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November 30, 2015

VIA OVERNIGHT MAIL

Matrix Form

Honorable Thomas C. Miller, J.S.C.
Superior Court of New Jersey
20 North Bridge Street
Somerville, New Jersey 08876

Re: In the Matter of the Borough of Watchung
for a Judgment of Compliance of its Third
Round Housing Element and Fair Share Plan
(Mount Laurel) - Docket No. SOM-L-902-15
Our File No. C22168

Dear Judge Miller:

This firm represents the Borough of Watchung and this letter is submitted pursuant to Paragraph 3 of your Honor's Order, dated and filed on October 23, 2015.

Paragraph 3 of that Order requires the submission of Matrix Forms on or before December 1, 2015.

Enclosed is the Watchung Matrix Form prepared by Marcia Shiffman, AICP, PP, consisting of a "Summary of Third Round Compliance Plan" of four (4) pages, and the Matrix Form of six (6) pages.

Paragraph 4 of that Order requires "a proposed plan, schedule and commentary concerning meetings with any and all interested parties."

As discussed by Ms. Shiffman on page 3 of that section of the Summary titled "Compliance with the 2015-2025 Third Round

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Obligation", Watchung will have "8 units in excess of the Borough's future housing obligation":

In 2015, a detailed Vacant Land Assessment was performed for Watchung Borough, which yielded an RDP of 25 affordable units. These units will be met by the proposed East Drive 100% affordable family housing project. As described earlier, East Drive is expected to yield up to 46 affordable units. Subtracting the 19 units needed to address the Borough's prior Round obligation leaves 27 affordable units. With a rental bonus credit of 6 credits, a total of 33 unit credits results. This is 8 units in excess of the Borough's Third Round Obligation. These excess credits will be used to address the Borough's future housing obligations. [Emphasis in original].

Accordingly, AvalonBay, Toll Brothers, and Daniel D. Cronheim, Esq., have not moved to intervene, each will be contacted, and copied on this letter, to determine whether each has a specific proposal for Watchung. If so, appropriate meetings will thereafter be scheduled.

Your Honor and the Special Master will continue to be advised of the progress of these meetings.

Respectfully submitted,



Steven A. Kunzman

SAK/nam
Enc.

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cc: Mayor and Council of the
Borough of Watchung
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Service Lists
(all w/enc.)

Service List

Parties required to be given notice and copies of the pleadings 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(M-392-14) (067126) Decided, March 10, 2015.

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SERVICE LIST continued

Parties from whom letters were received requesting notice be provided by Watchung 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, (M-392-14) (067126) Decided, March 10, 2015

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NARRATIVE SUMMARY

BOROUGH OF WATCHUNG THIRD ROUND COMPLIANCE PLAN

**Prepared by Marcia R. Shiffman, PP, AICP, LLA
Housing Planner for the Borough of Watchung,
Somerset County, New Jersey**

November 20, 2015



This report has been prepared to accompany the Matrix provided by the Court to summarize the proposed Borough of Watchung Third Round Housing Compliance Plan. It provides a narrative on the proposed plan matrix and the basis for the Borough of Watchung's affordable housing obligation. It is acknowledged that the Borough's final obligation numbers have not yet been set for the Third Round; therefore the proposed plan may require amendments.

Compliance with the Original Prior Round Obligation -1987-1999

The New Jersey Council on Affordable Housing ("COAH") certified the Borough's Prior Round Plan (1987-1999) on July 1, 1998 which included a 206 unit obligation. As shown in the table below, the Borough was granted a Vacant Land Adjustment ("VLA") for 37 units which resulting in a 169 unit Realistic Development Potential ("RDP") obligation. The Borough has addressed all but 19 units of this Prior Round obligation or 150 units. This included built projects at Kings Crossing (now called Avalon Watchung) with 40 rental family apartments, Villa Dominica with 8 age restricted units and the Johnson Drive group home with 3 bedrooms. A 57 unit Regional Contribution Agreement ("RCA") was provided to Phillipsburg. Watchung was entitled to 42 rental bonus credits. In addition, a substantial compliance reduction credit of 1 unit has been identified. With the credits for new construction, RCA, rental bonus and substantial compliance reduction, Watchung has already met 151 units of the 169 unit adjusted obligation. The remaining 18 units will be addressed as part of a 100% affordable housing project on East Drive, which is discussed below.

Substantial Compliance Reduction

Under N.J.A.C.5:93-3.6., a reduction in the inclusionary component of the calculated need shall be granted according to a scheduled percentage based upon the actual constructed new units that were part of the municipal Prior Round housing obligation. If it is assumed that this provision would apply to 1987 through 1999 obligation (not 1987-1993), Watchung has completed 51 units of their 70 unit new construction obligation. Therefore 73% ($51 / 70 \text{ units} = 0.728$) of the Borough's new construction obligation has been met. This would entitle the Borough to a 5% reduction which would then be deducted from the remaining 19 inclusionary component units. This would yield a compliance reduction of 1 unit (i.e. $19 \times .05 = .95$ or 1 unit rounded up). Therefore the remaining Prior Round obligation would be 18 remaining new construction units ($169 - 151 = 18 \text{ units}$).

East Drive 100% Affordable Housing

The Borough has identified a property, known as Block 57.01, Lot 6.01, along East Drive, which it plans to rezone for inclusionary development to produce 100% affordable family rental multi-family units. The property is an irregularly shaped 6.86-acre parcel, which has been owned by the Borough of Watchung since 1999. The site is constrained by steep topography, which limits its development potential to approximately 2 acres adjacent to the East Drive frontage. The Borough anticipates that up to 46 units may be developed on this property. At least 13 percent of



these units will be marketed to very low income households. Once the Court has approved Watchung's amended Housing Element and Fair Share Plan, the East Drive project will commence with a Request for Developer Proposals. The Borough plans to utilize 18 credits from the East Hill project to fulfill its remaining 18 unit Prior Round Obligation with the remaining credits being used to address its Third Round obligation.

The Borough approved a Non-Condemnation Redevelopment designation for the East Drive property on November 5, 2015. This designation would allow for sale of the property to private developers and the Borough would be able to accommodate a payment in lieu of taxes ("PILOT") mechanism, which is required to secure New Jersey Mortgage Finance Agency funding.

Unmet Need in Prior Round

The Borough's Unmet Need obligation of 37 units (as a result of the VLA) is to be addressed with the proposed Affordable Housing Overlay Zone ("AHOZ"), which was included in the adopted 2010 HEFSP. The proposed AHOZ would encompass the 5-acre Liccardi Ford Tract (Block 64.02, Lot 3) and a 13.7-acre portion of the Mount Saint Mary's Academy Tract (Block 64.02, Lot 5) along the northerly side of US Route 22. The underlying H-D Highway Development and R-R Rural Single-Family Residential zoning within the AHOZ will remain in effect. Affordable housing development will be permitted as a conditional use in the form of apartment dwelling units for sale or for rent. The Matrix shows 37 affordable units potentially being developed to meet Unmet Need. The AHOZ could ultimately result in up to 68 affordable units, if completely developed.

Existing/Proposed Credits/Bonuses/Adjustments that Address the Prior Round Obligation		
Prior Cycle Obligation:	=	206
Realistic Development Potential (RDP)	=	169
Existing Johnston Drive Group Homes	-	3
Group Home Bonus	-	3
Existing Villa Dominico Age-Restricted Units	-	8
Regional Contribution Agreement (RCA)	-	57
Existing Inclusionary Rental Development	-	40
Rental Bonus	-	39
Proposed East Drive 100% Affordable Family Rental	-	18
Substantial Compliance Reduction	-	1
Balance	=	0



Existing/Proposed Credits/Bonuses/Adjustments that Address the Unmet Need		
Prior Cycle Obligation:	=	206
Realistic Development Potential (RDP):	=	-169
Unmet Need:	=	37
Affordable Housing Overlay Zone	-	37
Balance	=	0

Compliance with the 1999-2015 Gap Period Estimate

The source of the Gap Period obligation was the Draft 2014 COAH rules Technical Appendix C, CITE 46 N.J.R.1025, which cited a 1999-2014 Prior Obligation of '0'.

Compliance with the 2015-2025 Third Round Obligation

A VLA was performed in 2015 to establish an updated RDP for the Third Round. This resulted in a RDP of 25 affordable units. This RDP is used to establish the Borough's 2015-2025 obligation. This number is supported by the data provided in the 2014 COAH rules. The Draft 2014 COAH rules Technical Appendix C Fair Share Methodology, dated April 27, 2014 CITE46 N.J.R. 1000, cited a Post Project Need of vl115. The 'vl' is not defined in the table, but is assumed to mean the constraint of limited vacant lands.

Under Appendix E Buildable Limit Methodology, dated February 26, 2014, CITE 46 N.J.R.1046, the Buildable Limit Capacity for Watchung Borough is cited as 142 dwelling units. Assuming 20% of the units could be affordable, the affordable unit obligation would result in 28 affordable units. In 2015, a detailed Vacant Land Assessment was performed for Watchung Borough, which yielded an RDP of 25 affordable units. These units will be met by the proposed East Drive 100% affordable family housing project. As described earlier, East Drive is expected to yield up to 46 affordable units. Subtracting the 18 units needed to address the Borough's Prior Round obligation leaves 28 affordable units. With a rental bonus credit of 6 credits, a total of 34 unit credits result. This is 9 units in excess of the Borough's Third Round Obligation. These excess credits will be used to address the Borough's future housing obligations.

Watchung also will continue its Accessory Apartment program. The zoning is in place to permit accessory apartments. An experienced project manager has been hired by the Borough to manage the program. Ten (10) accessory apartments are provided in the plan. The 10 accessory apartment credits combined with the East Drive project credits will result with 19 units in excess of the Borough's Third Round obligation. These 19 excess credits will be used to address the Borough's future housing obligation beyond the Third Round.



Proposed Credits/Bonuses/Adjustments that Address the Third Round 2015-2025		
East Drive 100% Affordable Project ($46-18 = 28$)	=	28
Rental Bonus on East Drive ($25 \times 0.25 = 6$)	+	6
Accessory Units	+	10
Total		44
Realistic Development Potential (RDP):	-	25
Balance (Excess Credits)		19

Rehabilitation Obligation

The Watchung Construction Official conducted an Exterior Building Survey of all residences in accordance with the COAH methodology. This survey identified 4 residences as being potentially eligible for rehabilitation, which would still require that the householders fall under income thresholds. Watchung has an on-going rehabilitation program which has resulted in 1 residence being rehabilitated in 2013. There is a balance of 3 units remaining for rehabilitation. The Borough will continue and fund its on-going housing rehabilitation program to meet its remaining rehabilitation obligation.

MRS:dc

cc: Michele DeRocco, Borough Clerk
Albert Cruz, Borough Solicitor
Thomas Herits, Borough Engineer
Daniel Bloch, AICP, PP
Thomas Atkins, Borough Administrator
Steven Kunzman, Esq.
Borough of Watchung Planning Board

**SUMMARY OF PLAN
FOR
TOTAL FAIR SHARE OBLIGATION**

MUNICIPALITY: Borough of Watchung

COUNTY: Somerset

	EST. OBLIG.	COMPLETED UNITS	PROPOSED UNITS	LOW	MOD	VERY LOW	TOTAL UNITS
Rehabilitation Share (per 2010 Census)	4(a)						4
Rehabilitation Credits		1					1
Rehab Program(s)			3(b)				3
Remaining Rehabilitation Share	4	1	3				0
1987-1999 Prior Round Obligation (1)	206 (c)						
Vacant Land Adjustment (if applicable)							
Unmet Need	37 (d)		37	16	18	3	37
RDP	169						
Mechanisms (2)							
Prior Cycle Credits (4/1/80-12/31/86)							
Credits without Controls							
Inclusionary Zoning		48		24	24		48
100% Affordable			18	7	9	2	18
Accessory Apartments							
Write Down-Buy Down/Market-to-Affordable							
Alternative Living/Supportive & Special Needs		3				3	3
Assisted Living							
RCA Units (previously approved)		57					57
Compliance Bonus		1					1
Rental Bonuses		42					42
Total Prior Round Credits		151	55	47	51	8	206
Units Addressing 1987-1999 Prior Round		151	55	47	51	8	206
1999-2015 GAP Period Estimate (1)	0 (e)						
Mechanisms (2)							
Vacant Land Adjustment (if applicable)							
Unmet Need							
RDP							
Inclusionary Zoning							
Redevelopment							
100% Affordable							
Accessory Apartments							
Market-to-Affordable							
Supportive & Special Needs/ Alternative Living							

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Assisted Living						
Extended Affordability Controls						
Other (describe on a separate sheet)						
Smart Growth Bonuses						
Redevelopment Bonuses						
Rental Bonuses						
<i>Total Third Round Credits</i>	0					
<i>Units Addressing 1999-2015 GAP period</i>	0					
2015-2025 Third Round Obligation (1)	25 (f)					
<i>Mechanisms (2)</i>						
<i>Vacant Land Adjustment (if applicable)</i>						
<i>Unmet Need</i>						
<i>RDP</i>						
Inclusionary Zoning						
Redevelopment						
100% Affordable		28	12	14	2	28
Accessory Apartments		10	5	5		10
Market-to-Affordable						
Supportive & Special Needs/ Alternative Living						
Assisted Living						
Extended Affordability Controls						
Other (describe on a separate sheet)						
Smart Growth Bonuses						
Redevelopment Bonuses						
Rental Bonuses		6				6
<i>Total Third Round Credits</i>		44	17	19	2	44
<i>Units Addressing 2015-2025 Fair Share</i>	25	25	8	9	2	25 (g)

(1) Identify the basis for asserting this number as the municipal obligation.

(2) Provide a description for each mechanism.

TOTALS 206 +25 = 231	# 231	% OF TOTAL OBLIGATION
LOW/MOD UNITS	81	35.1%
VERY LOW INCOME	7	3.0%
BONUS CREDIT	48	20.1%
COMPLIANCE REDUCTION	1	0.4%
AGE-RESTRICTED	8	--
NOT AGE-RESTRICTED	80	--
RCA	57	24.7%
UNMET NEED	37	16.0%
TOTAL (h)	231	

- (a) In 2015, the Watchung Construction Official conducted an exterior building survey of all residential units in the Borough, based upon the adopted COAH survey methodology. He determined a total of 4 residences meeting the standards for possible rehabilitation.
- (b) Watchung has implemented an ongoing housing rehabilitation program which has recently yielded one rehabilitation unit. This program will be continued through the oversight of an experience Consultant and will be funded through the Borough's housing development fee trust fund.
- (c) On July 1, 1998 COAH certified the 1998 Watchung HEFSP which included the 206 unit Prior Round obligation.
- (d) Unmet need will be addressed with an Affordable Housing Overlay Zone which could yield up to 68 affordable units; 37 units are included in the Prior Round Plan to address the Unmet Need.
- (e) The Gap Period obligation source was the Draft 2014 COAH rules Technical Appendix C, CITE 46 N.J.R.1025, which cited a 1999-2014 Prior Obligation of '0'.
- (f) The Draft 2014 COAH rules Technical Appendix C Fair Share Methodology, dated April 27, 2014 CITE46 N.J.R. 1000 cited a Post Project Need of vl115. The 'vl' is not defined in the table, but is assumed to mean the constraint of limited vacant lands.

Under Appendix E Buildable Limit Methodology dated February 26, 2014, CITE 46 N.J.R.1046, the Buildable Limit Capacity for Watchung Borough is cited as 142 dwelling units. Assuming 20% of the units could be affordable, the affordable unit obligation would result in 28 affordable units. In 2015, a detailed Vacant Land Assessment was performed for Watchung Borough, which yielded an RDP of 25 affordable units.

- (g) Nineteen (19) excess credits will be credited to address the Borough's future affordable housing obligations.
- (h) Total does not include excess credits

R:\Projects\WAT\WAT-165\Reports\2015 Housing Plan\Court Matrix Forms\Summary of Plan for Total Fair Share Obligation 11-20-15.doc

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**Inclusionary/Redevelopment
Summary of Built Projects**

MUNICIPALITY:

Borough of Watchung

Total Affordable Units:

51

COUNTY:

Somerset

Total Affordable Credits:

150 (a)

(Provide a narrative description on a separate sheet and specify the number of completed units by affordability on the form below)

Project or Site Name (1)	Block/ Lot(s)	Affordable Units Constructed						Tenure (R- Rental or S- Sale)	Rental Bonuses	
		Low (#/%)		Moderate (#/%)		Very Low (#/%)			AR (2)	NAR (3)
		AR (2)	NAR (3)	AR (2)	NAR (3)	AR (2)	NAR (3)			
Johnson Drive Group Home							3	R		3
Villa Dominica		4		4				S		
RCA to Phillipsburg	57 units funded									
Kings Crossing (now known as Avalon Watchung)			20		20			R		39
TOTALS		4	20	4	20		3			42

(1) Attach narrative for each site.

(2) Age-Restricted

(3) Not Age-Restricted

(a) Included 57 unit RCA to Phillipsburg.

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**Inclusionary/Redevelopment
Summary of Proposed Projects
and Inclusionary Zoning**

MUNICIPALITY: Borough of Watchung

Total Affordable Units: 83

COUNTY: Somerset

Total Affordable Credits: 89

(Provide a narrative description and specify the number of proposed units associated with each project, site or zone on the form below)

Name of Project, Site or Zone (1)	Implementation Priority	Block/Lot(s)	Gross Acres	Net Acres (2)	Density (3)	Project and Site Suitability Criteria						Total Units	Zoned for Affordable Housing (4) Y-Yes or N-No	Affordable Units						Tenure (Note R-Rental or S-Sale)	Rental Bonuses	
						Approvable (local/ State approval status?)	Available (clear title?)	Developable			Suit -able			Low (#/%)		Moderate (#/%)		Very Low (#/%)			AR (5)	NAR (6)
								WATER	SEWER	WQMP				AR (5)	NAR (6)	AR (5)	NAR (6)	AR (5)	NAR (6)			
East Drive 100% Affordable Housing	S	57.01. L6.01	6.86	1.88	12 du/ acre	Draft Zoning	Y	Y	Y	Y	Y	46	N – Draft Ordinance prepared in HEFSP		19		23		4	R		6
Affordable Housing Overlay Zone	S	B64.04, L3, L5	18.7	12.7	14 - 18 du per acre	Draft Zoning	TBD	Y	Y	Y	Y	37	N – Draft Ordinance prepared in HEFSP		16		18		3	R/S		TBD
Accessory Apartments	On-Going	—	—	—	—	TBD	—	—	—	—	—	10	Yes		5		5					
TOTALS												83			40		46		7			6

(1) Attach narrative for each site. (2) less environmentally sensitive lands and easements. (3) Units/net acre (4) Is affordable housing zoning currently in place? (5) Age-Restricted (6) Not Age-Restricted

“Approvable site” means a site that may be developed for low and moderate income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low and moderate income housing. “Available site” means a site with clear title, free of encumbrances which preclude development for low and moderate income housing. “Developable site” means a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable areawide water quality management plan (including the wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP. “Suitable site” means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.

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100% Affordable Housing Project

Summary of Project Status

October 30, 2015

MUNICIPALITY:

Borough of Watchung

COUNTY:

Somerset

Project Name: East Drive Address: East Drive Block(s): 57.01 Lot(s): 6.01 Current Zoning: H-D &R-R

_____ Rezoning Needed: Yes
(Yes or No)

Affordable Units						Rental Bonuses		Project Completion Status						
						Number of Proposed Units by Project Site Suitability Criteria ⁽³⁾						# Built Units		
Low		Moderate		Very Low	Total Units	Age-Restricted	Not Age-Restricted	Approvable (Status of local and State approvals)	Available (clear title?)	Developable			Suitable	
AR ⁽¹⁾	NAR ⁽²⁾	AR ⁽¹⁾	NAR ⁽²⁾							Sewer	Water	Consistent w/WQMP		
	19		23	4	46		6	Draft Ordinance in 2010 HEFSP, Redevelopment Plan in progress	Yes	Yes	Yes	Yes	0	

Project Narrative:

The East Drive property has been owned by the Borough since November 2, 1999. It was included in the 2010 HEFSP as a 100% affordable housing site for family rental housing. The site is suitable as an affordable housing site given its location, frontage on an improved public street, the availability of water and sewer to serve the site, its proximity to services and jobs. It is available with clear title and owned by the Borough. The Borough issued a RFP in 2012 to construct 20 affordable housing units to meet the Borough's remaining Prior Round Obligation. Only two proposals were received but were both rejected as being nonconforming to the RFP. On November 5, 2015, the Borough declared the property as a Non-Condensation Redevelopment Area. This would then permit the site to be eligible for a PILOT. The Borough has also identified additional funds from its developer fee trust fund dollars to offset site construction costs and for tenant's affordability assistance. Once the Court has approved the amended Watchung Housing Element and Fair Share Plan, the Borough will then proceed to undertake the East Drive project and issue a Request for Proposal from developers.

(1) Age-Restricted

(2) Not Age-Restricted

(3) Site suitability criteria are as follows:

"Approvable site" means a site that may be developed for low and moderate income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low and moderate income housing. "Available site" means a site with clear title, free of encumbrances which preclude development for low and moderate income housing. "Developable site" means a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable areawide water quality management plan (including the wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP. "Suitable site" means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.

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