

HOUSING ELEMENT & FAIR SHARE PLAN

TOWNSHIP OF MIDDLE

CAPE MAY COUNTY, NEW JERSEY



December 2008

**Adopted by the Middle Township Planning Board on:
December 9, 2008**

Prepared by:



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*The original of this document has been signed
and sealed in accordance with New Jersey Law.*

ACKNOWLEDGEMENTS

This is to acknowledge the hard work and assistance in preparation, review and adoption of the Township of Middle Housing Element and Fair Share Plan.

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COAH Workbook B

Draft Spending Plan

Draft Development Fee Ordinance

Draft Zoning Amendments

Maps of Affordable Housing Sites

INTRODUCTION

According to the Fair Housing Act of 1985 and the Mount Laurel I (Burlington County N.A.A.C.P. v. Borough of Mount Laurel, 67 N.J. 151 (1975)) and Mount Laurel II (South Burlington County N.A.A.C.P. v. Mount Laurel, 92, N.J. 158 (1983)) decisions, a Housing Plan Element must be designed to address the municipal fair share for low and moderate income housing as determined by the New Jersey Council on Affordable Housing ("COAH"), which is charged with determining need and creating the standards by which the Act is implemented.

This is Middle Township's first Housing Element and Fair Share Plan ("HEFSP") under COAH's new Third Round methodology for the period 2004 to 2018. In December 2005, Middle Township adopted a HEFSP and petitioned COAH for substantive certification, however the plan was not certified by COAH. COAH has since substantially redesigned the process that provides affordable housing opportunities in New Jersey municipalities. During the First and Second Rounds ("Prior Round"), using a predetermined formula, COAH prescribed a specific number of units for which a municipality had to provide a realistic opportunity. The prescribed number was based on housing and employment conditions in the municipality, any remaining Prior Round unit obligation that was not constructed, or otherwise committed for and deficient housing units occupied by low and moderate income housing units, known as the rehabilitation share.

The Third Round methodology, with the final version adopted by COAH on September 22, 2008, requires that a municipality's fair share consist of three elements:

1. Rehabilitation share;
2. Any remaining Prior Round obligation that was not provided for;
3. Third Round Growth Share
 - For every four market-rate residential units that receive a certificate of occupancy, one new affordable housing unit must be created.
 - For every sixteen jobs based upon receipt of certificates of occupancy arising from construction of new or expansion of existing non-residential structures, one affordable unit must be created using COAH formulae relating built non-residential space to number of employees.

MUNICIPAL SUMMARY

Middle Township is located in Cape May County, which occupies a peninsula at the southern tip of the State of New Jersey. The Township, incorporated in 1798, originally encompassed an area of approximately 10 miles by 10 miles wide. However, with incorporation of other municipalities within Cape May County, the Township decreased in size and now occupies a land area of approximately 82.8 square miles. Middle Township is surrounded to the north by Dennis Township, to the east by Avalon Borough, Stone Harbor Borough, North Wildwood City and Wildwood City, and to the south by Lower Township. The Delaware

Bay borders the municipality to the west. Major roadways that run through Middle Township include the Garden State Parkway, U.S. Route 9 and State Route 47.

Middle Township is almost completely encompassed within the New Jersey Department of Environmental Protection ("NJDEP") Coastal Zone, subject to the Coastal Area Facility Review Act (CAFRA) - N.J.S.A. 13:19, with the exception of approximately 240 acres of land at the southerly border of the Township, to the south of State Route 47 and west of U.S. Route 9. Additionally, approximately 10,200 acres of the Township lie within the Pinelands National Reserve area. Middle Township is classified by the State into Fringe, Rural / Environmentally Sensitive or Environmentally Sensitive Planning Areas. The Township is in the process of revising its Master Plan as part of compliance with a Memorandum of Understanding with the New Jersey State Planning Commission to achieve Plan Endorsement. As part of this process, Middle has defined its growth areas in centers which reflect existing development patterns along the Route 9 corridor in the regional centers of Cape May Court House and Rio Grande-Whitesboro-Burleigh with smaller villages reflecting again existing development patterns in Del Haven, Green Creek, Swainton and Goshen. A new center is planned in Hildreth Village on State Route 47 along the intercoastal waterways. These centers both reflect existing growth and provide opportunities for development and affordable housing since the centers (except Goshen) have existing or planned public sewer and water facilities.

The Centers of Cape May Court House and Rio Grande - Whitesboro - Burleigh are being planned to address future growth including affordable housing. These areas are the civic centers with municipal and county facilities, schools, hospitals and retail and professional services. Cape May Court House is the County seat with County offices, the County library, the County Zoo, nursing home, municipal offices and other services. Rio Grande-Whitesboro-Burleigh serves as the retail center for the County providing a wide range of retail services and facilities.

Residential growth has continued in Middle Township with over 1,850 new housing units over the past 10 years. Housing serves a diverse income range of households with affordable mobile home parks (over 4,000 units), single family units on small lots in the town centers, and suburban residential development outside of sewerred areas on lots of 35, 000 sq. ft. or larger.

Much of Middle Township consists of public lands much of which is environmentally constrained by wetlands, floodplains and Category One waters. According to the NJDEP, over 50 percent of the Township (26,807 acres) is constrained by freshwater or coastal wetlands, with an additional 16 percent containing open waters (8,880 acres). Much of this land corresponds to the 18,780 acres of federal, state, county, municipal and not-for-profit preserved open space and the 1,764 acres of preserved farmland.

The Township adopted a Housing Element and Fair Share Plan in December 2005. Since then, the Appellate Division has invalidated various regulations COAH adopted in 2004; COAH has adopted amended regulations on June 2, 2008, with subsequent amendments adopted on September 22, 2008. This plan is

intended to supersede the 2005 HEFSP and to address the Township's responsibilities defined in the revised regulations COAH adopted on September 22, 2008.

For the Third Round, COAH has determined that Middle has a rehabilitation obligation of 33 units, a 454 unit Prior Round obligation and a Third Round Growth Share obligation ("GSO") of 149 units based upon COAH estimated housing growth of 360 housing units and 1,219 jobs. This is a combined total obligation of 636 units. However, through municipal projections, the Township of Middle has determined that, based upon already approved, pending and anticipated development, its Third Round growth share projection exceeds COAH's determination. Middle projects a GSO of 447 affordable units, for a total fair share obligation of 934 units.

GOAL

It is the overall goal of Middle's Housing Element and Fair Share Plan, in combination with the Land Use Plan, to provide the planning context in which access to low- and moderate-income housing can be provided in accordance with the requirements of the Fair Housing Act and the laws of the State of New Jersey.

CONTENT of HOUSING ELEMENT

The Municipal Land Use Law (“MLUL”) requires that “the housing element be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low and moderate income housing.” The Fair Housing Act (N.J.S.A. 52:27D-310) requires a Housing Element to contain at least the following items:

1. 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.
2. 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 of lands;
3. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
4. An analysis of the existing jobs and employment characteristics of the municipality, and a projection of the probable future jobs and employment characteristics of the municipality;
5. A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing; and
6. A consideration of the land that is most appropriate for construction of low and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation 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.

In addition to the requirements of the Fair Housing Act set forth above, COAH regulations (N.J.A.C. 5:97-2.3(a)) require the HEFSP to include the following:

1. Household projection in Appendix F(2) of COAH's Third Round Rules
2. Employment projection in Appendix F(2) of COAH's Third Round Rules
3. Prior Round obligation in Appendix C of COAH's Third Round Rules
4. Rehabilitation share in Appendix B of COAH's Third Round Rules
5. Projected growth share in accordance with N.J.A.C. 5:97-2.4
6. Copy of most recently adopted municipal zoning ordinance
7. Copy of most up to date tax maps

HOUSING ELEMENT

I. HOUSING CHARACTERISTICS

TOTAL HOUSING STOCK

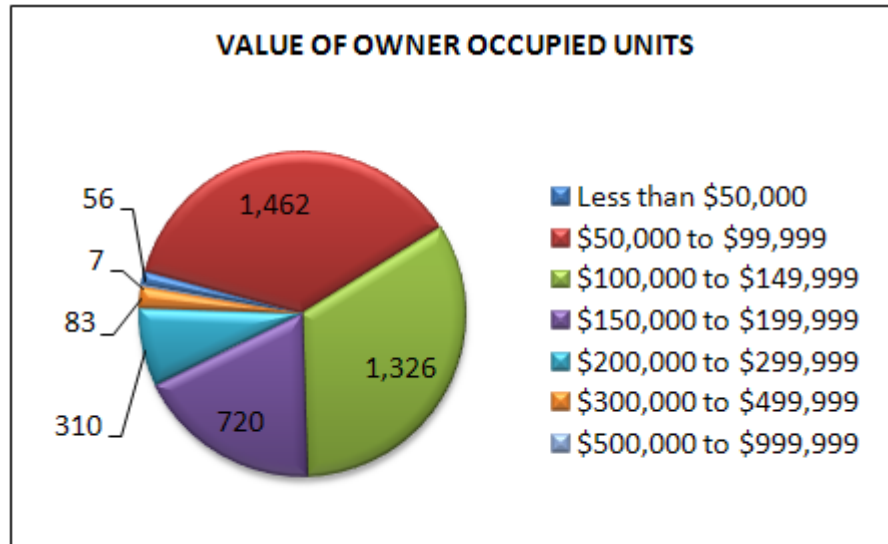
The Township's housing stock includes single-family detached units, single-family attached units, multi-family dwelling units and mobile homes for a total of 7,510 housing units. Consistent with the suburban nature of the community, the majority of the housing stock consists of owner-occupied single-family detached housing. Including the 177 single-family attached dwelling units, single-family dwelling units account for 5,957 units or 75.3 percent of the Township's total housing stock. Only 123 units or 1.6 percent of the Township's housing stock are multi-family units containing ten or more units. Additionally, there are 1,308 mobile homes in the Township, accounting for 17.4 percent of the total housing stock. As of the 2000 census, there were 6,009 occupied housing units in Middle; 1,501 units were classified as vacant. Of the 6,009 occupied housing units in the Township, 4,936 units, or 82.1 percent were owner occupied and 1,037 units, or 17.9 percent were rentals.

HOUSING TYPE BY UNITS IN STRUCTURE		
Unit Type	Number	Percent of Total
Single-Family, Detached	5,480	73.0%
Single-Family, Attached	177	2.4%
Two-Family	239	3.2%
Multi-Family (3-4 Units)	100	1.3%
Multi-Family (5-9 Units)	83	1.1%
Multi-Family (10-19 Units)	44	0.6%
Multi-Family (20+ Units)	79	1.1%
Mobile Home	1,308	17.4%
Other	0	0.0%
Total	7,510	
Vacant Units (non-seasonal)	1,501	
Median Rooms Per Unit	5.4	

Sources: US Census Bureau DP-4 Profile of Selected Housing Characteristics: 2000;
DP-1 Profile of General Demographic Characteristics: 2000

PURCHASE AND RENTAL VALUE OF HOUSING STOCK

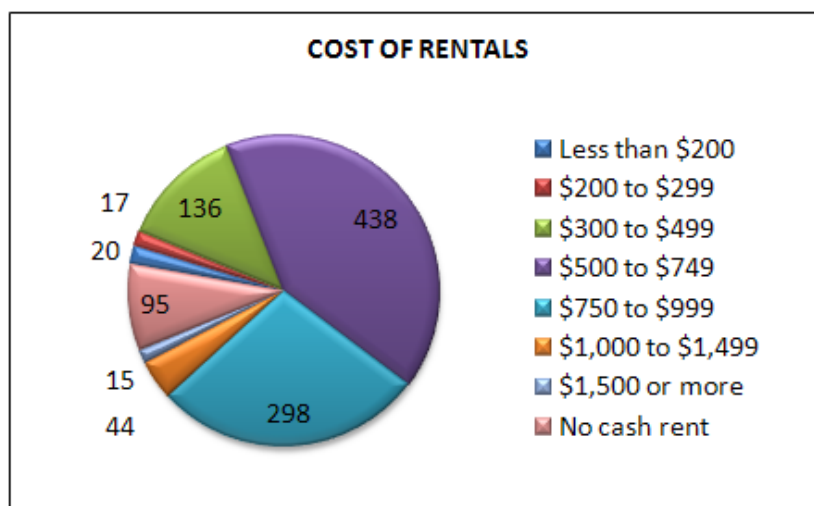
Based on the 2000 US Census, Middle Township had 3,964 owner-occupied dwelling units. Over 38 percent, or 1,518 dwellings, fell into the \$99,000 or less bracket, which qualifies as affordable housing. The median value of owner-occupied housing in Middle Township was \$116,200, according to the 2000 U.S. Census.



VALUE OF OWNER OCCUPIED UNITS		
Value	Number of Units	Percent of Total
Less than \$50,000	56	1.4%
\$50,000 to \$99,999	1,462	36.9%
\$100,000 to \$149,999	1,326	33.5%
\$150,000 to \$199,999	720	18.2%
\$200,000 to \$299,999	310	7.8%
\$300,000 to \$499,999	83	2.1%
\$500,000 to \$999,999	7	0.2%
\$1,000,000 or more	0	0.0%
Total Units	3,964	
Median (in dollars)	\$116,200	

Source: US Census Bureau DP-4. Profile of Selected Housing Characteristics: 2000

According to the 2000 Census, there were 1,063 rental units in Middle Township. As further indication of the inclusive policies of the community, about 57 percent of the 1,063 rental units reported to exist in the 2000 US Census qualify as affordable (less than \$750 monthly rent). The median gross rent for Middle Township was \$677, again reflecting the inclusionary nature of the community.



COST OF RENTALS		
Cost	Number of Units	Percent of Total
Less than \$200	20	1.9%
\$200 to \$299	17	1.6%
\$300 to \$499	136	12.8%
\$500 to \$749	438	41.2%
\$750 to \$999	298	28.0%
\$1,000 to \$1,499	44	4.1%
\$1,500 or more	15	1.4%
No cash rent	95	8.9%
Total Units	1,063	
Median (in dollars)	\$677	

Source: DP-4. Profile of Selected Housing Characteristics: 2000

CONDITION OF HOUSING STOCK

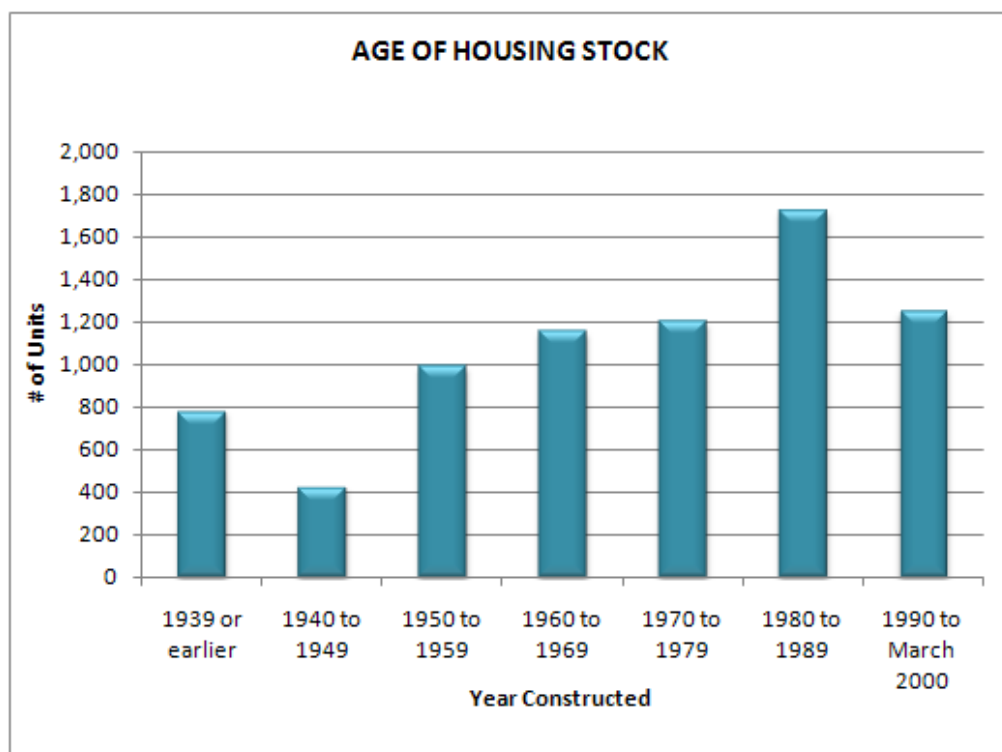
The Census does not classify housing units as standard or substandard, but it can provide an estimate of substandard housing units that are occupied by low and moderate income households. COAH uses the Census to determine which units are overcrowded, with more than one person living per room, and dilapidated – lacking complete plumbing and/or kitchen facilities. COAH computes a municipality's rehabilitation share by adding together the number of overcrowded and dilapidated units and then

multiplying that sum by the municipality's regional low/moderate-income deterioration share. Subtracted from this result is any rehabilitation share credit.

Year Structure Built

COAH's new methodology for calculating a municipality's rehabilitation obligation has made one significant change from the methods presented in the original Third Round Rules. Housing units built in 1949 or earlier are now flagged instead of units built in 1939 or earlier. Research has demonstrated that units built 50 or more years ago are much more likely to be in substandard condition. Included in the rehabilitation calculation are overcrowded units and dilapidated housing. Overcrowded units are defined by the U.S. Department of Housing and Urban Development as those with more than one person living per room. Finally, COAH includes dilapidated housing – lacking complete plumbing and/or kitchen facilities as reported by the 2000 Census.

Approximately 16 percent (or 1,203 units) of Middle's housing stock was constructed before 1950. COAH has cited an obligation of 33 rehabilitation units for the Township, reflecting the relatively good condition of these older homes. The decade between 1980 and 1989 produced the Township's largest amount of housing units (1,720 units).



AGE OF HOUSING STOCK		
Year Built	Total Units	Percent
1939 or earlier	779	10.4%
1940 to 1949	424	5.6%
1950 to 1959	990	13.2%
1960 to 1969	1,153	15.4%
1970 to 1979	1,199	16.0%
1980 to 1989	1,720	22.9%
1990 to March 2000	1,245	16.6%
Total Units	7,510	

Source: US Census Bureau H-34. Year Structure Built: 2000

Persons Per Room

More than 1.00 persons per room is an index of overcrowding. The majority of the occupied housing units in Middle have 1.00 occupants per room or less, with only 2.4 percent having more.

OCCUPANTS PER ROOM		
Occupants	Number of Units	Percent of Total
1.00 or less	5,866	97.6%
1.01 to 1.50	89	1.5%
1.51 or more	54	0.9%
Total Units	6,009	

Source: US Census Bureau DP-4. Profile of Selected Housing Characteristics: 2000

Plumbing Facilities

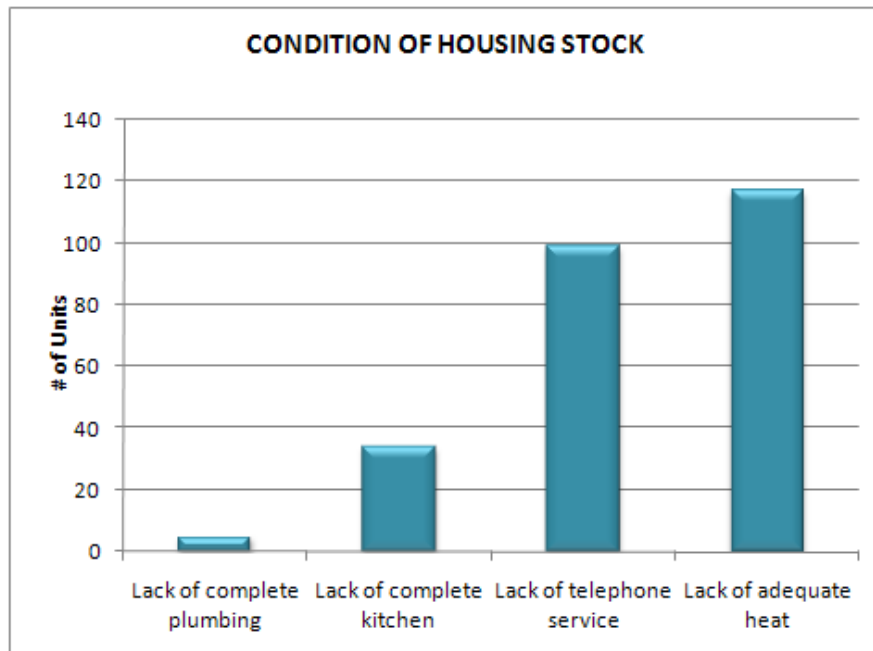
Inadequate plumbing facilities are indicated by either a lack of exclusive use of plumbing or incomplete plumbing facilities. The 2000 Census indicates that only 5 units or 0.1 percent of the total housing stock within Middle Township lacks complete plumbing facilities.

Kitchen Facilities

Inadequate kitchen facilities are indicated by shared use of a kitchen or the lack of a sink with piped water, a stove or a refrigerator. The 2000 Census indicates that 34 units or 0.6 percent of the total housing stock within Middle Township lacks complete kitchen facilities.

Heating Fuel

Inadequate heating includes fuel sources such as coal, coke, wood or no fuel for heating. A total of 117 units or 1.9 percent of the Middle's total occupied housing units may have inadequate heating.



CONDITION OF OCCUPIED HOUSING STOCK		
Fuel Type	Number of Units	Percent of Total
Lack of complete plumbing	5	0.1%
Lack of complete kitchen	34	0.6%
Lack of telephone service	99	1.6%
Lack of adequate heat	117	1.9%
Utility gas	2,344	39.0%
Bottled, tank, or LP gas	1,447	24.1%
Electricity	1,136	18.9%
Fuel oil, kerosene, etc.	924	15.4%
Coal or coke	0	0.0%
Wood	97	1.6%
Solar energy	0	0.0%
Other fuel	41	0.7%
No fuel used	20	0.3%
Total Units	6,009	

Source: US Census Bureau DP-4. Profile of Selected Housing Characteristics: 2000

Most of the Census indicators available at the municipal level indicate a sound housing stock. Approximately 97.6 percent of the units are occupied by 1 person per room or less. The vast majority of the housing stock has complete plumbing facilities (99.9 percent), telephone service (98.4 percent) and complete kitchen facilities (99.4 percent) and most of the units are heated with standard heating fuels (98.1 percent).

Most of the housing stock was constructed in the decade between 1980 and 1989 when approximately 22.9 percent of the housing stock was built. A total of 39.5 percent were built between 1980 and March 2000. Although the majority of the housing stock in Middle is relatively new, 2,193 units or 29.2 percent of the existing housing units were built prior to 1960. Given this situation, there is the potential for a significant number of units in Middle to be eligible for rehabilitation; in fact, since April 1, 2000, 28 units have been rehabilitated in the Township.

II. POPULATION DEMOGRAPHICS

POPULATION

Based upon the 2000 Census data, Middle Township had a net population increase of 5,032 persons or 41.0 percent over the last 20 years.

POPULATION GROWTH			
Year	Population	Change	Percent
1980	11,373	---	---
1990	14,771	3,398	29.9%
2000	16,405	1,634	11.1%

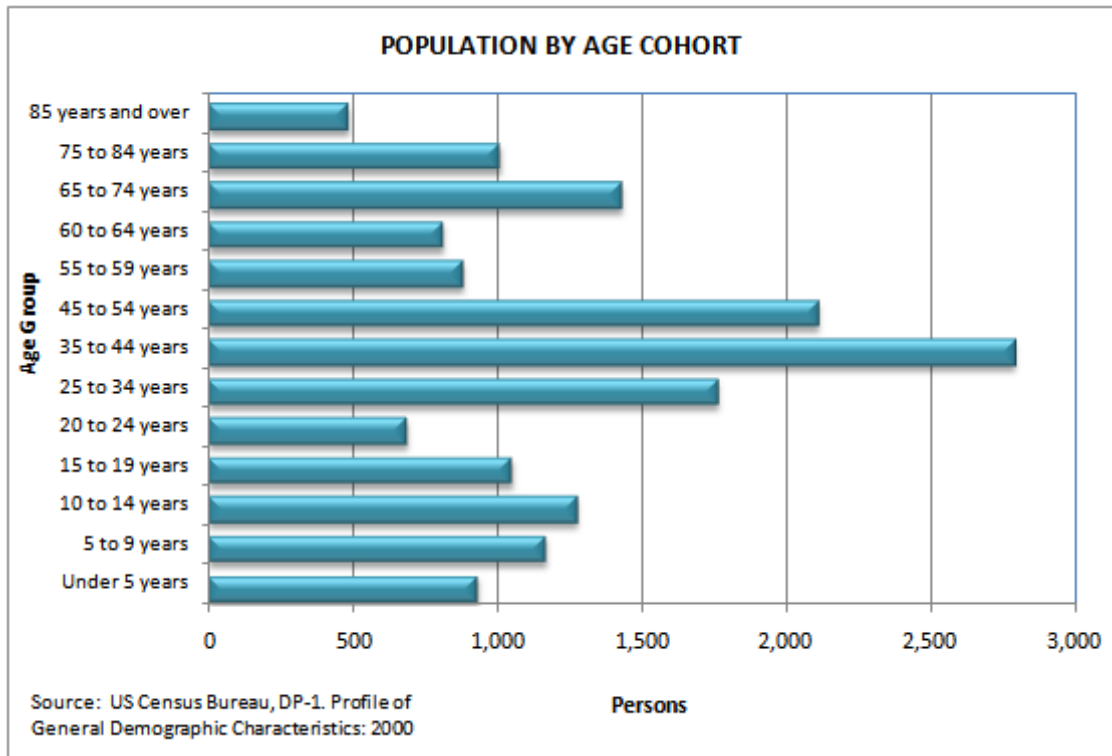
Source: US Census Bureau DP-1. Profile of General Demographic Characteristics:

By 2035, the South Jersey Transportation Planning Organization (SJTPO) projects that Middle's population will increase to 20,661, a net gain of 4,256 persons or an average gain of 122 persons annually.

PERMANENT POPULATION PROJECTION			
Year	Population	Change	Percent
2000	16,405	---	---
2005	16,619	214	1.3%
2010	17,769	1,150	6.9%
2015	18,805	1,036	5.8%
2020	19,269	464	2.5%
2025	19,694	425	2.2%
2030	20,145	451	2.3%
2035	20,661	516	2.6%

Source: SJTPO 2030 Population and Employment Projections by Municipality June 2006

According to the US Census, the median age in Middle in 2000 was 39.8. About 17.8 percent or 2,925 residents were age 65 or older.

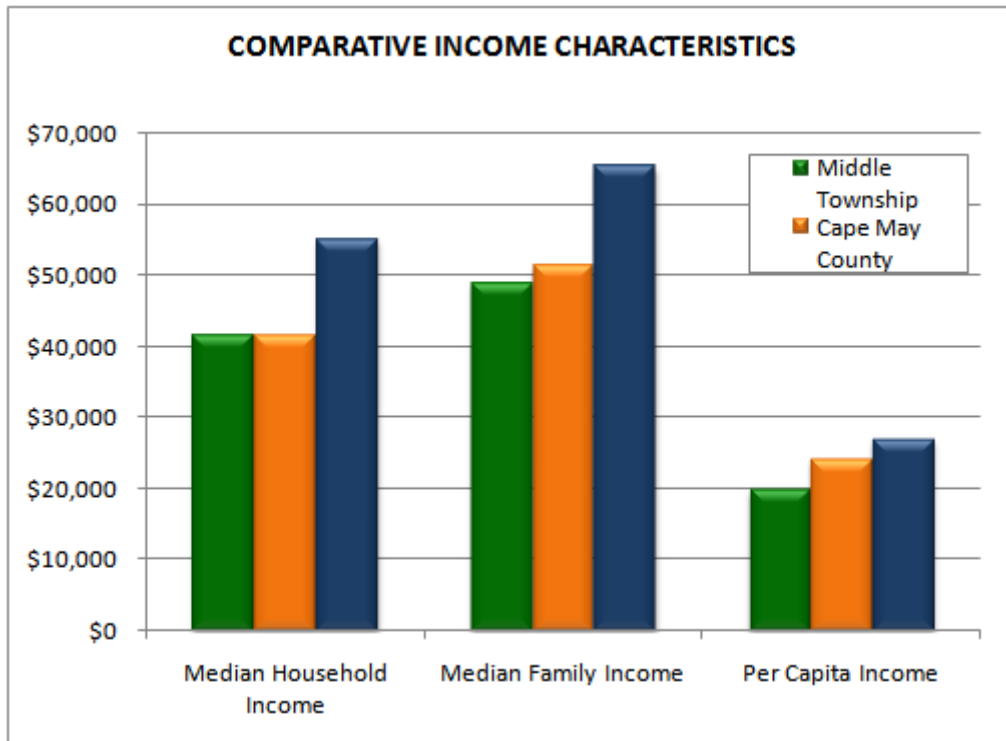


POPULATION BY AGE COHORT		
Age	Total	Percent
Under 5 years	933	5.7%
5 to 9 years	1,169	7.1%
10 to 14 years	1,276	7.8%
15 to 19 years	1,052	6.4%
20 to 24 years	687	4.2%
25 to 34 years	1,765	10.8%
35 to 44 years	2,793	17.0%
45 to 54 years	2,113	12.9%
55 to 59 years	881	5.4%
60 to 64 years	811	4.9%
65 to 74 years	1,431	8.7%
75 to 84 years	1,011	6.2%
85 years and over	483	2.9%
Total Population	16,405	

Source: US Census Bureau DP-1. Profile of General Demographic Characteristics: 2000

INCOME AND POVERTY STATUS

The 2000 Census indicates that the median household income in 1999 for Middle was \$41,533 which is comparable to Cape May County (\$41,591) and significantly lower than the State (\$55,146). The per capita income is significantly lower in Middle (\$19,805) than Cape May County (\$24,172), and the State (\$27,006). On a percentage basis, more persons and families in Middle (10.2 percent /8.6 percent) fall within poverty status than Cape May County and the State.



INCOME CHARACTERISTICS			
Income Type	Middle Township	Cape May County	New Jersey
Median Household Income	\$41,533	\$41,591	\$55,146
Median Family Income	\$49,030	\$51,402	\$65,370
Per Capita Income	\$19,805	\$24,172	\$27,006
Poverty Status (Percent of People)	10.2%	8.6%	8.5%
Poverty Status (Percent of Families)	8.6%	6.4%	6.3%

Source: US Census Bureau DP-3. Profile of Selected Economic Characteristics: 2000

The 2000 Census indicates that 21.2 percent of Middle's households had an income between \$50,000 and \$74,999 in 1999 which is 25 percent lower than the State. About 9.1 percent of Middle's households had an income of \$100,000 or more, while the County had 12.3 percent and the State had 21.4 percent of their households within the same bracket.

HOUSEHOLD INCOME						
	Middle Township		Cape May County		New Jersey	
	Total	Percent	Total	Percent	Total	Percent
Less than \$10,000	548	9.1%	3,152	7.5%	213,939	7.0%
\$10,000 to \$14,999	408	6.8%	2,810	6.7%	143,783	4.7%
\$15,000 to \$24,999	809	13.4%	6,118	14.5%	288,606	9.4%
\$25,000 to \$34,999	844	14.0%	5,631	13.4%	305,449	10.0%
\$35,000 to \$49,999	918	15.2%	7,020	16.7%	437,373	14.3%
\$50,000 to \$74,999	1,275	21.2%	7,672	18.2%	608,244	19.8%
\$75,000 to \$99,999	672	11.2%	4,553	10.8%	413,928	13.5%
\$100,000 to \$149,999	355	5.9%	3,126	7.4%	391,123	12.8%
\$150,000 to \$199,999	99	1.6%	915	2.2%	130,492	4.3%
\$200,000 or more	95	1.6%	1,143	2.7%	132,837	4.3%
Households	6,023		42,140		3,065,774	
Median Household (in persons)	2.58		2.36		2.68	

Source: US Census Bureau DP-3. Profile of Selected Economic Characteristics: 2000

HOUSEHOLD SIZE

The median household size in Middle, according to the 2000 Census, was 2.58 persons. By comparison the median household size of Cape May County and New Jersey was 2.36 and 2.68 persons, respectively.

AGE DISTRIBUTION OF POPULATION

In 2000, 27 percent of Middle's population was 19 years of age and younger, while 17.8 percent of the population or 2,925 persons were 65 years or older. This represents a 8 percent increase in the senior population from 1990, when there were 2,707 persons 65 years or older. Similarly, Cape May County also experienced a 8.1 percent increase in people over 65 years, while the State increased by 7.9 percent against 1990 figures. Just as the senior population grew, the total population also grew.

Township of Middle

Between 1990 and 2000 Middle Township's population grew at the a faster rate than Cape May County and higher than the State on the whole. Middle Township saw a population increase of 11.1 percent based upon the US Census data for 1990 and 2000. Cape May County had a increase of 7.6 percent and the State had an increase of 8.9 percent in total population during the same time period.

AGE DISTRIBUTION						
Age Group	Middle Township		Cape May County		New Jersey	
	Total	Percent	Total	Percent	Total	Percent
Under 5 years	933	5.7%	5,244	5.1%	563,785	6.7%
5 to 9 years	1,169	7.1%	6,541	6.4%	604,529	7.2%
10 to 14 years	1,276	7.8%	7,103	6.9%	590,577	7.0%
15 to 19 years	1,052	6.4%	6,082	5.9%	525,216	6.2%
20 to 24 years	687	4.2%	4,450	4.3%	480,079	5.7%
25 to 34 years	1,765	10.8%	10,473	10.2%	1,189,040	14.1%
35 to 44 years	2,793	17.0%	15,606	15.3%	1,435,106	17.1%
45 to 54 years	2,113	12.9%	14,354	14.0%	1,158,898	13.8%
55 to 59 years	881	5.4%	6,239	6.1%	423,338	5.0%
60 to 64 years	811	4.9%	5,553	5.4%	330,646	3.9%
65 to 74 years	1,431	8.7%	10,662	10.4%	574,669	6.8%
75 to 84 years	1,011	6.2%	7,394	7.2%	402,468	4.8%
85 years and over	483	2.9%	2,625	2.6%	135,999	1.6%
Total	16,405		102,326		8,414,350	
Median Age	40		42		37	

Source: US Census Bureau DP-1. Profile of General Demographic Characteristics: 2000

III. EMPLOYMENT DEMOGRAPHICS

ECONOMIC DEVELOPMENT

Middle Township has a diverse economic base, ranging from the big box regional retail uses in Rio Grande and Cape May Court House to small local businesses located along State Route 47. Cape May Court House is the primary concentration of civic institutions (County Court House, County Library, Middle Township Municipal Building), businesses, retail services and professional offices that serves not just the Township but residents from all over the County. The Cape Regional Medical Center is the largest County employer, with many medical professional offices concentrated in this area. South of this area is downtown Cape May Court House with many historic properties used for professional offices and small-scale commercial businesses.

The Township has seen development in the commercial sector, as evidenced by the new Lowe's and Wal-Mart in Rio Grande. With 2/3 of its land area constrained from development by environmental features,

development will be concentrated in the planned Town Centers of Cape May Court House and Rio Grande - Whitesboro - Burleigh. However, new commercial development will be limited as the remaining vacant lands within these sewered areas become developed. Future development will likely take place in the form of private revitalization or redevelopment of older outmoded properties.

According to NJDLWD data from 2003, approximately 658 businesses make their home in Middle Township. Of these businesses, the two largest categories are the construction trades at 28 percent and retail at 16 percent.

EMPLOYMENT PROJECTIONS

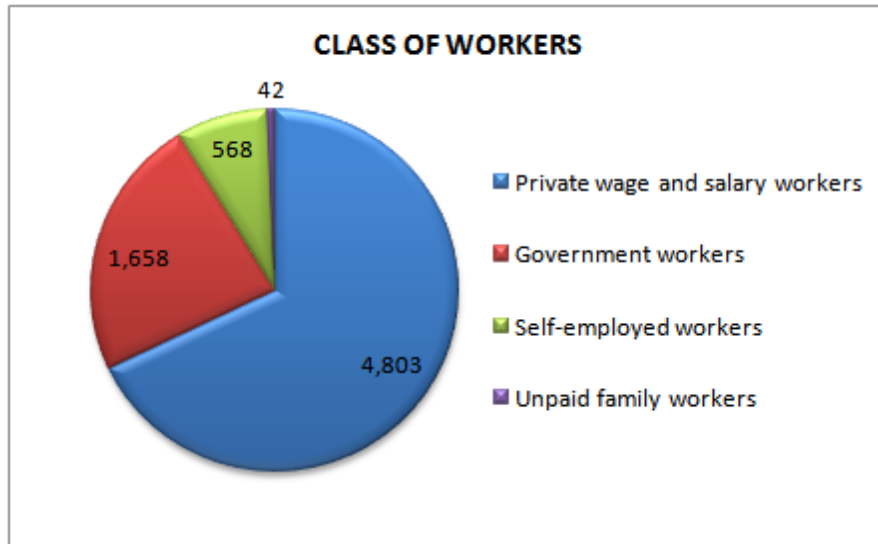
According to the South Jersey Transportation Planning Organization (SJTPO), as of 2000, there were 8,766 jobs in Middle Township. By 2035, the SJTPO estimates 14,924 total jobs in Middle, a net increase of 6,158 jobs or an average of 176 new jobs annually.

EMPLOYMENT PROJECTION			
Year	Jobs	Change	Percent
2000	8,766	---	---
2007	12,037	3,271	37.3%
2010	12,593	556	4.6%
2015	13,556	963	7.6%
2020	13,985	429	3.2%
2025	14,351	366	2.6%
2030	14,693	342	2.4%
2035	14,924	231	1.6%

Source: SJTPO 2030 Population and Employment Projections by Municipality June 2006

WORKER CLASS

The 2000 US Census reports on work activity of residents age 16 years and older. Of those 16 years and older, 3,908 out of 5,962 males and 3,739 out of 6,769 females were in the labor force in 2000. Most Middle residents worked in the private sector.



CLASS OF WORKER		
Class of Worker	Number	Percent
Private wage and salary workers	4,803	67.9%
Government workers	1,658	23.4%
Self-employed workers	568	8.0%
Unpaid family workers	42	0.6%
Total employed residents	7,071	57.7%
Total unemployed residents	539	2.2%
Total residents in labor force	7,647	60.0%

Source: US Census Bureau DP-3. Profile of Selected Economic Characteristics: 2000

EMPLOYMENT BY INDUSTRY SECTOR

According to the New Jersey Department of Labor and Workforce Development (NJDLWD), in 2003 Middle Township contained 658 business establishments in the private sector. Retail and Construction establishments made up over one-third of the private sector. However, the health care industry employed the highest number of people in 2003. At \$38,690, the agriculture, forestry, fishing and hunting industry had the highest average annual salary (excluding unclassified entities).

EMPLOYMENT BY INDUSTRY SECTOR AND NUMBER OF EMPLOYEES (2003)					
Industry	Establishments		Employees		Wages
	Total	Percent	Total	Percent	
Agriculture, forestry, fishing and hunting	7	1%	22	0%	\$38,690
Construction	104	15%	366	4%	\$33,121
Manufacturing	18	3%	215	2%	\$32,989
Wholesale trade	24	4%	126	1%	\$31,049
Retail trade	122	18%	1,852	19%	\$24,449
Transportation and warehousing	15	2%	118	1%	\$16,308
Information	11	2%	98	1%	\$36,417
Finance and insurance	18	3%	91	1%	\$38,185
Real estate and rental and leasing	23	3%	138	1%	\$23,185
Professional and technical services	44	6%	292	3%	\$33,667
Administrative and waste services	40	6%	193	2%	\$27,813
Educational services	7	1%	106	1%	\$14,304
Health care and social assistance	94	14%	2,200	22%	\$36,165
Arts, entertainment, and recreation	12	2%	235	2%	\$20,440
Accommodation and food services	57	8%	648	7%	\$13,451
Other services, except public administration	48	7%	376	4%	\$22,990
Unclassified entities	15	2%	17	0%	\$44,767
PRIVATE SECTOR TOTAL	658	97%	7,267	74%	\$29,168
FEDERAL GOVERNMENT TOTAL	9	1%	64	1%	\$41,482
LOCAL GOVERNMENT TOTAL	13	2%	2,468	25%	\$36,810

Source: NJ Department of Labor and Workforce Development, *Employment and Wages, 2003 Annual Report*

An analysis of the employed Middle residents (over age 16) by economic sector indicates that the most of Middle's workers were involved in management, professional and related, followed by sales and office. These trends are similar in comparison to Cape May County as a whole.

EMPLOYED CIVILIAN POPULATION BY OCCUPATION (AGE 16 YEARS OR OLDER)				
Occupation	Middle Township		Cape May County	
	Total	Percent	Total	Percent
Management, professional, and related	1,916	27.1%	14,006	31.5%
Service	1,672	23.6%	9,403	21.1%
Sales and office	1,811	25.6%	12,164	27.3%
Farming, fishing, and forestry	68	1.0%	378	0.8%
Construction, extraction, and maintenance	976	13.8%	4,988	11.2%
Production, transportation, and material moving	628	8.9%	3,564	8.0%
Total	7,071		44,503	

Source: US Census Bureau DP-3. Profile of Selected Economic Characteristics: 2000

PLACE OF WORK

The 2000 US Census provides statistics on place of work in relation to the state, county and municipality of residence. Of the 6,916 employed persons residing in Middle Township, 2,884 persons or 41.7 percent were employed in town, leaving 4,032 Middle residents that worked outside of the municipality. About 73 percent of Middle employed residents work in Cape May County.

In 2000, a small percentage of the Township's employed population (13.4 percent) commuted to an area outside of Cape May County (either within New Jersey or another state). Given the Township's location on the Cape May Peninsula, it is not surprising that the majority of its workers are employed within the Township or the County. Only 13.4 percent of the working population commute to work outside of Cape May County, most likely to the Atlantic City or Philadelphia employment centers.

PLACE OF WORK						
Place of Work	Middle Township		Cape May County		New Jersey	
	Total	Percent	Total	Percent	Total	Percent
Worked within municipality of residence	3,099	44.8%	13,709	31.1%	761,684	19.6%
Worked outside of municipality but within county of residence	2,884	41.7%	18,073	41.1%	1,364,495	35.2%
Worked outside county of residence but within the state	812	11.7%	10,381	23.6%	1,270,606	32.8%
Worked in state of residence	6,795	98.3%	42,163	95.8%	3,396,785	87.6%
Worked outside state of residence	121	1.7%	1,859	4.2%	479,648	12.4%
Total Employed	6,916		44,022		3,876,433	
Source: US Census Bureau P26. PLACE OF WORK FOR WORKERS 16 YEARS AND OVER--STATE AND COUNTY LEVEL and P29. PLACE OF WORK FOR WORKERS 16 YEARS AND OVER--MINOR CIVIL DIVISION LEVEL						

TRAVEL TIME TO WORK

The mean commute time among Middle residents is 21.0 minutes, with only 20.2 percent of the population having a travel time of less than 10 minutes. Although the mean travel times for other Cape May County and New Jersey residents are slightly higher, Middle's overall commuter trend is generally lower than the other regions, especially compared the State where 41.8 percent of residents have at least a 30 minute commute.

COMMUTE TIME						
Commute Time (in minutes)	Middle Township		Cape May County		New Jersey	
	Total	Percent	Total	Percent	Total	Percent
Less than 5	397	5.7%	2,654	6.0%	99,241	2.6%
5 to 9	1,003	14.5%	6,381	14.5%	347,598	9.0%
10 to 14	1,512	21.9%	7,541	17.1%	482,988	12.5%
15 to 19	1,351	19.5%	6,978	15.9%	510,571	13.2%
20 to 24	886	12.8%	5,675	12.9%	497,467	12.8%
25 to 29	182	2.6%	2,158	4.9%	210,226	5.4%
30 to 34	442	6.4%	3,985	9.1%	492,539	12.7%
35 to 39	73	1.1%	691	1.6%	109,571	2.8%
40 to 44	114	1.6%	965	2.2%	156,148	4.0%
45 to 59	334	4.8%	2,132	4.8%	352,609	9.1%
60 to 89	287	4.1%	1,999	4.5%	335,777	8.7%
90 or more	179	2.6%	1,606	3.6%	175,142	4.5%
Did not work at home:	6,760	97.7%	42,765	97.1%	3,769,877	97.3%
Worked at home	156	2.3%	1,257	2.9%	106,556	2.7%
Total:	6,916		44,022		3,876,433	
Mean travel time	21		23		30	

Source: US Census Bureau P31. TRAVEL TIME TO WORK FOR WORKERS 16 YEARS AND OVER

IV. PROJECTED GROWTH SHARE**MEASURING THE ACTUAL GROWTH SHARE OBLIGATION**

"Growth Share" is the affordable housing obligation generated in Middle by both residential and non-residential development between January 1, 2004 and December 31, 2018. Middle's actual growth share obligation is composed of two components: residential and non-residential growth. The actual residential growth share obligation is the total number of market-rate residential certificates of occupancy issued within the Township between January 1, 2004 and December 31, 2018. For every four market-rate residential units issued a certificate of occupancy from January 1, 2004 to December 31, 2018, one additional unit affordable to low and moderate income households must be provided in a manner approved by COAH. Also for every sixteen new jobs added to the municipality from January 1, 2004 to December 31,

2018, one unit affordable to low and moderate income households must be provided. Appendix D of the Third Round Rules provides the ratios for non-residential square footage generating one affordable unit and jobs per 1,000 square feet for each use group. The following chart summarizes the non-residential growth share calculation ratios:

NON-RESIDENTIAL GROWTH SHARE CHART			
Use Group	Description	Square Feet Generating One Affordable Unit	Jobs Per 1,000 Square Feet
B Office	Includes corporate offices, banks, outpatient clinics, motor vehicle showrooms, and offices in higher education institutions	5,714	2.8
M Mercantile	Buildings that display and sell products, includes retail stores, shops, gas stations	9,412	1.7
F Factory Industrial	Factories where products are made, processed, or assembled	13,333	1.2
S Storage	Includes warehouses, lumberyards	16,000	1
H Hazardous	High hazard manufacturing, processing, generation and storage uses	10,000	1.6
A1 Assembly	Includes theaters, concert halls, tv studios	10,000	1.6
A2 Assembly	Includes casinos, night clubs, restaurants	5,000	3.2
A3 Assembly	Includes libraries, lecture halls, arcades, galleries, funeral parlors, gymnasiums, museums, excluding houses of worship	10,000	1.6
A4 Assembly	Includes arenas, skating rinks and pools	4,706	3.4
A5 Assembly	Includes amusement park structures and stadiums	6,154	2.6
E Education	Schools K-12	Exclude	Exclude
Various	Includes institution of higher learning	Exclude	Exclude
I Institutional	Includes assisted living facilities, hospitals, nursing homes, jails and day care facilities	6,154	2.6
R1 Hotel	Includes hotel, motel, dormitories and continuing care retirement communities	9,412	1.7
U Utility	Includes miscellaneous uses such as fences, tanks, barns, agricultural buildings, sheds, greenhouses, etc.	Exclude	Exclude

HOUSING PROJECTIONS

COAH's revised rules require each municipality to project its housing stock growth through the end of 2018, based on the household growth projections provided in N.J.A.C. 5:97 Appendix F. The Township of Middle's household growth is projected at a net growth of 360 households during the Third Round period, based on 8,409 estimated households in 2004 and 8,769 allocated households at the end of 2018, as provided in Appendix F. If constructed as projected, these 360 housing units would generate a Third Round obligation of 72 affordable housing units. The revised COAH rules allow for a municipality to rely on its own household growth projections, provided that the municipal projections exceed the total GSO allocated by COAH.

In order to project ahead into the future, the historic trends must be analyzed. *New Jersey Construction Reporter* data from 1996 until 2003 reveals that Middle had residential growth (not excluding demolitions) of 1,130 units. This averages to 142 new units per year. The same data showed a historic trend of 13 demolished dwelling units per year.

TABLE R-1 Historic Trend of Certificates of Occupancy and Demolition Permits Issued									
	'96	'97	'98	'99	'00	'01	'02	'03	Total
COs Issued	56	111	114	108	135	250	182	174	1130
Demolitions	7	3	5	6	10	22	20	28	101

Source: "New Jersey Construction Reporter" - New Jersey Department of Community Affairs.

Note: Residential Demolitions are provided for reference only. Not to be subtracted from net growth.

Since January 1, 2004, the beginning of the Third Round to September 30, 2008, 893 new homes have been constructed in Middle, an average of 188 per year. Table R-2 shows the Certificates of Occupancy that occurred since January 1, 2004, which will generate an obligation for the Township if they were not affordable units or market units part of an inclusionary development. The recent amendment to N.J.A.C. 5:97-2.5 would allow for certificates of occupancy to be subtracted for owner-occupied residential structures that have been issued a demolition permit for its current owner, that the unit was occupied by the current owner for at least one year prior to the demolition and where no change in use has occurred. The Township Tax Assessor has certified that 18 units meet these criteria and are able to be excluded from the growth share projections. This results in a net total of 875 units.

TABLE R-2 Actual Certificates of Occupancy and Demolition Permits Issued						
	'04	'05	'06	'07	'08	Total
COs Issued	243	198	197	151	104	893
Demolitions	1	6	3	5	3	18
Net Development	242	192	194	146	101	875

Source: Certificate Activity Report - Middle Township Office of the Construction Official, 01/01/04-09/30/08

Source: Certified List of Owner-Occupied Residential Demolition Permits, October 21, 2008

Table R-3 presents residential development activity that is anticipated between 2008 and 2018. This includes approved development that is not yet built, pending development not yet approved, anticipated development that has yet to submit an application to the Township, and other projected development, which makes up the difference between the known future developments and the projected trend throughout the Third Round.

Approved development applications not yet constructed amount to a total of 584 units, not including the 510 units associated with the Rio Victorian Village, Carel-Jobin and R & RD inclusionary developments. Additionally, the Township anticipates 810 units to be constructed as part of the Tower/Carpino (Indian Trail) inclusionary development. The Township also projects a total of 59 projected units will include residential demolitions that may be excluded under COAH's rules. Since the 1,845 net housing units of approved and anticipated development applications amount to a projection significantly higher than the projections from COAH and the SJTPO, the Township is not projecting any other additional development.

TABLE R-3 Anticipated Developments & Number of Residential Units by the Year that COs are Anticipated												
	'08	'09	'10	'11	'12	'13	'14	'15	'16	'17	'18	Total
Approved Development Applications												
3126 Development		1	1	2	3	3	3	2	2	1	1	19
Adelizzi		1	1	1	1	1						5
Anderson		1										1
Anderson, Gerald		1	1	1	1	1	1	1	1			8
Black Lagoon		1	1	2	3	3	2	2	1	1	1	17
Burke		1	2	2	3	3	3	2	2	2	1	21
Carel Jobin					30	30	30	30	28			148
Franks		1										1
Hand		2	2	3	3	3	3	2	2	2	2	24
Hand, Jonathan		1	1	1	1	1	1	1	1	1	1	10
Hretski		1	1	1								3
Kohler		1	2	3	4	4	3	2	2	2	1	24
Mar-Ryder		2	2	3	3	3	3	2	2	2	1	23
Martin		1	1	1	1	1						5
Mattera		1	1	1	1	1	1	1	1	1		9
Medd TV		1	2	3	3	3	3	2	1	1	1	20
Medd TV		1	1	1	2	2	2	1	1	1	1	13
Moretti/Monichetti		1	1	2	2	3	3	2	2	1	1	18
P&S Excavating		2	2	3	3	3	3	2	2	2	2	24
Penrose		1										1
R & RD		2	2	2	2	2	2	2	2	2	2	20
RA Construction		1	1	1	1	1	1					6
Rio Victorian					70	70	70	70	62			342
Ryder Campground		1	1	2	2	2	1	1	1	1		12
Schmidt		1	1	2	2	2	1	1	1	1		12
Shivers		1	1	1	1	1	1	1	1	1		9
Shrawder/Beck		1										1
SSJ Development		1	1	1	1	1	1	1	1	1	1	10
Stone Harbor Golf		11	15	25	32	32	27	18	16	14	12	202
Stone Harbor Prop		1	1	2	2	3	2	2	1	1	1	16
Tompkins		2	2	3	3	3	3	2	2	2	2	24
Westhead		1										1
Wildwood Golf		1	1	1								3
WJO Realty		2	2	3	4	4	3	2	2	2	2	26
ZRB		1	1	2	2	2	2	2	2	1	1	16
Pending Development Applications												
Anticipated Development Applications												
Tower/Carpino (Indian Trail)					120	120	120	120	120	120	90	810
Other												
Estimated Demolitions	0	2	4	4	9	9	9	8	7	4	3	59
Total Projected Development	0	47	47	71	297	299	286	266	252	159	121	1,845

Table R-4 shows the total residential growth, the sum of both the actual residential development and the projected residential growth from 2004 to 2018. A total of 2,720 units are estimated for the Township.

TABLE R-4																	
Total Net Residential Growth (Sum of Actual and Projected Growth)																	
	Actual					Projected											Total
	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	'14	'15	'16	'17	'18		
Total COs Issued	242	192	194	146	101	0	47	47	71	297	299	286	266	252	159	121	2,720

From the total number of residential certificates of occupancy issued in the Township, the following can be subtracted:

- Affordable housing units that received credit in a First or Second Round certified plan or court of judgment of compliance which have been or are projected to be constructed after January 1, 2004.
- Market-rate units in an inclusionary or mixed-use development where these affordable housing units received credit in a first or second round certified plan or a court judgment of compliance or are eligible for credit pursuant to N.J.A.C. 5:97-4 toward a municipality's prior round obligation, which have been or are projected to be constructed after January 1, 2004, provided these sites are zoned to produce affordable housing units. The Council shall assume, for crediting purposes, that market-rate units are constructed at a rate of four times the number of affordable units (this is a 20 percent set-aside) constructed on that particular site or constructed off-site but within the municipality, unless the municipality demonstrates to the Council that a lower set-aside percentage was used to produce the affordable units using the gross density and set-aside standards or the set-aside standards for constructing affordable rental units pursuant to N.J.A.C. 5:97-6.4(b)3iii. A municipality shall not receive an exclusion of market-rate units from residential growth at a rate above 5.67 times the number of affordable units (this is a 15 percent set-aside constructed on that particular site or constructed off-site but within the municipality).
- Continuing care retirement communities, dormitories, hotels and motels classified as R1 or R2 by the Uniform Construction Code (UCC).
- Graduate student housing owned and/or operated by an institution of higher education and farm labor housing constructed on a commercial farm as defined by the Right to Farm Act, N.J.S.A. 4:1C-1 et seq., and classified as R2, R3, or R5 by the Uniform Construction Code (UCC); and
- Additional market-rate rental units in an inclusionary or mixed-use development pursuant to N.J.A.C. 5:97-6.4(b)6ii where the affordable housing units are rental units that are addressing a municipality's growth share obligation.
- Any additional market-rate units that result from a rezoning to permit increased density to accommodate affordable housing to be exempted from the actual growth share obligation. In such circumstances, provided the affordable set-aside complies with COAH's standards, the increased density provided in an inclusionary zone would not generate a growth share obligation. Only the base density before the rezoning would generate a growth share obligation.

Table R-5 shows the residential units that can be excluded from the growth share projections, which includes 958 units for the Prior Round and 362 units for the Third Round, totaling 1,320 excluded units. A detailed description of each site and the specific applicability of the exclusion criteria, pursuant to N.J.A.C. 5:97-2.4 & 2.5, are included in the Fair Share Plan.

TABLE R-5 Market-Rate and Affordable Units in Inclusionary Developments Eligible to be Excluded from Growth Projection, by the Year that COs are Anticipated to be Issued																		
	Actual					Projected												Total
	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	'14	'15	'16	'17	'18			
Market Rate & Affordable Units Eligible to Receive Prior Round Credit																		
Carel-Jobin										30	30	30	30	28			148	
Indian Trail										120	120	120	120	120	120	90	810	
Market Rate & Affordable Units Eligible to Receive Third Round Credit																		
R & RD							2	2	2	2	2	2	2	2	2	2	20	
Rio Victorian										70	70	70	70	62			342	
Total	0	0	0	0	0	0	2	2	2	222	222	222	222	212	122	92	1,320	
Note: See N.J.A.C. 5:97-2.4(a)1 for detailed requirements for units permitted to be excluded from projections.																		

The results of Table R-5 can be subtracted from the actual and projected residential growth to determine the final net growth. The Township is projected to construct a total of 2,720 housing units and is able to exclude 1,320 of these units that have been or will be approved as part of inclusionary developments. This equals a final net growth of 1,400 housing units that will generate a growth share obligation for Middle Township.

TABLE R-6 Net Residential Growth After Subtracting Excluded Units																	
	Actual					Projected											Total
	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	'14	'15	'16	'17	'18		
Net Residential Growth	242	192	194	146	101	0	47	47	71	297	299	286	266	252	159	121	2,720
Excluded Units	0	0	0	0	0	0	2	2	2	222	222	222	222	212	122	92	1,320
Final Net Growth	242	192	194	146	101	0	45	45	69	75	77	64	44	40	37	29	1,400

COAH requires that one affordable unit be built for every four market-rate units actually constructed. To calculate the total Third Round growth share obligation of the potential residential development, COAH states that the municipality shall divide the actual growth by four and the projected growth by five. As shown in Table R-7, if built as projected, the final net residential growth will require the construction of a total of 324 affordable housing units.

TABLE R-7 Affordable Housing Unit Growth Projections																	
	Actual					Projected											
	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	'14	'15	'16	'17	'18	Total	
Total Net Growth	242	192	194	146	101	0	44	45	68	75	77	64	44	40	38	30	1,400
Divided by 4	61	48	49	37	25												219
Divided by 5						0	9	9	14	15	15	13	9	8	8	6	105
Total Affordable Units	61	48	49	37	25	0	9	9	14	15	15	13	9	8	8	6	324

Note: Affordable Housing obligations for actual growth (2004-2007) equal to net growth divided by 4; projected growth (2008-2018) equal to net growth divided by 5.

In view of the above analysis, we anticipate that there will be more residential growth in the 15 year period than the housing units that COAH predicted. Specifically, we anticipate there may be a net household growth of 1,400 new market units as part of the growth share projections instead of the 360 units that COAH projects in the 15-year period.

EMPLOYMENT PROJECTIONS

COAH's revised rules also require each municipality to project its employment growth through the end of 2018, based on the employment growth projections provided in N.J.A.C. 5:97 Appendix F. The Township of Middle's employment growth is projected at a net growth of 1,219 new jobs during the Third Round period, based on 10,150 estimated jobs in 2004 and 11,369 allocated households at the end of 2018, as provided in Appendix F. If constructed as projected, these 1,219 new jobs would generate a Third Round obligation of 76.2 affordable housing units. The revised COAH rules also allow for a municipality to rely on its own employment growth projections, provided that the municipal projections exceed the total GSO allocated by COAH.

Township of Middle

To project future employment characteristics, the historical trends will be utilized as well as anticipated, pending or approved non-residential applications. *New Jersey Construction Reporter* data was gathered to illustrate the pace of non-residential development in Middle Township from 1996 to 2003. As Table NR-1 shows the Township saw over 982,158 square feet of new non-residential construction from 1996 to 2003, a trend of just under 125,000 square feet per year. The Township reported demolitions from this same time period, however, this information was not readily available for documentation. During this period, almost 40 percent was in storage uses, followed by office (20 percent), institutional (17 percent) and retail (17 percent) uses.

TABLE NR-1 Historic Trend of Certificates of Occupancy and Demolition Permits Issued (by Square Feet)									
	'96	'97	'98	'99	'00	'01	'02	'03	Total
Certificates of Occupancy Issued									
A1 - Assembly	0	0	0	0	0	0	0	0	0
A2 - Assembly	0	0	0	0	0	0	0	0	0
A3 - Assembly	4,208	6,646	4,201	12,896	20,229	0	0	1,840	50,020
A4 - Assembly	0	0	0	0	0	0	0	4,037	4,037
A5 - Assembly	0	0	0	0	0	0	0	0	0
B - Office	43,520	19,633	15,878	9,627	14,600	56,730	10,626	26,808	197,422
F - Industrial	875	0	0	0	2,016	0	0	0	2,891
H - High Hazard	0	0	0	0	0	0	0	0	0
I - Institutional	0	25,670	0	0	71,668	70,378	0	0	167,716
M - Retail	1,530	12,717	27,622	118,653	4,608	224	0	0	165,354
R1 - Dormitory	0	0	21,279	2,485	0	0	0	0	23,764
S - Storage	0	17,910	16,416	227,500	22,278	57,450	14,000	15,400	370,954
Total New Development	50,133	82,576	85,396	371,161	135,399	184,782	24,626	48,085	982,158
Demolition Permits Issued									
A1 - Assembly	0	0	0	0	0	0	0	0	0
A2 - Assembly	0	0	0	0	0	0	0	0	0
A3 - Assembly	0	0	0	0	0	0	0	0	0
A4 - Assembly	0	0	0	0	0	0	0	0	0
A5 - Assembly	0	0	0	0	0	0	0	0	0
B - Office	0	0	0	0	0	0	0	0	0
F - Industrial	0	0	0	0	0	0	0	0	0
H - High Hazard	0	0	0	0	0	0	0	0	0
I - Institutional	0	0	0	0	0	0	0	0	0
M - Retail	0	0	0	0	0	0	0	0	0
R1 - Dormitory	0	0	0	0	0	0	0	0	0
S - Storage	0	0	0	0	0	0	0	0	0
Total Demolitions	0	0	0	0	0	0	0	0	0
Total Net Growth	50,133	82,576	85,396	371,161	135,399	184,782	24,626	48,085	982,158

Source: "New Jersey Construction Reporter" - New Jersey Department of Community Affairs.

Table NR-2 shows the number of jobs that were generated between 1996 and 2003 according to COAH's non-residential job generation ratios contained in Appendix D of the rules. As the table shows, 1,500 jobs were generated by new non-residential development during this period, a trend of 188 new jobs per year.

TABLE NR-2 Historic Trend of Certificates of Occupancy and Demolition Permits Issued (by Jobs)										
Use Group	Jobs per 1,000 sf	'96	'97	'98	'99	'00	'01	'02	'03	Total
Certificates of Occupancy Issued										
A1 - Assembly	1.6	0	0	0	0	0	0	0	0	0
A2 - Assembly	3.2	0	0	0	0	0	0	0	0	0
A3 - Assembly	1.6	7	11	7	21	32	0	0	3	80
A4 - Assembly	3.4	0	0	0	0	0	0	0	14	14
A5 - Assembly	2.6	0	0	0	0	0	0	0	0	0
B - Office	2.8	122	55	44	27	41	159	30	75	553
F - Industrial	1.2	1	0	0	0	2	0	0	0	3
H - High Hazard	1.6	0	0	0	0	0	0	0	0	0
I - Institutional	2.6	0	67	0	0	186	183	0	0	436
M - Retail	1.7	3	22	47	202	8	0	0	0	281
R1 - Dormitory	1.7	0	0	36	4	0	0	0	0	40
S - Storage	0.25*	0	4	4	57	6	14	4	4	93
Total New Development		132	158	138	310	275	357	33	96	1,500
Demolition Permits Issued										
A1 - Assembly	1.6	0	0	0	0	0	0	0	0	0
A2 - Assembly	3.2	0	0	0	0	0	0	0	0	0
A3 - Assembly	1.6	0	0	0	0	0	0	0	0	0
A4 - Assembly	3.4	0	0	0	0	0	0	0	0	0
A5 - Assembly	2.6	0	0	0	0	0	0	0	0	0
B - Office	2.8	0	0	0	0	0	0	0	0	0
F - Industrial	1.2	0	0	0	0	0	0	0	0	0
H - High Hazard	1.6	0	0	0	0	0	0	0	0	0
I - Institutional	2.6	0	0	0	0	0	0	0	0	0
M - Retail	1.7	0	0	0	0	0	0	0	0	0
R1 - Dormitory	1.7	0	0	0	0	0	0	0	0	0
S - Storage	0.25*	0	0	0	0	0	0	0	0	0
Total Demolitions		0	0	0	0	0	0	0	0	0
Total Net Growth		132	158	138	310	275	357	33	96	1,500

Source: Jobs per 1,000 square feet are from N.J.A.C 5:97 Appendix D

Source: S - Storage Jobs per 1,000 square feet are from ITE Trip Generation

The Township found that the non-residential data provided on the *New Jersey Construction Reporter* was not correct and opted to utilize the Municipal Certificate Activity Reports from the Township Construction Official, which provided detailed information on each Certificate of Occupancy issued. Table NR-3 shows that from January 1, 2004 through September 30, 2008, an additional 611,940 square feet of non-

residential space was constructed, a trend of 129,000 square feet per year over 4 $\frac{3}{4}$ years. This excludes houses of worship, schools, institutions of higher learning and other miscellaneous uses (such as agricultural buildings, sheds, barns, greenhouses, etc.).

The Township reported several non-residential demolition permits for this time period but was only able to provide detailed information for demolitions that occurred from 2007 to present since the NJDCA does not require municipalities to maintain records for square footage on demolition permits. The Township reported only 5,496 square feet of non-residential space demolished in 2007. Subtracting the demolished area from the constructed area provides a net total of 606,444 square feet of additional non-residential space.

TABLE NR-3 Actual Certificates of Occupancy and Demolition Permits Issued (by Square Feet)						
	'04	'05	'06	'07	'08	Total
Certificates of Occupancy Issued						
A1 - Assembly	0	0	0	0	0	0
A2 - Assembly	0	0	0	0	0	0
A3 - Assembly	0	0	3,588	0	0	3,588
A4 - Assembly	0	0	0	0	0	0
A5 - Assembly	0	0	0	0	3,936	3,936
B - Office	21,976	76,153	4,196	12,348	1,728	116,401
F - Industrial	0	0	0	2,000	4,680	6,680
H - High Hazard	0	0	0	0	0	0
I - Institutional	0	0	0	0	0	0
M - Retail	9,460	161,160	35,236	94,065	20,000	319,921
R1 - Dormitory	0	0	0	0	0	0
S - Storage	51,550	50,130	13,300	40,500	5,934	161,414
Total New Development	82,986	287,443	56,320	148,913	36,278	611,940
Demolition Permits Issued						
A1 - Assembly	0	0	0	0	0	0
A2 - Assembly	0	0	0	0	0	0
A3 - Assembly	0	0	0	0	0	0
A4 - Assembly	0	0	0	0	0	0
A5 - Assembly	0	0	0	0	0	0
B - Office	0	0	0	0	0	0
F - Industrial	0	0	0	0	0	0
H - High Hazard	0	0	0	0	0	0
I - Institutional	0	0	0	0	0	0
M - Retail	0	0	0	5,496	0	5,496
R1 - Dormitory	0	0	0	0	0	0
S - Storage	0	0	0	0	0	0
Total Demolitions	0	0	0	5,496	0	5,496
Total Net Growth	82,986	287,443	56,320	143,417	36,278	606,444

Source: Certificate Activity Report - Middle Township Office of the Construction Official,
01/01/04-09/30/08

Table NR-4 converts non-residential development that has been constructed between January 1, 2004 and September 30, 2008 to jobs generated per use group, based on the non-residential job ratios provided in N.J.A.C. 5:97 Appendix D. COAH also permits municipalities to request a waiver for job estimations for S - Storage space, since different types of storage uses may generate less than 1.0 jobs per 1,000 square feet. In fact, the *1997 ITE Traffic Generation Manual* reports that storage uses typically generate 1 job per each 4,000 square feet of floor area. This is a significant reduction from COAH's job ratios. Most of the storage facilities built during this period in Middle Township are mini-storage operations. Survey data on these facilities will be provided to COAH. The 606,444 net square feet will generate a net total of 925 jobs. According to COAH's revised rules, for every sixteen jobs generated, one affordable unit will be required. Therefore, these 925 net jobs will require 57.8 affordable housing units.

TABLE NR-4 Actual Certificates of Occupancy and Demolition Permits Issued (by Jobs)							
Use Group	Jobs per 1,000 sf	'04	'05	'06	'07	'08	Total
Certificates of Occupancy Issued							
A1 - Assembly	1.6	0	0	0	0	0	0
A2 - Assembly	3.2	0	0	0	0	0	0
A3 - Assembly	1.6	0	0	6	0	0	6
A4 - Assembly	3.4	0	0	0	0	0	0
A5 - Assembly	2.6	0	0	0	0	10	10
B - Office	2.8	62	213	12	35	5	326
F - Industrial	1.2	0	0	0	2	6	8
H - High Hazard	1.6	0	0	0	0	0	0
I - Institutional	2.6	0	0	0	0	0	0
M - Retail	1.7	16	274	60	160	34	544
R1 - Dormitory	1.7	0	0	0	0	0	0
S - Storage	0.25*	13	13	3	10	1	40
Total New Development		91	500	81	207	56	934
Demolition Permits Issued							
A1 - Assembly	1.6	0	0	0	0	0	0
A2 - Assembly	3.2	0	0	0	0	0	0
A3 - Assembly	1.6	0	0	0	0	0	0
A4 - Assembly	3.4	0	0	0	0	0	0
A5 - Assembly	2.6	0	0	0	0	0	0
B - Office	2.8	0	0	0	0	0	0
F - Industrial	1.2	0	0	0	0	0	0
H - High Hazard	1.6	0	0	0	0	0	0
I - Institutional	2.6	0	0	0	0	0	0
M - Retail	1.7	0	0	0	9	0	9
R1 - Dormitory	1.7	0	0	0	0	0	0
S - Storage	0.25*	0	0	0	0	0	0
Total Demolitions		0	0	0	9	0	9
Total Net Growth		91	500	81	198	56	925

Source: Jobs per 1,000 square feet are from N.J.A.C 5:97 Appendix D

Source: *S - Storage Jobs per 1,000 square feet are from ITE Trip Generation

The Township anticipates that new construction expected to occur between October 1, 2008 and December 31, 2018 will be in the use groups of assembly (A1), office (B), institutional (I), and retail (M). This non-residential development activity is presented in Tables NR-5A1, NR-5B, NR-5I, and NR-5M and includes approved development that is not yet built, pending development not yet approved, anticipated development that has yet to submit an application to the Township, and other projected development, which makes up the difference between the known future developments and the projected trend.

Table NR-5A1 shows the amount of assembly development (theaters, concert halls, TV studios, etc.) that is anticipated for the Township between October 1, 2008 and December 31, 2018. Approved and pending applications will generate 33,500 square feet of assembly space. The Township does not anticipate any additional assembly (A1) development to be constructed during this period. The 33,500 square feet of assembly space would generate about 94 new jobs.

TABLE NR-5A1 "A1" USE GROUP: Developments and Anticipated Developments by the Year that COs are Anticipated to be Issued (1.6 jobs per 1,000 square feet)													
	'08	'09	'10	'11	'12	'13	'14	'15	'16	'17	'18	Total Area	Jobs
Approved Development Applications													
Hallett Dinner Theater		24,500										24,500	39.2
Pending Development Applications													
Frank Theatre		9,000										9,000	14.4
Anticipated Development Applications													
												0	0.0
Other Projected Development													
												0	0.0
Total Development	0	33,500	0	0	0	0	0	0	0	0	0	33,500	93.8
Projected Demolitions	0	0	0	0	0	0	0	0	0	0	0	0	0.0
Net Projected Growth	0	33,500	0	0	0	0	0	0	0	0	0	33,500	93.8

Table NR-5B shows the amount of business development (corporate offices, banks, government offices, professional offices, car showrooms, outpatient clinics, etc.) that is anticipated for the Township between October 1, 2008 and December 31, 2018. Approved applications will generate 47,800 square feet of office space. Using the historic trend of 20,000 square feet per year between 1996 and 2007, the Township projects an additional 187,000 square feet will be constructed by 2018. Based on the state of the current market, the Township has adjusted the projections according to a bell-curve with development in a valley now, peaking around 2012 and slowing again towards 2018. The Township also projects that 20 percent of the office space constructed will involve demolitions. The 197,400 net square feet of office space would generate about 553 new jobs.

TABLE NR-5B "B" USE GROUP: Developments and Anticipated Developments by the Year that COs are Anticipated to be Issued (2.8 jobs per 1,000 square feet)													
	'08	'09	'10	'11	'12	'13	'14	'15	'16	'17	'18	Total Area	Jobs
Approved Development Applications													
Licata & Licata		4,500										4,500	12.6
Oliveri		13,000										13,000	36.4
Rio Grande 9 LLC		4,300										4,300	12.0
Seaboard Development			26,000									26,000	72.8
Pending Development Applications													
Anticipated Development Applications													
												0	0.0
Other Projected Development													
Trend Development	0	0	0	26,400	33,000	33,000	28,600	19,800	17,600	15,400	13,200	187,000	523.6
Total		21,800	26,000	26,400	33,000	33,000	28,600	19,800	17,600	15,400	13,200	234,800	657.4
Projected Demolitions	0	0	0	5,280	6,600	6,600	5,720	3,960	3,520	3,080	2,640	37,400	104.7
Net Projected Growth	0	21,800	26,000	21,120	26,400	26,400	22,880	15,840	14,080	12,320	10,560	197,400	552.7

Table NR-5I shows the amount of institutional development (hospitals, nursing homes, assisted living facilities, jails, etc.) that is anticipated for the Township between October 1, 2008 and December 31, 2018. Approved applications will generate 16,700 square feet of institutional space. The Township does not anticipate any additional institutional development to be constructed during this period. The 16,700 square feet of approved institutional space would generate about 44 new jobs according to COAH's job ratio of 2.6 jobs per 1,000 square feet (N.J.A.C. 5:97 Appendix D). However, the Township submits that this space is for a volunteer fire house, which will not create any jobs. These jobs, which are shown below are excluded in the total projected growth calculations as shown on Table NR-6.

TABLE NR-5I
"I" USE GROUP: Developments and Anticipated Developments by the Year that COs are Anticipated to be Issued (2.6 jobs per 1,000 square feet)

	'08	'09	'10	'11	'12	'13	'14	'15	'16	'17	'18	Total Area	Jobs
Approved Development Applications													
Fire District #1		16,700										16,700	0.0
Pending Development Applications													
												0	0.0
Anticipated Development Applications													
												0	0.0
Other Projected Development													
												0	0.0
Total	0	16,700	0	0	0	0	0	0	0	0	0	16,700	43.4
Projected Demolitions												0	0.0
Net Projected Growth	0	16,700	0	0	0	0	0	0	0	0	0	16,700	43.4

Table NR-5M shows the amount of mercantile development (retail stores, strip malls, shops, gas stations, etc.) that is anticipated for the Township between October 1, 2008 and December 31, 2018. Approved applications will generate 2,564 square feet of retail space. Using the historic trend of 30,000 square feet per year between 1996 and 2007, the Township projects about 317,000 square feet will be constructed by 2018. Based on the state of the current market, the Township has adjusted the projections according to a bell-curve with development in a valley now, peaking around 2012 and slowing again towards 2018. The Township also projects that 20 percent of the retail space constructed will involve demolitions. The 256,593 net square feet of retail space would generate about 437 new jobs.

TABLE NR-5M													
"M" USE GROUP: Developments and Anticipated Developments by the Year that COs are Anticipated to be Issued (1.7 job per 1,000 square feet)													
	'08	'09	'10	'11	'12	'13	'14	'15	'16	'17	'18	Total Area	Jobs
Approved Development Applications													
Rio Grande 9 LLC		2,564										2,564	4.4
Pending Development Applications													
												0	0.0
Anticipated Development Applications													
												0	0.0
Other Projected Development													
Trend Development	0	13,936	23,100	39,600	49,500	49,500	42,900	29,700	26,400	23,100	19,800	317,536	539.8
Total	0	16,500	23,100	39,600	49,500	49,500	42,900	29,700	26,400	23,100	19,800	320,100	544.2
Projected Demolitions	0	2,787	4,620	7,920	9,900	9,900	8,580	5,940	5,280	4,620	3,960	63,507	108.0
Net Projected Growth	0	13,713	18,480	31,680	39,600	39,600	34,320	23,760	21,120	18,480	15,840	256,593	436.2

Table NR-6 shows the square footage that is anticipated to occur within Middle between 2008 and 2018 in all use categories. A total of 605,100 square feet of new non-residential development and 100,907 square feet in non-residential demolitions are projected to occur over the 10 ¼ year period. This produces a net of 504,193 square feet, averaging to just over 50,000 square feet per year over the next 10 years.

TABLE NR-6 Net Projected New Development (by Square Feet)													
	'08	'09	'10	'11	'12	'13	'14	'15	'16	'17	'18	Total	
Certificates of Occupancy Issued													
A1 - Assembly	0	33,500	0	0	0	0	0	0	0	0	0	0	33,500
A2 - Assembly	0	0	0	0	0	0	0	0	0	0	0	0	0
A3 - Assembly	0	0	0	0	0	0	0	0	0	0	0	0	0
A4 - Assembly	0	0	0	0	0	0	0	0	0	0	0	0	0
A5 - Assembly	0	0	0	0	0	0	0	0	0	0	0	0	0
B - Office	0	21,800	26,000	26,400	33,000	33,000	28,600	19,800	17,600	15,400	13,200	234,800	234,800
F - Industrial	0	0	0	0	0	0	0	0	0	0	0	0	0
H - High Hazard	0	0	0	0	0	0	0	0	0	0	0	0	0
I - Institutional	0	16,700	0	0	0	0	0	0	0	0	0	0	16,700
M - Retail	0	16,500	23,100	39,600	49,500	49,500	42,900	29,700	26,400	23,100	19,800	320,100	320,100
R1 - Dormitory	0	0	0	0	0	0	0	0	0	0	0	0	0
S - Storage	0	0	0	0	0	0	0	0	0	0	0	0	0
Total New Development	0	88,500	49,100	66,000	82,500	82,500	71,500	49,500	44,000	38,500	33,000	605,100	605,100
Demolition Permits Issued													
A1 - Assembly	0	0	0	0	0	0	0	0	0	0	0	0	0
A2 - Assembly	0	0	0	0	0	0	0	0	0	0	0	0	0
A3 - Assembly	0	0	0	0	0	0	0	0	0	0	0	0	0
A4 - Assembly	0	0	0	0	0	0	0	0	0	0	0	0	0
A5 - Assembly	0	0	0	0	0	0	0	0	0	0	0	0	0
B - Office	0	0	0	5,280	6,600	6,600	5,720	3,960	3,520	3,080	2,640	37,400	37,400
F - Industrial	0	0	0	0	0	0	0	0	0	0	0	0	0
H - High Hazard	0	0	0	0	0	0	0	0	0	0	0	0	0
I - Institutional	0	0	0	0	0	0	0	0	0	0	0	0	0
M - Retail	0	2,787	4,620	7,920	9,900	9,900	8,580	5,940	5,280	4,620	3,960	63,507	63,507
R1 - Dormitory	0	0	0	0	0	0	0	0	0	0	0	0	0
S - Storage	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Demolitions	0	2,787	4,620	13,200	16,500	16,500	14,300	9,900	8,800	7,700	6,600	100,907	100,907
Total Projected Net Non-Residential Growth	0	85,713	44,480	52,800	66,000	66,000	57,200	39,600	35,200	30,800	26,400	504,193	504,193

According to COAH's non-residential ratios, the projected non-residential development between 2008 and 2018 will generate an estimated new 1,086 jobs. The majority of the jobs will be generated by the anticipated office and retail development, as shown in Table NR-7. If realized, the projected non-residential development for the remainder of the Third Round cycle will require 68 affordable housing units at the ratio of 1 unit per 16 jobs.

TABLE NR-7 Net Projected Employment Growth (by Jobs)													
	Jobs per 1,000 sf	'08	'09	'10	'11	'12	'13	'14	'15	'16	'17	'18	Total
Certificates of Occupancy Issued													
A1 - Assembly	1.6	0.0	53.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	53.6
A2 - Assembly	3.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
A3 - Assembly	1.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
A4 - Assembly	3.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
A5 - Assembly	2.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
B - Office	2.8	0.0	61.0	72.8	73.9	92.4	92.4	80.1	55.4	49.3	43.1	37.0	657.4
F - Industrial	1.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
H - High Hazard	1.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
I - Institutional	2.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	43.4
M - Retail	1.7	0.0	28.1	39.3	67.3	84.2	84.2	72.9	50.5	44.9	39.3	33.7	544.2
R1 - Dormitory	1.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
S - Storage	0.25*	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total New Development		0.0	142.7	112.1	141.2	176.6	176.6	153.0	105.9	94.2	82.4	70.6	1,298.6
Demolition Permits Issued													
A1 - Assembly	1.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
A2 - Assembly	3.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
A3 - Assembly	1.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
A4 - Assembly	3.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
A5 - Assembly	2.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
B - Office	2.8	0.0	0.0	0.0	14.8	18.5	18.5	16.0	11.1	9.9	8.6	7.4	104.7
F - Industrial	1.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
H - High Hazard	1.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
I - Institutional	2.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
M - Retail	1.7	0.0	4.7	7.9	13.5	16.8	16.8	14.6	10.1	9.0	7.9	6.7	108.0
R1 - Dormitory	1.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
S - Storage	0.25*	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Demolitions		0.0	4.7	7.9	28.2	35.3	35.3	30.6	21.2	18.8	16.5	14.1	212.7
Total Projected Net Employment Growth		0.0	138.0	104.2	113.0	141.2	141.2	122.4	84.7	75.3	65.9	56.5	1,085.9

Source: Jobs per 1,000 square feet are from N.J.A.C. 5:97 Appendix D

* Source: S - Storage Jobs per 1,000 square feet are from ITE Trip Generation

Table NR-8 shows the total employment that is forecasted, for both actual non-residential development between January 1, 2004 and September 30, 2008 and projected non-residential development between October 1, 2008 and December 31, 2018, less the actual and projected demolitions. A net total of 1,968 jobs are anticipated for the Third Round cycle.

TABLE NR-8 Total Net Non-Residential Employment Growth (Sum of Actual and Projected Growth)															
	Actual				Projected										
	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	'14	'15	'16	'17	'18
Total New Developments	90.5	499.7	80.7	207.0	56.2	0.0	142.7	112.1	141.2	176.6	153.0	105.9	94.2	82.4	70.6
Total Demolition	0.0	0.0	0.0	9.3	0.0	0.0	4.7	7.9	28.2	35.3	30.6	21.2	18.8	16.5	14.1
Total Net Employment Growth	90.5	499.7	80.7	197.7	56.2	0.0	138.0	104.2	113.0	141.2	122.4	84.7	75.3	65.9	56.5
															1,967.3

Table NR-9 shows the total affordable unit obligation generated by actual and projected non-residential development. The total non-residential growth share for Middle is projected at 123 affordable housing units.

TABLE NR-9 Affordable Housing Unit Obligation Generated by Non-Residential Development															
	Actual				Projected										
	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	'14	'15	'16	'17	'18
Total Net Employment Growth	90.5	499.7	80.7	197.7	56.2	0.0	138.0	104.2	113.0	141.2	122.4	84.7	75.3	65.9	56.5
Divided by 16	5.7	31.2	5.0	12.4	3.5	0.0	8.6	6.5	7.1	8.8	7.7	5.3	4.7	4.1	3.5
															123.0

The 1,968 net jobs the Township predicts in the 15-year period, as a result of the above analysis, is significantly higher than the 1,219 jobs COAH predicts for this period.

The total projected Third Round affordable housing obligation for Middle Township is shown in Table T-1. Residential construction has produced an obligation for 218.8 affordable units from actual development and projects an obligation of 105 affordable units for future residential development. Meanwhile, non-residential development has already generated an obligation of 57.8 affordable units. In addition, another 65.2 units will be needed for the projected non-residential development anticipated to occur during the remainder of the Third Round cycle. In total, residential and non-residential development are expected to generate a need for 447 affordable housing units projected for Middle's entire Third Round growth share.

TABLE T-1 Total Projected Affordable Housing Obligation Generated by Residential and Non-Residential Development 2004-2018																
	Actual				Projected											
	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	'14	'15	'16	'17	'18	Total
Total Residential	60.5	48.0	48.5	36.5	25.3	0.0	8.8	9.0	13.6	15.0	15.4	12.8	8.8	7.6	6.0	323.8
Total Non-Residential	5.7	31.2	5.0	12.4	3.5	0.0	8.6	6.5	7.1	8.8	7.7	5.3	4.7	4.1	3.5	123.0
Total Obligation	66.2	79.2	53.5	48.9	28.8	0.0	17.4	15.5	20.7	23.8	24.2	20.5	14.1	12.7	11.7	446.7

This unit growth share, projected through the above analysis, is significantly greater than the 148 unit growth share COAH projects. This analysis was performed to provide a general approximation of growth that is anticipated for the Third Round and will be subject to COAH tracking and monitoring to provide an accurate measure of the GSO as development occurs within the Township. COAH Worksheet B has been included in the Appendix which reflects this data.

V. CAPACITY FOR FAIR SHARE

A determination of Middle's present and probable fair share for affordable housing, along with the capacity to accommodate those units, is required by COAH. As shown in Table T-1, Middle is projected to generate an obligation of about 434 affordable housing units between 2004 and 2018. The Township has a present need of 276.5 affordable units from development already constructed in the first 4¾ years of the Third Round. As for Middle's future affordable housing share, future residential and non-residential construction in the Township is projected to generate an additional obligation of 155.9 affordable housing units for the remainder of the Third Round. Based upon existing land uses and known approved development applications, there is sufficient land capacity to absorb these projected units.

ZONING ANALYSIS

Based upon the existing zoning, the Township has land within both residential and commercial zones that can accommodate the projected development over the next 10 years. It is expected that the nonresidential development may include demolitions, development on remaining vacant lands (especially within the centers) and private redevelopment on aged outmoded developments and/ or underutilized lands. The Township is currently preparing an updated Land Use Plan which will continue to zone for higher density nonresidential, mixed use and residential development within its proposed Centers and limit development in its Environs (outside of existing or proposed sewer service areas), based upon land capacity to support on-site septic systems.

ANTICIPATED DEMAND FOR TYPES OF USES PERMITTED BY ZONING

Over the past 12 years, there has been significant growth in the Township; over 2,000 housing units and 1.5 million square feet of non-residential development were constructed between 1996 and 2008. Residential development has included both single family and multifamily development. Since 2004, 893 residential homes received certificates of occupancy (including owner-occupied demolitions). About 1,093 residential units have been approved but not constructed. It is expected that due to the poor economic climate, this residential development will occur at a significantly slower pace than that of the past 12 years.

Retail construction over this period included major retailers such as Lowes, Home Depot and Wal-Mart, in the Rio Grande and Cape May Court House general commercial areas. Peak retail growth occurred in 1999 and 2005. Over the past five years, office growth has totaled about 116,000 square feet, storage, and warehousing uses totaled 161,000 square feet. The declining economy is reflected in the 2008 development within the township which reflects a significant decline to a total of only 36,000 square feet in all use categories. Approved but not yet constructed non-residential development projects are very limited totaling only 100,000 square feet.

ANTICIPATED LAND USE PATTERNS

Middle Township is currently preparing an updated Land Use Plan. The draft Plan, as reflected in the Township's 2006 Plan Endorsement Petition, has defined Centers as areas for future growth and development. Most of these Centers (except Goshen) encompass existing and planned sewer service areas and existing development patterns. The Centers however refined the commercial areas and proposed mixed use commercial and residential development patterns. Outside of the Centers, growth will be primarily low density rural residential development.

TOWNSHIP ECONOMIC DEVELOPMENT POLICIES

The Township's zoning and land use patterns will support growth as the commercial center of Cape May County.

AVAILABILITY OF PUBLIC WATER AND SEWER INFRASTRUCTURE

Public Water

The Wildwood Water Utility (WWU) and the New Jersey American Water Company (NJAW) provide water service to the Township. The WWU services approximately 14,000 customers within its service area of City of Wildwood, City of North Wildwood, Borough of Wildwood Crest, Middle Township and Lower Township. The Middle Township service franchise area is along both sides of Delsea Drive (Route 47) from the Township's easternmost boundary west to the Cape May County Park South. It extends north along both sides of Route 9 from the Garden State Parkway on the eastern side to the west of Route 9 including the Wal-Mart facility.

Public Sewer

The Middle Township sewer service area is along both sides of Delsea Drive (Route 47) from the Township's easternmost boundary west to the Cape May County Park South. It extends north along both sides of Route 9 from the Garden State Parkway on the eastern side to the west of Route 9, including the Wal-Mart facility.

The Township is served by two Cape May County Municipal Utilities Authorities ("CMCMUA") treatment plants: the Seven Mile Beach/Middle Wastewater Treatment Plant ("WWTP") and the Lower/Wildwood WWTP. The Green Creek and Del Haven areas are provided sewer service by the Lower Township Municipal Utilities Authority (LTMUA). Middle Township has a wastewater allocation of 1.41 million gallons per day ("MGD") in the Seven Mile Beach/Middle WWTP, 0.986 MGD in the Lower/Wildwood WWTP and 0.20 MGD in the Lower Township MUA WWTP.

It is expected that Middle Township can be served by the existing wastewater treatment facilities with the exception of the Township's Wildwood/Lower sewer service area, which serves Rio Grande and Whitesboro-Burleigh centers. It is estimated that additional capacity will be required to serve future

Township of Middle

development. It is expected that, through negotiation, additional allocation and proper design of conveyance facilities can be achieved.

The Township is currently preparing updated wastewater facilities analysis to assess the capacity of the treatment systems to address future growth at full buildout. This will be part of the update to the County Wastewater Management Plan which is underway.

DEVELOPMENT CAPACITY

As discussed below, a significant portion of the Township is constrained from development. In addition, the majority of those unconstrained lands are developed. However, a preliminary build-out analysis that was performed as part of the Master Plan indicates that there are over 3,000 acres of developable land remaining in the Township. However, the majority of this land is outside of the sewer and water service areas and would require private wells and septic systems to support any future development. Future development can occur within the proposed Township centers at a higher density, where supported by public water and sewer.

CONSTRAINTS ON DEVELOPMENT

The primary constraints on development are wetlands, floodplains and C-1waters, which are regulated by NJDEP. These lands encumber more than half of the Township, primarily along the Atlantic Ocean and Delaware Bay. Where situated, these environmental resources will limit development areas to uplands outside of the required buffers.

Constraints on development include CAFRA policies which limit development intensity outside of approved Centers. Without NJOSG and CAFRA approval of the proposed Township Centers, the proposed inclusionary sites will not be able to be constructed at the development intensity as proposed. The approval of the Centers will allow for expansion of the sewer service area which affects the Indian Trail Road site and Carel-Jobin inclusionary sties.

Land Ownership Patterns

A significant portion of the Township is under public ownership or not-for-profit agency ownerships. These lands are primarily coincidental to the coastal and freshwater wetlands along the Atlantic Ocean and Delaware Bay. Lands suitable for development are largely contained in the central portion of the Township, along the Garden State Parkway and U.S. Route 9, however, much of these prime properties are already developed, especially in the vicinity of Cape May Court House and Rio Grande. Future development will likely be limited to infill development in existing neighborhoods or private redevelopment or revitalization for commercial business uses.

State Development and Redevelopment Plan

According to COAH regulations (N.J.S.A. 5:97-3.13.b.1), "Sites that are located in Planning Areas 1 or 2 or located within a designated center or located in an existing sewer service area are the preferred location for municipalities to address their fair share obligation."

Middle Township has been working with the New Jersey Office of Smart Growth ("NJOSG") and NJDEP to complete the Plan Endorsement process. The Township has a Memorandum of Understanding with NJOSG and approved Action Plan. As part of the on-going planning process, Middle has defined seven Centers which are the locations for both existing and future growth and development. It is expected that these Centers will be designated as part of the Plan Endorsement Process. These Centers will be the focus of where the Township expects to address its fair share obligation.

CONTENT of FAIR SHARE PLAN

The following information is required by COAH as part of the Fair Share Plan (N.J.A.C. 5:97-3.2):

1. Description of existing credits intended to satisfy the obligation;
2. Description of any adjustments to any portion of the fair share obligation, which shall include all information and documentation required;
3. Description of mechanisms that will be used to meet the new total obligation;
4. Draft an implementation schedule that sets forth a detailed timetable for units to be provided:
 - Documentation for mechanisms to address the Prior Round obligation, rehabilitation share and growth share obligation up to the first plan review shall be submitted at the time of petition
 - Documentation for zoning for inclusionary development, accessory apartment program, or market to affordable program shall be submitted at the time of petition and implemented within 45 days of certification;
5. If seeking vacant land adjustment or household and employment growth projection adjustment shall submit all the information required, unless Municipality demonstrates that the mechanisms do not rely upon the availability of vacant land or municipality reserves scarce resources;
6. Include draft and/or adopted ordinances necessary for implementation;
7. Demonstrate that existing zoning or planned changes provide adequate capacity to accommodate affordable housing;
8. Demonstrate existing planned water/waste water treatment capacity is sufficient to accommodate all proposed mechanisms; and
9. Draft a spending plan if the municipality maintains or intends to establish an affordable housing trust fund, which includes:
 - Projection of revenues anticipated from development fees
 - Projection of revenues from other sources
 - Description of administrative mechanism that will be used to collect and distribute revenues
 - Description of use of all affordable housing trust funds
 - Schedule for expenditure of all housing trust funds
 - Schedule for creation or rehabilitation of housing units
 - If supporting or sponsoring public sector or non-profit construction of housing, a pro-forma statement of the anticipated costs and revenues associated with the development
 - Plan to spend trust fund balance as of date of its Third Round petition within four years of the council's approval of spending plan
 - Method through which the municipality will address any expected or unexpected shortfall if revenues aren't sufficient
 - Description of anticipated use of excess affordable housing trust funds.

In adopting its housing element, a municipality may provide for its fair share of low and moderate income housing by means of any technique or combination of techniques which provide a realistic opportunity for the provision of the fair share. The Township proposes to utilize the following techniques to address its fair share obligation:

1. Continuing the successful Middle Township Housing Rehabilitation Program
2. Credits For Prior Cycle (1980-1986) Affordable Housing Units
 - a. Mobile Home Parks
 - b. Balanced Housing Funded Homes
3. Credits For Post 1986 Affordable Housing Units Constructed Including
 - a. Balanced Housing Funded Homes
 - b. Habitat For Humanity Homes
 - c. Group Home Facilities
4. 100 percent Affordable Housing, including:
 - a. Municipal Supported Housing
 - b. Group Homes
 - c. Market To Affordable Rental Units
 - d. Habitat For Humanity Homes
5. Inclusionary Housing Developments
6. Draft Development Fee Ordinance (updated)
7. Draft Inclusionary Residential Overlay Ordinance

The Middle Township Fair Share Plan describes these strategies.

FAIR SHARE PLAN

VI. FAIR SHARE OBLIGATION

REGIONAL INCOME LIMITS

Dwelling units are affordable to low and moderate-income households if the maximum sales price or rental cost is within their ability to pay such costs, based on a specific formula. COAH provides income limits based upon the median gross household income of the COAH housing region in which the household is located. A moderate-income household is one with a gross household income equal to or more than 50 percent, but less than 80 percent, of the median gross regional household income. A low-income household is one with a gross household income equal to 50 percent or less of the median gross regional household income. Middle Township is located in COAH Region 6, which includes Cape May, Cumberland and Salem Counties.

Using the 2008 weighted regional income limits adopted by COAH, a four-person Region median household income is estimated at \$64,793. A moderate-income four-person household could earn a maximum of \$51,834 (80 percent of regional median) and a four person low-income household could earn a maximum of \$32,397 (50 percent of regional median). Income levels for one to five person households as of 2008 are given below.

2008 REGIONAL INCOME LIMITS FOR REGION 6 MUNICIPALITIES					
	1 person	2 person	3 person	4 person	5 person
Median	\$45,355	\$51,834	\$58,314	\$64,793	\$69,976
Moderate	\$36,284	\$41,468	\$46,651	\$51,834	\$55,981
Low	\$22,678	\$25,917	\$29,157	\$32,397	\$34,988

Source: COAH, 2008 Regional Incomes Limits www.state.nj.us/dca/coah/incomelimits.pdf

COAH REQUIREMENTS

COAH has specific requirements on unit size distribution, affordable unit sales price and rental costs, and bedroom mix, among other regulations, which are provided in N.J.A.C. 5:80-26.1 et.seq. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution must be low income and the remainder moderate income. For affordable developments that are not age-restricted, not more than 20 percent of the units may be efficiency or one-bedroom units, at least 30 percent shall be two-bedroom units, and at least 20 percent shall be three-bedroom units. Age-restricted affordable units can provide a modified bedroom distribution.

The monthly cost of owner occupied units, which includes mortgage (principal and interest), taxes, insurance and homeowner's or condominium association fees, may not exceed 28 percent of gross monthly

household income. In addition, moderate-income sales units must be available for at least three different prices and low-income sales units available for at least two different prices for each bedroom type.

Under COAH regulations, rents may not exceed 30 percent of the eligible monthly income of the appropriate household size. There must be rents established for each bedroom type having both low and moderate income units provided that 13 percent must be affordable to very low income families earning no more than 30 percent of median income and the average rents must not exceed 52 percent of the median household income of the region.

FAIR SHARE OBLIGATIONS

Middle's Fair Share Plan describes the projects, strategies and funding sources with which the Township proposes to address its affordable housing obligation, as it has been set by COAH. The Township's Third Round Housing Element and Fair Share Plan addresses a fair share obligation of 934 units. The three components that must be addressed by this plan are:

- **Rehabilitation Share:**
33 Units
- **Prior Round Obligation (Cumulative 1987-1999):**
454 Units
- **Third Round (2004-2018):**
149 Units; Adjusted to 447 Units

REHABILITATION SHARE

COAH has determined the Township share for rehabilitation units is 33. This number is calculated by COAH utilizing 2000 Census reported characteristics, including over-crowded units, older housing units built before 1949, and units with incomplete plumbing facilities and incomplete kitchen facilities.

PRIOR ROUND OBLIGATION

The Township has a Prior Round obligation of 454 units to address in its Third Round Plan. The Prior Round includes the period between 1987 and 1999. Additionally, there are minimum and maximum requirements regarding the development of rentals and age-restricted units for the Prior Round obligation (PRO), which are listed below:

- **Minimum Rental Requirement:**
25 percent (Prior Round Obligation – Prior Cycle Credits– Impact of 20 percent Cap – Impact of the 1,000 Unit Limitation) = $.25 (454 - 55) = 0.25 (399) = 100$

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- **Maximum Age-Restricted:**
25 percent (Prior Round Obligation + Rehabilitation Share - Prior Cycle Credits - Rehabilitation Credits - Impact Of 20 percent Cap - Impact Of The 1000 Unit Limitation - Transferred Or Proposed RCA Units Addressing the Prior Round Obligation) = $0.25 (454 + 33 - 55 - 28) = 101$
- **Maximum Age-Restricted Rental Requirement:**
50 percent (Max. Age-Restricted Units) = $.5(100) = 50$ Units
- **Maximum Bonus Credits:**
100 Credits
- **Maximum Bonus Age-Restricted Credits:**
 $0.33/\text{Age Restricted Rental Unit or } .33(50) = 15$ Credits

The limitations set forth above presume that the Township will satisfactorily document “credits without controls” for at least 52 mobile home units. The units will be surveyed consistent with COAH guidelines. An assumption was made that 50 percent rate of the surveyed units will meet COAH affordability standards. The survey could generate fewer or more credits, which would necessitate a further adjustment.

THIRD ROUND GROWTH SHARE OBLIGATION

Based upon planned and approved developments already in process and developments constructed between 2004 to 2008, Middle has determined that their growth share obligation exceeds the COAH estimate of 149 housing units. COAH Worksheet B is located in the Appendix which documents the projected growth adjustment increase to address both current and forecast development efforts.

Middle must plan for a growth share obligation of 447 units, lacking any adjustments and not including credits. COAH’s Rules require that 50 percent of the growth share obligation (GSO) for Middle be family housing units, which are non-restricted units. These units cannot include age restricted housing, group homes, or other client directed units. Additionally, there are other requirements, which are listed below:

- **Minimum Family Unit Requirement**
50 percent (GSO) = $0.5(447) = 224$
- **Minimum Rental Requirement**
25 percent (GSO) = $0.25(447) = 112$
- **Maximum Age-Restricted Requirement**
25 percent (GSO) = $0.25(447) = 111$
- **Maximum Age-Restricted Rental Requirement**
12.5 percent (GSO) = $0.125(447) = 55$

- **Maximum Bonus Credits**

25 percent (GSO) after meeting minimum rental threshold requirements = $0.25(447) = 111$

- 1 for 1 credit for family rental housing
- 1 for 1 for permanent supportive housing
- 1 for 1 for very low income (VLI) units above minimum 13 percent threshold
- 0.25 for each bedroom in group housing (supportive and special needs housing that is not considered permanent supportive housing)
- 0.33 for each unit in transit oriented development or redevelopment area with limitations

VII. EXISTING CREDITS

REHABILITATION CREDITS

COAH has established a 33 unit rehabilitation obligation for Middle. The Township has maintained an on-going housing rehabilitation program. In 2005, Middle Township was awarded an additional \$200,000 in state funding for rehabilitation projects. The Township's rehabilitation program is monitored by Mark Blauer Associates. Since April 1, 2000, 28 housing units have received rehabilitation funds through this program. The average capital costs for the rehabilitation work met or exceeded COAH limits.

The current rehabilitation program which is funded through DCA specifies funds shall be used for owner occupied units. To meet the future rehabilitation of rental units, the Township plans to amend its rehabilitation program to include rental units; this will be covered by rehabilitation loan funds returned when properties are sold.

In April 2008, the Township received a Small Cities Community Development Block Grant in the amount of \$200,000 (Grant Agreement #2008-2113-00) which is to be used to make home rehabilitation deferred loans to an estimated 13 low and moderate income households throughout Middle Township. As of November 17, 2008, the Middle Township Committee approved award of six rehabilitation projects. Another six to eight homes are expected to be assisted by this grant.

With the 28 rehabilitation units already completed and these estimated 14 additional projects in process for a combined total of 42 rehabilitated homes, the Township will well exceed its COAH identified rehabilitation obligation of 33 units.

Documentation as required will be provided to COAH in accordance with the implementation schedule.

PRIOR CYCLE CREDITS - CREDITS WITHOUT CONTROLS

The Township has identified 105 mobile home units, created and occupied between April 1, 1980 and Dec. 15, 1986, that potentially meet the criteria as defined in N.J.A.C. 5:97-4.2(b). These units are in two mobile home parks: Garden Lakes Mobile Home Park (58 units) and Grande Woods North, LLC. (47 units). Documentation on when units were purchased and sited in the park has been provided by the park owners.

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Accordingly, the Township is conducting a survey in accordance with COAH regulations to determine the number of eligible households meeting the above referenced criteria. An estimate of 50 percent, or 52 qualified units of the total 105 units are initially identified as being credited for the purposes of this Fair Share Plan. Based upon the results of this survey, the Plan will be updated as required.

PRIOR CYCLE CREDITS AND POST 1986 - BALANCED HOUSING

In the 1980's, nine housing properties received funding under the New Jersey Balanced Housing Program. Approximately \$214,755,000 was provided to buy down mortgage costs for these properties with a total project cost of \$578,075. At this time, 6 properties appear eligible and the Township believes will qualify for COAH credit.

Three of the properties were completed between April 1, 1980 and December 15, 1986 and are therefore eligible for Prior Cycle Credits. Three properties were completed after 1986 and, therefore, fall under the COAH Post-1986 credit regulations. The Township may pursue extension of existing credits on these homes should their deed restrictions expire before 2018.

BALANCED HOUSING CREDITS			
BLOCK	LOT	OWNER	ADDRESS
671	5	Van Artsdalen	201 Pennsylvania Avenue
922	6	Manning	200 Raleigh Avenue
923	11	Haskins	120 Raleigh Avenue
1021	3	Mabry	307 Allen Street
1033	15	Milledge	200 E. Wiley Street
1084	4	B Hicks	505 Wildwood Avenue

Documentation as required will be provided to COAH.

SUPPORTIVE AND SPECIAL NEEDS HOUSING CREDITS (GROUP HOMES)

Ten group homes are in operation in Middle Township. These homes serve adult residents. The following table lists the group home, owner, funding source and bedroom count. Seven group homes are administered by ARC and three by Cape Counseling Services. A total of 49 bedrooms are available for credit with an additional 49 rental bonus credits in the Prior Round. The West Secluded Lane Group Home has recently been demolished and is being reconstructed with six bedrooms.

Group Homes as of 11/08/08					
Address	# of Bedrooms	Date of Occupancy	Terms of Controls	Funding Source	Administrative Agent
31 Cardinal Drive	4	1996	DDD	Capital funding	ARC Frank Unkle(609)861-7100
23 West Beaver Dam Road	4	1986	DDD	Capital funding	ARC
50 West Secluded Lane(Rio Grande)	6	1984	DDD	Capital funding	ARC
747 Goshen Road	4	1987	DDD	Capital funding	ARC
13 Oslo Avenue	10	1995	DDD	Capital funding	ARC
115 Ridge Road	4	1997	DDD	Capital funding	ARC
Lomurno Lane (Green Creek)	4	2007	DDD	Capital funding	ARC
119 Route 47S	6	1993	Rent Controlled	Division of Mental Health Servcies (DMHS)	Cape Counseling Services, Greg Speed (609)463-0014 X18
819 Route 9 N	4	1992	Rent Controlled	DMHS	Cape Counseling Services
17 Shell Bay Avenue(Cape May Court House)	3	2003	Rent Controlled	HUD Tenant Rental Assistance	Cape Counseling Services
TOTAL NUMBER OF BEDROOMS	49				

Documentation as required will be provided to COAH.

HABITAT FOR HUMANITY HOMES

Five homes have been built in Middle Township by Habitat for Humanity for low income households. The Township believes these homes qualify for affordable housing credit as affordable homes.

HABITAT FOR HUMANITY AFFORDABLE HOMES			
BLOCK	LOT	OWNER	ADDRESS
96	10	Dan Borltes	109 Swainton Goshen Road, CMCH
1086	4	Anthony White	705 Wildwood Avenue, Whitesboro
1081	6	Karen Thompson	3 Tennessee Avenue, Whitesboro
1081	4	Luisa Lopez	201 Wildwood Avenue, Whitesboro
472	83	Krzysztof Baszck	317 Indian Trail Road, Burleigh

Documentation as required will be provided to COAH.

SUMMARY OF EXISTING CREDITS

SUMMARY OF EXISTING CREDITS		
Prior Cycle Credits - Credits Without Controls	=	52
Prior Cycle Credits And Post 1986 - Balanced Housing	=	6
Supportive and Special Needs Housing Credits (Group Homes)	=	49
Group Home Rental Bonus	=	49
Habitat for Humanity	=	5
Total Existing Credits	=	161

VIII. PROPOSED MECHANISMS TO ADDRESS FAIR SHARE OBLIGATION*100 PERCENT AFFORDABLE HOUSING DEVELOPMENTS****AH-1 Diocese of Camden***

General Site Description:	The Diocesan Housing Services Corporation proposes to construct a 74-unit senior apartment building, which will have 73 rental age-restricted units plus 1 manager's apartment. The 15.06 acre property (Block 1414.01, Lot 14) is owned by the Diocese of Camden. It is located in the proposed Rio Grande-Whitesboro-Burleigh Center. The site has been evaluated for the future development of a second senior apartment building, which would likely contain an additional 74 units.
Site Control:	Diocese of Camden
Site Suitability:	The property is located within the SR Suburban Residential zone district. It has frontage and site access onto Delsea Drive (State Route 47) and Shunpike Road. The property is located within an approved sewer service area and public water is available. A zone amendment will be adopted to support the proposed affordable senior housing project. The site is located within the proposed Rio Grande-Whitesboro-Burleigh Center. This Center is undergoing review by the New Jersey Office of Smart Growth (NJOSG) as part of the Plan Endorsement petition process. Sites within Centers are considered suitable locations for affordable housing. Development of this site will be subject to NJDEP CAFRA permitting.
Environmental Constraints and Impacts:	Of the 15.06 acres, approximately 4.2 acres appear constrained based upon secondary source wetlands data from NJDEP, leaving approximately 10.05 developable acres. An NJDEP wetlands letter of interpretation/line verification letter ("LOI") was obtained on May 5, 2000 will be provided as part of the site development process. This LOI has since expired and will be subject to NJDEP confirmation. There are no other known site constraints.

Administrative Entity:	Diocesan Housing Services Corporation
Low/Moderate Income Mix:	All residents will qualify as low or moderate income age restricted units.
Funding:	US Department of Housing and Urban Development ("HUD") Section 202
Schedule:	See Implementation Schedule
Municipal resolution appropriating funds to bond in the event of a funding shortfall:	Middle Township resolution providing for a payment in lieu of taxes ('PILOT') agreement. Also the Township will be providing funds through their Housing Trust Fund of up to \$329,000 to facilitate this affordable project. This is detailed in the Spending Plan.
Phase II:	The site is being considered for an additional 73-unit senior apartment building, which would be developed in approximately 9-10 years. Details on prospective implementation are provided in the Implementation Schedule.

Site map is included in the Appendix. Additional documentation as required will be provided to COAH.

AH-2 Conifer, LLC/Piloting American Dreams

General Site Description:	Conifer, LLC has formed a joint venture with Piloting American Dreams non-profit corporation, which proposes to construct a 100 percent affordable 60-unit apartment complex consisting of family rental units for very low, low and moderate income households. The irregularly-shaped 9.15 acre property (Block 355.02, Lot 12) is located along U.S. Route 9 in Burleigh and backs up to the railroad line.
Site Control:	Piloting American Dreams non-profit corporation
Site Suitability:	The site is located in the CB Community Business zone. A zone amendment will be adopted to support the proposed affordable housing project. The site is located within the proposed Rio Grande-Whitesboro-Burleigh Center. Sites within Centers are considered suitable locations for affordable housing. There is sufficient capacity to handle this site for public sewer through the Seven Mile/Middle Regional Wastewater Treatment Plant. Public water is available along Route 9 and will serve the property. This property is partially within the CAFRA Coastal Center, which was expired and subsequently reestablished through A2867 Permit Extension Act of 2008. NJDEP may issue a CAFRA permit for this property or portion thereof without NJOSG center designation. This issue is being confirmed with NJDEP.

Environmental Constraints and Impacts:	There appears to be limited wetlands areas along the perimeter of the property, based upon secondary source wetlands data from NJDEP. A NJDEP wetlands letter of interpretation will be provided as part of the site development process. According to secondary source NJDEP data (dated 2007), the site is not located within any Natural Heritage Priority Site. Similarly, there are no areas affected by the NJDEP Coastal Critical Environmental Sites (dated July 5, 2005). According to the NJDEP Landscape Project (version 2.1) the site contains State Endangered Forest (rank 4) with some Forested Wetlands for Priority Species (rank 2). However, the 2002 aerial photographs from NJDEP show that the majority of the site is cleared, with limited forestland in the northern corner of the site (which coincides with the forested wetlands mapping). There are no other known site constraints.
Administrative Entity:	Conifer, L.L.C.
Low/Moderate Income Mix:	In accordance with UHAC regulations; with additional 12 percent very low income.
Funding:	State and federal subsidy programs and tax credits (see Proforma)
Schedule:	See Implementation Schedule

Site map is included in the Appendix. Additional documentation as required will be provided to COAH.

AH-3 Conifer, LLC

General Site Description:	Conifer, LLC proposes to construct a 100 percent affordable 90-unit apartment complex consisting of family rental units for very low, low or moderate income households. The 9.9 acre property (Block 56.01, Lot 46) located along Railroad Avenue in Cape May Court House.
Site Control:	Conifer, LCC has option on property
Site Suitability:	The property is located within the SR Suburban Residential zone district. It has frontage and site access Railroad Avenue. The property is located within the Cape May Court House approved sewer service area and public water is available. A zone amendment will be adopted to support the proposed affordable housing project. The site is located within the proposed Cape May Court House Center. This Center is undergoing review by the New Jersey Office of Smart Growth (NJOSG) as part of the Plan Endorsement petition process. Sites within Centers are considered suitable locations for affordable housing. Development of this site will be subject to NJDEP CAFRA permitting.

Environmental Constraints and Impacts:	There are no known wetlands, C1 waters or floodplains that impact the property. Adjacent properties are owned by the U.S. Department of Fish & Wildlife. An NJDEP wetlands letter of interpretation (“LOI”) will be provided as part of the site development process. According to secondary source NJDEP data (dated 2007), the site is not located within any Natural Heritage Priority Site. Similarly, there are no areas affected by the NJDEP Coastal Critical Environmental Sites (dated July 5, 2005). According to the NJDEP Landscape Project (version 2.1) the majority of the site contains State Endangered Forest (rank 4) and Grasslands for Priority Species (rank 2). The NJDEP has also recently identified other habitats for threatened and endangered species on the adjacent property, which would require buffers that may affect development of this site. There are no other known site constraints.
Administrative Entity:	Conifer, LLC.
Low/Moderate Income Mix:	All residents will qualify as low or moderate income with 11 percent as very low income households.
Funding:	State Housing Grants and Federal Tax Credits
Schedule:	See Implementation Schedule

Site map is included in the Appendix. Additional documentation as required will be provided to COAH.

SUPPORTIVE OR SPECIAL NEEDS HOUSING

ARC of Cape May County Group Homes

The ARC of Cape May County has confirmed that it would be interested in working with the Township to construct two group home facilities over the next ten years. These facilities would be subject to state funding. The Township will work with the ARC to locate a property for the facility; no property has yet been identified but the Township has experience working with ARC on their other group homes in the Township. It is expected that the group homes will include 4 bedrooms in each group home.

Documentation as required will be provided to COAH in accordance with the implementation schedule.

Habitat for Humanity

Habitat for Humanity has planned to construct two family homes for low income households. Habitat is planning these two units as a pilot project with the use of modular on permanent foundation. Homes would be marketed and deed restricted in accordance with COAH regulations. The lots will be donated by Middle Township to make the project financially viable.

Habitat for Humanity - Site 1

General Site Description:	The 1.08 acre tract, known as Block 645, Lot 1, has been selected for a modular home. The site is located at the intersection of Burleigh Avenue and Fishbourne Street outside of the Rio Grande-Whitesboro-Burleigh center. The site is planned for a modular single-family dwelling.
Site Control:	Township of Middle
Site Suitability:	The site is outside of the existing water and sewer service areas and is to be served by onsite septic and well systems. The site is partially in the PA3 Fringe and PA4 Rural Planning Areas. The property is located within the RR Rural Residential zone district. Surrounding uses include low-density single-family residential dwellings.
Environmental Constraints and Impacts:	Approximately 0.15 acres of the site is constrained by freshwater wetlands, leaving 0.97 acres developable. No other environmental constraints are known on this site. A Wetlands Line Verification/Letter of Interpretation from NJDEP is being prepared.
Administrative Entity:	Habitat for Humanity
Low/Moderate Income Mix:	All residents will qualify as low or moderate income
Funding:	Donations of funds and Donation of Township Owned Land
Schedule:	See Implementation Schedule

Documentation as required will be provided to COAH in accordance with the implementation schedule.

Habitat for Humanity - Site 2

General Site Description:	The 1.13 acre tract, known as Block 908, Lot 1, has been selected for a modular home. The site is located along Gribbs Street outside of the Rio Grande-Whitesboro-Burleigh center. The site is planned for a modular single-family dwelling.
Site Control:	Township of Middle
Site Suitability:	The property is located within the SR Suburban Residential zone district. The site is outside of the existing water and sewer service areas and is to be served by onsite septic and well systems. The site is in the PA3 Fringe Planning Area. Surrounding uses include low-density single-family residential dwellings.
Environmental Constraints and Impacts:	According to NJDEP secondary source data, there are no known environmental constraints on this site. A Wetlands Line Verification/Letter of Interpretation from NJDEP is being prepared.
Administrative Entity:	Habitat for Humanity
Low/Moderate Income Mix:	All residents will qualify as low or moderate income

Funding:	Donations of funds and Donation of Township Owned Land
Schedule:	See Implementation Schedule

Documentation as required will be provided to COAH in accordance with the implementation schedule.

MUNICIPAL SPONSORED AFFORDABLE HOUSING PROGRAM

Middle Township will sponsor a 100 percent affordable program to meet its growth share obligation. The Township expects that this program will involve a number of strategies, as discussed below. It is expected that this program will utilize the collected development fees in the Affordable Housing Trust Fund for its implementation. Also these funds will be used to provide affordability assistance and to meet the Township's very low income housing requirements as set by COAH.

The Township plans to utilize existing foreclosed properties and other available and suitable vacant lands as affordable housing sites. The Township will contract to develop these Township owned properties or other suitable properties for 100 percent affordable rental units. The Township will develop this program beginning 5 years from the date of certification in accordance with its implementation agenda and will provide the necessary documentation to COAH at least two years prior the commencement of this phase, in accordance with COAH regulations. The Township projects that 50 units would be constructed through this program.

Documentation as required will be provided to COAH in accordance with the implementation schedule.

MARKET TO AFFORDABLE PROGRAM

The Township may utilize development fees collected for a Market to Affordable program through either purchasing or subsidizing rental costs for up to 20 rental units. The Township will develop this program beginning four years from the date of certification in accordance with its implementation program and provide the necessary documentation to COAH at least two years prior the commencement of this phase, in accordance with COAH regulations. This would be accomplished utilizing development fees in the Township's Affordable Housing Trust Fund.

Documentation as required will be provided to COAH in accordance with the implementation schedule.

PROPOSED INCLUSIONARY DEVELOPMENTS

AH-4 Tower/Carpino (Indian Trail)

General Site Description:	The 150+ acre tract (Blocks 168-205, various lots), is located north of Indian Trail and west of Railroad Avenue in Burleigh. The tract has access to Indian Trail Road (County Route 619) and Sound Drive. The site is generally wooded with some cleared right-of-way areas. Existing and proposed residential development is adjacent to the tract to the north, east and south. To the west, the site adjoins a quarry operation and a closed land fill. The site is expected to be developed with up to 810 residential units of various types, including a 20 percent set-aside which would produce 162 affordable units for low and moderate income households.
Site Control:	Thomas Tower/ Frank Carpino / Township of Middle (selected lots)
Site Suitability:	The site is located within the proposed Rio Grande-Whitesboro-Burleigh Center. This Center is undergoing review by the New Jersey Office of Smart Growth (NJOSG) as part of the Plan Endorsement petition process. Sites within Centers are considered suitable locations for affordable housing. This property has been subject to extensive discussion with NJDEP. The center boundary is being confirmed at this time. It is expected that development on the site will be clustered towards the eastern portion of the site, adjacent to Railroad Avenue. The property will require extension of public sewer with an amendment to the Wastewater Management Plan. This property has specifically been included in the Rio Grande-Whitesboro-Burleigh Center to ensure the extension of public sewers. Public water is available and will be extended to serve this site. The site was rezoned for PD - Planned Development Zone District in 1997, which permits a maximum of 8 units/acre with a 20 percent affordable housing set-aside.
Environmental Constraints and Impacts:	There appears to be limited wetlands areas on the tract based upon secondary source wetlands data from NJDEP. A NJDEP wetlands letter of interpretation will be provided as part of the site development process. There are no other known site constraints.
Administrative Entity:	To be determined
Low/Moderate Income Mix:	In accordance with UHAC requirements
Funding:	Inclusionary project
Schedule:	See Implementation Schedule

Site map is included in the Appendix. Additional documentation as required will be provided to COAH.

AH-5 Carel-Jobin

General Site Description:	The 18.74 acre property (Block 1436.01, Lot 5) is located on the eastside of U.S. Route 9, north of Delsea Drive (State Route 47), in Rio Grande. The site backs up to the Garden State Parkway. The property adjoins a mobile home park to the south with retail commercial uses along U.S. Route 9 both to the south and across U.S. Route 9 to the west. The site is within the proposed Rio Grande-Whitesboro-Burleigh Center. Access is from U.S. Route 9.
Site Control:	Carel-Jobin Enterprises, LLC
Site Suitability:	Carel-Jobin Enterprises, LLC received approval from the Middle Township Zoning Board on January 11, 2005 for a rental apartment complex of 148 two-bedroom apartments on an 18.74 acre property (Block 1436.01, Lot 5) in Rio Grande Center. Current zoning is PD - Planned Development, which permits 8 units per acres density with a 20 percent affordable set-aside. The use variance permitted a greater density but also required a 30 percent affordable set-aside. This will yield 44 rental family units with potential bonus credits of up to 44 units. The project had been delayed due to the lack of public sewer. It is expected that after designation of the Middle Township centers through the NJOSG Plan Endorsement process, the Wastewater Management Plan will be amended to extend to service throughout the Middle Township Centers, which will include this site. Sites within Centers are considered suitable locations for affordable housing.
Environmental Constraints and Impacts:	The site is flat on open lands. There appears to be limited wetlands areas on the tract based upon secondary source wetlands data from NJDEP. A NJDEP wetlands letter of interpretation will be provided as part of the site development process. There are no other known site constraints.
Administrative Entity:	To be determined.
Low/Moderate Income Mix:	15 percent low and 15 percent moderate income units
Funding:	Inclusionary development (through density bonus/use variance)
Schedule:	See Implementation Schedule

Site map is included in the Appendix. Additional documentation as required will be provided to COAH.

INCLUSIONARY DEVELOPMENTS APPROVED SINCE 2006

Subsequent to the 2006 adoption of the Middle Township Growth Share Ordinance, the Township has granted use variance approval for a number of housing developments that have required as a condition of approval that the projects address its affordable housing growth share obligation. The use variance approvals establish the underlying zoning. These properties should be excluded from the growth share projections pursuant to the October 30, 2008 Guidance Document from COAH.

AH-6 Rio Victorian Village, LLC

On February 9, 2006, the Township of Middle Board of Adjustment granted use variance approval, pursuant to N.J.S.A. 40:55D-70D, to Rio Victorian Village, LLC, for the construction of 342 age-restricted housing units. The site (Block 1434, Lots 22, 26, 27, 28.01 and 28.02) contains approximately 21.72 acres, with 20.53 acres in the RI - Restricted Industrial zone and 1.19 acres in the RGB - Regional General Business zone. Rio Victorian Village, LLC received a “(d)” use variance for age-restricted housing units not permitted in either of the zones, a “(d)5” density variance allowing 15.74 units per acre, and a “(d)6” height variance to increase the building height from 35 feet to 64 feet. The site has vested approvals but construction has yet to commence. As a condition of approval, Rio Victorian Village, LLC is required to comply with the provisions for low and moderate income housing of COAH (at least 10% to low income and 10% to moderate income). At a 20 percent set-aside, a total of 68 affordable units could be provided.

Site map is included in the Appendix. Additional documentation as required will be provided to COAH.

AH-7 R & RD, LLC

On March 8, 2007, the Township of Middle Board of Adjustment granted preliminary site plan and use variance approval, pursuant to N.J.S.A. 40:55D-70D, to R & RD, LLC, for the construction of 20 duplex housing units. The site (Block 132.01, Lot 25) contains approximately 5.15 acres in the RGB - Regional General Business zone. R & RD, LLC received a “(d)” use variance for townhouse units not permitted in the RGB zone and other “(c)” bulk variances for various setback requirements. The site has vested approvals but construction has yet to commence. As a condition of approval, R & RD, LLC is required to comply with the provisions for low and moderate income housing of the Middle Township COAH ordinance, any amendments, supplements or substitutions thereto. At a 20 percent set-aside, a total of 4 affordable units could be provided.

Site map is included in the Appendix. Additional documentation as required will be provided to COAH.

SUMMARY OF PROPOSED MECHANISMS TO ADDRESS FAIR SHARE OBLIGATION

EXISTING & PROPOSED CREDITS & BONUSES THAT ADDRESS THE PRIOR ROUND OBLIGATION			
COAH Allocated Obligation			= - 454
Existing Credits	Prior Cycle Credits – Credits Without Controls	+	52
	Prior Cycle Credits And Post 1986 - Balanced Housing	+	6
	Supportive and Special Needs Housing Credits (Group Homes)	+	49
	Rental Bonus Credits	+	49
	Habitat for Humanity	+	5
Proposed Credits	ARC of Cape May County Group Homes	+	8
	Rental Bonus Credits	+	8
	Diocese of Camden – Phase I – 100% Affordable Age-Restricted	+	73
	Rental Bonus Credits	+	15
	Tower/Carpino (Indian Trail) Inclusionary Development	+	162
	Carel-Jobin Family Rentals Inclusionary Development	+	14
	Rental Bonus Credits	+	13
Excess(+)/Deficit(-) Credits			= 0

PROPOSED CREDITS/BONUSES/ADJUSTMENTS THAT ADDRESS THE GROWTH SHARE OBLIGATION			
COAH's Allocated Growth Share Obligation:			= - 149
Adjusted Growth Share Obligation:			= - 447
Diocese of Camden - Phase II - 100% Affordable Age-Restricted		+	73
Conifer, LLC/Piloting American Dreams 100% Affordable Family Rentals		+	60
Rental Bonus Credits		+	60
Conifer, LLC 100% Affordable Family Rentals		+	90
Rental Bonus Credits		+	51
Municipal Sponsored 100% Affordable Program		+	50
Habitat for Humanity		+	2
Carel-Jobin Family Rentals Inclusionary Development		+	30
Rio Victorian Village Age-Restricted Inclusionary Development		+	38
R & RD, LLC For-Sale Units		+	4
Kohler Growth Share Development (Triplex)		+	3
Market to Affordable Program		+	20
Excess(+)/Deficit(-) Credits			= + 34

IX. AFFORDABILITY ASSISTANCE PROGRAM

The Township will set up a local affordability assistance program which will designate funds from its affordable housing trust fund to provide affordability assistance for both rental and for-sale units. At least 30% of the housing trust funds will be utilized for affordability assistance with least 13% of the funds directed for very low income households.

The Middle Affordability assistance program will be administered by an experienced housing agent to be contracted with by the Township. A program manual will be developed and adopted by the Township to establish the procedures for managing this program. The households will be qualified in keeping with COAH rules and Uniform Housing Affordability Controls. The program will be noticed and marketed based upon an established program procedure.

The affordability assistance for renters will include but not necessarily be limited to assistance on security deposits which will be repaid into a revolving loan fund, rental assistance to supplement rents for qualified households including addressing rental needs especially for very low income households which will not be repaid back into the fund.

Affordability assistance will be provided for sale units in the Township. This program will be directed at income eligible households and include but not be limited to the following programs: a Down payment loan program which would be payable back to the Township when the Buyer resells borrows or refinances the properties.; homeowners assistance loan program which may help address for a limited time frame condominium or Homeowner Association fees; and Homeowners assistance loan program to provide payments of mortgage arrears for qualified residents.

Documentation will be provided to COAH as required through the Spending Plan and implementation schedule.

X. DEVELOPMENT FEE ORDINANCE

The Township adopted a Development Fee Ordinance in August 2006. A Draft Updated Development Fee Ordinance is provided in the Appendix, which proposed to collect development fees in accordance with the current COAH regulations.

XI. ZONING FOR INCLUSIONARY DEVELOPMENT

The Township of Middle is currently in the process of amending its Land Use Plan and Zoning Ordinance in accordance with its Plan Endorsement Petition with NJOSG. The amended zone plan will incorporate realistic opportunities to provide affordable housing in the Township through the provision of density bonuses with an affordable housing set-aside in conformance with the current COAH regulations.

Middle Township plans to adopt an Inclusionary Residential Overlay Ordinance to assist in addressing its future COAH affordable housing obligation. In keeping with COAH guidance, it will assume that properties

that can be developed with four or more residential units will be obligated to provide affordable housing to meet the Township's obligation. A density bonus will be provided to address this affordable obligation. In addition, more flexible design standards including permitting within single family zones alternative housing options such as single family attached housing, triplex and quadplex units will be permitted together with relaxed yard and coverage standards to accommodate affordable units.

COAH standards establish a minimum presumptive density of 6 du/acre with 20 percent affordability requirement permitted within Centers that are sewerred; for non sewerred areas within PA3, PA4 and PA5 permitting a 40 percent density increase with a 20 percent affordability requirement is proposed. As per COAH, the base density must be considered to establish the lower threshold upon which the density bonus is provided. A draft Inclusionary Residential Overlay Ordinance is being prepared address the Township's future affordable housing obligation.

XII. SPENDING PLAN

On July 8, 2008, COAH approved the Middle Township Spending Plan. The Spending Plan has been updated to reflect the forecast development activity between 2004 and 2018. There is \$1,353,481.95 in the Middle Housing Trust Fund as of July 16, 2008. It is expected that about \$913,457 in development fees will be collected by 2018. These funds will be monitored by the Township and COAH on a biennial basis of this Third Round Cycle. The Spending Plan details how the funds will be used to support affordable housing programs in the Township. The Spending Plan is included in the Appendix.

XIII. IMPLEMENTATION SCHEDULE

Middle Township Third Round Plan - Implementation Schedule											
	'08	'09	'10	'11	'12	'13	'14	'15	'16	'17	'18
Carel-Jobin Inclusionary Development											
Conifer, LLC (Railroad Avenue)											
Conifer, LLC/Piloting American Dreams (Route 9)											
Diocese of Camden Phase I											
Diocese of Camden Phase II											
Group Homes (ARC of Cape May County)											
Habitat for Humanity											
Market to Affordable Program											
Municipal Sponsored 100% Affordable Program											
R & RD, LLC Inclusionary Development											
Rehabilitation Program											
Rio Victorian Inclusionary Development											
Tower/Carpino (Indian Trail) Inclusionary Development											

APPENDIX

COAH Workbook B
Draft Updated Spending Plan
Draft Development Fee Ordinance
Draft Zoning Amendments
Maps of Affordable Housing Sites

COAH WORKBOOK B

Workbook B: Summary of Growth Share Determination Using Municipal Projections

Municipality Name:

Township of Middle

(Note: Municipalities seeking a lower growth projection based on the lack of available land may not use Workbook B. Rather, these municipalities must use Workbook C.)

[CLICK HERE to go to Workbook C](#)

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

[Click Here to complete Worksheet A](#)

Municipalities anticipating that growth through 2018 is likely to exceed the growth through 2018 that has been projected by COAH should complete Worksheet A and Worksheet B. Worksheet A establishes a projected Growth Share Obligation based on COAH-generated growth projections against which the municipally determined Growth Share Obligation will be compared. Municipal alternative growth projections that exceed COAH projections would be used if the municipality anticipates growth higher than what COAH has projected and seeks to plan accordingly.

[Click Here to complete Worksheet B](#)

Summary Of Worksheet Comparison

COAH Projected Growth Share	COAH Projected Growth Share (From Worksheet A)	Municipally Projected Growth Share (From Worksheet B)
Residential Growth	360	2,720
Residential Exclusions	1,320	1,320
Net Residential Growth	-960	1,400
Residential Growth Share	0.00	321*
Non-Residential Growth	1,219	2,011
Non-Residential Exclusions	0	0
Net Non- Residential Growth	1,219	2,011
Non-Residential Growth Share	76.19	125.67
Total Growth Share	76	447*

The Municipal growth share projection exceeds the COAH projection. Please file Workbook B and use a Residential Growth share of 280 units plus a Non-residential growth share of 125.67 units for a total growth share obligation of 406 affordable units.

* Note: Numbers changed manually due to error in Worksheet. Actual growth is to be divided by 4, not by 5.

Worksheet B

Growth Share Determination Using Municipal Projections

Municipality Name:

Township of Middle

Actual Growth 01/01/04 to Present

Residential COs Issued	875				
		Square Feet Added (COs Issued)	Square Feet Lost Demolition Permits Issued)	Jobs/1,000 SF	Total Jobs
Non-residential CO's by Use Group					
B		116,401	0	2.8	325.92
M		319,921	5,496	1.7	534.52
F		6,680	0	1.2	8.02
S		161,414	121,061	1.0	40.35
H		0	0	1.6	0.00
A1		0	0	1.6	0.00
A2		0	0	3.2	0.00
A3		3,588	0	1.6	5.74
E		0	0	0.0	0.00
I		3,936	0	2.6	10.23
R1		0	0	1.7	0.00
Total		611,940	126,557		925

Projected Growth through 12/31/18 not included in actual above

Pending Residential Approvals	1904
Known Residential Development Applications	
Additional Projected Residential Growth through 2018	-59

Pending, Known and Anticipated Non-Residential Growth by Use Group		Square Feet Projected to be built	Square Feet Projected to be Demolished	Jobs/1,000 SF	Total Jobs
B		234,800	37,400	2.8	552.72
M		320,100	63,507	1.7	436.21
F		0	0	1.2	0.00
S		0	0	1.0	0.00
H		0	0	1.6	0.00
A1		33,500	0	1.6	53.60
A2		0	0	3.2	0.00
A3		0	0	1.6	0.00
E		0	0	0.0	0.00
I		16,700	0	2.6	43.42
R1		0	0	1.7	0.00
Total		605,100	100,907		1086

	Residential	Non-Residential
Total Municipal Projections From Above	2,720	2,011
Subtract the following Residential Exclusions pursuant to 5:97-2.4(a) from Worksheet A	If you have not yet completed Worksheet A, Please click here to do so before continuing with Worksheet B.	
COs for prior round affordable units built or projected to be built post 1/1/04		
Inclusionary Development	279	
Alternative Living Arrangements	0	
Accessory Apartments	0	
Municipally Sponsored or 100% Affordable	0	
Assisted Living	0	
Other	0	
Market Units in Prior Round Inclusionary development built post 1/1/04	1,041	
Non-Residential Exclusions Pursuant to 5:97-2.4(b)		
Affordable units	0	
Associated Jobs		0
Net Growth Projection	1,400	2,011
Projected Growth Share Divide Residential Growth by 5 and Jobs by 16	280.00 Affordable Units	125.67 Affordable Units
Total Projected Growth Share Obligation		405.67 Affordable Units

[Click Here to return to Workbook B Summary sheet](#)

Worksheet A: Growth Share Determination Using Published Data

(From Appendix F(2), *Allocating Growth To Municipalities*)

COAH Growth Projections

Must be used in all submissions

Municipality Name:

Township of Middle

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

	Residential	Non-Residential
1 Enter Growth Projections From Appendix F(2)*	360	1,219
2 Subtract the following Residential Exclusions pursuant to 5:97-2.4(a) from "Exclusions" tab	Click Here to enter Prior Round Exclusions	
COs for prior round affordable units built or projected to be built post 1/1/04		
Inclusionary Development	279	
Supportive/Special Needs	0	
Accessory Apartments	0	
Municipally Sponsored	0	
or 100% Affordable	0	
Assisted Living	0	
Other	0	
Market Units in Prior Round Inclusionary development built post 1/1/04	1,041	
Subtract the following Non-Residential Exclusions Pursuant to 5:97-2.4(b)		
Affordable units	0	
Associated Jobs		0
3 Net Growth Projection	-960	1,219
Projected Growth Share (Conversion to Affordable Units	0.00	76.19
4 Divide HH by 5 and Jobs by 16)		
5 Total Projected Growth Share Obligation		76 Affordable Units

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

* Use Appendix F(2), Figure A.1, Housing Units by Municipality for Residential growth and Appendix F(2), Figure A.2, Employment by Municipality for Non-residential growth.

Affordable and Market-Rate Units Excluded from Growth

Municipality Name: **Township of Middle**

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

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

Market and Affordable Units in Prior Round Inclusionary Development

Built post 1/1/04

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

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

Development Name	Rental? Y/N	Total Units	Market Units	Affordable Units	Market Units Excluded
Carel- Jobin	Y	148	104	44	104
Indian Trail	N	810	648	162	648
R&RD	N	20	16	4	16
Rio Victorian	N	342	273	69	273
		0			0
Total		1,320	1,041	279	1,041

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

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

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

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

UPDATED SPENDING PLAN

TOWNSHIP OF MIDDLE

DRAFT Affordable Housing Trust Fund Spending Plan

INTRODUCTION

The Township of Middle, Cape May County has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing was approved by COAH on December 29, 2006 and adopted by the municipality on September 10, 2006. The ordinance establishes the Township of Middle affordable housing trust fund for which this spending plan is prepared. The Township has submitted an amended development fee ordinance reflecting current COAH standards.

As of July 17, 2008, the Township of Middle has collected \$1,364,903.60, expended \$140,336.07, resulting in a balance of \$1,353,481.95. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in Commerce Bank for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

1. REVENUES FOR CERTIFICATION PERIOD

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

(a) Development fees:

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

(b) Payment in lieu (PIL): Payments in lieu have not been collected or assessed.

(c) Other funding sources: No other funds have been or are anticipated to be collected.

(d) Projected interest: Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate, estimated at 3.5 percent.

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SOURCE OF FUNDS	Projected Revenues-Housing Trust Fund - 2008 THROUGH 2018											
	7/18/08 Through 12/31/08	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
(a) Development fees:	\$0	\$123,720	\$103,207	\$103,870	\$114,320	\$115,997	\$96,169	\$64,901	\$57,503	\$56,816	\$46,063	\$882,567
1. Approved Residential Development	\$0	\$23,487	\$23,487	\$35,230	\$28,520	\$30,197	\$21,809	\$13,421	\$11,743	\$16,776	\$11,743	\$216,414
2. Approved Non-Residential Development	\$0	\$57,864	\$26,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$83,864
3. Projected Non-Residential Development	\$0	\$42,369	\$53,720	\$68,640	\$85,800	\$85,800	\$74,360	\$51,480	\$45,760	\$40,040	\$34,320	\$582,289
(b) Payments in Lieu of Construction	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
(c) Other Funds	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
(d) Interest	\$0	\$4,330	\$3,612	\$3,635	\$4,001	\$4,060	\$3,366	\$2,272	\$2,013	\$1,989	\$1,612	\$30,890
Total	\$0	\$128,050	\$106,819	\$107,506	\$118,321	\$120,057	\$99,535	\$67,173	\$59,516	\$58,805	\$47,676	\$913,457

The Township of Middle projects a total of \$913,457 in revenue to be collected between July 18, 2008 and December 31, 2018. No funds have been collected from July 17, 2008 to date. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

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2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by the Township of Middle:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with the Township of Middle's development fee ordinance for both residential and non-residential developments in accordance with COAH's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

(b) Distribution of development fee revenues:

The Township of Middle Administrator recommends to the governing body the expenditure of development fee revenues as set forth in this spending plan. The governing body reviews the request for consistency with the spending plan and adopts the recommendation by resolution.

The release of funds requires the adoption of the governing body resolution in accordance with the COAH-approved spending plan. Once a request is approved by resolution, the Chief Financial Officer releases the requested revenue from the trust fund for the specific use approved in the governing body's resolution.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

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

The Township of Middle will dedicate \$2,008,000 to new construction programs (see detailed descriptions in Fair Share Plan) as follows:

New construction project(s): \$2,008,000

The Township of Middle will fund up to \$329,000 from the Affordable Housing Trust Fund for the Diocese of Camden 100% affordable development.

The Township of Middle plans to develop a market to affordable program, which would subsidize a minimum of \$30,000 per unit to make 20 units affordable to low-income households, for a total of \$600,000 to be expended from the Affordable Housing Trust Fund. Additional funding may be provided through the Affordability Assistance program to designate these units for very low income households

The Township of Middle plans to sponsor a 100% affordable development (yet to be determined) containing 50 units. The Township will allocate the remainder of the Affordable Housing Trust Fund balance for this project, which is estimated to be

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approximately \$175,000. Additional funding may be provided through the Affordability Assistance program to designate these units for very low income (VLI) households

Rehabilitation Program: \$0

In April 2008, the Township received a Small Cities Community Development Block Grant in the amount of \$200,000 (Grant Agreement #2008-2113-00), which is expected to cover the costs for the Township's remaining rehabilitation obligation.

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

Projected minimum affordability assistance requirement:

Actual development fees through 7/17/2008	\$ 1,364,904
Actual interest earned through 7/17/2008	+ \$ 128,914
Development fees projected* 2008-2018	+ \$ 882,567
Interest projected* 2008-2018	+ \$ 30,890
Less housing activity expenditures through 6/2/2008	- \$ 140,336
Total	= \$ 2,266,939
PROJECTED MINIMUM Affordability Assistance Requirement 1/1/2005 through 12/31/2018	x 0.30 = \$ 680,082
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 1/1/2005 through 12/31/2018	÷ 3 = \$ 226,694

* Note: The 2008 portion of this projection reflects 2008 subsequent to July 17 as the remainder of 2008 is included in the actual figure reported above.

The Township of Middle will dedicate a minimum of \$680,082 from the Affordable Housing Trust Fund to render units more affordable, including a minimum of \$226,694 to render units more affordable to households earning 30 percent or less of median income by region. Affordability assistance programs will include down-payment assistance, rental assistance, and the conversion of low-income units to very-low-income units (including the accessory apartments) and other programs approved by COAH. Funds will also be allocated to provide assistance in the municipally sponsored 100% affordable developments.

As required by COAH and P.L. 2008, C. 46, the entire balance as of July 17, 2008 will be committed to be expended within four years.

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

The Township of Middle projects that a maximum of \$542,000 will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

The fee will be utilized for administrative purposes such as salaries and benefits for municipal employees or consultant fees necessary to develop or implement municipal

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housing programs such as rehabilitation, accessory apartments, new construction, housing elements and/or affirmative marketing programs. Administrative funds may be used to income qualify households and monitor implementation. Development fees may be used to defray the costs of staff or consultants that are preparing or implementing a Fair Share Plan.

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4. EXPENDITURE SCHEDULE

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

Program	Funds Expended and/or Dedicated	Projected Expenditure Schedule												
		2005 - 7/17/08	7/18/08 – 12/31/08	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
Diocese of Camden				\$329,000										\$329,000
Market to Affordable Program							\$120,000	\$90,000	\$90,000	\$90,000	\$90,000	\$60,000	\$60,000	\$600,000
Municipal Sponsored 100% Affordable Program									\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	\$175,000
Total Programs	\$0	\$0	\$0	\$329,000	\$0	\$0	\$120,000	\$90,000	\$125,000	\$125,000	\$125,000	\$95,000	\$95,000	\$1,104,000
Affordability Assistance				\$150,000	\$150,000	\$150,000	\$150,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$690,000
Administration				\$80,000	\$80,000	\$80,000	\$80,000	\$22,000	\$22,000	\$22,000	\$22,000	\$22,000	\$22,000	\$452,000
Total Expenditures	\$0	\$0	\$0	\$559,000	\$230,000	\$230,000	\$350,000	\$127,000	\$162,000	\$162,000	\$162,000	\$132,000	\$132,000	\$2,246,000
Projected Funds	\$1,353,482	\$0	\$128,050	\$106,819	\$107,506	\$118,321	\$120,057	\$99,535	\$67,173	\$59,516	\$58,805	\$47,676	\$913,457	
Accumulated Funds	\$1,353,482	\$1,353,482	\$1,481,532	\$1,588,351	\$1,695,857	\$1,814,178	\$1,934,235	\$2,033,770	\$2,100,942	\$2,160,458	\$2,219,263	\$2,266,939	\$2,266,939	
Remaining Balance	\$1,353,482	\$1,353,482	\$922,532	\$1,358,351	\$1,465,857	\$1,464,178	\$1,807,235	\$1,871,770	\$1,938,942	\$1,998,458	\$2,087,263	\$2,134,939	\$20,939	

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5. EXCESS OR SHORTFALL OF FUNDS

Pursuant to the Housing Element and Fair Share Plan, the governing body of The Township of Middle has adopted a resolution agreeing to fund any shortfall of funds required for implementing the market to affordable program, rehabilitation program, affordability assistance program or other affordable housing programs as detailed in the spending plan. In the event that a shortfall of anticipated revenues occurs, the Township of Middle will intends to bond to cover the additional costs. A copy of the adopted resolution is provided. In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used to supplement the affordability assistance program or the municipally sponsored 100% affordable program.

SUMMARY

The Township of Middle intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the Township of Middle Housing Element and Fair Share Plan dated November 2008.

The Township of Middle has a balance of \$1,353,481.95 as of July 17, 2008 and anticipates an additional \$913,457 in revenues before the expiration of substantive certification for a total of \$2,266,939. The municipality will dedicate \$329,000 towards the Diocese of Camden 100% Affordable Project, \$600 to the Market to Affordable Program, a minimum of \$680,082 to render units more affordable, and a maximum of \$452,000 to administrative costs. Any shortfall of funds will be offset by bonds. The municipality will dedicate any excess funds toward the affordability assistance program.

SPENDING PLAN SUMMARY	
Balance as of July 17, 2008	\$ 1,353,481.95
Projected REVENUE July 18, 2008-2018	+ \$913,457
Development fees	\$882,567
Interest	\$30,890
TOTAL REVENUE	= \$ 2,266,938.90
EXPENDITURES	
Funds used for Rehabilitation	- \$0
Funds used for New Construction	- \$1,104,000
Diocese of Camden	\$329,000
Market to Affordable Program	\$600,000
Municipal Sponsored 100% Affordable Program	\$175,000
Minimum Affordability Assistance	- \$680,082
Maximum Administration	- \$452,000
TOTAL PROJECTED EXPENDITURES	= \$2,236,082
REMAINING BALANCE	= \$ 30,857.23

DRAFT DEVELOPMENT FEE ORDINANCE

EXHIBIT “A”

TOWNSHIP OF MIDDLE

ORDINANCE NO. 2009-_____

**ORDINANCE AMENDING ORDINANCE NO.
1237-06 PERTAINING TO THE COLLECTION
OF AFFORDABLE HOUSING DEVELOPMENT FEES**

WHEREAS, the regulations promulgated and adopted by the New Jersey Council on Affordable Housing (“COAH”) pursuant to the Fair Housing Act heretofore permitted municipalities to adopt Ordinances authorizing the collection of residential and nonresidential affordable housing development fees; and

WHEREAS, the Township of Middle adopted an Affordable Housing Development Fee Ordinance on October 3, 2005 as amended on September 18, 2006 (Chapter 116 of the Middle Township Code); and

WHEREAS, COAH adopted new regulations for the third housing cycle that took effect on June 2, 2008 and October 20, 2008 which permit municipalities to further amend their Ordinances to increase residential development fees and the Legislature amended the Fair Housing Act on July 17, 2008 (P.L. 2008, c. 46, section 8; C. 52:27D-329.2) to implement uniform statewide nonresidential development fees; and

WHEREAS, the Township of Middle desires to repeal its prior “Affordable Housing Development Fee Ordinance” and replace it with a new Ordinance that is consistent with COAH’s third cycle rules, the Statewide Non-Residential Development Fee Act and the recent amendments to the Fair Housing Act.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Middle that Ordinance No. 1237 of 2006 be repealed and that this Ordinance pertaining to Affordable Housing Development Fees be inserted in its place and stead:

SECTION 1. The following shall apply to the collection of Affordable Housing Development Fees in the Township of Middle.

1. Purpose.

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

2. Basic requirements

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

3. Definitions

- a) The following terms, as used in this ordinance, shall have the following meanings:
 - i. **“Affordable housing development”** means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.
 - ii. **“COAH”** or the **“Council”** means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.
 - iii. **“Development fee”** means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.
 - iv. **“Developer”** means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
 - v. **“Equalized assessed value”** means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).
 - v. **“Green building strategies”** means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

4. Residential Development fees.

- a) Imposed fees
 - i. Within all residential zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and one half percent of the equalized assessed value for residential development provided no increased density is permitted.

- ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a “d” variance) has been permitted, developers shall be required to pay a development fee of six percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one percent of the equalized assessed value on the first two units; and the specified higher percentage up to six percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

- b) Eligible exactions, ineligible exactions and exemptions for residential development
 - i. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
 - ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be based on the ordinance in effect on the date that the building permit is issued.
 - iii. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure, provided, however, that an existing residential structure that is altered or expanded shall be exempt from the payment of a fee if the increase in equalized assessed value resulting from said alteration or expansion is less than \$50,000.00. The fee shall be calculated on the increase in the equalized assessed value that exceeds \$50,000.00.

- iv. Developers of residential structures demolished and replaced as a result of fire damage, flood or similar natural disaster, shall be exempt from paying a development fee.

5. Non-residential Development fees

- a) Imposed fees
 - i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
 - ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
 - iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
- b) Eligible exactions, ineligible exactions and exemptions for non-residential development
 - i. The non-residential portion of a mixed-use inclusionary or market-rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.
 - ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
 - iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.

- iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
- v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Township as a lien against the real property of the owner.

6. Collection procedures

- a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit. For non-residential developments, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" and complete as per the instructions provided.
- b) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- c) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the

scheduling of a final inspection on property which is subject to a development fee.

- f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g) Should the Township fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
- h) Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- i) Appeal of development fees
 - 1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Township. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - 2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Township. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

7. Affordable Housing trust fund

- a) There is hereby created a separate, interest-bearing housing trust fund to

be maintained by the Chief Financial Officer of the Township of Middle for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.

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

8. Use of funds

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

pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.

- b) Funds shall not be expended to reimburse the Township for past housing activities.
- c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.
 - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
 - ii. Affordability assistance to households earning 30% or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income. The use of development fees in this manner shall entitle the Township to bonus credits pursuant to N.J.A.C. 5:97-3.7.
 - iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d) The Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- e) No more than 20 percent of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the

Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

9. Monitoring

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

10. Ongoing collection of fees

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

SECTION 2. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Court to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of this Ordinance shall remain valid and in full force and effect.

SECTION 3. This Ordinance shall take effect upon final adoption and publication in accordance with the law.

NOTICE

The above-entitled ordinance was passed on first reading at a meeting of the Township Council of the Township of Middle on _____. It will be further considered for final passage after a public hearing at the regularly scheduled meeting to be held on _____, at the Municipal Building, 33 Mechanic Street, Cape May Court House, NJ at 7:30 p.m. at which time and place any persons desiring to be heard upon the same will be given the opportunity to be heard. Copies of this ordinance will be made available at the Municipal Clerk's office to members of the general public who shall request them.

Kimberly Tomkinson, RMC
Deputy Township Clerk

DRAFT ZONING AMENDMENTS

DRAFT ZONING ORDINANCE

100% AFFORDABLE FAMILY RENTAL HOUSING

Amend zoning on Block 56.01, Lot 46 (Conifer LLC, 8 Railroad Avenue Site) and Block 355.02, Lot 12, (Conifer /Piloting American Dreams Site, 1991Route 9 Site) as follows:

§250-XXX AH-1 District - Affordable Housing Zone 1 [Added XXX by Ord.No.XXX]

- A. Permitted principal use. Multifamily residential dwelling units.
- B. Permitted accessory uses. Uses and structures customary and incidental to the principal permitted use.
- C. Other standards. The height, area, yard, and other standards for this zone are:
 - (1) Minimum lot area: five (5) acres
 - (2) Minimum set-back distance of any building from the front lot line: thirty (30) feet.
 - (3) Minimum set-back from any building from the side lot line: thirty (30) feet
 - (4) Minimum set-back from any building from the rear lot line: thirty (30) feet.
 - (5) Minimum set-back of parking: twenty (20) feet from any lot line
 - (6) Maximum residential density of ten (10) units per acre on condition that all units shall be low and moderate income rental units consistent with current COAH regulations and shall meet COAH Uniform Housing Affordability Control standards under N.J.A. C. 5:80-26.1 et. seq.
 - (7) Maximum building height: forty-five (45) feet or three stories.
 - (8) Minimum off-street parking requirements shall comply with New Jersey Residential Site Improvement Standards.
 - (9) Maximum percent building coverage: thirty percent (30%).
 - (10) Maximum percent impervious lot coverage: sixty percent (60%).
 - (11) A landscape buffer shall be provided to screen adjacent uses, as required, subject to the approval of the appropriate Board and the Township Engineer.
 - (16) Site lighting shall meet Township standards and shall be positioned to minimize impact on adjacent uses.
 - (17) One project identification sign shall be permitted not to exceed 24 square feet in sign area on one side.
 - (18) All portions of the tract not utilized by buildings or paved surfaces shall be landscaped utilizing existing vegetation and the planting of conifers and/or deciduous trees native to the area in order to either maintain or reestablish the tone of the vegetation of the area and lessen the visual impact of the structures and paved areas.
 - (19) Architectural building elevations and floor plans for each typical building shall be submitted as part of the site plan application.

DRAFT ZONING ORDINANCE
100% AFFORDABLE AGE RESTRICTED HOUSING

Amend zoning on Block 1404.01 Lot 24, 25.09 (Diocese of Camden Senior Housing Project at Rio Grande)

§250-XXX SAH-1 District - Senior Affordable Housing Zone 1 [Added XXX by Ord.No.XXX]

- A. Permitted principal use. Multifamily dwelling units.
- B. Permitted accessory uses. Uses and structures customary and incidental to the principal permitted use.
- C. Other standards. The height, area, yard, and other standards for this zone are:
 - (1) Minimum lot area – five (5) acres
 - (2) Minimum set-back distance of any building from the front lot line: fifty(50) feet.
 - (3) Minimum set-back from any building from the side lot line: fifty (50) feet
 - (4) Minimum set-back from any building from the rear lot line: fifty(50) feet.
 - (5) Minimum set-back of parking: twenty (20) feet from any lot line
 - (6) Maximum residential density of fifteen (15) units per acre on condition that all units shall be low and moderate income age restricted rental units consistent with current COAH regulations and shall be subject to COAH's Uniform Affordable Housing Control standards under N.J.S.A. 5:80-26 et. One manager apartment per building may be excluded from the affordability controls.
 - (7) Maximum building height: forty-five (45) feet and three stories.
 - (8) Minimum off-street parking requirements shall comply with New Jersey Residential Site Improvement Standards.
 - (9) Maximum percent building coverage: thirty percent (30%).
 - (10) Maximum percent lot coverage: fifty percent (50%).
 - (11) A landscape buffer shall be provided to screen adjacent residential uses subject to the approval of the appropriate Board and the Township Engineer.
 - (16) Site lighting shall meet Township standards and shall be positioned to minimize impact on adjacent residential uses.
 - (17) One project identification sign shall be permitted not to exceed 24 square feet in sign area on one side.
 - (18) All portions of the tract not utilized by buildings or paved surfaces shall be landscaped utilizing existing vegetation and the planting of conifers and/or deciduous trees native to the area in order to either maintain or reestablish the tone of the vegetation of the area and lessen the visual impact of the structures and paved areas; subject to the approval of the appropriate Board and the Township Engineer.
 - (19) Architectural building elevations and floor plans for each typical building shall be submitted as part of the site plan application.

TOWNSHIP OF MIDDLE
COUNTY OF CAPE MAY
STATE OF NEW JERSEY

ORDINANCE NO. _____

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XX OF ORDINANCES OF THE
TOWNSHIP OF MIDDLE

INCLUSIONARY AFFORDABLE HOUSING ORDINANCE

This ordinance shall replace Chapter 250, Sections 51-58

PURPOSE

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

WHEREAS, the New Jersey Council on Affordable Housing (“COAH”) is the State administrative agency created pursuant to the FHA vested with primary jurisdiction for the administration of affordable housing obligations in accordance with sound regional planning considerations in New Jersey; and

WHEREAS, COAH’s Third Round Substantive Rules (N.J.A.C. 5:94-1 et seq.) implement a “growth share” approach to affordable housing production which requires affordable housing to be produced in conjunction with market-priced residential and nonresidential growth and development within the Township of Middle; and

WHEREAS, COAH’s Third Round Substantive Rules (N.J.A.C. 5:97-1 et seq.) amended as of September 22, 2008, provided regulations that require residential developers to construct one (1) affordable housing unit for every four (4) market –rate residential units projected to be constructed. And set presumptive minimum densities for inclusionary development and other standards to address a municipality’s fair share obligation under N.J.A.C. 5:97-6.4 and

WHEREAS, the Township of Middle desires to implement the “growth share” policies promulgated by COAH in its Third Round Substantive Rules in an effort to foster the production of affordable housing opportunities for qualified low and moderate income households through COAH’s third round, which extends from 2004 to 2018.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Township Committee of the Township of Middle that the Zoning Chapter 250 of the Township of Middle be and is hereby amended as follows:

The following shall replace Article VII “Uniform Growth Based Affordable Housing Production” Sections 250-51 through 250-58 adding the following

Article VII entitled “ Inclusionary Affordable Housing Overlay “ is hereby added to the Township of Middle’s Zoning Ordinance, to read as follows:

250-51 Applicability

A. This subsection of the land use regulations of the Township of Middle sets forth mechanisms by which developers shall provide for a fair share of affordable housing based on growth that is associated with residential development taking place within the Township of Middle.

B. Except as exempted in §250-52, all residential development that results in the construction of new market-priced dwelling units in accordance with N.J.A.C. 5:94-1 et seq., shall be subject to the “inclusionary affordable housing ” provisions of this ordinance.

§ 250-52 Exemptions

The following are exempted from the provisions of this Chapter:

A. Developments that received preliminary or final subdivision approval from the Planning Board and/or Zoning Board of Adjustment, as applicable, prior to the effective date of this ordinance.

B. Residential developments that have been zoned to produce an affordable housing set-aside greater than the affordable housing requirements of this Article or that are intended to include only low and moderate income housing units.

C. Residential development that results in less than four market-priced dwelling units; with the proviso that any future subdivision of this development which will result in four or greater units including units previously subdivided shall be subject to this inclusion affordable housing ordinance.

D. As to exemptions c above, these types of development may still be subject to the developer fee ordinance.

§ 250-53 Inclusionary Affordable Housing Provisions

A. All residential development which results in the construction of four or more new market-priced dwelling units shall provide non-age restricted affordable housing at a ratio of one affordable unit for every four market-priced units constructed on-site.

B For developments that result in a number of market-priced residential units not evenly divisible by four the developer may construct the additional affordable unit on-site or alternatively, the developer may make a payment in lieu of constructing the additional affordable unit. If the developer selects the latter option, the amount of said payment shall be established by subtracting any whole multiples of four from the total number of market-priced residential units being created, dividing any remaining number of units by four and multiplying the resulting fraction by the established affordable unit cost (“Affordable Unit Cost”) to construct one affordable residential unit.

C All residential development consisting of less than four residential units may provide one affordable unit on-site or may make a payment in lieu of constructing the proportionate fraction of the affordable housing unit required. If the developer selects the latter option, the amount of said payment shall be established by dividing the number of market-priced units by four and multiplying the resulting fraction by the Affordable Unit Cost.

D. As an alternative to fulfilling the affordable housing requirements set forth in b. through c. above, developers of residential units may elect to construct affordable housing units off-site but within the Township of Middle. If the developer elects to construct the affordable unit off-site but within the Township of Middle, each on-site unit otherwise required to be affordable to a low or moderate income household may be converted to a market-priced unit, but the developer's inclusionary housing obligation shall be increased accordingly and reflected in the number of units being constructed off-site but within the Township.

E. All residential development not subject to the provisions of a. through e. above shall be subject to the provisions of development fees as set forth in the Development Fee Ordinance.

F. All residential development shall be provided with a density increase as mandated by current New Jersey Council of Affordable Housing substantive rules under 5:97-6.7 which established the minimum presumptive density and affordable housing obligation for municipalities.

G. The inclusionary affordable housing overlay ordinance shall provide standards described below depending upon existing density and availability of public sewer to accommodate density as proposed.

H. Reduced yard requirements and increased impervious coverage requirements are also permitted to accommodate the higher density affordable housing obligation as detailed below.

I. In single-family residential zones, single-family attached buildings in the form of semi-detached (side-by-side) units or duplex (over and under) units, triplex and quadplex buildings shall be deemed to be permitted uses in the underlying zone when created for the purpose of meeting the inclusionary affordable housing obligation on site.

J. The following overlay zoning standards shall be used to regulate development in residential zones

(1) TR Town Residential Zone (sewered)

- Principal permitted uses: Single family detached, two-family attached, three-family attached, four-family attached.
- Maximum residential density: 10 dwelling units per acre
- Minimum lot area: 7,500 square feet
- Minimum lot width: 70 feet
- Minimum lot frontage: 70 feet
- Minimum front yard: 10 feet
- Minimum side yards: 5 feet/15 feet (both)
- Minimum rear yard: 25 feet
- Maximum building coverage 50 percent
- Maximum impervious lot coverage: 70 percent
- Single family detached units shall be subject to existing single family use standards of the underlying zone.

(2) SR Suburban Residential Zone (sewered)

TRB Town Residential Business (sewered)

RB Residential Business (sewered)

TIP Town Professional (sewered)

- Principal permitted uses: Single family detached, two-family attached, three-family attached, four-family attached.
- Maximum residential density – 6 dwelling units per acre
- Minimum lot area: 15,000 square feet; except 21,500 sf (RB zone)
- Minimum lot width 70 feet
- Minimum lot frontage: 70 feet
- Minimum front yard: 20 feet
- Minimum side yards: 10 feet/25 feet (both)
- Minimum rear yard: 30 feet
- Maximum building coverage: 50 percent
- Maximum impervious lot coverage: 70 percent
- Single family detached units shall be subject to existing single family use standards of the underlying zone.

(3) SR Suburban Residential Zone (unsewered)

RB Residential Business (unsewered)

TRB Town Residential Business (unsewered)

CR Coastal Residential Zone (unsewered)

CD Coastal Development (unsewered)

TIP Town Professional Business (unsewered)

- Principal permitted uses: two-family attached, three-family attached, four-family attached.
- Maximum residential density - 40% density bonus increase over existing density.
- Minimum lot area: 35,000 square feet
- Minimum lot width 75 feet
- Minimum lot frontage: 75 feet
- Minimum front yard: 20 feet
- Minimum side yards: 10 feet/25 feet (both)
- Minimum rear yard: 30 feet
- Maximum building coverage: 40 percent
- Maximum impervious lot coverage: 60 percent
- Single family detached units shall be subject to existing single family use standards of the underlying zone.
-

(4) SL Sensitive Lands Zone (unsewered)

Rural Residential Zone (unsewered)

- Principal permitted uses: Single family detached, two-family attached, three-family attached, four-family attached.
- Maximum residential density – 40% density bonus increase over existing density.
- Minimum lot area: 35,000 square feet
- Minimum lot width 100 feet
- Minimum lot frontage: 100 feet
- Minimum front yard: 30 feet
- Minimum side yards: 15 feet/ 30 feet (both)
- Minimum rear yard: 30 feet
- Maximum building coverage: 30 percent
- Maximum impervious lot coverage: 50 percent
- Single family detached units shall be subject to existing single family use standards of the underlying zone.

K. . . In a Mixed Use District within a sewered area, residential development shall provide one affordable housing unit on-site for every four market-priced units in accordance with the residential standards of the zone district.

§ 250-54 General Provisions for Constructing Affordable Units

A.. Affordable housing units being constructed on-site or off-site shall meet the requirements of the Township of Middle's affordable housing ordinance, and shall be in conformance with COAH's third round rules at N.J.A.C. 5:94-1 et seq. and the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq., including, but not limited to, requirements regarding phasing schedule, controls on affordability, low/moderate income split, heating source, maximum rent and/or sales prices, affordability average, bedroom distribution, and affirmative marketing.

B. Developers electing to create affordable housing units elsewhere within the Township may do so within existing buildings, whether converted, reconstructed or purchased for buy down or rental subsidy assistance in any zone of the Township of Middle as set forth and regulated in this article.

C. The reconstruction or conversion of any existing dwelling in which all such dwelling units are deed restricted for affordability to and occupancy by low and moderate income households shall be permitted as of right, subject to meeting all other requirements of this Section XX-XX not withstanding any other provision of this Ordinance to the contrary.

D. To the greatest extent possible, affordable housing units being provided within inclusionary developments shall be disbursed throughout inclusionary developments and shall be located within buildings designed to be architecturally indistinguishable from the market-priced units otherwise being constructed within the development.

§250- 55 Payment in Lieu Provisions

A. Payments in lieu of the construction of affordable housing. The Affordable Unit Cost shall be based upon a proportionate share of the total project cost embodied in one or more pro-formas for the construction an affordable housing development elsewhere within the Township of Middle. Said proforma(s) shall be on file in the office of the Township Clerk and shall either utilize the COAH established proforma or its own proforma

B. The payment in lieu of construction to be made by the developer may be subject to negotiation with the Township based upon the following considerations: the actual cost of buying down or subsidizing an existing or planned market priced dwelling unit to achieve affordability; the actual land cost of site(s) identified for off-site affordable housing construction with the Township or reasonable and acceptable offers to substitute land, site preparation and/or construction services for all or a portion of the monetary payment otherwise required.

C. Regarding of the mechanism selected by the developer for satisfying the required number of affordable housing units, any development or portion thereof that generates a fraction of an affordable housing unit (because the development contains fewer than or more than a number of units that is evenly divisible by eight) shall be required to make a payment in lieu of construction for that fraction of a units based upon the pro-rated cost of constructing an affordable housing unit in the Township of Middle.

D. All payments in lieu of constructing affordable housing shall be deposited by the Township of Middle into an affordable housing trust fund to be established by the Township of Middle in

conformance with regulations established by COAH and shall at all times be identifiable from development fees. These funds shall be used in accordance with regulations established by COAH to create new affordable housing opportunities within the physical boundaries of the Township of Middle.

§250- 56 Other Requirements

A. A proposed affordable housing plan shall be submitted to the Board at the time application is made for any development requiring affordable housing pursuant to this Section. The Plan shall be a condition of “completeness” determination. All Plans shall be the subject of review by the Township Affordable Housing Officer or appointee for consistency with COAH’s Rules and with the Town’s third round Housing Element and Fair Share Plan. Compliance with all of the terms of COAH’s Rules and with the approved plan shall be a condition of development plan approval and may be covered by appropriate performance and maintenance guarantees as with any other required improvement.

B. Where an odd number of low and moderate income housing units are required to be provided, the majority of the units shall be low income units. Where there are an insufficient number of affordable units provided to meet the bedroom distribution requirements of COAH’s Rules, the first unit shall be a two bedroom unit, the second unit shall be a one-bedroom unit and third unit shall be a three bedroom unit. Otherwise, the bedroom distribution shall be in strict accordance with COAH’s Rules.

C. It shall be the developer’s responsibility, at its sole cost and expense, to pay the per unit cost of the initial advertising and ongoing administration of the controls on affordability pursuant to the contract between the Township and the experienced administrative entity. The designated administrative entity shall file with the Township Affordable Housing Officer or designee such certification, reports and or monitoring forms as may be required by COAH.

D. Moreover, developments covered by this Article shall be exempt from the payment of Development Fees under the adopted Development Fee Ordinance.

E. The use of any of the foregoing mechanisms for providing affordable housing within the Township of Middle shall be limited to the provision of non-age restricted affordable housing units in compliance with all of the COAH’s Rules set forth at N.J.A.C. 5:94-1 et seq., unless specifically waived by the Township.

REPEAL OF CONFLICTING ORDINANCES

Any ordinances of the Township of Middle that are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

EFFECTIVE DATE

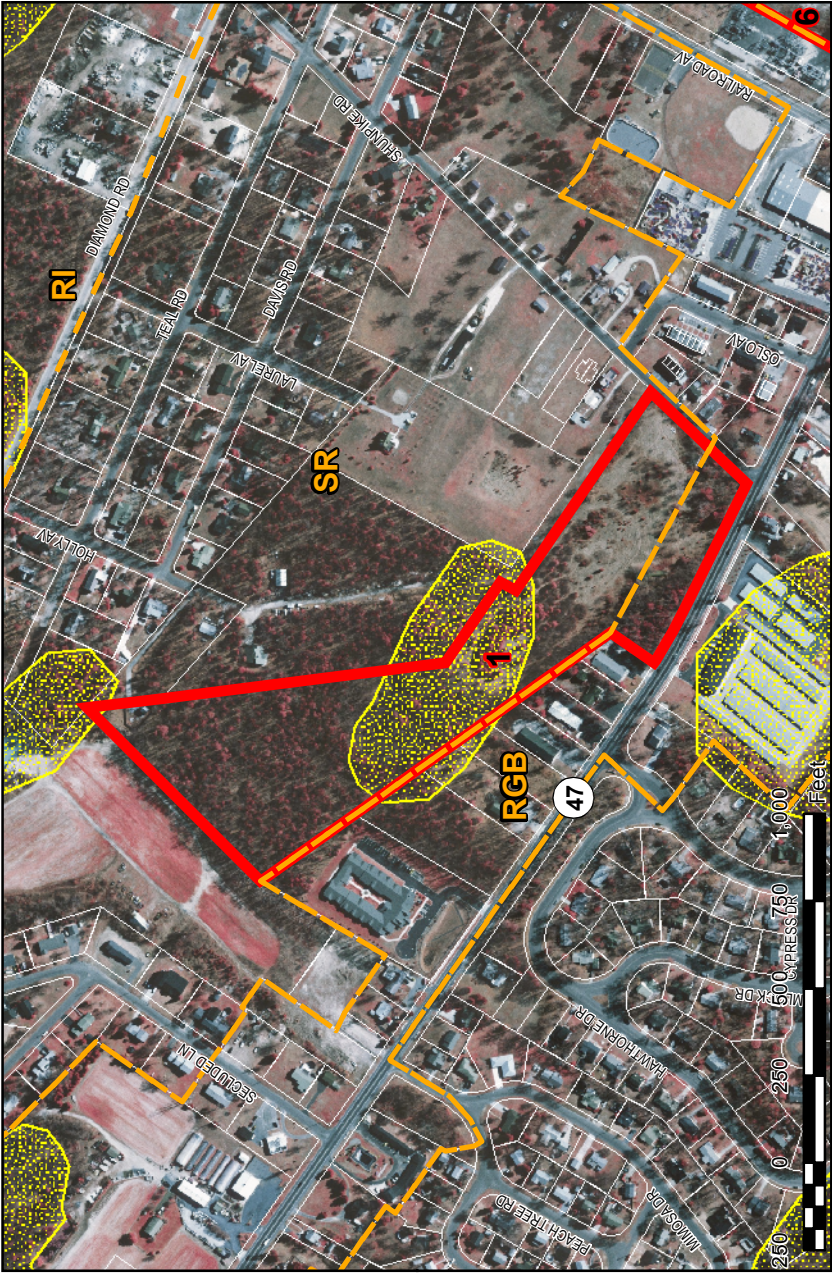
This Ordinance shall take effect upon passage and publication as required by law.

MAPS OF AFFORDABLE HOUSING SITES

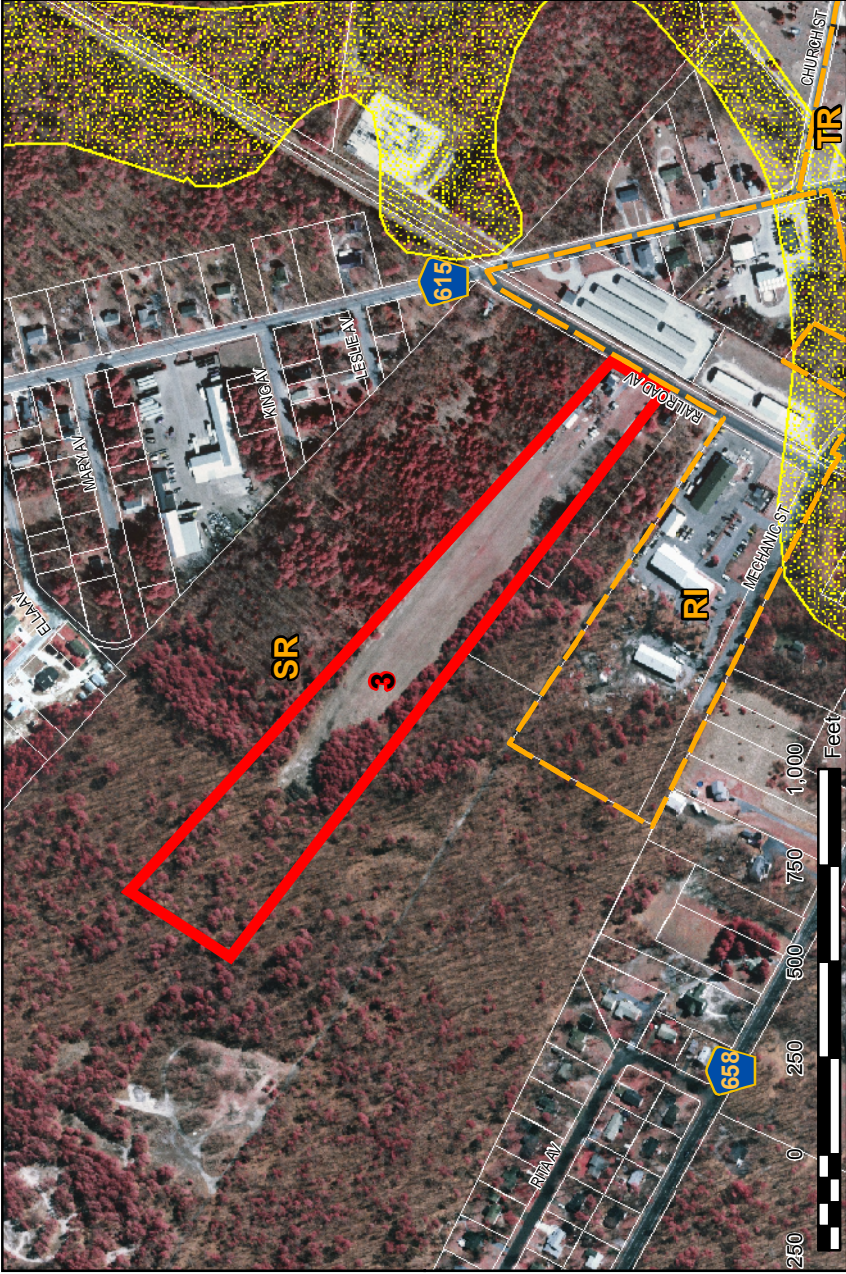
MIDDLE TOWNSHIP
AFFORDABLE HOUSING SITES MAP 1



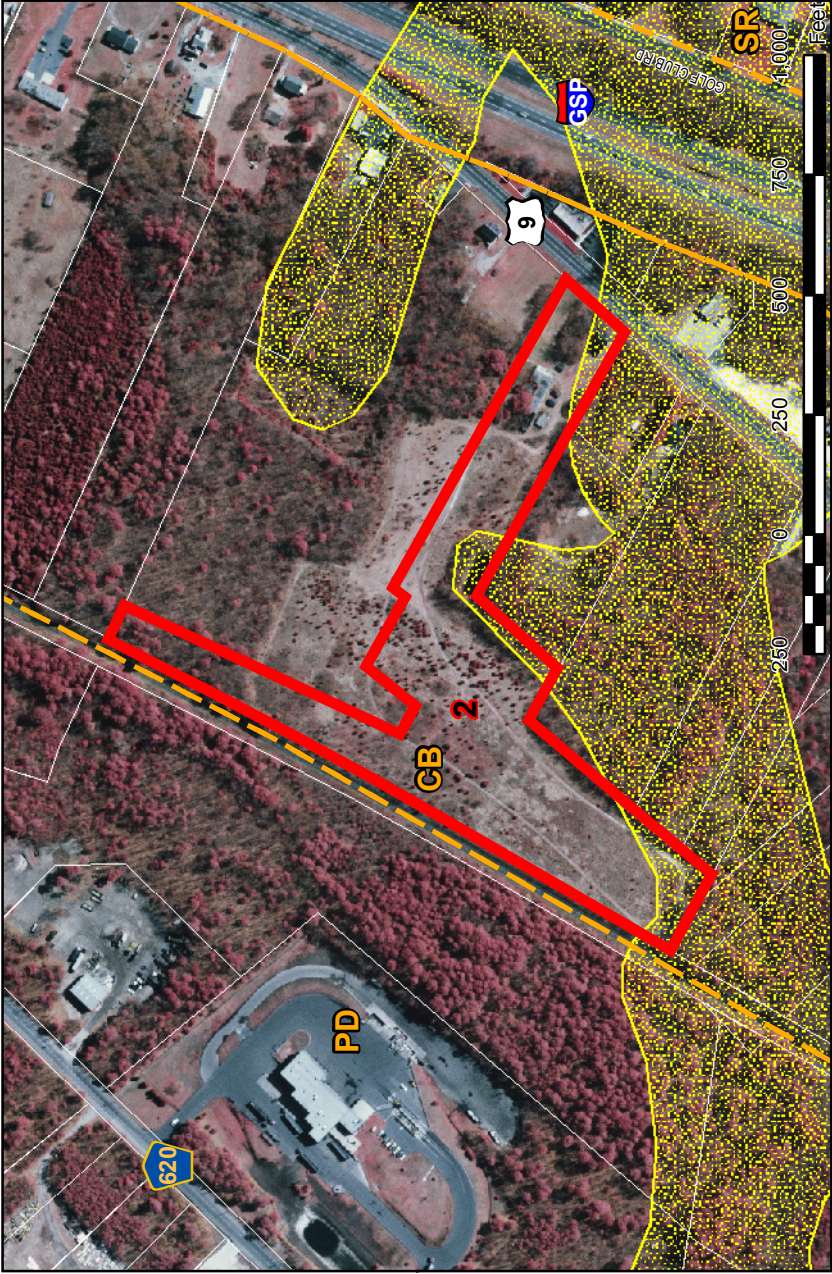
THESE MAPS WERE DEVELOPED USING NJDEP CAPE MAY COUNTY & UPPER TOWNSHIP GIS DIGITAL DATA. THIS SECONDARY PRODUCT HAS NOT BEEN VERIFIED BY THE NJDEP AND IS NOT COUNTY OR STATE AUTHORIZED. NOTE: THESE IMAGES ARE DATED 2002



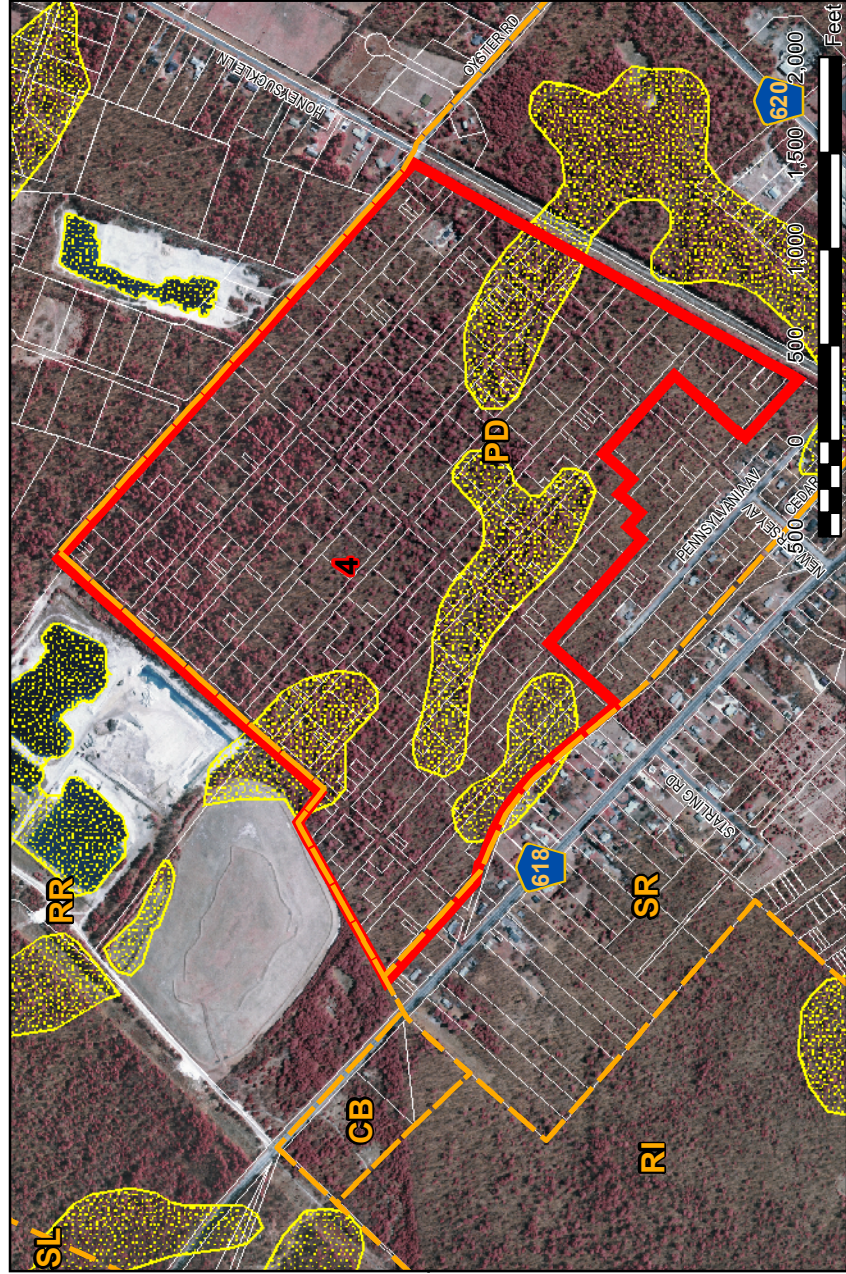
AH-1 Diocese of Camden



AH-3 Conifer, LLC



AH-2 Conifer, LLC/Piloting American Dreams



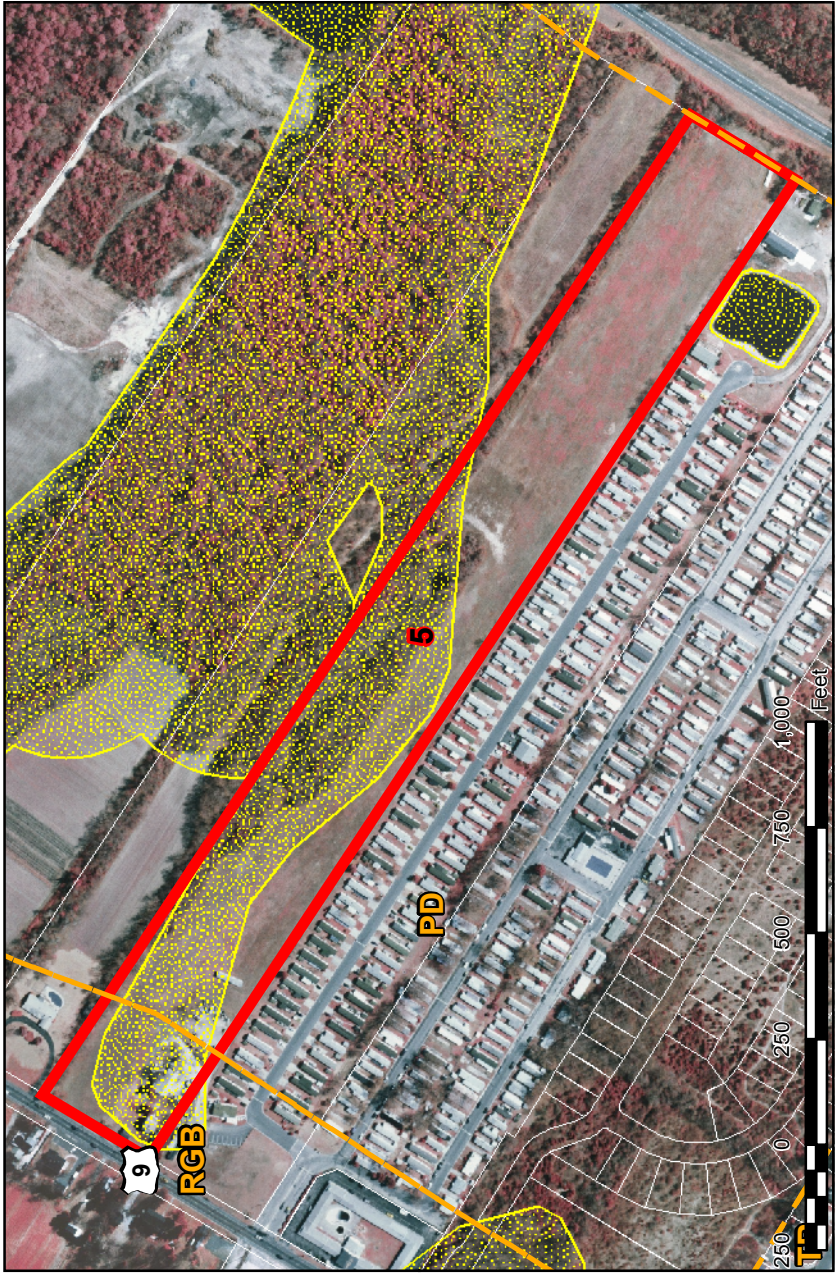
AH-4 Tower/Carpino (Indian Trail)

- Zone Boundaries
- Affordable Housing Sites
- Wetlands & 300' C-1 Waters Buffer

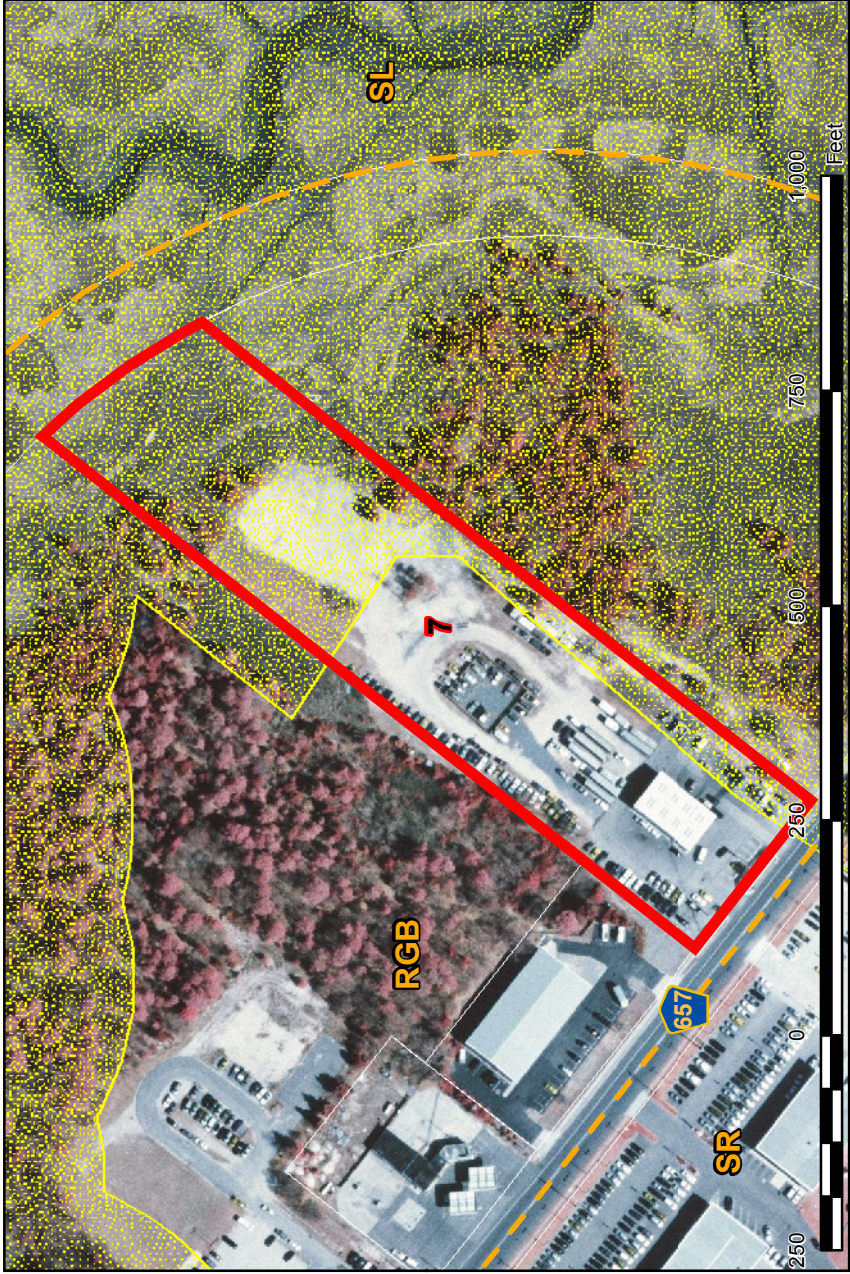


MIDDLE TOWNSHIP
AFFORDABLE HOUSING SITES MAP 2

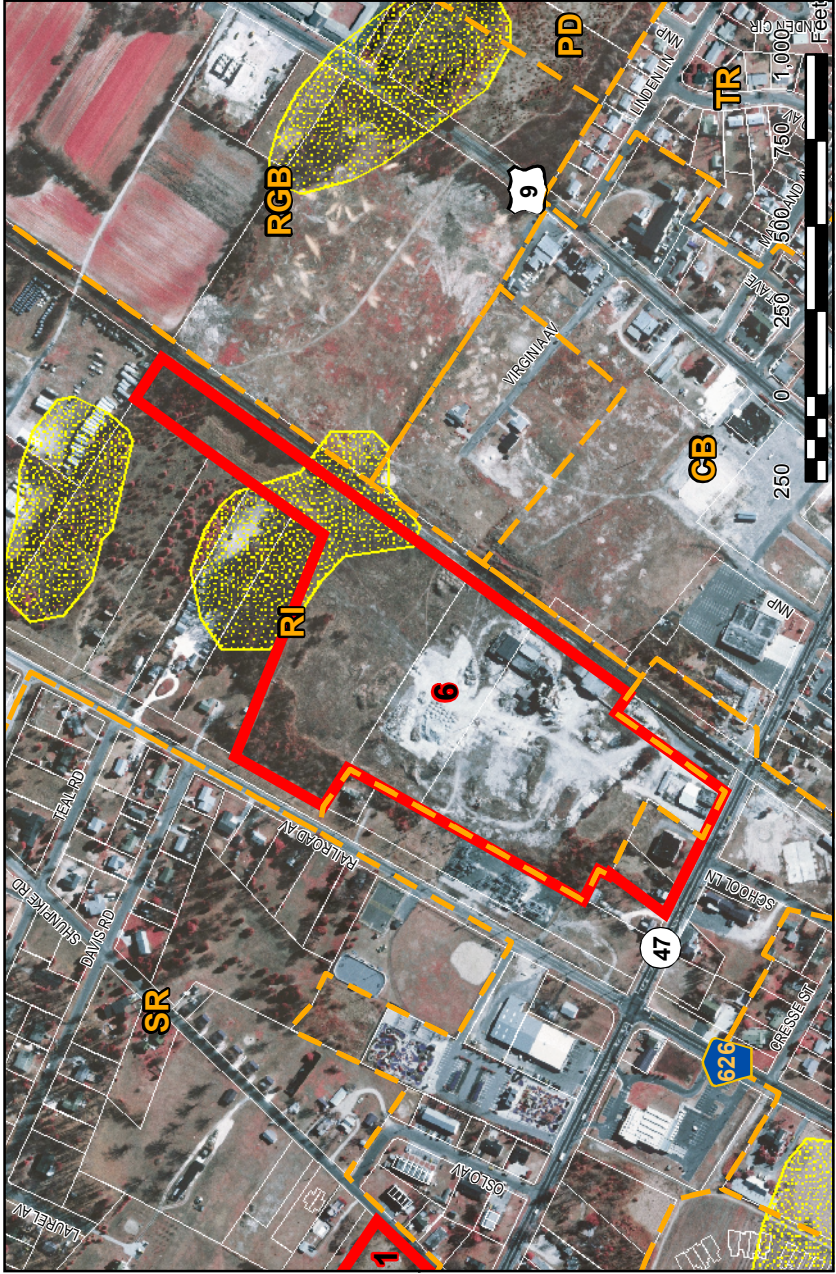
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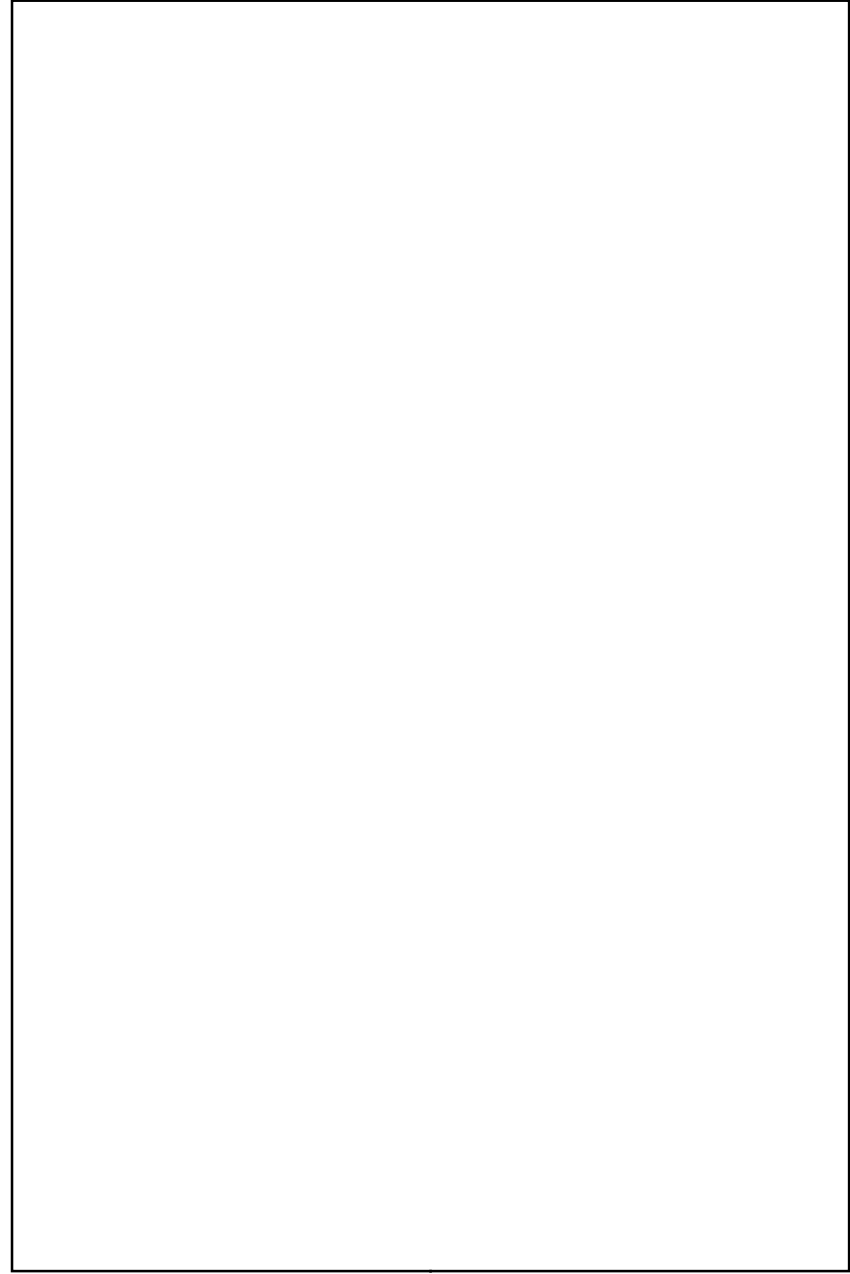
AH-5 Carel-Jobin



AH-7 R & RD, LLC



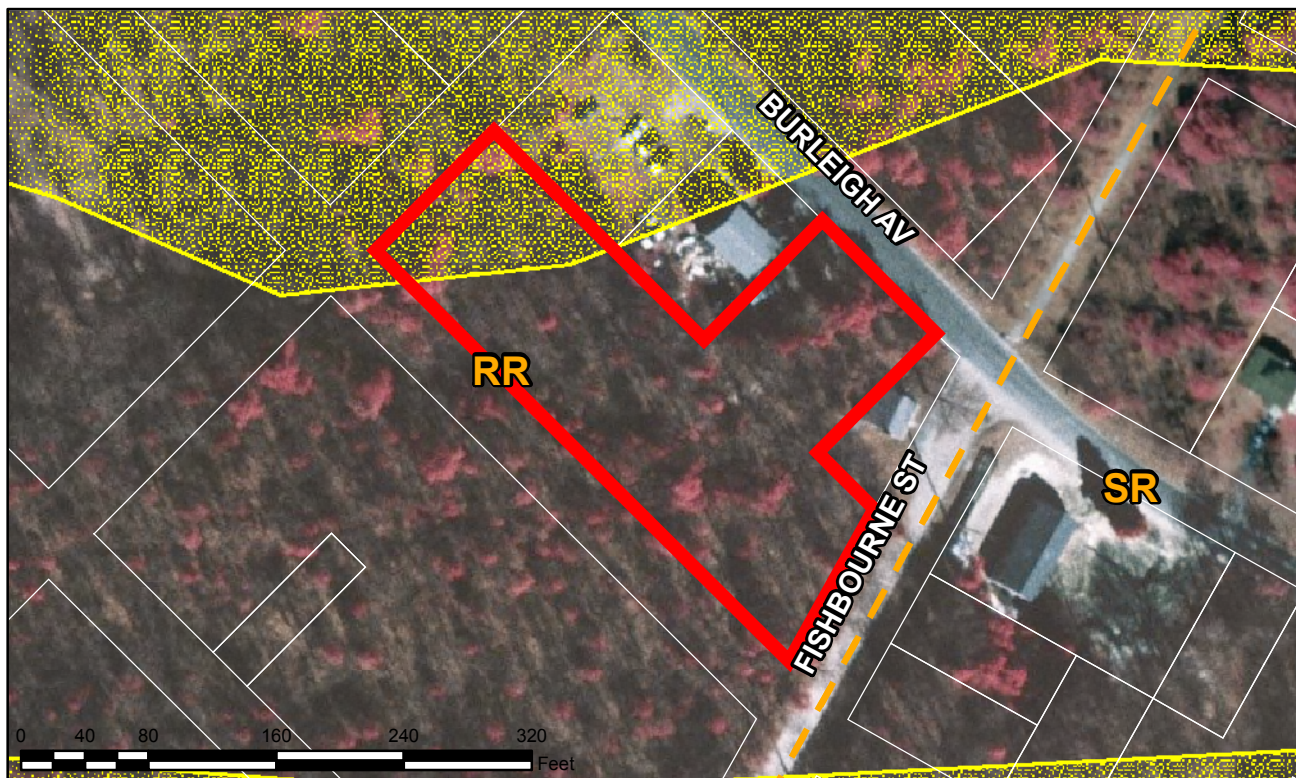
AH-6 Rio Victorian



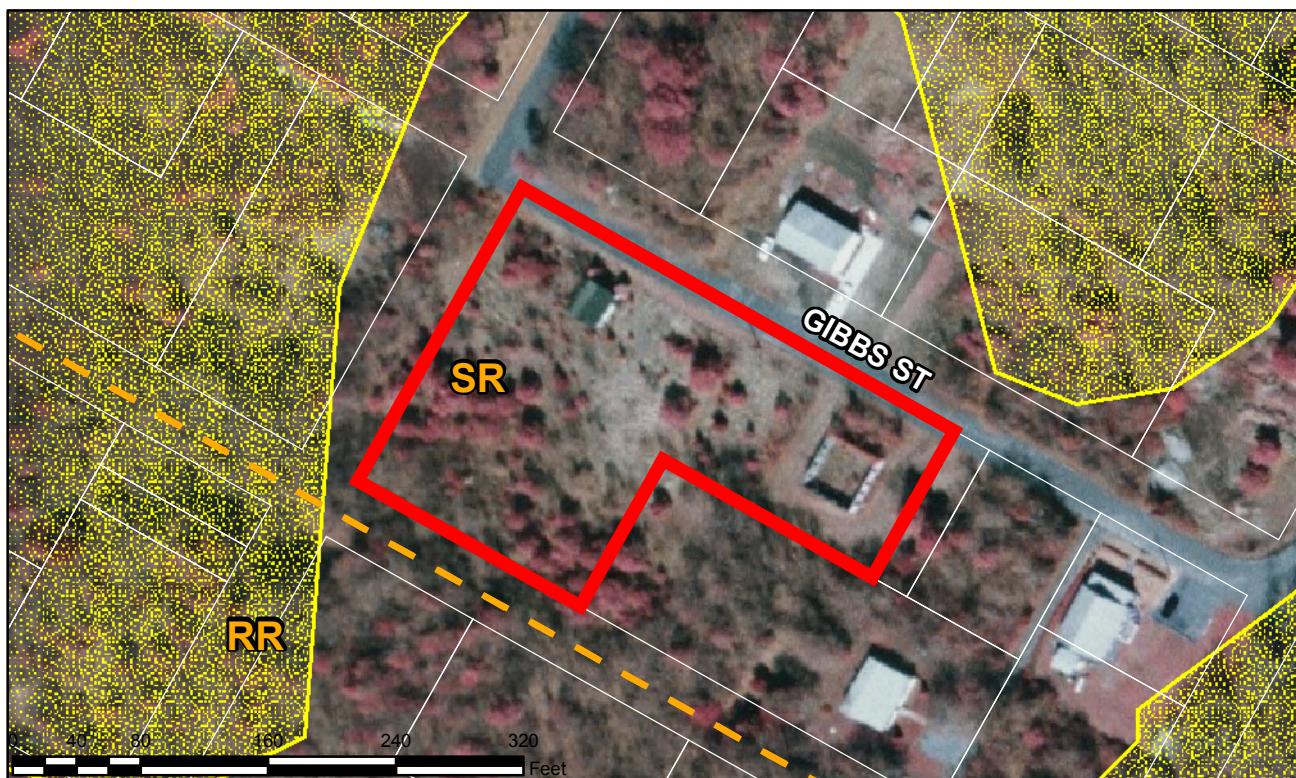
MIDDLE TOWNSHIP
AFFORDABLE HOUSING SITES MAP 3






- Zone Boundaries
- Affordable Housing Sites
- Wetlands & 300' C-1 Waters Buffer



Habitat for Humanity - Site 1



Habitat for Humanity - Site 2

-  Zone Boundaries
-  Habitat for Humanity Site
-  Wetlands & 300' C-1 Waters Buffer

HABITAT FOR HUMANITY SITES
TOWNSHIP OF MIDDLE
 CAPE MAY COUNTY, NEW JERSEY

 **MASER**
 CONSULTING P.A.
 NOVEMBER 24, 2008

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