions for substantive certification of over 300 municipalities, (3) established new procedures to enable the COAH municipalities to proceed in court; and (4) relied upon an immunity procedure commonly used in court proceedings to enable these COAH towns to secure the same protections from exclusionary zoning lawsuits in the new court proceeding that they previously had at COAH.

*Housing Plan Element and Fair Share Plan***B. SUMMARY OF CRANFORD'S PAST AFFORDABLE HOUSING HISTORY AND ACTIVITIES**

The Township's 2008 Housing Plan Element and Fair Share Plan was placed under the jurisdiction of the Court in January of 2008 pursuant to a complaint filed by Lehigh Acquisition Corp. entitled Lehigh Acquisition Corp. v. Township of Cranford et al., Docket No. UNN-L-0140-08. In the same year Cranford Development Associates, LLC also filed a complaint against the Township entitled Cranford Development Associates, LLC at als. V. Township of Cranford et al., Docket No. UNN-L-3759-08. The Township's 2008 Housing Plan Element and Fair Share Plan was adopted by the Township's Planning Board on December 3, 2008, then endorsed by the Township Committee December 9, 2008.

On December 9, 2011, Honorable Lisa F. Crystal, J.S.C. issued an Order Granting Relief in Exclusionary Zoning Litigation in Cranford Development Associates, LLC at als. v. Township of Cranford et al. The 2008 Housing Plan Element and Fair Share Plan was updated and amended in accordance with the December 9, 2011 order and was adopted by the Planning Board on May 2, 2012.

The Township's 2013 Housing Plan Element and Fair Share Plan was prepared in accordance with the October 8, 2010 Appellate Division decision. At the time the 2013 Housing Plan Element and Fair Share Plan was prepared, the Township had not been assigned a Third Round affordable housing obligation, due to the invalidation of the growth share methodology. In the absence of a Third Round number, the plan included a Vacant Land Adjustment which demonstrated that the Township had a Realistic Development Potential of 5 units. The Plan demonstrated how the Township would be able to address the 5-unit RDP.

On May 22, 2013, Honorable Lisa F. Crystal, J.S.C. entered a Third Round Judgment of Compliance and Repose (JOR) in favor of the Township of Cranford. The JOR approved the 2013 Housing Plan Element and Fair Share Plan which satisfied the Township's Prior Round responsibilities, and memorialized the Court's finding that the Township had an RDP of 5-units at that time. Through the May 22, 2013 JOR, the Township received protection from all exclusionary zoning lawsuits until December 31, 2018.

Since the issuance of the 2013 JOR, various changed circumstances have occurred which have increased the Township's RDP to 85. Additionally, there has been a change to one of the sites which was used to satisfy the Township's Prior Round Obligation: Block 291, Lot 15.01 and Block 292, Lot 2, which today is known and referred to as "Birchwood."

This site was formerly known as the Cranford Development Associates, LLC site and the 2013 JOR memorialized the right of the builder's remedy plaintiff to construct a 360-unit inclusionary rental project which would include 54 affordable units. The scale of the project generated enormous controversy within the Township because the community strongly felt that the construction of 360-unit project was not appropriate for that area of the Township. As a result, the Township and Cranford Development Associates, LLC negotiated an agreement by which the Township would purchase the site, and then be in a position to downscale the proposed development of the site and satisfy the shortfall created by the downscaling. After the Township purchased the Birchwood site, the Township reached an agreement with another developer to develop the site with a 225-unit project, in place of the original 360-unit project. Due to the reduction of the total number of units in the project, the affordable set-aside was reduced from 54 to 34.

In accordance with the direction of the Honorable Camille M. Kenny, J.S.C. the Township brought a motion on May 24, 2018 to cure concerning the 20-unit gap that had emerged in the Township's approved plan. On November 20, 2018, the Township filed a Complaint for Declaratory Relief (DJ action) as also directed by the Honorable Camille M. Kenny, J.S.C. The complaint included the 2013 Housing Plan Element attached as "Exhibit A" and a Summary of Plan, dated November 20, 2018 attached as "Exhibit B." The filed complaint stated that "Exhibit B is the Township's summary of plan, which will be the foundation of a [Housing Plan Element and Fair Share Plan] that the Planning Board adopts and the Township endorses prior to the expiration of immunity on December 31, 2018."

This Plan was crafted based on the aforementioned Summary of Plan attached to the Township's DJ action. Additionally, this Plan addresses the 20-unit shortfall generated by the downscaling of development on the Birchwood site, and accounts for the changed circumstances which has increased the Township's RDP since the issuance of the 2013 JOR.

*Housing Plan Element and Fair Share Plan***C. HOUSING, DEMOGRAPHIC, AND EMPLOYMENT INFORMATION**

The following detailed Housing, Demographic, and Employment background information regarding Cranford helps to describe and create an inventory of characteristics in the Township of Cranford that directly apply to current and future housing demand in the township and region. This analysis will include population demographics, housing characteristics, regional comparison, and recent trends.

1. Analysis of Population and Demographics

The following tables look to analyze the population trends in Cranford from the decennial Census and American Community Survey data. An analysis of population demographics in a target area can help a community to understand and plan for the range of people that live and work within its borders. Additionally, local population demographics understood in the context of and compared to the larger regional area provides a unique opportunity to understand larger geographic implications of present conditions and future local and regional opportunities. This demographic profile was broken down into functional areas including: analyses of community demographics, housing stock, and employment data.

Population

Table 1, depicts the population change since 1930, and demonstrates that from 1930 to 1970, the Township saw a significant increase in population. The numbers demonstrate that the population saw the greatest increase between the 1940s and 1960s, then between 1970 and 1990 the Township experienced a decrease in population. However, since the 2000s the Township of Cranford has experienced minor increases in population.

Table 1: Population 1930-2016 Township of Cranford		
Year	Total Population	% change
1930	11,126	--
1940	12,860	15.6%
1950	18,602	44.7%
1960	26,424	42.0%
1970	27,391	3.7%
1980	24,573	-10.3%
1990	22,633	-7.9%
2000	22,578	-0.2%
2010	22,625	0.2%
2016	23,531	4.0%
Source: U.S. Bureau of the Census, Decennial Censuses American Community Survey 2012-2016 5-yr Estimate		

Cranford's largest increase in growth occurred during the 1940's through the 1960's. The Township's population increased by 44.7% in 1940's, and then increased by 42% during the 1950s, and continued to grow by 3.7% through the 1960s. From 1980 through 2000 Cranford's population decreased by approximately 18%. In recent years, Cranford's population has increased by 4% from 2010 to 2016.

When comparing the Township to Union County as a whole, the Township has not experienced similar modest and steady increases from 1990 through 2010. While Union County's population increased by 5.8% between 1990 and 2000, then by 2.7% between 2000 to 2010, Cranford did not experience growth during this period.

Table 2: Population 1990-2010 Township of Cranford & Union County				
	Cranford	% Change	Union County	% Change
1990	22,633	-	493,819	-
2000	22,625	0.2%	522,541	5.8%
2010	23,531	4.0%	536,499	2.7%
Source: U.S. Bureau of the Census, 1990-2010 Decennial Censuses				

Age Characteristics

Understanding the age make up of a community is important when planning for new housing, resources, and the future of the township as a whole. Looking at a further breakdown of population data by age and sex, it shows that the townships population is concentrated in specific age cohorts. Table 3 to the right depicts that 24.76% of the population is 40-54 years old, and another 25.89% is 0-19 years old. These age cohorts generally suggest that Cranford consists largely of families with middle-aged parents and children.

Table 4 complements the data and compares it to that of Union County as a whole. It shows the steady increase of children ages 5 to 17 in Cranford from 1990 to 2010 – from 15.2% to 16.8% to 18.5%, respectively. Similarly, the number of 45 to 54-year olds has increased from 11.7% to 14.7% to 16.7%.

Union County has also seen a steady increase in these age cohorts. However, Cranford has seen a rise in their 65 and over population, with percent increases from 15.8% in 1990 to 17.2% in 2010, whereas Union County has seen a decrease in their 65 and over population from 15% in 1990 to 12.9% in 2010.

Both Union County and Cranford have seen a stark decrease in the 25 to 34 cohort, with numbers in 1990 at 17.2 and 15.8 percent, dropping to 13.2 and 9.1 in 2010, respectively. Increases in the 45 to 54-year-old age cohort partnered with increases in the 5 to 17 cohort signifies that the Township has been able to attract and retain families with growing children, and the decreasing

Table 3: Population by Sex and Age 2010 Township of Cranford			
	All	Female	Male
2010 Census Population	22,625	11,800	10,825
Under 5 years	1,285	624	661
5 to 9 years	1,646	804	842
10 to 14 years	1,577	751	826
15 to 19 years	1,348	613	735
20 to 24 years	929	450	479
25 to 29 years	934	502	432
30 to 34 years	1,128	596	532
35 to 39 years	1,452	762	690
40 to 44 years	1,820	951	869
45 to 49 years	1,909	961	948
50 to 54 years	1,872	993	879
55 to 59 years	1,602	840	762
60 to 64 years	1,236	649	587
65 to 69 years	958	517	441
70 to 74 years	702	393	309
75 to 79 years	749	427	322
80 to 84 years	673	410	263
85 years and over	805	557	248
Median age (years)	42.8	44.2	41.2
Source: U.S. Bureau of the Census, 2010 Decennial Census			

Housing Plan Element and Fair Share Plan

25 to 34 population cohorts suggests that the town has not been able to attract or retain many younger adults in the last 20 years.

Table 4: Population by Age 1990-2010 Cranford & Union County												
Age	1990				2000				2010			
	Cranford		Union County		Cranford		Union County		Cranford		Union County	
	#	%	#	%	#	%	#	%	#	%	#	%
Under 5	1,375	6.1	32,421	6.6	1,465	6.5	36,441	7.0	1,285	5.7	35,783	6.8
5 to 17	3,451	15.2	58,291	11.8	3,797	16.8	73,754	14.1	4,168	18.5	95,475	18.2
18 to 24	1,824	8.1	64,984	13.2	1,186	5.3	61,215	11.7	1,314	5.8	45,879	8.7
25 to 34	3,577	15.8	85,028	17.2	2,757	12.2	75,189	14.4	2,062	9.1	69,279	13.2
35 to 44	3,612	16.0	73,653	14.9	3,877	17.2	88,398	16.9	3,272	14.5	78,418	15.0
45 to 54	2,645	11.7	54,877	11.1	3,312	14.7	69,568	12.5	3,781	16.7	83,409	15.9
55 to 64	2,578	11.4	50,440	10.2	2,136	9.5	45,935	8.8	2,838	12.5	60,495	11.6
65 & Over	3,571	15.8	74,125	15.0	4,048	17.9	72,041	13.8	3,887	17.2	67,761	12.9
Total	22,633	100	493,819	100	22,578	100	522,541	100	22,625	100	522,541	100
Source: U.S. Decennial Censuses, 1990, 2000, and 2010												

Race

Table 5 shows the racial breakdown of the population according to responses from the 2010 Decennial Census. Over 98% of the population responded as “One Race,” with 91.8% responding as white. The next largest racial group in Cranford is Asian at 2.8%, followed by 2.8 percent responding as Black or African American.

The other 1.6% of respondents identified as “Two or More Races,” with the largest subgroup in that category being “White; Asian” with 130 respondents comprising 0.6%, and 69 respondents comprising 0.3% identifying as “White; Black or African American.”

Table 5: Race 2010 Township of Cranford		
	#	%
One Race	22,272	98.4
White	20,781	91.8
Black or African American	592	2.6
American Indian/Alaska Native	18	0.1
Asian	643	2.8
Asian Indian	136	0.6
Chinese	221	1.0
Filipino	149	0.7
Japanese	18	0.1
Korean	62	0.3
Vietnamese	14	0.1
Other Asian	43	0.2
Native Hawaiian/Other Pacific Islander	4	0.0
Some Other Race	234	1.0
Two or More Races	353	1.6
White; American Indian and Alaska Native	35	0.2
White; Asian	130	0.6
White; Black or African American	69	0.3
White; Some Other Race	44	0.2
Total population	22,625	100
Source: U.S. Census, 2010		

Household Size and Characteristics

In addition to population demographics, household size in relation to the population helps to characterize the Township. Using Decennial Census data from 1990-2010, Table 6 below shows that the Average Household Size in Cranford decreased negligibly from 2.69 to 2.61 from 1990 to 2010. Since the time from 1990 to 2000, both the population and number of occupied housing units decreased, then from 2000 to 2010, both the population and number of occupied housing units increased, implying that while more people are living in Cranford, household sizes have decreased. Union County as a whole saw a decrease in the average household size from 2.81 to 2.71 from 1990 to 2000. Then from 2000 to 2010 there was an increase from 2.71 to 2.97. Unlike Cranford, Union County as a whole experienced an increase in both their household population and occupied housing units from 1990 through 2010.

Table 6: Households and Population 1990-2010, Cranford & Union County									
	1990			2000			2010		
	HH Population	Occupied Housing Units	Avg HH Size	HH Population	Occupied Housing Units	Avg HH Size	HH Population	Occupied Housing Units	Avg HH Size
Cranford	22,624	8,405	2.69	22,033	8,397	2.62	22,367	8,583	2.61
Union County	499,274	177,973	2.81	514,733	186,124	2.71	536,499	188,118	2.97
Source: U.S. Census, 2010									

Table 7 shows that household sizes in occupied housing units was highest for 2 persons in Cranford, at 30.5%, closely followed by 4 persons or more at 28.25%.

The American Community Survey was utilized to evaluate Cranford income characteristics compared to Union County as a whole. Table 8 demonstrates that the per capita income and the median household income in Cranford, \$49,223 and \$116,851 are both higher than the County's of \$36,374 and \$101,634.

In addition to a higher per capita income, fewer Cranford residents are living below the poverty level. Based on the 2012-2016 American Community Survey (Table 8) 1.9% of Cranford residents compared to 10.8% Union County residents are living below the poverty level.

Table 7: Household Size, 2012-2016 ACS Township of Cranford		
Household Size	Number of Households	Percent
1 Person	1,917	22.60
2 Persons	2,587	30.50
3 Persons	1,580	18.63
4 Persons or More	2,365	28.25
Total Occupied Housing Units	8,480	100
Source: 2012-2016, American Community Survey 5-Year Estimates		

*Housing Plan Element and Fair Share Plan***Table 8: Income Characteristics – 2012-2016 ACS
Cranford & Union County**

	Township of Cranford	Union County	State of New Jersey
Median Household Income	\$116,851	\$70,476	\$101,634
Median Family Income	\$137,620	\$83,259	\$90,575
Per Capita Income	\$49,223	\$36,374	\$37,538
Percent of Persons Below Poverty Level	1.9%	10.8%	10.9%

Source: Selected Economic Characteristics, 2012-2016 American Community Survey 5-Year Estimates

**Table 9: 2018 Affordable Housing Regional Income Limits
Union County, New Jersey**

Household Size	Moderate Income	Low Income	Very Low Income
1 Person	\$53,404	\$33,377	\$20,026
1.5 Persons*	\$57,218	\$35,762	\$21,457
2 Persons	\$61,033	\$38,146	\$22,887
3 Persons	\$68,662	\$42,914	\$25,748
4 Persons	\$76,291	\$47,682	\$28,609
4.5 Persons*	\$79,343	\$49,589	\$29,754
5 Persons	\$82,395	\$51,497	\$30,898
6 Persons	\$88,498	\$55,311	\$33,187
7 Persons	\$94,601	\$59,126	\$35,475
8 Persons	\$100,705	\$62,940	\$37,764

Source: Affordable Housing Professionals of New Jersey

* These are for calculating the pricing for one and three-bedroom sale and rental units per N.J.A.C. 5:80-26.4(a)

The income limits in Table 9 to the left was produced by the Affordable Housing Professionals of New Jersey in 2018 to set the Affordable Housing Regional Income Limits. The table shows the very low income, low income, and moderate-income thresholds for Union County for each household size. Specific rows are for calculating the pricing for one and three-bedroom sale and rental units per N.J.A.C. 5:80-26.4(a).

2. Analysis of Housing Characteristics

Age of Housing

Cranford is a substantially developed community which is comprised of older housing compared to the rest of Union County as a whole. Population spikes in from the 1940s to 1960 were caused by a large increase in the number of houses being built from 1940 to 1959. From 1940 to 1949, 1,548 houses were built and then, from 1950 to 1959, 2,642 houses were built. From 1940 to 1960 there was an increase of over 13,000 people, which correlates to the spike in residential construction. The Township continued to experience construction to a lesser extent through 2014, despite Cranford's population declining from 1970 until 2010. This population decline from 1970 through 2009 occurred in conjunction with the construction of 1,272 homes during that same period. The population has begun to show signs of returning: from 2010 to 2010 Cranford experienced a 0.2% increase in its population and there was a 4% increase in population based on the 2012-2016 American Community Survey estimates.

Table 10 which demonstrates that Cranford's decrease in population between 1970 and 2000 are not consistent with the number of houses constructed during the same time period. While the number of housing units continued to increase despite decreases in population, the age of housing is not as evenly distributed as Union County as a whole, and is older. 88.4% of Cranford's housing was built prior to 1980, versus 82.4% of housing in Union County. Similarly, 76% of Cranford's housing was built prior to 1960, versus 62.1% of housing in Union County.

Table 10: Age of Housing – 2012-2016 ACS Township of Cranford & Union County				
Year Housing Unit Built	Township of Cranford		Union County	
	Number of Units	Percent	Number of Units	Percent
2014 or later	104	1.2%	417	0.2%
2010 - 2013	52	0.6%	1,971	1.0%
2000 - 2009	254	2.9%	12,526	6.2%
1990 - 1999	224	2.5%	9,360	4.7%
1980 – 1989	397	4.5%	11,072	5.5%
1970- 1979	397	4.5%	14,250	7.1%
1960 – 1969	707	7.96%	26,617	13.2%
1950 - 1959	2,642	29.7%	47,031	23.4%
1940 - 1949	1,548	17.4%	30,171	15.0%
1939 or earlier	2,558	28.8%	47,692	23.7%
Total	8,883	100%	201,107	100%
Note: Figures may not add due to rounding				
Source: 2012-2016 American Community Survey 5-Year Estimates				
Note: Percentages May Not Add Due To Rounding				

The number of residential building permits since the decade of 1990-1999 demonstrate that construction has slowed. In tandem with Table 10 above, the number of residential building permits shows that the number of housing units being constructed has remained steady and has increased since 1990.

Housing Plan Element and Fair Share Plan

Table 11 indicates that there has been a sharp increase in Residential Units authorized by Building Permits. Between 2010 and 2018 there have been 1,021 Residential Units which reflects the recent apartment residential projects which have been constructed in Cranford in the past decade. In previous decades the majority of building permits issued were for single family homes.

Table 11: Residential Units Authorized by Building Permits: 1990-2018 Township of Cranford	
Year	Residential Building Permits
1990-1999	131
2000-2009	166
2010	21
2011	51
2012	104
2013	288
2014	194
2015	204
2016	72
2017	40
2018 (YTD)*	47
Total	1,318
Source: New Jersey Department of Labor and Workforce Development	
*As of September, 2018	

Table 12: Housing Size by Number of Rooms - 2012-2016 ACS Township of Cranford & Union County				
Number of Rooms	Township Of Cranford		Union County	
	Number of Units	Percent	Number of Units	Percent
1 Room	213	2.4%	8,650	4.3%
2 Rooms	78	0.9%	4,299	2.1%
3 Rooms	449	5.0%	21,432	10.7%
4 Rooms	782	8.8%	32,210	16.0%
5 Rooms	836	9.4%	32,309	16.1%
6 Rooms	1,593	17.3%	32,591	16.2%
7 Rooms	1,670	18.8%	25,428	12.6%
8 Rooms	1,632	18.4%	19,620	9.8%
9 or more Rooms	1,630	18.3%	24,568	12.2%
Total	8,883	100%	201,107	100%
Source: 2012-2016 American Community Survey 5-Year Estimates				
Note: Percentages May Not Add Due To Rounding				

Table 12 to the left shows the housing size by the number of rooms, and compares Cranford to Union County as a whole. In general, Cranford has a larger number of housing with more rooms, with 72.8%% of housing have 6 or more rooms. Of that 73.3%, 25% is accounted for by 9 or more rooms. In comparison, Union County as a whole has a more even distribution of housing sizes, with just half of the housing having 6 or more rooms.

The vast majority of housing in Cranford is owner-occupied. Only slightly more than 18% of housing in Cranford is renter occupied.

The total vacancy rate in the Township is 2.6, based on the 2010 census which reported that 233 units were vacant out of 8,816 total units. The 2010 census also reported that the vacancy rate for owner occupied is less than one ninth than that of renter occupied housing.

Table 13: Tenure and Housing Vacancy Rates 2010 Township of Cranford			
	Total	Owner Occupied	Renter Occupied
Total Housing Units	8,816	6,994	1,589
Vacant Units	233	35	68
Vacancy Rate	2.6	0.5	4.3
Source: Source: U.S. Census, 2010 (1) Includes all vacant units, including those rented or sold but not occupied, seasonal recreational and occasional use units, and "other" vacant units. (2) Includes units available for sale only (3) Includes units available for rent.			

Table 14 shows the value of owner occupied housing reported by the 2012-2016 American Community Survey. Based on the data provided, the majority of the housing in Cranford, 52.8%, is valued between \$300,000 and \$499,999. The next most common bracket for housing value is \$500,000 to \$999,999 – at 35.9%, meaning that 88.7% of the housing in Cranford is valued between \$300,000 and \$999,999. Similarly, the majority of housing located within Union County (41.2%) is valued between \$300,000 to \$499,999. However, housing values in the county are more evenly distributed than that of Cranford rendering only the 62.2% of housing in the county as valued between \$300,000 and \$999,999.

Table 14: Value of Owner Occupied Housing – 2012-2016 ACS Township of Cranford & Union County				
Housing Value	Cranford		Union County	
	Number of Units	Percent	Number of Units	Percent
Under \$50,000	160	2.4%	2,533	1.1%
\$50,000 to \$99,999	25	0.4%	1,276	1.2%
\$100,000 to \$149,999	30	0.5%	3,310	3.0%
\$150,000 to \$199,999	89	1.4%	9,795	8.9%
\$200,000 to \$299,999	410	6.2%	26,059	23.7%
\$300,000 to \$499,999	3,492	52.8%	39,550	36.0%
\$500,000 to \$999,999	2,372	35.9%	22,382	20.4%
\$1,000,000 or more	37	0.6%	5,026	4.6%
Total	6,615	100%	109,931	100%
Note: Figures may not add due to rounding. Source: Value of Owner-occupied housing units, 2012-2016 American Community Survey 5-Year Estimates				

Housing Plan Element and Fair Share Plan

Table 15: Rent Levels – 2012-2016 ACS, Township of Cranford		
Rent	Number of Units	Percent
Less than \$500	119	6.4%
\$500 to \$999	378	20.3%
\$1,000 to \$1,499	440	23.4%
\$1,500 to \$1,999	515	27.6%
\$2,000 to \$2,499	248	13.3%
\$2,500 to 2,999	72	3.9%
\$3,000 or more	35	1.9%
No cash rent	58	3.1%
Total	1,865	100%
Source: Contract Rent for Renter-occupied housing units, 2012-2016 American Community Survey 5-Year Estimates		

The majority of rent levels in Cranford were found to be between \$1,500 to \$1,999 at 27.6%. The next most common bracket was \$1,000 to \$1,499 at 23.4%, then \$500 to \$999 at 20.3%. Each of the other rent brackets do not make up a significant portion of the 1,865 rental units. 26.7% of housing was estimated to be less than \$999, and 19.1% was estimated to be \$2,000 or greater. While 6.4% responded with “less than \$500”, this reporting may be family contributions or informal rent situations, considering that the other 93.6% of rental housing was estimated to be \$1,000 or more.

3. Analysis of Employment Characteristics

Economic data about Cranford retrieved from the American Community Survey 2012-2016 5 year estimate reports that the estimated Median Household Income in 2016 was \$116,851, a 35% increase from 2000 (Table 16). Based on the CPI Inflation Calculator from the Bureau of Labor Statistics, an income of \$76,668 would have the buying power of \$114,364 in 2018, which demonstrates that incomes have not only increased in Cranford since 2000, they have also kept pace with inflation.

Table 16: Economic Data for Cranford	
Description	Amount
Estimated Median Household Income in 2016	\$116,851
Estimated Median Household Income in 2000	\$76,338
Estimated Per Capita Income in 2016	\$49,223
Estimated Median House or Condo Value in 2016	\$444,932
Estimated Median House or Condo Value in 2000	\$230,300
Mean Price of All Housing Units in 2016	\$439,675
Mean Price of Detached Houses in 2016	\$467,204
Mean Price of Townhouses/Other Attached Units in 2016	\$338,954
Mean Price of Two Unit Structures in 2016	\$315,617
Mean Price of 3-4 Unit Structures in 2016	\$248,833
Mean Price of 5 or more Unit Structures in 2016	\$273,742
Source: 2012-2016 American Community Survey 5-Year Estimates and City-Data.com	

Based on the "Major Employers List" prepared for the Union County Board of Chosen Freeholders by the Union County Economic Development Corporation, there are fourteen major employers within Cranford, the largest of whom are: the Cranford Board of Education and Union County College. Table 17 depicts entities who employ over 100 people and it is not reflective of all of the businesses and employers within the Township. However, this table does indicate that Cranford does have a variety of employment opportunities within its borders.

Table 17: Township of Cranford, Major Employers			
Employer	Address	Business	No. of Employees
Atria Cranford	10 Jackson Drive	Health Care & Social Assistance	100 to 199
Centennial Avenue Pool	401 Centennial Ave	Fitness/Recreation	100 to 199
Emes Professional Association	46 Jackson Drive	Medical Laboratory	100 to 199
Madan Plastics, Inc.	370 North Ave E	Manufacturing	100 to 199
Paragon Solutions, Inc	25 Commerce Dr #100	Computer Program/Software	100 to 199
Proaccess LLC	20 Commerce Dr #200	Insurance	100 to 199
Cranford Health & Extended Care	205 Birchwood Ave	Health Care & Social Assistance	200 to 299
Ell Inc	Po Box 128	Intercommunication	200 to 299
Weeks Marine Inc.	4 Commerce Dr #2	Marine Cargo	200 to 299
All-State Legal Supply	1 Commerce Dr	Printing	300 to 399
Ascend Hospice	65 Jackson Dr #301	Health Care & Social Assistance	300 to 399
Cranford (Township of)	8 Springfield Ave	Government	300 to 399
Cranford Board of Education	132 Thomas St	Education	500 to 999
Union County College	1033 Springfield Ave	Education	500 to 999
Source: "Major Employers List" Prepared for Union County Board of Chosen Freeholders, by Union County Economic Development Corporation, August 2017			

Housing Plan Element and Fair Share Plan

The Township is an educated community. 43% of residents over the age of 25 have a Bachelor's degree or higher, and 16% having a graduate or professional degree. The average commute time is 29.8 minutes, indicating that many of the residents commute to work elsewhere.

Table 18: Education and Employment Data for Cranford	
For population 25 years and over	
<i>High school or Higher</i>	91.5%
<i>Bachelor's Degree or Higher</i>	43.0%
<i>Graduate or Professional Degree</i>	16.0%
<i>Unemployed</i>	4.1%
Mean Travel Time to Work (Commute)	29.8 min
Source: City-Data.com	

Finally, Tables 19 and 20 shows the most common industries and occupations for residents broken down by gender. In general, 12% of males in Cranford are employed in the finance and insurance industry, with the next largest industry is professional, scientific and technical services industry at 10%. On the other hand, 20% of women are employed in educational services, while their second largest industry is health care at 12%.

Table 19: Industries of Cranford	
Most Common Industries for Males in 2016	
Finance and Insurance	12%
Professional, Scientific, and Technical Services	10%
Construction	8%
Public Administration	7%
Educational Services	6%
Chemicals	4%
Broadcasting and telecommunications	4%
Most Common Industries for Females in 2016	
Educational Services	20%
Health Care	12%
Professional, Scientific, and Technical Services	10%
Finance and Insurance	10%
Chemicals	4%
Accommodation and Food Services	3%
Public Administration	3%
Source: City-Data.com	

Table 20: Occupations of Cranford	
Most Common Occupations for Males	
Other Management Occupations (excluding farmers/ farm mgmt.)	8%
Computer Specialists	6%
Other Sales and Related Workers Including Supervisors	5%
Top Executives	5%
Sales Representatives, Services, Wholesale and Manufacturing	5%
Electrical Equipment Mechanics and Other Installation, Maintenance, and Repair Occupations (including supervisors)	4%
Business Operations Specialists	3%
Most Common Occupations for Females	
Preschool, Kindergarten, Elementary, and Middle School Teachers	9%
Secretaries and Administrative Assistants	8%
Other Office and Administrative Support Workers Including Supervisors	8%
Other Management Occupations (excluding farmers/ farm mgmt.)	5%
Other sales and related workers including supervisors	4%
Registered Nurses	3%
Bookkeeping, Accounting, and Auditing Clerks	3%
Source: City-Data.com	

*Housing Plan Element and Fair Share Plan***III. 2018 THIRD ROUND FAIR SHARE PLAN****A. THE INITIAL FAIR SHARE OBLIGATIONS**

1. Prior Round Obligation: 148
2. Present Need/Rehabilitation Obligation: 85
3. Round 3 Obligation: Different experts and different judges have embraced different formulas which generate different Round 3 numbers. Like so many largely developed municipalities, Cranford is not in a position where it can fully address its unmet need. However, the Township will take reasonable steps to address the unmet need to the extent practical.

B. SATISFACTION OF REHABILITATION OBLIGATION

The Township has an 85-unit rehabilitation obligation. On April 25, 2017 the Township contracted Community Grants, Planning & Housing LLC (CGP&H) to perform various tasks associated with the administration of the affordable units within Cranford Township.

CGP&H prepared the “Cranford Home Improvement Program Policies and Procedures Manual” and accompanying plan including a community outreach component, which began in the Summer of 2017. The program is currently funded through the Township’s Affordable Housing Trust Fund and will continue until the 85-unit obligation has been fully satisfied. Thus far, the Township has not received applications from eligible applicants. The Township is continuing to advertise the program and engage in community outreach with residents.

C. SATISFACTION OF PRIOR ROUND OBLIGATION

On May 22, 2013 the Township of Cranford received a Judgment of Compliance and Repose which declared that the Housing Element and Fair Share Plan dated April 3, 2013 “creates sufficient realistic opportunities for the provision of safe, decent housing affordable to low and moderate income households” to satisfy Cranford’s affordable housing obligation.

At the time the May 22, 2013 Judgment of Compliance and Repose was issued, Judge Chrystal took the position that only rental units that had been constructed were eligible for a rental bonus. Since only 3 rental units had been constructed at that point, the Court awarded only 3 rental bonuses. The Riverfront and the Lehigh Acquisition Woodmont projects were not fully constructed at that time and therefore were not eligible to generate bonus credits up to the 25% cap. Since then, both projects have been fully completed and are occupied. Therefore, pursuant to the JOR, the Township is now in a position to claim entitlement to an additional 34 rental bonuses. Accordingly, the Township will shuffle and redistribute the affordable units in order to capitalize on up to 37 eligible bonus credits based on the Prior Round Obligation of 148, consistent with the Report of the Special Master Final Compliance Report, dated March 29, 2013 where the Special Master stated:

“Cranford cannot now access any rental bonus credits for units fulfilling the prior round obligation that are not yet built. However, once the Lehigh, CDA and Riverfront Developers, LLC, projects are constructed, the Township may receive rental bonuses for the units in these projects-but only up to the amount of the prior round rental obligation (37 rental units). In Cranford’s case, this would mean a

potential to access up to 37 rental bonuses less the 3 rental bonuses already taken for the three (3) SERV bedrooms, or 34 more rental bonuses. This would enable Cranford to rearrange its allocation of units between the prior round and third round, adding 34 rental bonus credits to the prior round plan and moving 34 actual units from the prior round plan into the third round plan.”

1. Prior Round Rental Obligation

The Prior Round rental obligation is 25% of 148, or 37 units. The Township is applying thirteen (13) units from the completed Riverfront Project, three (3) units from the completed SERV group home, and twenty-one (21) units from the completed Lehigh Acquisition Project to the Prior Round, which satisfies its 37-unit rental obligation.

2. Prior Round Age-Restricted Cap

COAH’s Round 2 regulations permit up to a total of 25% of the new construction obligation to be satisfied with age-restricted housing. Therefore, the Township is eligible for 25% of 148, or thirty-seven (37) age-restricted housing units, to be towards the Prior Round. The Township is applying thirty-seven (37) age-restricted units from the constructed and occupied Lincoln Apartments project to the Prior Round, completing the maximum allowed age-restricted units.

3. Prior Round Rental Bonus Credits

In accordance with N.J.A.C. 5:93-5.15(d), the Township is entitled to rental bonus credits generated by projects described below, up to the maximum of 37 rental bonus credits for which it is eligible based on its 148-unit Prior Round obligation. The Township is claiming a total of thirty-seven (37) bonus credits, which include three (3) rental bonus credits from the SERV Center of NJ, thirteen (13) from the Riverfront Project, and twenty-one (21) from the Lehigh Acquisition Project.

4. Allocation of Credits for Satisfaction of Prior Round Obligation

The Township has a 148-unit Prior Round obligation, and has satisfied that obligation as follows:

Table 21: Prior Round Affordable Housing Fulfilment Township of Cranford, Union County, New Jersey		
Project	Affordable Units/Credits	Unit/Credit Type
Prior Round Obligation		
Lincoln Apartments – Age-Restricted (Block 532, Lot 18.01) (maximum based on 25% of 148)	37	Age-Restricted Rentals
Riverfront Developers, LLC (Block 481; Lots 1.02, 2.01 and 3-9)	16	Non Age-Restricted Family Rentals
SERV Center of NJ (Block 514, Lot 3)	3	Special Needs Housing – 3 Bedroom Group Home
Birchwood Site (formerly Cranford Development Associates (CDA) Project)	34	Non Age-Restricted Family Rentals

Housing Plan Element and Fair Share Plan

(Block 291, Lot 15.01, Block 292, Lot 2)		
Lehigh Acquisition Project (Block 511, Lot 1) aka Woodmont	21	Non Age-Restricted Family Rentals
Subtotal	111	-
Rental Bonus Credits (Based on 25% of 148)	37	Rental Bonus Credits taken on 21 Lehigh Acquisition Project Units, 3 SERV Bedrooms and 13 Riverfront Units
Total	148	Units/Credits
Total for Prior Round Plan		
Total Prior Round Obligation	148	Units/Credits RDP Fully Addressed

*Detailed Summary of Prior Round Satisfaction***a. 77 existing units** from the following constructed and occupied units:

- 37 age restricted rental units from Lincoln Apartments (Block 532, Lot 18.01). (1990)
- 16 family rental units from the Riverfront Project (Block 481; Lots 1.02, 2.01 and 3-9). (2013)
- 21 family rental units from the Lehigh Acquisition/Woodmont Project (Block 511, Lot 1). (2015)

b. 3 existing group home bedrooms from the constructed and occupied SERV group home (Block 514, Lot 3). (1998)**c. 34 future units** from the Birchwood project. The Redevelopment Agreement was fully executed on March 12, 2018 and the project has completed preliminary and final site plan approval.**d. 37 bonus credits** out of the 37-maximum allowance.**D. SATISFACTION OF THE TOWNSHIP'S ALLOCATION OF THE THIRD ROUND REGIONAL NEED**

Different experts and different judges have embraced different formulas which generate different Round 3 numbers. Like so many largely developed municipalities, Cranford is not in a position where it can fully address the full number generated by any of the various formulas that have been promulgated. However, the Township can fully address its fair share, as adjusted based upon the lack of sufficient land and is willing to take reasonable steps to address the unmet need to the extent practical. This plan is prepared in anticipation of negotiating a settlement agreement with Fair Share Housing Center. The Township and Planning Board reserve all rights to modify this plan as may be necessary and waives no rights to do so, and to assert positions it deems necessary and appropriate.

1. Vacant Land Capacity Analysis & Changed Circumstances

The Township's 2013 Housing Element and Fair Share Plan, which received a Judgment of Compliance and Repose, included a Vacant Land Capacity Analysis which assigned the Township a Realistic Development Potential of 5. Since the approved Vacant Land Adjustment was completed as a part of the 2013 Housing Element and Fair Share Plan, there have been certain sites which have since become available in the Township. Table 2 addresses a recalibrated RDP in order to address these changed circumstances. Due to changes in availability of parcels for development, the Township's RDP has increased to **85 units** since the May 22, 2013 JOR was granted.

The evaluation of the Township's RDP and the Township's satisfaction of that RDP is subject to refinement based on certain changed circumstances which are ongoing. The Hartz Mountain site currently has an application before the Planning Board to rezone the site. As the application proceeds before the Planning Board, and as new information related to the site becomes available, the Township may revisit the RDP assigned to the Hartz site.

Further, there are currently three (3) group homes which require further investigation in order to determine their credit eligibility based upon pending documentation: two (2) are existing group homes, and the other is a residential property which was recently purchased by SERV. Information related to these group homes is in the chart below.

Table 22: Group Home Credits Pending Documentation		
Name of Owner	Block - Lot	No. of Bedrooms
Community Access Unlimited	208-7	3
Creative Property Management	403-59	4
SERV	592-2	5

Currently the two (2) existing group homes are not deed restricted, however, documentation is being acquired to determine if the facilities have been operating for a minimum of ten years and would therefore be credit eligible. Additionally, the currently use may be memorialized through alternative agreement between the group home providers and the Township which would demonstrate the credit eligibility of the group homes to the Court and Special Master. The recently purchased SERV residential property will be tax exempt beginning in January 2019 as a group home. There is not enough information at this time to determine the credit eligibility of the new SERV property.

Table 23: Third Round RDP Calculation Township of Cranford, Union County, New Jersey		
Project	Density	RDP
RDP established by JOR based on vacant sites alone for Block 573, Lots 9, 10, & 12.02, Block 574, Lots 14 & 15, and Block 606, Lots 1, 2, 3, 4, & 5	8 units/acre	5 units
<i>Changed Circumstances</i>		
310 Centennial Avenue project (Block 525, Lot 5) Approved via Zoning Board of Adjustment Resolution dated April	41.67 units/acre	41.67 DU/AC x 0.48 acres = 20 → 4 affordable unit set-aside

Housing Plan Element and Fair Share Plan

24, 2017. Mixed-use three-story project located in the Village Commercial District consisting of 20 residential apartments located on the second and third floors with retail use on the first floor. In the absence of a Mandatory Set-Aside Ordinance at the time of approval, the Township signed a Settlement Agreement with the property owner stipulating that the Owner will deed-restrict two (2) of the Project's one-bedroom units as affordable housing units.		
Hartz Mountain: 750 Walnut Avenue (Block 541, Lot 2) On March 27, 2017 the zoning department received an application from Hartz Mountain to rezone the property from C-3 Commercial to Residential. The application is in front of the Planning Board.	10 units/acre	$10 \text{ DU/AC} \times 20.5 \text{ acres}^1 = 205 \rightarrow 41 \text{ affordable unit set-aside}$
109 Walnut Avenue (Block 478, Lots 10,11,12,13) Approved via Zoning Board of Adjustment Resolution dated June 19, 2017. Mixed-use three-story project located in the Downtown Business District consisting of 24 residential apartments located on the second and third floors with a restaurant and residential parking on the first floor. The resolution stipulated that "there shall be one one-bedroom apartment that is affordable, two two-bedroom apartments that are affordable, and one three-bedroom apartment that is affordable"	50 units/acre	$50 \text{ DU/AC} \times 0.48 \text{ acres} = 24 \rightarrow 5 \text{ affordable unit set-aside}$
E.F. Britten & Co.: 24 South Avenue West (Block 474, Lot 1) Property located in the Downtown Business District along South Avenue which has been put on the market for sale. The property is 0.75 acres.	20 units/acre	$20 \text{ DU/AC} \times 0.75 \text{ acres} = 15 \rightarrow 3 \text{ affordable unit set-aside}$

Proposed North Avenue Redevelopment Area (Block 193, Lots 10, 11, 12, 13, 14, & Portion of 6.01) Properties are located in the Downtown Core District. Lots 6.01 and 14 are Township owned—Lots 10, 11, 12, & 13 are privately owned. (Exhibit A)	30 units/acre	30 DU/AC x 1.41 acres = 42 → 8 affordable unit set- aside
Existing Sites		
Homefirst (Block 418, Lot 5)	--	4 bedrooms
Homefirst (Block 417, Lot 22)	--	3 bedrooms
Bridgeway House (Block 505.01, Lot 1)	--	2 bedrooms
SERV (Block 569, Lot 8)	--	4 bedrooms
CAU NJ (Block 403, Lot 62)	--	6 bedrooms
Total		RDP = 85 units
¹ Based on removal of 10 acres from 30.5 acre site to be used by PSE&G based on letter from PSE&G to the Township, dated March 30, 2018 which stated "PSE&G desires to purchase 10 to 12 of the 30.5 acres at the [Hartz Mountain] site. The electric station is necessary to address aging electric infrastructure in the vicinity to ensure continued reliable service for all residents. Hartz Mountain has confirmed negotiations with PSE&G during Planning Board testimony. Acreage subject to ongoing negotiations and land acquisition. However, even if those negotiations fail, the Township surely does have the power to condemn to protect the interests of the citizens in the PSE&G service area. The 10 acre reduction may change as the negotiations and/or condemnation process follows in which case the RDP would be adjusted accordingly.		

In addition to the above, the Township notes that it is being asked to accept an additional RDP of 20 units to make up for the shortfall generated by the Birchwood site being developed at a lower density. The addition of these 20 units increases the Township's RDP to **105 units**. The Court has scheduled oral argument for December 7, 2018 on the issues associated with rental bonuses at which time the Court will make a determination of whether the Township must increase the RDP by 20. The Township reserves the right to adjust course based on the Court's ruling.

2. Round 3 Rental Obligation

COAH's Rules (at N.J.A.C 5:93-1, et seq.) provide that at least 25% of the new construction component for Round 3 must be satisfied with rental units. Presuming an RDP of 105, the Township's rental obligation is 25%, or 26 units. The Township has seven (7) existing non-age restricted rental units, nineteen (19) proposed non-age restricted rental units, nineteen (19) existing group home bedrooms, eight (8) proposed group bedrooms, and twenty-six (26) existing age-restricted rental units which it is applying to Round 3, which more than satisfy its 26-unit rental obligation once all units are constructed.

*Housing Plan Element and Fair Share Plan***3. Round 3 Age-Restricted Cap**

When applying the COAH Round 2 regulations, municipalities are permitted to age-restrict up to 25% of the third round RDP. Based on the RDP of 105, the Township may age-restrict up to 25% or 26 units. At this time the Township is not proposing any new age-restricted affordable housing projects. The Township is claiming twenty-six (26) units from the completed and occupied Lincoln Apartments project towards its Round 3 obligation, completing the maximum permitted age-restricted units.

4. Round 3 Very Low-Income Housing Obligation

As a result of the July 2008 amendments to the Fair Housing Act, all municipalities have an obligation to ensure that at least 13% of the affordable housing units be provided town wide, with the exception of units constructed as of July 1, 2008 and units subject to preliminary or final site plan approval as of July 1, 2008, are affordable to very low-income households (households that earn 30 percent or less of the median income). The Township will ensure that the 13% very-low income obligation is satisfied through any new projects, and that any very-low income units built after 2008 are inventoried and accounted for.

Table 24: Cranford Affordable Housing Units Township of Cranford, Union County, New Jersey					
Project	Bedroom Type	Income			Unit/Credit Type Totals
		Very Low	Low	Moderate	
Existing Units					
Lincoln Apartments – Age-Restricted (Block 532, Lot 18.01) (maximum based on 25% of 148) ¹	One Bedroom	--	--	100	100 (AR)
	Two Bedroom	--	--	--	
	Three Bedroom	--	--	--	
Riverfront Developers, LLC (Block 481; Lots 1.02, 2.01 and 3-9)	One Bedroom	0	3	2	19 (R)
	Two Bedroom	0	3	5	
	Three Bedroom	2	2	2	
Lehigh Acquisition Project (Block 511, Lot 1) aka Woodmont	One Bedroom	2	0	2	24 (R)
	Two Bedroom	1	7	7	
	Three Bedroom	0	3	2	
Needlepoint Homes (Block 480, Lot 1)	One Bedroom	--	1	--	1 (R)

	Two Bedroom	--	--	--	
	Three Bedroom	--	--	--	
SERV Center of NJ (Block 514, Lot 3)	Special Needs/Group Home	3	--	--	3 (GH)
SERV (Block 569, Lot 8)	Special Needs/Group Home	4	--	--	4 (GH)
Homefirst (Block 418, Lot 5) ²	Special Needs/Group Home	--	4	--	4 (GH)
Homefirst (Block 417, Lot 22) ²	Special Needs/Group Home	--	3	--	3 (GH)
Bridgeway House (Block 505.01, Lot 1)	Special Needs/Group Home	2	--	--	2 (GH)
Totals		14	26	120	160
<i>Prospective and Unconstructed Units</i>					
Birchwood Site (formerly Cranford Development Associates (CDA) Project) (Block 291, Lot 15.01, Block 292, Lot 2)	One Bedroom	0	1	2	34 (R)
	Two Bedroom	3	9	12	
	Three Bedroom	2	2	3	
310 Centennial Avenue (Block 525, Lot 5) ³	One Bedroom	1	--	1	2 (R)
	Two Bedroom	--	--	--	
	Three Bedroom	--	--	--	
109 Walnut Avenue (Block 478, Lots 10, 11, 12, 13) ⁴	One Bedroom	--	--	1	4 (R)
	Two Bedroom	1	--	1	
	Three Bedroom	--	1	--	
E.F. Britten & Co.: 24 South Avenue West (Block 474, Lot 1)	One Bedroom	--	--	--	3 (R)
	Two Bedroom	1	--	1	
	Three Bedroom	--	1	--	
	One Bedroom	--	--	--	8 (R)

Housing Plan Element and Fair Share Plan

Proposed North Avenue Redevelopment Area (Block 193, Lots 10, 11, 12, 13, 14, & Portion of 6.01)	Two Bedroom	--	3	2	
	Three Bedroom	1	1	1	
Myrtle Street Mixed-Use Inclusionary Project (Block 574, Lots 14 & 15 & Block 573, Lot 9)	One Bedroom	--	--	--	2 (R)
	Two Bedroom	--	--	1	
	Three Bedroom	1	--	--	
Myrtle Street Special Needs Housing (Block 573, Lots 12.02 & 10)	Special Needs/Group Home	8	--	--	8 (GH)
Totals		18	18	25	61
¹ Project from 1990 and utilized LIHTC funding – excluded from 13% Very Low ² Project used CDBG and HOME funds, HUD had income cap requirement of 60% of AMI ³ Settlement Agreement included that the developer would provide a set-aside consisting of two (2) one-bedroom units. Bedroom distribution will be offset as part of an ongoing negotiated redevelopment plan(s) for the E.F.Britten, North Avenue, and Inclusionary Myrtle Street sites. ⁴ Resolution approving project states that the affordable units shall be: one (1) one-bedroom unit, two (2) two-bedroom units, one (1) three-bedroom unit. Bedroom distribution will be offset as part of an ongoing negotiated redevelopment plan(s) for the E.F.Britten, North Avenue, and Inclusionary Myrtle Street sites.					

5. Round 3 Rental Bonus Credits

In accordance with N.J.A.C. 5:93-5.15(d), the Township is entitled to rental bonus credits generated by projects described in Table 3, up to the maximum of 26 rental bonus credits for which it is eligible based on its 105-unit RDP. The Township is claiming a total of twenty-six (26) bonus credits, which include three (3) rental bonus credits from the Riverfront Project, three (3) rental bonus credits from the Lehigh Acquisition Project, one (1) rental bonus credit from Needlepoint Homes, and nineteen (19) rental bonus credits from the five (5) Special Needs Housing sites listed in Table 3.

6. Satisfaction of RDP

The Township has a 105-unit RDP and intends to satisfy that obligation as follows:

Table 25: Application of Credits to RDP Township of Cranford, Union County, New Jersey		
Project	Affordable Units/Credits	Unit/Credit Type
Existing Projects		
Riverfront Developers, LLC (Block 481; Lots 1.02, 2.01 and 3-9)	3	Non Age-Restricted Rental
"Woodmont Site": - Lehigh Acquisition Project (Block 511, Lot 1)	3	Non Age-Restricted Rental
Needlepoint Homes (Block 480, Lot 1)	1	Non Age-Restricted Rental
Lincoln Apartments – Age-Restricted (Block 532, Lot 18.01)	26	Age-Restricted Rental
Homefirst (Block 418, Lot 5)	4	Group Home Bedrooms
Homefirst (Block 417, Lot 22)	3	Group Home Bedrooms
Bridgeway House (Block 505.01, Lot 1)	2	Group Home Bedrooms
SERV (Block 569, Lot 8)	4	Group Home Bedrooms
CAU NJ (Block 403, Lot 62)	6	Group Home Bedrooms
Total Built Credits/Units	52	
Prospective Projects (Approved, Conceptual, or Under Construction)		
310 Centennial Avenue (Block 525, Lot 5) Under Construction: Approved via Zoning Board of Adjustment Resolution dated April 24, 2017. Mixed-use three-story project located in the Village Commercial District consisting of 20 residential apartments located on the second and third floors with retail use on the first floor. In the absence of a Mandatory Set-Aside Ordinance at the time of approval, the Township signed a Settlement Agreement with the property owner stipulating that the Owner will deed-restrict two (2) of the Project's one-bedroom units as affordable housing units.	2 ¹	Non Age-Restricted Rental Affordable Units
109 Walnut Avenue (Block 478, Lots 10,11,12,13) Approved via Zoning Board of Adjustment Resolution dated June 19, 2017. Mixed-use three-story project located in the Downtown Business District consisting of 24 residential apartments	4 ²	Non Age-Restricted Rental Affordable Units

Housing Plan Element and Fair Share Plan

located on the second and third floors with a restaurant and residential parking on the first floor. The resolution stipulated that “there shall be one one-bedroom apartment that is affordable, two two-bedroom apartments that are affordable, and one three-bedroom apartment that is affordable”		
E.F. Britten & Co.: 24 South Avenue West (Block 474, Lot 1) Property located in the Downtown Business District along South Avenue which has been put on the market for sale. The property is 0.75 acres.	3 ³	Non Age-Restricted Rental Affordable Units
Proposed North Avenue Redevelopment Area (Block 193, Lots 10, 11, 12, 13, 14, & Portion of 6.01). Area is 1.41 acres. Properties are located in the Downtown Core District. Lots 6.01 and 14 are Township owned—Lots 10, 11, 12, & 13 are privately owned. (Exhibit A)	8 ⁴	Non Age-Restricted Rental Affordable Units
Myrtle Street Special Needs Housing (Block 573, Lots 12.02 & 10)(Exhibit B)	8	Group Home Bedrooms
Myrtle Street Mixed-Use Inclusionary Project (Block 574, Lots 14 & 15 & Block 573, Lot 9) (Exhibit C) Area is 0.80 acres.	2	Non Age-Restricted Rental Affordable Units
Total Prospective Credits/Units	27	
Bonus Credits		
Eligible Bonus Credits (25% of RDP)	26	Rental Bonus Credits Taken on 3 units from Riverfront, 3 units from Lehigh Acquisition, 1 from Needlepoint, 19 from existing Group Home Bedrooms,
TOTAL	105	RDP SATISFIED
Additional and Surplus Units Not Applied		
Lincoln Apartments – Age-Restricted (Block 532, Lot 18.01)	37	Age-Restricted Rental Affordable Units
Total Surplus Credits/Units	37	
¹ Settlement Agreement included that the developer would provide a set-aside consisting of two (2) one-bedroom units. Bedroom distribution will be offset as part of an ongoing negotiated redevelopment plan(s) for the E.F.Britten, North Avenue, and Inclusionary Myrtle Street sites. ² Resolution approving project states that the affordable units shall be: one (1) one-bedroom unit, two (2) two-bedroom units, one (1) three-bedroom unit. Bedroom distribution will be offset as part of an ongoing negotiated redevelopment plan(s) for the E.F.Britten, North Avenue, and Inclusionary Myrtle Street sites. ³ Based on a 20% Set-Aside ⁴ Based on a 20% Set-Aside		

Proposed North Avenue Redevelopment Area

The RDP calculated for the proposed North Avenue Redevelopment Area is based on 30 units per acre x 1.41 acres = 42 total units. 42 x 20% = an RDP of 8. The Township reserves the right to address how the affordable housing units would be constructed within the proposed redevelopment area. The affordable housing units may be a component of a mixed-use inclusionary housing development to be further described in a redevelopment plan provided that the area is found to satisfy the criteria for redevelopment under the LRHL or in a 100% affordable housing project on lands owned by the Township within the proposed North Avenue Redevelopment Area. The Township reserves its right to address this portion of the Township's affordable housing obligation due to the Township's real and significant concerns on the quality of life of the community and the potential impacts of the project with respect to off-street public and private parking, traffic congestion and circulation, public open space, density, building height, flooding and potential environmental site remediation requirements.

Detailed Summary of Prior Round Satisfaction

- a. **33 existing units** from the following constructed and occupied units:
 - **3 family rental units** from the Riverfront Project (Block 481; Lots 1.02, 2.01 and 3-9). (2013)
 - **3 family rental units** from the Lehigh Acquisition/Woodmont Project (Block 511, Lot 1). (2015)
 - **1 family rental unit** from Needlepoint Homes (Block 480, Lot 1). (2017)
 - **26 age restricted rental units** from Lincoln Apartments (Block 532, Lot 18.01). (1990)
- b. **19 existing group home bedrooms** from the following constructed and occupied group home bedrooms:
 - **4 group home bedrooms** from Homefirst (Block 418, Lot 5). (2014)
 - **3 group home bedrooms** from Homefirst (Block 417, Lot 22). (2014)
 - **2 group home bedrooms** from Bridgeway House (Block 505.01, Lot 1). (1996)
 - **4 group home bedrooms** from SERV (Block 569, Lot 8). (2007)
 - **6 group home bedrooms** from CAU NJ (Block 403, Lot 62). (1999)
- c. **19 future units** from the following prospective projects:
 - **2 family rental units** from 310 Centennial Avenue (Block 525, Lot 5).
 - **4 family rental units** from 109 Walnut Avenue (Block 478, Lots 10,11,12,13).
 - **3 family rental units** from E.F. Britten & Co. (Block 474, Lot 1).
 - **8 family rental units** from Proposed North Avenue Redevelopment (Block 193, Lots 10, 11, 12, 13, 14, & Portion of 6.01).
 - **2 family rental units** from Myrtle Street Mixed-Use Inclusionary Project (Block 574, Lots 14 & 15 & Block 573, Lot 9).
- d. **8 future group home bedrooms** from Myrtle Street Special Needs Housing (Block 573, Lots 12.02 & 10).
- e. **26 bonus credits** out of the 26 unit maximum allowance.

*Housing Plan Element and Fair Share Plan***7. Redevelopment**

The Township reserves the right to adopt a Redevelopment Plan for any proposed project that addresses the Township's RDP or unmet need as outlined herein provided that the site qualifies as an area in need of redevelopment in accordance with the Local Redevelopment Housing Law (N.J.S.A. 40A:12A-1 et seq.). Any redevelopment plan would include design standards and building requirements that would ensure that each project was designed based on sound planning principles and would take into consideration the need for public open space, adequate off-street parking, on site amenities, streetscape improvements, infrastructure improvements, and architectural and building design standards.

The Township is committed to satisfying the RDP generated by the Proposed North Avenue Redevelopment Area (Block 193, Lots 10, 11, 12, 13, 14, & Portion of 6.01). The parcels included in the proposed redevelopment area include both privately and municipally owned properties. To be consistent with sound planning principles, it is the Township's intention to use the redevelopment process to coordinate a public / private partnership that will result in a mixed-use inclusionary project which includes a municipal parking component, addresses downtown flooding concerns and is designed at a scale and density that is consistent with Cranford's continued efforts to revitalize its downtown.

Due to the diverse ownership of the parcels within the proposed redevelopment area, in the event that the Township is unable to implement the preferred mixed-use inclusionary redevelopment project, the Township is committed to utilizing its own properties within the Proposed North Avenue Redevelopment Area to construct a 100% affordable project in order to satisfy the RDP generated by the area.

8. Addressing the Third Round Unmet Need

Different experts and different judges have embraced different formulas which generate different Round 3 numbers. Like so many largely developed municipalities, Cranford is not in a position where it can fully address its unmet need. However, the Township will take reasonable steps to address the unmet need to the extent practical. This plan is prepared in anticipation of negotiating a settlement agreement with Fair Share Housing Center. The Township and Planning Board reserve all rights to modify this plan as may be necessary and waives no rights to do so, and to assert positions it deems necessary and appropriate.

Various techniques to address unmet need were evaluated such as the creation of overlay zone districts, modifications to existing zones, as well as the utilization of a mandatory set aside ordinance. When determining how the Township would be able to address its unmet need, each zone district, its existing conditions, and the conditions and standards which govern that zone were analyzed.

a. Overlay Areas

Table 26: Proposed North and South Avenue Overlay to Address Unmet Need Township of Cranford, Union County, New Jersey				
Zone	Density	Area	Total Units	Affordable Units (Based on 20% Set-Aside)
D-C Downtown Core District*	20 DU/acre	18.27	365	73
D-B Downtown Business District*	20 DU/acre	18.5	370	74
D-T Downtown Transitional District	20 DU/acre	5.62	112	22
N-C Neighborhood Commercial District	20 DU/acre	5.08	102	20
ORC – Office Residential Character District	20 DU/acre	24.52	490	98
Total		108.8	1,439	287
*RDP sites have been removed from area calculations				

The districts listed in Table 4 and shown on the map in Exhibit D currently permit residential uses up to a density of 20 units per acre as a conditional use. The conditions attached to the conditional use are listed under §255-39 (22) and will be modified for the areas listed in the North and South Avenue Overlay in order to create a new ordinance as follows:

- a. Each apartment shall have its own entrance to a hallway, staircase or to the exterior.
- b. The ground floor entrance to the apartment unit or units shall be separate from the entrance to the ground floor use.
- c. An applicant or developer shall provide credible evidence to the satisfaction of the reviewing board that sufficient parking spaces are available and/or reserved in either public or private off-street parking lots for the overnight parking of vehicles of the prospective tenants of the apartment or apartments.
- d. Such apartments shall be a minimum of ~~700~~ 600 square feet for the one-room studio or efficiency apartments and 150 square feet for each additional bedroom, ~~but in no case no more than two bedrooms.~~
- ~~e. No boarders shall be permitted to occupy such apartments, nor shall any portion of the space within the apartment be sublet or rented out for any period of time.~~
- ~~f. A minimum lot size of 5,000 square feet is required.~~
- ~~g.~~ e. The gross density shall not exceed 20 units per acre
- ~~h.~~ f. A principal nonresidential use must be located on the ground floor of the building.

Housing Plan Element and Fair Share Plan

g. Inclusionary Housing Component:

- i. Any project containing residential units shall meet the requirements of the Township's Affordable Housing Ordinances, applicable COAH and UHAC regulations and any applicable order of the court and other applicable law.
- ii. No fewer than twenty percent (20%) of for-sale units or rental units constructed shall be set aside as units affordable to very-low, low- and moderate-income households.
- iii. Income Distribution: The income distribution for the affordable units in each project shall be as follows: a minimum of 50% shall be low and very low income units and the remainder of the affordable units shall be moderate income units; at least thirteen percent (13%) shall be very-low income units, of true affordable units in a rental development which very low income units shall be counted as part of the low income housing requirement.
- iv. Bedroom Mix: At least twenty percent (20%) of the affordable units in each project shall be three-bedroom units; no more than twenty percent (20%) of the affordable units in each project shall be efficiency and one-bedroom units; at least thirty percent (30%) of the affordable units in each project shall be two-bedroom units; the balance may be two or three-bedroom units, at the discretion of the developer.
- v. The developer shall have an obligation to deed restrict the Affordable Units as very low, low- or moderate-income affordable units for a period of at least thirty (30) years, until such time and under such conditions as the Township takes action to release the deed restriction, so that the Township may count the Affordable Units against its affordable housing obligation.
- vi. All affordable units shall comply with the bedroom distribution requirements, income distribution requirements, pricing requirements, integration of affordable units requirements, affirmative marketing requirements, candidate qualification and screening requirements and deed restriction requirements of the Township's Affordable Housing Ordinance and all applicable laws.
- vii. The developer/owner of the affordable units shall contract with an experienced and duly qualified administrative agent for the administration of the affordable units. The developer's/owner's administrative agent may either be the Township Administrative Agent or shall report to the Township Administrative Agent, and the developer/owner shall have the obligation to pay all costs associated with affirmatively marketing and deed restricting the affordable units, income qualifying residents, and maintaining compliance with the affordability controls on the affordable units in accordance with this section and the Township's Affordable Housing Ordinance for the entirety of the Deed-Restriction Period. The developer and its administrative agent shall provide annual reports as required by the Township and the Township's Administrative Agent to enable the Township to comply with the affordable housing monitoring requirements of the Court.

b. Mandatory Set-Aside Ordinance

The Township will amend and utilize a Mandatory Set-Aside Ordinance (MSO) which was adopted by the Township on September 12, 2017 through Ordinance 2017-10 to satisfy the remaining units of the Township's unmet need. The MSO will capture units from multifamily or single family attached projects which would be generated through permitted higher densities resulting from variances, rezoning or redevelopment. Through the implementation of this ordinance, any development in the Township which generates five (5) multifamily residential units or more over the number of units already allowed, will be required to include a 20% set-aside for either for-sale and rental units.

The adoption of the MSO does not give any developer the right to any such rezoning, variance, redevelopment designation or other relief, or establish any obligation on the part of Township or its boards to grant such rezoning, variance, redevelopment designation or other relief. No property shall be permitted to be subdivided to avoid compliance with this requirement.

EXHIBIT K

AMENDED



New Jersey Judiciary
Superior Court - Appellate Division
Civil Case Information Statement

AMENDED FOR: CORRECTING CAPTION

Title in Full
**CRANFORD DEVELOPMENT ASSOCIATES, LLC, LIMITED
LIABILITY COMPANY ORGANIZED UNDER THE LAWS OF THE
STATE OF NEW JERSEY, SAMUEL HEKEMIAN, PETER
HEKEMIAN, JEFFREY HEKEMIAN, AND ANN KRIKORIAN AS
TRUSTEE FOR RICHARD HEKEMIAN AND MARK HEKEMIAN,
PLAINTIFFS,
VS.
TOWNSHIP OF CRANFORD, MAYOR AND COUNCIL OF THE
TOWNSHIP OF CRANFORD AND THE PLANNING BOARD OF THE
TOWNSHIP OF CRANFORD,
DEFENDANTS.
AND**

Trial Court or Agency Docket Number
L-3759-08

• Attach additional sheets as necessary for any information below.

Appellant's Attorney

Email Address: **JRS@SURENIAN.COM
LO@SURENIAN.COM (*)**

☐ Plaintiff ☒ Defendant ☐ Other (Specify)

Name

JEFFREY R SURENIAN, Esq.

Client

**TOWNSHIP OF CRANFORD, MAYOR AND
COUNCIL OF THE TOWNSHIP OF
CRANFORD AND THE PLANNING BOARD
OF THE TOWNSHIP OF CRANFORD**

Street Address

707 UNION AVENUE SUITE 301

City

BRIELLE

State

NJ

Zip

08730-0000

Telephone Number

732-612-3100**Respondent's Attorney ***

Email Address: **SEISDORFER@HILLWALLACK.COM
SEISDORF@OPTONLINE.NET (*)**

☐ Plaintiff ☐ Defendant ☒ Other (Specify) **AMICUS**

Name

STEPHEN M EISDORFER, Esq.

Client

**HARTZ MOUNTAIN INDUSTRIES, INC. ET.
AL***

Street Address

21 ROSZEL RD PO BOX 5226

City

PRINCETON

State

NJ

Zip

08543-5226

Telephone Number

609-924-0808

Give Date and Summary of Judgment, Order, or Decision Being Appealed and Attach a Copy:

The order being appealed is is the January 16, 2019 order of Judge Kenny.

Have all the issues as to all the parties in this action, before the trial court or agency, been disposed? (There may not be any claims against any party in the trial court or agency, either in this or a consolidated action, which have not been disposed. These claims may include counterclaims, cross-claims, third-party claims, and applications for counsel fees.)

☒ Yes ☐ No

If outstanding claims remain open, has the order been properly certified as final pursuant to R. 4:42-2?

☐ Yes ☒ No ☐ N/A

A) If the order has been properly certified, attach copies of the order and the complaint and any other relevant pleadings to the order being appealed. Attach a brief explanation as to why the order qualified for certification pursuant to R. 4:42-2.

(*) truncated due to space limit. Please find full information in the additional pages of the form.

Revised: 04/02/2016, CN 10501 (Appellate Civil CIS)

page 1 of 6

B) If the order has not been certified or has been improperly certified, leave to appeal must be sought. (See R. 2:2-4; 2:5-6.) Please note that an improperly certified order is not binding on the Appellate Division.

If claims remain open and/or the order has not been properly certified, you may want to consider filing a motion for leave to appeal or submitting an explanation as to why you believe the matter is final and appealable as of right.

Were any claims dismissed without prejudice?

☐ Yes ☒ No

If so, explain and indicate any agreement between the parties concerning future disposition of those claims.

Is the validity of a statute, regulation, executive order, franchise or constitutional provision of this State being questioned? (R. 2:5-1(g)) ☐ Yes ☒ No

Give a Brief Statement of the Facts and Procedural History:

In 2013, Honorable Lisa F. Chrystal, J.S.C. entered a Prior Round Judgment of Compliance and Repose ("JOR") approving an Affordable Housing Plan that incorporated a prior award of a builder's remedy to Cranford Development Associates, LLC ("CDA"). The JOR permitted CDA to construct a 360-unit development, including fifty four (54) to be reserved for low- and moderate-income households. Judge Chrystal took this action over the strident objections of Cranford Township ("Township"), which vigorously contended that 360 units was far too dense for the site in question (hereinafter the "Birchwood site") and therefore violated principles of sound land use planning.

After a multi-year and unsuccessful appellate process, the Township purchased the Birchwood site in 2017 intending to decrease the density to a level that, in its opinion, made much more sense from a planning perspective. Since the Birchwood site was already developed with a blighted non-residential use, the Township declared the subject property an area in need of redevelopment and adopted a redevelopment plan decreasing the total units from 360 to 225 and the affordable units from 54 to 34. Throughout this process, Cranford recognized that the downscaling created a 20 credit gap in its approved Affordable Housing Plan and indicated that it would cure this 20 credit gap.

On July 14, 2017, the Township brought a motion to establish a procedure by which it would not only address the 20-credit gap, but also resolve any open issues as to satisfaction of its Round 3 responsibilities. At oral argument, the Township informed the trial judge that it intended cover the 20-credit gap through "rental bonuses," and the court-appointed Special Master agreed subject, of course, to confirmation via her due diligence analysis.

The trial judge declined to implement the Township's proposed procedure, but instead directed the Township to proceed in two phases. In Phase I, the trial judge authorized the Township to file a motion demonstrating the manner in which it had addressed the 20-credit gap. In Phase II, it authorized the Township to file a Round 3 Declaratory Judgment Action ("DJ Action") pursuant to In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) ("Mount Laurel IV").

Pursuant to the procedure the trial judge established, the Township brought a motion establishing its entitlement to at least 20 rental bonus credits and seeking to cure the 20-credit gap with 20 rental bonuses granted in the Township's JOR. After extensive briefing and argument, the trial judge entered an order on January 16, 2019 denying the Township's motion. The trial judge's ruling represents a rebuke of a long standing COAH policy that a municipality is entitled to no less of a credit against its obligations for rental bonus credits than through the actual construction of affordable units.

Through this appeal, the Township appeals the trial judge's ruling and contends that the trial judge should have granted the motion.

To the extent possible, list the proposed issues to be raised on the appeal as they will be described in appropriate point headings pursuant to R. 2:5-2(a)(6). (Appellant or cross-appellant only.):

Point I: The Township Is Entitled To At Least An Additional 20 Rental Bonus Credits Under The Judgement of Repose And There Has Never Been Any Application To Deprive The Township Of Its Rights Under The Judgment of Repose

(*) truncated due to space limit. Please find full information in the additional pages of the form.

AMENDED

Point II: Under Well Established COAH Policies A Municipality Is Entitled To Arrange Its Projects And Rental Bonuses Between Rounds As It Sees Fit And Thus, The Township Had Every Right To Apply Its Rental Bonus Credits To The 20 Credit gap In Its Plan

Point III: The Trial Judge's Denial Of The Township's Motion Represented A Rejection Of The COAH Policy To Apply Rental Bonus Credits To Satisfy Its Obligations

If you are appealing from a judgment entered by a trial judge sitting without a jury or from an order of the trial court, complete the following:

1. Did the trial judge issue oral findings or an opinion? If so, on what date? 12/07/2018 ☒ Yes ☐ No
2. Did the trial judge issue written findings or an opinion? If so, on what date? _____ ☐ Yes ☒ No
3. Will the trial judge be filing a statement or an opinion pursuant to R. 2:5-1(b)? ☐ Yes ☒ No ☐ Unknown

Caution: Before you indicate that there was neither findings nor an opinion, you should inquire of the trial judge to determine whether findings or an opinion was placed on the record out of counsel's presence or whether the judge will be filing a statement or opinion pursuant to R. 2:5-1(b).

Date of Your Inquiry:

1. Is there any appeal now pending or about to be brought before this court which:
 - (A) Arises from substantially the same case or controversy as this appeal? ☐ Yes ☒ No
 - (B) Involves an issue that is substantially the same, similar or related to an issue in this appeal? ☐ Yes ☒ No

If the answer to the question above is Yes, state:

Case Title	Trial Court Docket#	Party Name
------------	---------------------	------------

2. Was there any prior appeal involving this case or controversy? ☐ Yes ☒ No

If the answer to question above is Yes, state:

Case Name and Type (direct, 1st PCR, other, etc.)	Appellate Division Docket Number
---------------------------------------------------	----------------------------------

Civil appeals are screened for submission to the Civil Appeals Settlement Program (CASP) to determine their potential for settlement or, in the alternative, a simplification of the issues and any other matters that may aid in the disposition or handling of the appeal. Please consider these when responding to the following question. A negative response will not necessarily rule out the scheduling of a preargument conference.

State whether you think this case may benefit from a CASP conference.

☐ Yes ☒ No

Explain your answer:

This is a Mount Laurel Litigation in which the parties positions are entrenched.

Whether or not an opinion is approved for publication in the official court report books, the Judiciary posts all Appellate Division opinions on the Internet.

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

**TOWNSHIP OF CRANFORD, MAYOR AND
COUNCIL OF THE TOWNSHIP OF CRANFORD
AND THE PLANNING BOARD OF THE
TOWNSHIP OF CRANFORD**

Name of Appellant or Respondent

JEFFREY R SURENIAN, Esq.

Name of Counsel of Record
(or your name if not represented by counsel)

03/21/2019

Date

s/ JEFFREY R SURENIAN, Esq.

Signature of Counsel of Record

(*) truncated due to space limit. Please find full information in the additional pages of the form.

AMENDED

(or your signature if not represented by counsel)

024231983
Bar #

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AMENDED



New Jersey Judiciary
Superior Court - Appellate Division
CIVIL Case Information Statement

Additional appellants continued below

Additional respondents continued below

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☒ Plaintiff ☐ Defendant ☐ Other (Specify)

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AMENDED

<input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input checked="" type="checkbox"/> Other (Specify) AMICUS				
Name STEPHEN M EISDORFER, Esq.			Client H-CRANFORD CREDIT LP	
Street Address 21 ROSZEL RD PO BOX 5226		City PRINCETON	State NJ	Zip Telephone Number 08543-5226 609-924-0808
Additional parties continued below				
Appellant's attorney email address continued below				
PARTY NAME: TOWNSHIP OF CRANFORD, MAYOR AND COUNCIL OF THE TOWNSHIP OF CRANFORD AND THE PLANNING BOARD OF THE TOWNSHIP OF CRANFORD ATTORNEY NAME: JEFFREY R SURENIAN, Esq. JRS@SURENIAN.COM LO@SURENIAN.COM LN@SURENIAN.COM				
Respondent's attorney email address continued below				
PARTY NAME: HARTZ MOUNTAIN INDUSTRIES, INC. ET. AL ATTORNEY NAME: STEPHEN M EISDORFER, Esq. SEISDORFER@HILLWALLACK.COM SEISDORF@OPTONLINE.NET JREALY@HILLWALLACK.COM PARTY NAME: CRANFORD DEVELOPMENT ASSOCIATES, LLC ATTORNEY NAME: MICHAEL KAHME, Esq. MKAHME@HILLWALLACK.COM SMAMMEN@HILLWALLACK.COM KSOBKE@HILLWALLACK.COM PARTY NAME: SAMUEL HEKEMIAN ATTORNEY NAME: MICHAEL KAHME, Esq. MKAHME@HILLWALLACK.COM SMAMMEN@HILLWALLACK.COM KSOBKE@HILLWALLACK.COM PARTY NAME: PETER HEKEMIAN ATTORNEY NAME: MICHAEL KAHME, Esq. MKAHME@HILLWALLACK.COM SMAMMEN@HILLWALLACK.COM KSOBKE@HILLWALLACK.COM PARTY NAME: JEFFREY HEKEMIAN ATTORNEY NAME: MICHAEL KAHME, Esq. MKAHME@HILLWALLACK.COM SMAMMEN@HILLWALLACK.COM KSOBKE@HILLWALLACK.COM PARTY NAME: ANN KRIKORIAN ATTORNEY NAME: MICHAEL KAHME, Esq. MKAHME@HILLWALLACK.COM SMAMMEN@HILLWALLACK.COM KSOBKE@HILLWALLACK.COM PARTY NAME: H-CRANFORD CONDUIT LP ATTORNEY NAME: STEPHEN M EISDORFER, Esq. SEISDORFER@HILLWALLACK.COM SEISDORF@OPTONLINE.NET JREALY@HILLWALLACK.COM PARTY NAME: H-CRANFORD CREDIT LP ATTORNEY NAME: STEPHEN M EISDORFER, Esq. SEISDORFER@HILLWALLACK.COM SEISDORF@OPTONLINE.NET JREALY@HILLWALLACK.COM				
Additional Party's attorney email address continued below				

EXHIBIT L

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Hartz Mountain Industries, Inc.,
H-Cranford Conduit LP, H-Cranford Credit LP

FILED

JAN 16 2019

CAMILLE M. KENNY
J.S.C.

SUPERIOR COURT OF NEW JERSEY
UNION COUNTY - LAW DIVISION
DOCKET NOS. UNN-L-003759-08

Civil Action

CRANFORD DEVELOPMENT
ASSOCIATES, LLC, a limited liability
company organized under the laws of
the State of New Jersey, SAMUEL
HEKEMIAN, PETER HEKEMIAN,
JEFFREY HEKEMIAN, and ANN
KRIKORIAN as trustee for RICHARD
HEKEMIAN and MARK HEKEMIAN,
Plaintiffs,

vs.

TOWNSHIP OF CRANFORD, MAYOR
AND COUNCIL OF THE TOWNSHIP
OF CRANFORD and the PLANNING
BOARD OF THE TOWNSHIP OF
CRANFORD,
Defendants.

**ORDER DENYING MOTIONS FOR
DETERMINATION THAT TOWNSHIP
HAD SATISFIED 20-UNIT
AFFORDABLE HOUSING GAP AND
FOR IMMUNITY FROM
EXCLUSIONARY ZONING
LITIGATION BEYOND THE
EXPIRATION OF THE JUDGMENT
OF COMPLIANCE**

This matter having been opened to the Court on December 7, 2018 by
Jeffrey R. Surenian and Associates, LLC, Jeffrey R. Surenian, Esq. and Michael
J. Edwards, Esq. appearing on behalf of Plaintiff Township of Cranford
(hereinafter "the Township") in the presence of Stephen Eisdorfer, Esq., on
behalf of Hartz Mountain Industries, Inc. et al., and Kevin Walsh, Esq. on

behalf of Fair Share Housing, Inc. on motions by the Township for determination that the Township had satisfied its 20-unit affordable housing gap and for immunity from exclusionary zoning litigation beyond the expiration of the judgment of compliance; and

The Court having considered the papers filed by Cranford Township and the various interested parties, the arguments of counsel and the comments of special master Elizabeth McKenzie; and

The Court having determined for the reasons set forth in its oral opinion on 12/7/18 to deny the motions by the Township for determination that the Township had satisfied its 20-unit affordable housing gap and for immunity from exclusionary zoning litigation beyond the expiration of the judgment of compliance,

IT IS on this 16th day of January, 2019, ORDERED as follows:

1. The Court determines that the Township has a shortfall of 20 low and moderate income housing units in its compliance with the Order Granting Relief entered on December 9, 2011 and the Judgment of Compliance entered on May 22, 2013, ^{and that this shortfall arose} arising from its acquisition, reduction in permitted development density, and resale of the ~~so-called~~ Birchwood site, ^{after} which ~~was~~ the ^{entry} subject of the Order Granting Relief.
2. The motion by the Township for determination that the Township had satisfied the 20-unit affordable housing gap through the provision of rental bonus credits is denied.
3. The ~~so-called~~ realistic development potential of the Township for the 2000-2025 period shall be increased by 20 units ^{to replace and} to account for the reduction of

the number of affordable units that ^{are to be} ~~will be~~ generated on the Birchwood site.

Such additional obligation shall be satisfied by the provision of additional realistic opportunities for the ^{actual} construction of low and moderate income housing and not through bonus credits or other devices ~~that do not involve the actual construction of low and moderate income housing.~~

4. The Township's motion for immunity from exclusionary zoning litigation beyond the expiration of the judgment of compliance is denied ^{as moot} ~~without~~ prejudice ^{as it has been granted} ~~to the Township's seeking similar relief~~ in the context of its pending declaratory judgment action. (UNN L-3976-18)

5. Within seven (7) days of receipt of this order, counsel for the Township shall provide a copy of this Order to any party that has expressed an interest in providing affordable housing in the Township and to the Service List provided by the New Jersey Supreme Court in the case entitled in In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) (commonly referred to as Mount Laurel IV).


HON. CAMILLE M. KENNY, J.S.C.

Opposed X
Not opposed

EXHIBIT M

Revised 2/25/2020

**TOWNSHIP COMMITTEE
CRANFORD, NEW JERSEY
OFFICIAL MEETING AGENDA
February 25, 2020
7:30 PM**

THIS MEETING IS IN COMPLIANCE WITH THE "OPEN PUBLIC MEETINGS ACT" AS ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED BY MAILING THE ANNUAL SCHEDULE OF MEETINGS TO THE WESTFIELD LEADER, THE UNION COUNTY LOCAL SOURCE, THE STAR LEDGER, AND TAP INTO CRANFORD, BY POSTING SUCH ANNUAL MEETING SCHEDULE ON A BULLETIN BOARD IN THE TOWN HALL RESERVED FOR SUCH ANNOUNCEMENTS AND THE FILING OF SAID NOTICE WITH THE TOWNSHIP CLERK OF CRANFORD. FORMAL ACTION WILL BE TAKEN AT THIS MEETING.

ROLL CALL

MAYOR PATRICK GIBLIN
DEPUTY MAYOR KATHLEEN PRUNTY
COMMISSIONER THOMAS H. HANNEN, JR.
COMMISSIONER JEAN-ALBERT MAISONNEUVE
COMMISSIONER MARY O'CONNOR

INVOCATION

FLAG SALUTE

MINUTE APPROVAL

Workshop Meeting of September 9, 2019
Conference Meeting of January 28, 2020
Official Meeting of February 11, 2020

PAYMENT OF BILLS

INFORMAL MEETING

(This portion of the meeting provides for public comment on any items on the agenda that do not have their own public hearing. This includes ordinances to be introduced and resolutions.)

ORDINANCE - Adoption and Public Hearing

1. Ordinance No. 2020-2: AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF CRANFORD, PART II GENERAL LEGISLATION (Explanation - "An Ordinance to Authorize Municipal Liens to Recoup the Costs of Property Maintenance and Demolition")

ORDINANCE – Introduction

2. Ordinance No. 2020-05: CALENDAR YEAR 2020 ORDINANCE TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

RESOLUTIONS – by Roll Call Vote:

3. Resolution No. 2020-144: Introduction of 2020 Municipal Budget
4. Resolution No. 2020-145: Introduction of 2020 DMC Budget

RESOLUTIONS – By Consent Agenda (Items 5 through 17)

5. Resolution No. 2020-146: Authorizing an amendment to the agreement between Racer Trust, Racer Properties, LLC and the Hyatt Hills Golf Course Commission for the continued operation of the Hyatt Hills Golf Course Complex
6. Resolution No. 2020-147: Authorizing Tax Refunds
7. Resolution No. 2020-148: Authorizing the Tax Collector's department to expunge the 2020 real estate taxes for a disabled veteran
8. Resolution No. 2020-149: Authorizing a Green Team application to the Sustainable Jersey Grant Program for funding
9. Resolution No. 2020-150: Authorizing the Mayor and Township Clerk to execute a municipal cost sharing agreement with members of the Mayors Council for Rahway River Watershed Flood Control
10. Resolution No. 2020-151: Approving a leave of absence pursuant to the Federal Family Medical Leave Act (FMLA) for an employee within the Police Department
11. Resolution No. 2020-152: Requesting approval for authorizing an emergency Temporary appropriation
12. Resolution No. 2020-153: Authorizing the Chief Financial Officer to cancel receivables and appropriations associated with a General Capital Fund Receivable balance
13. Resolution No. 2020-154: Authorizing an extension of the contract with Bagel Giant for concession rights for the Centennial Avenue and Orange Avenue Pools
14. Resolution No. 2020-155: Authorizing waiver of claimant certification for Apple Inc., Amazon Services LLC and Dropbox, Inc.
15. Resolution No. 2020-156: Amending Resolution No. 2019-422 Salary Resolution
16. Resolution No. 2020-157: Authorizing the purchase of apparatus repair from Fire and Safety Services

17. Resolution No. 2020-158: Authorizing support of the grant application by the Township of Cranford Public Library for the project entitled the New Jersey Library Construction Bond Act

RESOLUTIONS – By Roll Call Vote

18. Resolution No. 2020-159: Requesting the Planning Board evaluate 750 Walnut Avenue to determine if it should be designated as a condemnation area in need of redevelopment
19. Resolution No. 2020-160: Authorizing a professional services contract for planning services, specifically to conduct a preliminary investigation for designation as an area in need of Redevelopment, with Eminent Domain, for certain properties on North Avenue to Maser Consulting P.A.

PUBLIC COMMENTS

Pursuant to the Code of the Township of Cranford, Article I, Section 32-4, persons addressing the Township Committee shall be allowed a maximum of five (5) minutes for their presentations.

PROFESSIONAL COMMENTS

COMMISSIONER COMMENTS

ADJOURNMENT

**TOWNSHIP OF CRANFORD
CRANFORD, NEW JERSEY**

RESOLUTION NO. 2020-159

**RESOLUTION REQUESTING THE PLANNING BOARD TO EVALUATE
750 WALNUT AVENUE TO DETERMINE IF IT SHOULD BE DESIGNATED
AS A CONDEMNATION AREA IN NEED OF REDEVELOPMENT**

WHEREAS, pursuant to N.J.S.A. 40A:12A-4(a), a municipal governing body has the power to cause a preliminary investigation to be made by the Planning Board pursuant to N.J.S.A. 40A 12A-5; and,

WHEREAS, the Township Committee of the Township of Cranford desires to have a preliminary investigation made on certain lands and premises within the Township of Cranford ("Township") known as 750 Walnut Avenue, and also known as Block 541, Lot 2, Qualifiers C01, C02, C03, C04, C05, C06 and C07 on the Township Tax Map to see if the area is in need of redevelopment; and,

WHEREAS, the Township intends to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Cranford, in the County of Union, New Jersey does hereby, pursuant to N.J.S.A. 40A:12A-4, request and authorize the Planning Board of the Township of Cranford to undertake a preliminary investigation as to whether the land known as 750 Walnut Avenue, and identified as Block 541, Lot 2, Qualifiers C01, C02, C03, C04, C05, C06 and C07 on the Township of Cranford Tax Map, be classified as a condemnation area in need of redevelopment; and,

BE IT FURTHER RESOLVED that the Planning Board of the Township of Cranford shall conduct the aforesaid investigation in accordance with the requirements of N.J.S.A. 40A:12A-6; and,

BE IT FURTHER RESOLVED that the redevelopment area determination, if such a determination is made, shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain; and,

BE IT FURTHER RESOLVED that in making its preliminary investigation, the Planning Board shall make its recommendations based upon a finding that the conditions as set forth in N.J.S.A. 40A:12A-5 are found to be present.

Certified to be a true copy of a resolution adopted by the Township Committee of the Township of Cranford at a meeting held February 25, 2020.

Patricia Donahue, RMC
Township Clerk

Dated: _____

EXHIBIT N

The Cranford Planning Board meeting scheduled for Wednesday, March 18, 2020 at 7:30 p.m. will be conducted telephonically in order to avoid potential impacts from Covid-19. Anyone who wishes to “attend” this meeting may do so by calling the following number: 1-605-562-0400 and entering the following access code: 517 6657. Please announce yourself once you are on the line.

This meeting is in compliance with the “Open Public Meetings Act” as adequate notice of this meeting has been provided by publishing of the Board’s annual schedule of meetings in the Westfield Leader and the Star Ledger with the agenda specifying the time, place and matters to be heard having been posted on a bulletin Board in the Town Hall reserved for such announcements and the filing of said agenda with the Township Clerk of Cranford. Formal action may be taken at this meeting.

1. Communications
2. Resolutions of Memorialization
3. Minutes
4. Old/New Business
 - Discussion of engaging a Planner to conduct a study to evaluate whether 750 Walnut Avenue should be designated as a condemnation area in need of redevelopment

PUBLIC MEETING - ROOM 107 - 8:00 P.M. – CANCELLED

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> 1. Applicant: Mona Bia Corporation –
111-115 North Union Avenue
Block: 191 Lot: 5 , D-C Zone | APPLICATION HAS BEEN CARRIED
TO APRIL 15, 2020 & WILL RENOTICE
FOR CONTINUED HEARING |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|

The applicant in this matter is seeking minor site plan approval, a c(2) flexible variance and exceptions to construct a retail building in the Downtown Business District.

PUBLIC COMMENT – Not related to items on the agenda and not related to applications – limited to 3 minutes per speaker.

COPIES OF THE MINUTES OF THE MEETING ARE AVAILABLE AFTER ADOPTION BY THE BOARD UPON WRITTEN REQUEST SUBMITTED TO THE TOWNSHIP CLERK, 8 SPRINGFIELD AVENUE, CRANFORD, NEW JERSEY 07016 IN ACCORDANCE WITH THE OPRA ACT.

MINUTES - PLANNING BOARD

Workshop meeting of March 18, 2020

A public meeting of the Cranford Planning Board was called to order via **Conference Call** by Ms. Murray on March 18, 2020 at 7:35 p.m. in Room 108 of the Municipal Building, 8 Springfield Avenue, Cranford, New Jersey.

Ms. Lenahan announced in accordance with the terms and conditions of the Open Public Meetings Act, the Westfield Leader and the Star Ledger have been notified and the agenda posted in the municipal building as required. Formal action may be taken.

1. ROLL CALL

Members Present

Ms. Murray

Members Present via Conference Call:

Ms. Pedde
Dr. Chapman
Mr. Cossa
Ms. Didzbalis
Ms. Feder
Mayor Giblin
Mr. Taylor

Members Absent:

Deputy Mayor Prunty

Alternates Present via Conference Call:

Ms. Kellet
Mr. Walton

Alternates Absent:

None

Also present:

Kathy Lenahan, Board Administrator

Also present via conference Call:

Jonathan Drill Esq., Jason Bottcher, Zoning Officer

Public Attending Via Conference Call:

Robert Garrison – 715 Kimball Avenue, Westfield

2. Resolutions

Application #PB-19-005
95 Dermody Realty LLC
95 Dermody Street, Block 565, Lot 2, C-2 Zone

Planning Board
March 18, 2020
Page 2

The applicant in this matter is seeking preliminary and final minor site plan approval, a c(1) hardship variance, a c(2) flexible variance and numerous design waivers for the operation of a laboratory.

After discussion, a motion to adopt the Resolution of Memorialization was made by Mr. Taylor, seconded by Mr. Walton and passed by roll call vote:

Affirmative: Mr. Walton, Mr. Taylor, Ms. Didzbalis, Dr. Chapman, Ms. Pedde and Ms. Murray.

Opposed: NONE

3. MINUTES

None

4. COMMUNICATIONS

None

5. OLD BUSINESS/NEW BUSINESS

- Discussion of engaging a Planner to conduct a study to evaluate whether 750 Walnut Avenue should be designated as a condemnation area in need of redevelopment.

Proposals were received from Maser Consulting, Topology LLC and Banisch Associates.

Each proposal was reviewed as to the scope of their services and the work to be performed. There were some price differences between the proposals. The study is only a plan to determine if there is a need.

The Board discussed putting together a subcommittee to meet (via conference call) with both Maser and Topology prior to the next Planning Board meeting on April 1st. The Board requested more information regarding the environmental issues on the site and suggested that the research should be done by the consultant and not the Township. Board believes there are environmental records available on this property.

Board decided to request revised proposals which would include the scope of work for the environmental issues and fees associated with that work. Also, from Topology they are requesting information on what would be the Township's responsibilities vs. their responsibilities.

The Subcommittee will be the Chair and two members plus Jason Bottcher and Kathy Lenahan. Board recommended Peter Taylor and Lynda Feder for the subcommittee and they accepted.

Planning Board
March 18, 2020
Page 3

Board decided the next meeting of April 1st should be done via conference call and the April 15th meeting be done via video call. Discussed possibly using “Zoom”. At this time, there is a hearing scheduled for April 15th.

6. PUBLIC PORTION
None

There being no further business, a motion to adjourn the meeting was regularly made, seconded and passed. The meeting concluded at 8:20 p.m.

Kathleen Murray, Chair