

**ARCHER & GREINER P.C.**

Riverview Plaza

10 Highway 35

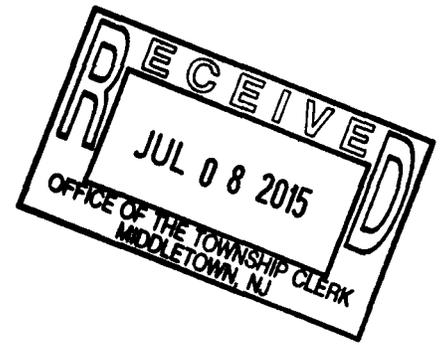
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Attorneys for Declaratory Plaintiff, Township of Middletown

By: Brian M. Nelson, Esq. (Attorney ID: 1352003)



**IN THE MATTER OF THE  
APPLICATION OF THE  
TOWNSHIP OF MIDDLETOWN,  
MONMOUTH COUNTY, a  
municipal corporation of the State  
of New Jersey.**

**SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - MONMOUTH COUNTY**

**DOCKET NO.: MON-L-**

Civil Case  
(Mount Laurel)

**EXHIBIT A**

**TOWNSHIP OF MIDDLETOWN  
PLANNING BOARD**

**RESOLUTION ADOPTING AN AMENDMENT TO THE  
TOWNSHIP'S EXISTING HOUSING ELEMENT AND  
FAIR SHARE PLAN AND A NEW THIRD ROUND  
HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, the Planning Board of Middletown Township Monmouth County, State of New Jersey, adopted its current Housing Element and Fair Share Plan pursuant to N.J.S.A. 40:55D-28 on **March 8, 2000**; and

**WHEREAS**, the Governing Body endorsed the Housing Element and Fair Share Plan on **March 13, 2000** ; and

**WHEREAS**, the Governing Body petitioned the Council on Affordable Housing for substantive certification on March 13, 2000, and re-petitioned for Substantive Certification on December 15, 2003; and

**WHEREAS**, the Council on Affordable Housing has not yet granted Substantive Certification to Middletown, but has issued a pre-mediation report, dated **October 14<sup>th</sup>, 2005**.; and

**WHEREAS**, The Township was required to submit a third round Housing and Fair Share Plan, utilizing COAH's new Growth Share methodology, in order to stay under COAH's umbrella of protection against builders remedy lawsuits

**WHEREAS**, the Planning Board has determined to amend the Housing Element and Fair Share Plan; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the amended Housing Element and Fair Share Plan on December 8, 2005;

and

**WHEREAS**, the Planning Board has determined that the amendment to the existing Housing Element and Fair Share Plan and the new third round Housing Element and Fair Share Plan is consistent with the goals and objectives of Middletown Township's Master Plan dated October 27, 2004, amended March 30, 2005, and that adoption and implementation of the amendments to the Housing Element and Fair Share Plan are in the public interest and protect public health and safety and promote the general welfare.

**NOW THEREFORE BE IT RESOLVED** by the Planning Board of Middletown Township, State of New Jersey, that the Planning Board hereby adopts the amended Housing Element and Fair Share Plan as well as a new third round Housing Element and Fair Share Plan.

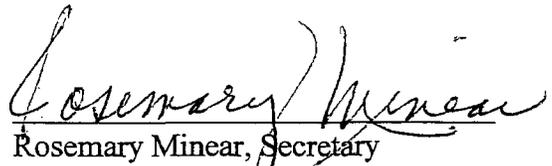
**ON A MOTION BY** William Warters and seconded by Maureen Unsinn  
the application is approved based upon the following vote:

AYES: Deus, Peters, Rathjen, Unsinn, Warters

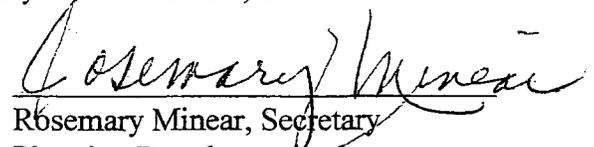
NAYS: None

ABSTAIN:

ABSENT:

  
Rosemary Minear, Secretary  
Planning Board

I hereby certify that this is a true copy of the resolution adopting the amended Housing Element and Fair Share Plan of Middletown Township, Monmouth County on December 8, 2005.

  
Rosemary Minear, Secretary  
Planning Board

**HOUSING ELEMENT & FAIR SHARE PLAN**  
**Amended Second Round & New Third Round**

**Middletown Township**  
**Monmouth County, New Jersey**  
**December 8, 2005**

Prepared by:

Middletown Township Department of Planning & Community Development

MIDDLETOWN TOWNSHIP  
Housing Element & Fair Share Plan

MIDDLETOWN TOWNSHIP PLANNING BOARD

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ROSEMARIE D. PETERS\*  
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WILLIAM WARTERS\*  
MAUREEN UNSINN\*, ALTERNATE 1  
WILLIAM SOPER, ALTERNATE 2

\* MEMBERS PARTICIPATING IN HOUSING ELEMENT & FAIR SHARE PLAN

LAWRENCE A. CARTON III, PLANNING BOARD ATTORNEY

MIDDLETOWN TOWNSHIP COMMITTEE

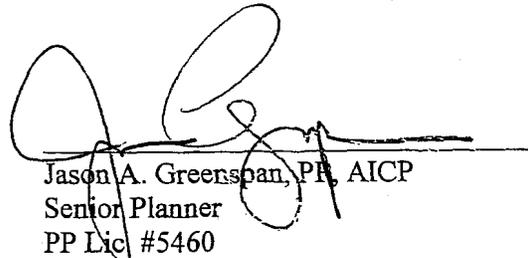
THOMAS G. HALL, MAYOR  
ROSEMARIE D. PETERS, DEPUTY MAYOR  
RAYMOND J. O'GRADY, COMMITTEEMAN  
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DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

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JASON GREENSPAN, PP, AICP, SENIOR PLANNER  
ROSEMARY MINEAR, PLANNING AND ZONING BOARD SECRETARY  
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Anthony P. Mercantante, PP, AICP  
Director of Planning  
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Senior Planner  
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## **BACKGROUND**

Middletown Township received substantive certification from the New Jersey Council on Affordable Housing for its first round affordable housing obligation on March 14<sup>th</sup>, 1994. Middletown immediately initiated implementation of that plan. Middletown has steadfastly continued to implement its housing programs and create affordable housing for the region. On March 13<sup>th</sup> of 2000 Middletown timely petitioned the Council on Affordable Housing (COAH) for substantive certification of a housing and Fair Share Plan to address its 12 year cumulative obligation. The petition included a plan for a total of 1670 units even though the COAH determined obligation was for 1655 units. The petition included full documentation for each element of the plan. Middletown staff had been in regular contact and worked closely with COAH in developing its plan. Many of the elements of the plan were included specifically at the suggestion of COAH staff and Middletown relied on and appreciated the input.

Thereafter Middletown anticipated receiving a report from COAH on its petition and was ready to provide any further or additional information requested. However that report never came. As the months and eventually years went by, Middletown repeatedly asked COAH for a report. Middletown's plan involved the expenditure of a substantial amount of taxpayer money and thus our hope was that we would have our plan certified as soon as possible. A significant element of the expenditure included over 200 RCA's with two separate municipalities. It is important to note however that despite COAH's inaction, Middletown did not sit idly by waiting. In fact Middletown proceeded to implement its plan. This activity included the rezoning of properties for inclusionary development, the granting of site plan approvals for inclusionary projects, the construction of 60 senior housing units, the building of scattered site single and two-family homes, the rehabilitation of housing, the approval and funding (\$10,000.00 per unit) of accessory apartments.

During this time, and primarily in late 2002 into 2003, despite Middletown's repeated request for a report from COAH, now overdue by more than two years, the only action on the part of COAH had been to review one component of Middletown's petition and that was the request for Credits Without Controls. Also during this time Middletown advised COAH that there would need to be certain plan amendments due to some changes in circumstances that developed as a result of Middletown's continued implementation of its plan. Once again Middletown sought a report before filing an amended plan. No report was to come, but a COAH did provide Middletown an assurance in writing that its position would not be compromised by the filing of an amended plan without first receiving a report from COAH. Middletown then re-petitioned COAH in December 2003.

Once again Middletown was anticipating a report from COAH on its plan. Middletown was also being pressured by one of its receiving municipalities, Red Bank, to proceed with the RCA for 98 units @ \$20,000.00. Middletown sought and received COAH's OK to transfer funds to Red Bank despite the fact that its plan had not yet been certified. However shortly thereafter Red Bank had acted to unilaterally break its agreement with

**MIDDLETOWN TOWNSHIP**  
**Housing Element & Fair Share Plan**

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Middletown, an action that would be later be sanctioned and facilitated by COAH in 2005.

Despite repeated assurances by COAH that a report would be forthcoming a report was not issued until October 14, 2005, just two months before Middletown was required to file its third round plan. This placed Middletown in an extremely difficult and frankly unfair position. In addition to preparing its Third Round Growth Share, due by December 20<sup>th</sup>, Middletown now had to respond to a voluminous report from COAH, five years late, and radically modify its Second Round Plan, all in what amounted to sixty days.

## HOUSING ELEMENT & FAIR SHARE PLAN

The Current Housing Element/Fair Share Plan is divided into two components. The first component is the Revised Second Round Plan, now with an obligation of 1647 (1647 – 25 rehab = **1622 New Construction**), as opposed to 1655 (1655 – 122 rehab = **1533 New Construction**), at the time the March 2000 Plan was submitted. The second component is the Third Round Growth Share Plan. Each component complies in all respects with COAH's requirements, although certain waivers are requested in the Round 2 Plan.

### ROUND 2 PLAN

#### ROUND 2 CREDITS, REDUCTIONS AND ADJUSTMENTS

##### Prior Cycle Credits

**Credits Without Controls** – Middletown conducted a survey of units constructed between April 1, 1980 and December 15, 1986, in accordance with COAH rules. Based upon the information collected by Middletown and submitted to COAH in March 2000, Middletown sought approval of 130 credits. In 2003 COAH reviewed the material submitted by Middletown and conducted an analysis that resulted in a determination that 101 creditworthy had been identified. As a result a letter was issued by COAH verifying this and thus Middletown is entitled to **101 prior cycle credits**.

**Municipal Scattered Site Construction** – Middletown began construction of affordable housing in 1986. COAH informed Middletown, in a letter dated July 17, 1991, that July 7, 1987 is considered the date of petition for substantive certification. Therefore, prior to this date, all affordable housing activities are considered to be credits or prior cycle credits. The two projects below were completed prior to this date and information verifying this was provided to COAH with Middletown's March 2000 submittal. All projects after that date are included as part of the Compliance Plan.

<u>Date Sold</u>	<u>Unit Size</u>	<u>Sales Price</u>
October 30, 1985	3 Bedroom	\$45,000
January 23, 1987	3 Bedroom	\$45,000

As a result Middletown is entitled to **2 Prior cycle credits**.

**Section 8 Certificates** - As part of the continual effort to provide affordable housing in Middletown, two types of HUD Section 8 Certificates have made available in Middletown.

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**Housing Element & Fair Share Plan**

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Section 8 New Construction - This subsidy is attached to 26 units at the King's Row senior Citizen Development, located at 1800 Highway 35 and Cherry Tree Lane. The building was first occupied in October 1983. The subsidy allows low-income households to reduce their housing costs to 30 percent of monthly income.

There are 26 units at Kings Row, which offer this income supplement to eligible low-income seniors. Affordability controls are in place on the units for 20 years. Information verifying the credit-worthiness of these units was provided to COAH with Middletown's March 2000 submittal. Section 8 certificates, which are tied to the unit such as this, are eligible for COAH credit, thus Middletown is entitled to **26 prior cycle credits**.

**A total of 29 Prior Cycle Credits**

**ROUND 2 COMPLIANCE**

**Rehabilitation Credits** – Due to a recalculation of Middletown's Rehabilitation component, as a result of analysis of Middletown's 2000 Census Data, the Township's new obligation went from 122 to 25. COAH has identified 23 rehabilitated units that are creditworthy. The remaining two units will be addressed in Middletown's third round Plan.

**A total of 23 Rehabilitation Credits**

**Scattered Sites** – Middletown has completed 18 scattered sites projects. Two were completed prior to July of 1987 and are thus counted as prior cycle credits. The remaining 16 are comprised of 9 single family dwellings and two duplexes (13 units), a duplex built by Habitat for Humanity on a lot donated by Middletown Township and a single family dwelling built by the Monmouth Housing Alliance on a lot donated by Middletown Township.

Middletown proposes to develop another 25 units on scattered sites in Middletown Township. Middletown is planning to contract with the Monmouth Housing Alliance to develop certain properties and also plans to continue working with Habitat for Humanity.

**A total of 41 Compliance Credits**

**Regional Contribution Agreements** – Middletown has completed 500 RCA units with five municipalities; Asbury Park, Red Bank, Highlands, Long Branch and Union Beach. In the case of the Union beach and Long Branch, Middletown also provided project administration. Middletown proposed another 202 RCA units in its March 2000 submittal to COAH. Middletown negotiated a 98 unit RCA with Red Bank and another 104 with Keansburg. This 202 number was of course pending the COAH's review of Middletown's March 2000 submittal. The RCA's were negotiated with each municipality at COAH's minimum at the time, \$20,000.00 per unit

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Red Bank has now negotiated another agreement with Manalapan. For a reason still unclear to Middletown, COAH never actually approved Middletown's RCA with Red Bank. Because of this, COAH allowed Red Bank to negotiate with another municipality in an effort to replace the RCA with Middletown. It is noteworthy that at no point did COAH or its staff notify Middletown that this effort was underway, despite the fact that Middletown had a contract with Red Bank and that allowing Red bank to proceed with Manalapan would seriously impact Middletown's Housing Plan; the Plan that was purportedly being reviewed by COAH staff.

Middletown plans to proceed with its 104 unit RCA with Keansburg. Middletown also plans to find another receiver for the 98 units. Middletown is hereby seeking a waiver to negotiate 202 RCA's @ \$20,000.00 per unit in accordance with the regulations in effect at the time of Middletown's March 2000 submittal. Had COAH acted on Middletown's plan in a reasonably timely manner this would not be an issue now. Middletown should not be forced to pay an extra \$15,000.00 per unit (\$3,030,000.00) because of COAH's failure to act.

Because of a recalculation of Middletown's Rehabilitation component and new construction obligation Middletown is now entitled to 248 RCA's. Middletown plans to negotiate another 46 RCA's at \$35,000.00 per unit, assuming the waiver request is granted for the original 202.

**Total of 78 Compliance Credits**

**Alternative Living Arrangements** - Middletown has identified three Group Home facilities totaling 16 units/beds. The facilities are identified as follows:

2 Division Street	4 Beds
141 Cherry Tree Farm Road	6 Beds
645 Brookside Drive	4 Beds

Each facility meets the affordability requirements of COAH. Documentation was provided to COAH with Middletown's March 2000 and December 2003 submittal. In addition a fourth Group Home containing 5 beds was approved by Middletown in 2005, as part of the Cottage Gate development. Appropriate documentation will be provided to COAH. Middletown is also entitled to 19 rental bonus credits.

**Total of 19 Compliance Credits**

**Total of 19 Rental Bonus Credits**

**Inclusionary Family Rental Projects** - Middletown has aggressively sought to provide a variety of affordable housing opportunities and types including rental housing.

<u>Projects Completed</u>	<u>Total Units</u>	<u>Affordable Units</u>
Beacon Place	140	28
Regency Park	110	16
Park Avenue	30	6

**MIDDLETOWN TOWNSHIP  
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Projects Under Construction

Villages @ Chapel Hill	150	30
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Proposed Projects

Harmony Associates	90	18
Brown Fence Co.	24	3
Wallace Tract	10	1
Atlantic Pier Co.	44	5
Total	598	107

Middletown has a agreements for all of the proposed projects and is this entitled to 107 compliance credits plus 107 rental bonus credits.

**A total of 107 Compliance Credits**

**A total of 107 Rental Bonus Credits**

**Inclusionary Family For Sale Projects** – Middletown has created for sale affordable housing.

<u>Projects Completed</u>	<u>Total Units</u>	<u>Affordable Units</u>
Laurel Greene	124	24
 <u>Projects Under Construction</u>		
Cottage Gate	105	16*

\* Does not include the 5 bed Group Home, counted elsewhere.

**A total of 40 Compliance Credits**

**Senior Rental Housing** – Middletown included in its submission to COAH in March 2000 a waiver request seeking to exceed the 25% senior cap. COAH’s report issued in October of 2005 and COAH’s action to deny this request issued in November 2005 both erroneously referred to Middletown as seeking a waiver to provide a 36 set aside. This was not correct. Middletown submitted a report justifying a waiver request up to 36%, but in actual fact only requested a waiver for 240 units or 29%, instead of 25%. Once again Middletown appears to have been “victimized” by the unconscionable delay of COAH in acting on its plan. Middletown was in fact encouraged by COAH staff to seek a senior cap waiver when it submitted its Plan in March 2000 and its amended Plan in

**MIDDLETOWN TOWNSHIP  
Housing Element & Fair Share Plan**

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December 2003. Since Middletown initially petitioned in March 2000, COAH has had three different Executive Directors and has experienced an inordinate amount of staff turnover. In fact Middletown is now working with its 8<sup>th</sup> staff planner since 2000. This lack of continuity has been detrimental to Middletown's efforts.

In addition COAH's third round rules allow a municipality to set aside up to 50% of its new construction obligation for senior housing. Clearly COAH has come to the conclusion that such a set aside is justifiable based upon current demographic conditions. If this is correct, then how could COAH determine that Middletown's request to set aside 29% for seniors is unreasonable, especially since COAH has chosen to take more than five years to review Middletown's request and we are now entering the third round where 50% is apparently reasonable.

Of the 240 units, 60 are built and occupied in the Luftman Towers project. The remaining 180 are yet to be built, however they do have final site Plan approval. Initially this project was delayed by litigation from an adjoining municipality, however those issues were resolved years ago. A key reason that the project has not yet been developed has to do with financing. The project, which is being developed by Conifer Realty, an experienced and highly reputable housing developer, is partially being funded by Tax Credits. It is also seeking other funding through NJDCA and NJHMFA; however some sources only fund projects that have substantive certification from COAH. This project, although technically included in Middletown's 1994 Certified Plan, is also included in the second round plan. As stated this plan was never reviewed by COAH until October 2005, despite being submitted in March 2000. If it had been acted on by COAH in a reasonable time frame and substantive certification granted, this project would likely have been built by now.

Therefore Middletown renews its request for a cap waiver of 29% instead of 25%. Middletown's request is both reasonable given COAH's third round criteria and realistic. In addition Middletown is entitled to 61 rental bonus credits.

**~~Total of 30 Compliance Credits~~**

**Accessory Apartments** – Middletown has one of the most effective and successful accessory apartment programs in New Jersey. To date 33 accessory apartments have been completed. All were affirmatively marketed and developed in accordance with COAH criteria. Middletown provided \$10,000.00 grants to 10 units. Middletown hereby claims 33 credits for the accessory apartments completed. In addition Middletown seeks a waiver to provide another 20 accessory apartments instead of 10. Middletown has demonstrated that it has a housing stock and a demographic makeup that lends itself to the production of such units. In additions Middletown seeks to utilize the second round criteria provided for in COAH's rules. This Includes providing \$10,000.00 grants instead of \$20,000.00, deed restricting the units for 10 years instead of 30 and allowing a 50% Low/Mod split instead of all Low Income units.

**~~Total of 53 Compliance Credits~~**

**Residential Over Commercial Development** – Middletown has initiated a unique program called Residential over Commercial Development. The Township has identified certain properties where single-story commercial uses exist and where the development or redevelopment of second story residential uses is feasible. Middletown offers grants towards such projects of \$16,000.00 per moderate income unit and \$24,000.00 per low income unit. One project has received approval for 12 all affordable units. Litigation held the project up for more than two years, but it has now been settled. Construction is expected to begin within the next 90 days. A second site was rezoned to permit an 18 unit project with 6 affordable units. Middletown has entered into a developer's agreement with the property owner, who is committed to proceeding with the project. Middletown is entitled to 18 rental bonus credits. Three additional properties have been rezoned and Middletown is seeking an additional 10 credits for future projects.

**A total of 46 Compliance Credits**

**Write Down Buy Down Program** – Middletown will implement a write down/buy down program for 15 units within the Township.

Middletown is aware that current COAH regulations cap this approach at 10; however, we are requesting a waiver to allow up to 15 such units to be created. In our March 2000 submittal to COAH, Middletown sought a waiver to do 25 write down buy down units. In fact Middletown was encouraged by COAH staff to seek 25 units instead of 10. We were advised that COAH wanted to promote this form of compliance and a waiver request was essentially a "slam dunk."

Once again, Middletown believes that given its unique characteristics and circumstances, such a waiver is reasonable.

Middletown Township has a very large and extremely diverse housing stock. Even with a robust housing market, a substantial number of dwellings priced under \$200,000.00 or below are available in Middletown. The Township is committed to contributing a subsidy on the sale/resale of 15 housing units in order to make them affordable to low and moderate income households. Middletown believes that this particular program provides a very positive and commendable means to which to provide affordable housing without creating new housing.

**A total of 15 Compliance Credits**

**Rental Obligation**

Middletown's Second Round Rental Obligation is 373

$$.25 (1647 - 129 - 25) = 373.25$$

**MIDDLETOWN TOWNSHIP**  
**Housing Element & Fair Share Plan**

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Middletown Has provided the following rentals:

Beacon Place	28
Regency Park	16
Villages at Chapel Hill	30
Park Avenue	6
Harmony Road	18
Brown Fence	3
Wallace Tract	1
Atlantic Pier Co.	5
Group Homes	19
Accessory Apartments	33
Elgohail	12
Mustillo	6
Other ROC	<u>10</u>
	177 Family Units
Luftman Towers	60
Conifer Realty	<u>180</u>
	240 Senior
	417 Grand Total

**ROUND 3 PLAN**

Middletown has a third round growth share obligation of 228 units. This is based upon the calculations and data provided in Appendix A.

**CREDITS REDUCTIONS AND ADJUSTMENTS**

**Reduction for unbuilt affordable housing sites** – Pursuant to 5:94-3.3, Middletown hereby seeks a reduction of 180 units from its 228 unit growth share obligation. This project was included in Middletown's second round housing plan, submitted to COAH in March 2000. At this point it remains unbuilt, although it is realistic and in fact has site plan approval.

**A 180 Unit Reduction**

**Rehabilitation Credits** – Middletown has a long standing housing rehabilitation program. A minimum of two units will be rehabilitated in accordance with COAH's criteria.

**A total of 2 Credits**

**MIDDLETOWN TOWNSHIP  
Housing Element & Fair Share Plan**

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**Regional Contribution Agreements** – Middletown has a remaining new construction obligation of 46 ( $228-180-2 = 46$ ), which means that 23 or 50% can be satisfied through regional Contribution Agreements. Middletown will enter into a Regional Contribution Agreement for an additional 23 units, in accordance with COAH's third round criteria.

**A total of 23 Credits**

**Scattered Site Housing** – Middletown plans to develop another 10 units via its scattered sites housing program. The units will either be developed by Middletown Township directly, or through others such as the Monmouth Housing Alliance or Habitat for Humanity. Middletown also plans to transfer a property to the Monmouth Housing Alliance for the development of a 4 unit rental project. This is a property that formerly contained a fire damaged 5 unit apartment building. The property was acquired by the Township.

**A total of 13 Credits**

**Inclusionary Family Rental Projects** – Middletown will rezone a property located on West Front Street that will result in the development of 9 affordable rental units.

**A total of 9 Credits**

**Senior Rental Housing** – Middletown has rezoned two properties for age restricted housing. The Mountain Hill property is likely to produce 35 housing units and the Sterling Properties property is likely to produce 10 units.

**A total of 45 Credits**

**Accessory Apartments** – Middletown has one of the most effective and successful accessory apartment programs in New Jersey. Middletown seeks to produce another 10 Accessory Apartments in accordance with COAH's third round regulations.

**A total of 10 Credits**

**Write down Buy Down Program** – Middletown will implement a write down/buy down program for 10 units within the Township.

**A total of 10 Credits**

**Rental Obligation**

Middletown's Third Round Rental Obligation is 12.

$$.25 (228 - 180 - 2 = 12)$$

**MIDDLETOWN TOWNSHIP**  
**Housing Element & Fair Share Plan**

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Middletown Has provided the following rentals:

Scattered Site Rental	4
Accessory Apartments	<u>10</u>
	14

Even if Middletown was not successful in seeking its senior cap waiver for the second round and was limited to 187 senior units, the Third Round Growth share would still be satisfied.

	228
	<u>-127</u> Reduction for Unbuilt Units
	101
	<u>-2</u> Rehabilitation Component
	99
	<u>-49</u> RCA's
	50
	-10 Accessory Apartments
	-10 Scattered Sites
	<u>-10</u> Write Down Buy Down
	29
	<u>-4</u> Scattered Site Rental
	25
	<u>-25</u> Anticipated Senior units
	0

Middletown is committed to implementing the remainder of its second round housing obligation, as well as its third round Growth Share housing obligation. Middletown will adopt any ordinances necessary including rezoning the Colonial Farm Property for a total of 45 units with a 20% set aside to create 9 affordable Housing units. Middletown reserves the right to make these units either rental or for sale, depending on what is needed for the Third Round.

Middletown is committed to fully funding the RCA's in accordance with the Plan and the requested waiver for the second round. Middletown will bond for the RCA's at a schedule acceptable to COAH. Middletown will also fund the Accessory Apartment program, the Write Down Buy Down program, the rehabilitation program and the Residential Over Commercial program, as needed in order to effectuate this plan.

Middletown will adopt a Growth Share Ordinance and will also implement an affirmative marketing plan in conformance with COAH rules.

MIDDLETOWN TOWNSHIP  
Housing Element & Fair Share Plan

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**APPENDICES**

- APPENDIX A:      GROWTH SHARE PROJECTION**
- APPENDIX B:      FAIR SHARE SUMMARY TABLE**
- APPENDIX C:      RESOLUTIONS**

**APPENDIX A: MIDDLETOWN TOWNSHIP - MONMOUTH COUNTY  
MUNICIPAL GROWTH SHARE OBLIGATION PROJECTION**

**Projecting the Residential Growth Share Obligation**

**STEP 1:** The projections in Table R-1 were provided by the North Jersey Transportation Planning Organization (NJTPA), which is the Metropolitan Planning Organization (MPO) for Middletown. These projections will be utilized until the Plan projections for 2015 in the final State Development and Redevelopment Plan are released. The MPO growth projections show population projections in five-year intervals from 2000 through 2025. These projections show total population, not just the population projected to reside in market rate units.

To determine how many affordable units will be needed to address residential growth, the increase in population was determined by subtracting the projected number of Middletown households in 2005 from the projected number of Middletown households in 2015. This provided a 10-year population increase that closely parallels the 2004 to 2014 period upon which growth share is based. This resulted in a total number of 230 new households as shown in **Table R-1** below. This is the figure that will be compared to the total net residential growth as projected by Middletown in Steps 5 and 6.

<b>TABLE R-1</b>				
NJTPA Residential Growth Projection				
2015 NJTPA Households		2005 NJTPA Households		Household Growth
<b>24,200</b>	-	<b>23,970</b>	=	<b>230</b>

**STEP 2:** Construction data on Middletown's actual growth between 1995 and 2004 forms the basis of the growth share calculation. This historic data for the last 10 years was collected based on certificates of occupancy and demolitions issued. **Table R-2** provides the 10-year historic certificate of occupancy (CO) and demolition permit data that were collected. This process assists in projecting likely future growth and also provides for actual growth since January 1, 2004. COs issued minus demolitions that have taken place since January 1, 2004 comprise the first component of the growth share calculation. Actual figures are used for growth in 2004 and projections are used for growth from 2005 to 2014.

**TABLE R-2**  
Ten-year Historic Trend of Residential Certificates of Occupancy and Demolition Permits

	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
CO's Issued	57	63	110	144	77	56	56	103	156	135
Demolitions	3	10	10	0	9	16	22	27	31	25
<b>Net</b>	<b>54</b>	<b>53</b>	<b>100</b>	<b>144</b>	<b>68</b>	<b>40</b>	<b>34</b>	<b>76</b>	<b>125</b>	<b>110</b>

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**STEP 3:** This section includes projections of future residential construction based on a site-specific analysis of development applications, both approved and anticipated. Developments that are expected to be constructed before 2014 were utilized to project residential growth. Yield calculations give consideration to limitations to development such as wetlands, steep slopes and access to utilities. Also included in this projection is all anticipated development (including units at inclusionary sites from the second round affordable housing plan submitted to COAH for substantive certification that have not yet been constructed), as well as future housing projects that will be approved and will have COs issued by 2014. **Table R-3** lists those developments and provides an estimate of the number of units that could be constructed and the year COs would be issued. **Table R-3** also includes other development that is anticipated to occur based in part upon the historic rate of development, e.g. minor subdivisions and infill, which is not part of any approved or projected development application.

**TABLE R-3**  
Anticipated Developments & Number of Residential Units by the  
Year that CO's are Anticipated to be Issued

	'05	'06	'07	'08	'09	'10	'11	'12	'13	Total
<b>Approved Development Applications</b>										
Gate Cottage*	20	43	43							106
Conifer Realty*			30	50	100					180
Regency Park*	30	80								110
Harmony Road Assoc.*			15	25	50					90
EZ Quick		3								3
Friedman	1									1
Kohl		1								1
Monmouth Housing Alliance*		6								6
Port Monmouth Partners*		12	12							24
Village @ Chapel Hill*			30	80	40					150
George Allen		7	3							10
J&J Morris		6								6
Signature Communities**	2									2
Dunes @ Shoal Harbor**	31									31
Ferraro (Lincroft)**	8									8
Clay Perlman		3	2							5
Weinberg			2	2	1					5
Conway		2	4							6
Navesink Ridge		3	6							9
Lamberto		4								4
LAD		6								6
Emad Elgohail (Leonardo)*			12							12
St. Catherine's Church		4	2							6

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Wobito			3							3
Pomo Court		3								3
<i>Subtotal of Approved</i>	<i>92</i>	<i>183</i>	<i>164</i>	<i>157</i>	<i>191</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>787</i>
<b>Pending Development Applications</b>										
Mims		2								2
Mason & Jennings (Wilson)		3								3
Mason & Jennings (Sleepy Hollow)		3								3
Martelli			3							3
Riker			1							1
HHP. LLC		1								1
HAD Associates		2	6							8
<i>Subtotal of Pending</i>	<i>0</i>	<i>11</i>	<i>10</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>21</i>
<b>Anticipated Development Applications</b>										
Bamm Hollow***						5	10	10	15	40
Schwartz			20	30	45	10				105
Tretter				4	4					8
Stavola (Chapel Hill Road)				4	8	3				15
Dethlefsen				2	4					6
Woodland Farm***							5	5	10	20
Mountain Hill Adult Community					25	75	75	98	75	348
Four Winds Farm				4	3					7
Mustillo*				8	8					16
Ideal Beach*				4						4
Atlantic Pier				10	25	9				44
River Development (Wallace)				5	4					9
River Development (Browns Fence)				5	17					22
Garrett Farm				2	4	2				8
Wilson Ave. Port Monmouth				10						10
DeFelice Farm						10	20			30
Blaisdell					5	8				13
Laurel Avenue & Holland Road			2	2						4
Misc. Minor Subdivisions	5	5	5	3	3	3	3	3	3	33
Scattered Sites Municipal Construction*		2	2	2	3	2	3	3	3	20
Accessory Apartments*	2	2	2	2	2					10
<i>Subtotal of Anticipated</i>	<i>7</i>	<i>9</i>	<i>31</i>	<i>97</i>	<i>160</i>	<i>127</i>	<i>116</i>	<i>119</i>	<i>106</i>	<i>772</i>
<b>TOTAL</b>	<b>99</b>	<b>203</b>	<b>205</b>	<b>254</b>	<b>351</b>	<b>127</b>	<b>116</b>	<b>119</b>	<b>106</b>	<b>1,580</b>

\* Included in second round affordable housing plan submission to COAH

\*\* Some COs for this development were issued prior to 2005

\*\*\* Figure does not represent full build-out of tract

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**STEP 4:** Anticipated residential demolitions are subtracted from the total COs projected, as shown in **Table R-4**.

**TABLE R-4**  
Projected Miscellaneous COs and Demolition Permits

	'05	'06	'07	'08	'09	'10	'11	'12	'13	Total
Total CO's Issued (from Table R-3)	99	203	205	254	351	127	116	119	106	1580
Demolitions	49	36	32	29	23	22	21	20	19	251
<b>Net</b>	50	167	173	225	328	105	95	99	87	<b>1,329</b>

**STEP 5:** The actual net residential growth from 2004 (Table R-2) is added to the projected net residential growth from 2005 to 2014 (Table R-4) to arrive at the total 10-year total residential growth as shown in **Table R-5**.

**TABLE R-5**  
Total Net Residential Growth (Sum of Actual and Projected Growth)

	<i>Actual</i> → ←	<i>Projected</i> →									
	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	Total
Total CO's Issued (from Table R-3)	135	99	203	205	254	351	127	116	119	106	1,715
Demolitions	25	49	36	30	29	23	22	21	20	19	274
<b>Net</b>	110	50	167	175	225	328	105	95	99	87	<b>1,441</b>

**STEP 6:** The net residential growth from Step 5 is compared to the MPO housing unit growth as projected in Step 1. Middletown's net residential growth estimate of 1,441 (from Table R-5) has a presumption of validity in the Township's petition for substantive certification since the estimate is greater than NJTPA's household growth projection of 230.

**STEP 7:** From the total net residential growth, affordable housing units are subtracted that were included in Middletown's second round affordable housing plan submitted to COAH for substantive certification that have received or are projected to receive COs after January 1, 2004. In addition to affordable units, market-rate residential units in an inclusionary development that were part of the submitted second round plan were also subtracted. This is represented in **Table R-6**.

**TABLE R-6**  
Second Round Affordable and Market-Rate Units in  
Inclusionary Developments to be Excluded from Growth Projection,  
by the Year that CO's are Anticipated to be Issued

	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	Total
Gate Cottage		25	40	25							90
Conifer Realty				30	50	100					180

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Regency Park		12	68								80
Harmony Road Assoc.				15	25	50					90
Monmouth Housing Alliance			6								6
Port Monmouth Partners			12	12							24
Village @ Chapel Hill				30	80	40					150
Emad Elgohail (Leonardo)				12							12
Mustillo					8	8					16
Ideal Beach				4							4
Scattered Sites Municipal Construction			2	2	2	3	2	3	3	3	20
Accessory Apartments		2	2	2	2	2					10
<b>Total</b>	<b>0</b>	<b>39</b>	<b>130</b>	<b>132</b>	<b>167</b>	<b>203</b>	<b>2</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>682</b>

**STEP 8:** The total number of second round units to be excluded from the growth projection as calculated in Step 7 (Table R-6) is subtracted from the net residential growth projection as calculated in Step 5 (Table R-5). **Table R-7** shows the net residential growth projection after excluding all allowable second-round affordable and market-rate units.

**TABLE R-7**  
Net Residential Growth Projections After Subtracting  
2nd Round Affordable and Inclusionary Market-Rate Units

	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	Total
Net Residential Growth (Table R-5)	110	50	167	175	225	328	105	95	99	87	1,441
Second Round Units (Table R-6)	0	39	130	132	167	203	2	3	3	3	682
<b>Final Net Growth</b>	<b>110</b>	<b>11</b>	<b>37</b>	<b>43</b>	<b>58</b>	<b>125</b>	<b>103</b>	<b>92</b>	<b>96</b>	<b>84</b>	<b>759</b>

**STEP 9:** The net projected residential growth of 759 is divided by eight, with a resulting growth share obligation of 94.88 affordable units as show in **Table R-8**. The reason the number is divided by eight is that no affordable units that will meet a third round obligation are included in these projections.

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**TABLE R-8**  
Affordable Housing Unit Growth Projections

	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	Total
Table R-7 Total	110	11	37	43	58	125	103	92	96	84	759
Divided by Eight	12.22	1.22	4.11	4.78	6.44	13.89	11.44	10.22	10.67	9.33	<b>94.88</b>

**Projecting the Non-Residential Growth Share Obligation**

**STEP 1:** The projections in **Table NR-1** were provided by the NJTPA and will be utilized until the Plan Projections for 2015 in the final State Development and Redevelopment Plan are released. NJTPA's growth projections show employment projections in five-year intervals from 2000 through 2025. To determine how many affordable units will be provided to address non-residential growth, the increase in employment is determined by subtracting the number of jobs in the year 2005 from the number of jobs in the year 2015. This provides a 10-year employment increase that closely parallels the 2004 to 2014 period on which growth share is based. This figure is then compared for consistency to the employment growth projected for Middletown Township in Step 6.

<b>TABLE NR-1</b>			
NJTPA Non-Residential Growth Projection			
2015 MPO Employment	-	2005 MPO Employment	= Employment Change
<b>22,580</b>	-	<b>20,630</b>	<b>= 1,950</b>

**STEP 2:** The historic data for the last 10 years that were collected on COs and demolitions is presented in **Table NR-2**. Review of this data assisted in projecting likely future growth and provided actual growth figures since January 1, 2004. COs issued minus demolitions that have taken place since January 1, 2004 comprise the first component of the growth share calculation. Actual figures are used for growth in 2004 and projections are used for growth from 2005 to 2014.

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**TABLE NR-2**

Ten-year Historic Trend of Certificates of Occupancy and Demolition Permits\* by Square Feet

	'95	'96	'97	'98	'99	'00	'01	'02	'03	'04
Office	40,375	603	37,528	618,232	372,651	10,021	0	111,428	69,174	43,351
Retail	0	0	0	0	117,600	0	0	85,666	0	0
A-1	0	0	0	0	0	0	0	0	0	0
A-2	0	0	0	0	0	0	0	0	0	0
A-3	0	0	0	0	0	0	2,900	4,018	0	2,930
A-4	0	3,483	0	0	0	0	1,084	2,713	0	0
A-5	0	0	0	0	0	0	0	0	0	0
multifamily/ dormitories	0	0	0	0	47,624	7,256	0	20,927	100,060	0
hotel/motel	0	0	0	0	0	48,660	0	0	0	0
education	2,880	16,950	0	106,142	0	200	103,641	38,373	0	0
industrial	0	0	0	0	0	0	0	0	0	0
hazardous	0	0	0	0	0	0	0	0	0	0
institutional	0	0	70,751	50,718	0	0	42,466	12,930	0	0
storage	0	0	434,560	869,120	0	0	70,528	84,828	2,160	0
signs, fences, utility & misc	1,500	0	0	0	0	0	0	625	0	0
Demolitions										

\*Demolition Information Unavailable

**STEP 3:** Actual growth that occurred in Middletown in 2004 was then converted from square footage to jobs using Appendix E of the Third Round Substantive Rules. These conversions were made for each relevant use group in **Tables NR-3** and **NR-4**.

**TABLE NR-3**

"B" USE GROUP: Actual Developments in 2004 where CO's Were Issued  
(3 jobs per 1,000 square feet)

	'04	Total Sq. Ft.	Jobs
B	43,351	43,351	130
Demolitions	0	0	0
Net Development	43,351	43,351	130

**TABLE NR-4**

"A3" USE GROUP: Actual Developments in 2004 where COs Were Issued  
(3 jobs per 1,000 square feet)

	'04	Total Sq. Ft.	Jobs
A-3	2,930	2,930	9
Demolitions	0	0	0
Net Development	2,930	2,930	9

**STEP 4:** Projections of all future non-residential construction based on a site-specific analysis of development applications, both approved and anticipated, are included in **Tables NR-5** through **NR-11**. Developments that are expected to be constructed and COD

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before 2014 are used to project non-residential growth. Yield calculations give consideration to limitations to development such as wetlands, steep slopes and access to utilities. Tables NR-5 through NR-11 list those developments and provide an estimate of the square footage anticipated, the year a CO would be issued. And the estimated number of jobs created. Any adjustment to the non-residential growth projections by demolitions that resulted in job loss calculation was based upon the most recent use group of the building prior to its demolition.

Once tabulated, the appropriate use group factor listed in Appendix E of the Third Round Substantive Rules to the projected net gross square footage of new non-residential development is applied to determine the projected job growth. Appendix E was the standard used to determine jobs per square feet.

**TABLE NR-5**  
"B" USE GROUP: Developments & Anticipated Developments  
by the Year that CO's are Anticipated to be Issued  
(3 jobs per 1,000 square feet)

	'05	'06	'07	'08	'09	'10	'11	'12	'13	Total	Jobs
<b>Approved Development Applications</b>											
AT&T***					175,000	175,000	175,000	175,000	175,000	875,000	2,625
Bayshore Community Health Services			10,000							10,000	30
Santa Croce	1,290									1,290	4
SDC Group	6,500									6,500	20
Weichert Realty	3,691									3,691	11
Mitchel Friedman	3,769									3,769	11
William Kohl		6,272								6,272	19
Venture Associates	7,158									7,158	21
Home Vet Services		864								864	3
PNC Bank		3,650								3,650	11
<b>Pending Development Applications</b>											0
Medical Health Center			8,000							8,000	24
Rass, Inc.		25,000								25,000	75
Wobito			39,970							39,970	120
<b>TOTAL NEW DEVELOPMENT</b>	22,408	35,786	57,970	0	175,000	175,000	175,000	175,000	175,000	991,164	2,973
<b>TOTAL DEMOLITIONS</b>	1,000	4,000	0	0	0	0	0	0	0	5,000	15

\*\*\* Figure represents 87.5% build-out of approved 1,000,000 sq. ft.

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**TABLE NR-6**

"M" USE GROUP: Developments & Anticipated Developments  
by the Year that CO's are Anticipated to be Issued  
(1 job per 1,000 square feet)

	'05	'06	'07	'08	'09	'10	'11	'12	'13	Total	Jobs
<b>Approved Development Applications</b>											
Autozone		6,818								6,818	7
EZ Quick		2,000								2,000	2
<b>Pending Development Applications</b>											
All American Chevrolet			5,800							5,800	6
Kimber Petroleum		2,400								2,400	2
<b>Anticipated Development Applications</b>											
PNC Bank Site			7,500	7,500						15,000	15
Campbell's Junction			2,500	7,500	7,500					17,500	18
<b>Other Projected Development</b>											
				5,000	5,000	5,000	5,000	5,000	5,000	30,000	30
<b>TOTAL NEW DEVELOPMENT</b>	0	11,218	15,800	20,000	12,500	5,000	5,000	5,000	5,000	<b>79,518</b>	<b>80</b>
<b>TOTAL DEMOLITIONS</b>	0	0	0	750	750	750	750	750	750	<b>4,500</b>	<b>5</b>

**TABLE NR-7**

"S" USE GROUP: Developments & Anticipated Developments  
by the Year that CO's are Anticipated to be Issued  
(0.2 job per 1,000 square feet)

	'05	'06	'07	'08	'09	'10	'11	'12	'13	Total	Jobs
<b>Approved Development Applications</b>											
Rondelou	20,000									20,000	4
Crown Tire		4,510								4,510	1
<b>Anticipated Development Applications</b>										0	0
Kanes Lane M-1				30,000		15,000		7,500	7,500	60,000	12
<b>Other Projected Development</b>										0	0
Belford Seafood Coop				25,000		30,000	20,000	15,000		90,000	18
<b>TOTAL NEW DEVELOPMENT</b>	20,000	4,510	0	55,000	0	45,000	20,000	22,500	7,500	<b>174,510</b>	<b>35</b>
<b>TOTAL DEMO.</b>	0	0	10,000	0	0	0	0	0	0	<b>10,000</b>	<b>2</b>

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**TABLE NR-8**

"A1" USE GROUP: Developments & Anticipated Developments  
by the Year that CO's are Anticipated to be Issued  
(2 jobs per 1,000 square feet)

	'05	'06	'07	'08	'09	'10	'11	'12	'13	Total	Jobs
<b>Approved Development Applications</b>											
Cultural Arts Center	7,000									7,000	14
<b>TOTAL NEW DEVELOPMENT</b>	7,000	0	0	0	0	0	0	0	0	7,000	14
<b>TOTAL DEMOLITIONS</b>	0	0	0	0	0	0	0	0	0	0	0

**TABLE NR-9**

"A2-A4" USE GROUP: Developments & Anticipated Developments  
by the Year that CO's are Anticipated to be Issued  
(3 jobs per 1,000 square feet)

	'05	'06	'07	'08	'09	'10	'11	'12	'13	Total	Jobs
<b>Approved Development Applications</b>											
Lincroft Inn		1,500								1,500	5
Nicolissa	920									920	3
Scott & Kedz	2,000									2,000	6
Beacon Hill Golf Course			9,932							9,932	30
<b>Other Projected Development</b>										0	0
Croyden Hall Gym			10,000			500	500	500	500	12,000	36
<b>TOTAL NEW DEVELOPMENT</b>	2,920	1,500	19,932	0	0	500	500	500	500	26,352	79
<b>TOTAL DEMOLITIONS</b>	0	0	0	0	0	0	0	0	0	0	0

**TABLE NR-10**

"E" USE GROUP: Developments & Anticipated Developments  
by the Year that CO's are Anticipated to be Issued  
(1 job per 1,000 square feet)

	'05	'06	'07	'08	'09	'10	'11	'12	'13	Total	Jobs
<b>Other Projected Development</b>										0	0
Pre-K Facility					25,000					25,000	25
<b>TOTAL NEW DEVELOPMENT</b>	0	0	0	0	25,000	0	0	0	0	25,000	25
<b>TOTAL DEMOLITIONS</b>	0	0	0	0	0	0	0	0	0	0	0

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**TABLE NR-11**  
 "R1" USE GROUP: Developments & Anticipated Developments  
 by the Year that CO's are Anticipated to be Issued  
 (0.8 job per 1,000 square feet)

	'05	'06	'07	'08	'09	'10	'11	'12	'13	Total	Jobs
<b>Pending Development Applications</b>										0	0
Comfort Inn			3,866							3,866	3
<b>TOTAL NEW DEVELOPMENT</b>	0	0	3,866	0	0	0	0	0	0	<b>3,866</b>	<b>3</b>
<b>TOTAL DEMOLITIONS</b>	0	0	0	0	0	0	0	0	0	<b>0</b>	<b>0</b>

**STEP 5:** Tables NR-5 through NR-11 were merged into **Table NR-12** once the number of jobs created (new construction) or lost (demolitions) by use group was determined. Jobs lost (as evidenced by demolitions) were subtracted from jobs created (new construction) to arrive at net projected employment growth.

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**TABLE NR-12**  
Net Projected Employment Growth

	'05	'06	'07	'08	'09	'10	'11	'12	'13	Total
Table NR-5 TOTAL NEW DEVELOPMENT	67	107	174	0	525	525	525	525	525	2,973
Table NR-6 TOTAL NEW DEVELOPMENT	0	11	16	20	13	5	5	5	5	80
Table NR-7 TOTAL NEW DEVELOPMENT	4	1	0	11	0	9	4	5	2	35
Table NR-8 TOTAL NEW DEVELOPMENT	14	0	0	0	0	0	0	0	0	14
Table NR-9 TOTAL NEW DEVELOPMENT	9	5	60	0	0	2	2	2	2	79
Table NR-10 TOTAL NEW DEVELOPMENT	0	0	0	0	25	0	0	0	0	25
Table NR-11 TOTAL NEW DEVELOPMENT	0	0	3	0	0	0	0	0	0	3
<b>Subtotal New Development</b>	94	124	253	31	563	541	536	536	533	3,209
Table NR-5 TOTAL DEMOLITIONS	-3	-12	0	0	0	0	0	0	0	-15
Table NR-6 TOTAL DEMOLITIONS	0	0	0	-1	-1	-1	-1	-1	-1	-5
Table NR-7 TOTAL DEMOLITIONS	0	0	-2	0	0	0	0	0	0	-2
Table NR-8 TOTAL DEMOLITIONS	0	0	0	0	0	0	0	0	0	0
Table NR-9 TOTAL DEMOLITIONS	0	0	0	0	0	0	0	0	0	0
Table NR-10 TOTAL DEMOLITIONS	0	0	0	0	0	0	0	0	0	0
Table NR-11 TOTAL DEMOLITIONS	0	0	0	0	0	0	0	0	0	0
<b>Subtotal Demolitions</b>	-3	-12	-2	-1	-1	-1	-1	-1	-1	-22
<b>Total Projected Net Employment Growth</b>	91	112	251	30	562	540	535	535	532	<b>3,188</b>

**STEP 6:** Middletown's actual net non-residential growth from 2004 was added to the projected net non-residential growth from 2005 to 2014 to arrive at the total 10-year net non-residential (employment) growth as shown in **Table NR-13**.

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**TABLE NR-13**

Total Net Non-Residential (Employment) Growth (Sum of Actual and Projected Growth)

	<i>Actual</i> → ←		<i>Projected</i> →								
	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	<i>Total</i>
<b>Total New Development</b>	139	94	124	253	31	563	541	536	536	533	3,348
<b>Total Demolitions</b>	0	-3	-12	-2	-1	-1	-1	-1	-1	-1	-22
<b>Total Net Employment Growth</b>	139	91	112	251	30	562	540	535	535	532	<b>3,327</b>

**STEP 7:** The net non-residential growth from Step 5 is compared to NJTPA's projected employment growth in Step 1. The net non-residential growth of 3,188 (from Table NR-12) is 63% greater than the NJTPA's employment growth projection of 1,950. Accordingly, Middletown's net non-residential growth estimate of 3,188 has a presumption of validity in the Township's petition for substantive certification.

**STEP 8:** The net non-residential growth of 3,327 jobs is divided by 25, with a resulting non-residential growth share obligation of 133 new construction affordable units over the 10-year certification period as reflected in **Table NR-14**.

**TABLE NR-14**

Affordable Housing Unit Obligation Generated by Non-Residential Development

	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	<i>Total</i>
Table NR-13 Total	139	91	112	251	30	562	540	535	535	532	3,327
Divided by 25	5.56	3.64	4.48	10.02	1.21	22.47	21.59	21.39	21.41	21.29	<b>133.06</b>

**FINAL**

**STEP:** The net residential component of growth share projection from Step 9 of the Residential Growth Projection Example is added to the net non-residential growth share projection from Step 8 above. This determines that Middletown Township's third round growth share obligation is 227.94 or 228 units.

**TABLE T-1**

Total Projected Affordable Housing Obligation Generated  
by Residential and Non-residential Development 2004-2014

	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	<i>Total</i>
Table R-8 Residential	12.22	1.22	4.11	4.78	6.44	13.89	11.44	10.22	10.67	9.33	94.88
Table NR-14 Non-Residential	5.56	3.64	4.48	10.02	1.21	22.47	21.59	21.39	21.41	21.29	133.06
<b>Total</b>	<b>17.78</b>	<b>4.86</b>	<b>8.59</b>	<b>14.80</b>	<b>7.65</b>	<b>36.36</b>	<b>33.03</b>	<b>31.61</b>	<b>32.08</b>	<b>30.62</b>	<b>227.94</b>

**MIDDLETOWN TOWNSHIP**  
**Housing Element & Fair Share Plan**

**APPENDIX B: FAIR SHARE SUMMARY TABLE**

	<b>First &amp; Second Round</b>	<b>Third Round</b>
Reductions for Unbuilt Units		180
Completed Rehabs	23	
Proposed Rehabs		2
Prior Cycle Credits	129	
Completed RCA's	500	
Proposed RCA's	248	23
Existing Scattered Sites	18	
Proposed Scattered Sites	25	10
Proposed Scattered Rental		4
Existing Accessory Apartments	33	
Proposed Accessory Apartments	20	10
Existing Group Homes	19	
Proposed Group Homes		
<i>Rental Bonuses</i>	19	
Inclusionary Family Rentals		
<i>Beacon Place</i>	28	
<i>Regency Park</i>	13	
<i>Village @Chapel Hill</i>	30	
<i>Park Avenue</i>	6	
<i>Harmony Associates</i>	18	
<i>Brown Fence</i>	3	
<i>Wallace</i>	1	
<i>Atlantic Pier Co.</i>	5	
<i>Colonial Farm</i>		9
Rental Bonuses	107	
Approved Senior Rental		
<i>Luftman Pavilion</i>	60	
<i>Conifer Realty</i>	180	
<i>Senior Bonuses</i>	61	
Future Senior Units		
<i>Mountain Hill</i>		35
<i>Sterling Properties</i>		10
Inclusionary Family For Sale		
<i>Laurel Greene</i>	24	
<i>Cottage Gate</i>	16	
Residential Over Commercial		
<i>Elgohail</i>	12	
<i>Mustillo</i>	6	
<i>Other</i>	10	
<i>Rental Bonuses</i>	18	
Write Down/Buy Down	15	10
<b>TOTAL</b>	<b>1647</b>	<b>293</b>

**MIDDLETOWN TOWNSHIP**  
**Housing Element & Fair Share Plan**

**APPENDIX C: SCATTERED SITES STATUS**

<u>Location</u>	<u>Status/Date Sold</u>	
First Avenue	Sold 10-30-85	Prior Cycle
Chestnut Avenue	Sold 1-23-87	Prior Cycle
Powell Avenue	Sold 10-19-87	
First Avenue	Sold 12-8-87	
Latham Avenue	Sold 3-28-90	
Dutchess Avenue	Sold 2-8-91	
Main Street	Sold 8-15-91	
Chestnut Avenue	Sold 10-20-92	
Wilson Avenue	Sold 5-4-93	
Leonardville Road	Sold 8-11-97	
Seventh Avenue*	Sold 2-12-99	
Atlantic Avenue*	Sold 6-25-99	
Bayside Parkway*	Sold 7-5-00	
Bayside Parkway*	Sold 7-5-01	
Bay Avenue	Sold 10-7-02	
Valley Drive	Sold 12-17-04	
Valley Drive	Sold 6-9-05	
Valley Drive*	Complete C-O Pending	
Valley Drive*	Complete C-O Pending	
Middletown Avenue	Sold 1-18-05	

\* Duplex Units

**Planned Sites**

Coffey Lane	One Single Family
Bayside Parkway	Four Unit Rental
Market Street	Three Single Family
Unity Road	Four Single Family
Wilson Avenue	Eight Single Family or Four Duplexes
Patterson Street	One Single Family
Middletown Avenue	Four Single Family

**MIDDLETOWN TOWNSHIP  
Housing Element & Fair Share Plan**

**APPENDIX D: ACCESSORY APARTMENTS**

<u>Name</u>	<u>Address</u>	<u>Block</u>	<u>Lot</u>	<u>Year</u>	<u>Rent</u>	<u>Low/Mod</u>
Kevin Birch	988 Leonardville Rd.	691	2			
Antoinette Adubato	80 Clinton Street, apt. B	120	1			
Kenneth Ruby Jr.	692A Campbell Ave	268	8.01			
Ken Ruby Sr.	5 Willow Street	7	265	2004		low
George Kovelesky	80 Lincoln Street	923	9			
Anthony Ciccone	83 Raynor Avenue, N. Midd.	117	2	1996	\$550.	Mod
George Tyner	101 Seabreeze Ave.	1	5	1998	2 <sup>nd</sup> tenant \$745.	Mod Mod
Ron Werner	605 Hudson Avenue	232	11	2004		
Ron Werner	37 Mills Ave. Port Mon.	229	3	1997		
Ron Werner	16 Krueger Place	78	4			
Paul Inglese	770 Kings Highway	835	8.01			
Jerry Mason	335 Monmouth Avenue	395	10.01			
John Largey	163C Holland Road	795	15	2002	\$565.	Mod.
Ignazio Colonna	200 Ridge Ave.	291	5	2002	\$580.	mod.
Jerry Logan	85 Tindall Road	640	36	2002	\$700.	Mod
Walter Cahill	701B Park Avenue	646	35			
Walter Cahill	246 Minnesink	941	2	2003	\$700.	Mod
Michele Stone	169 Church Street	286	19	2003	\$809.	Mod
Mark Sessock	256 Locust Ave.	1425	15			
Dan Rosa	75 Center Ave.	372	7	2004	\$811.	Mod
Dan Rosa Jr.	294 Portland Road	711	2.02			
Dan Rosa	83 Valley Drive	733	8			
Michael Rosa	294 Portland Road	711	2.02			
Christopher DeVito	52 Red Coach Lane	840	37			
Jack Connors	1 Elyar Terrace	610	9			
Mason & Jennings	155 Main Street	272	19			
Jeff Paris	25 Nevada Avenue	178	2			
Kathleen Dominguez	155 Main Street, Pt. Mon.	272	19	2004	\$279.65	low
Dan Rosa Jr.	83 Valley Drive	733	8	2005	\$	mod
Jack Connors	1 Elyar Terrace	610	4	2005	\$	low
Jon Rossics	513 Morningside Place	94	17	2005	\$	

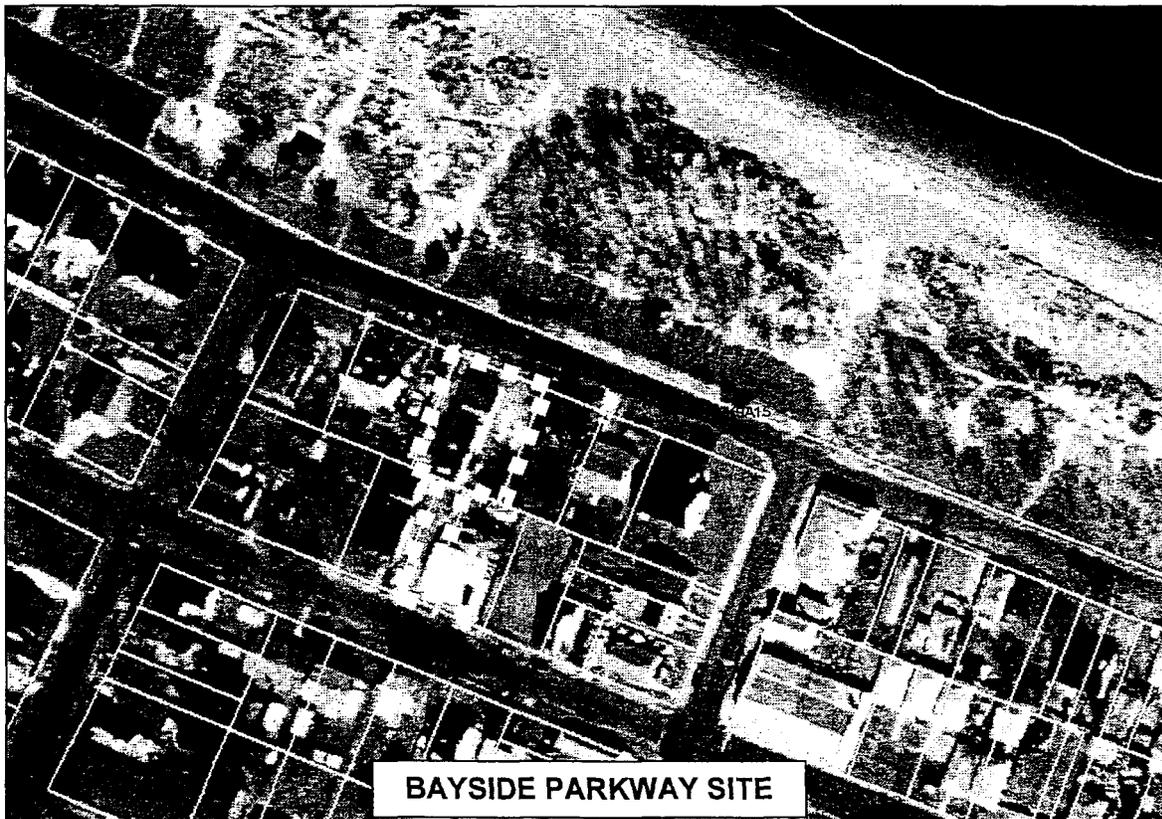
APPENDIX E: MAPS



MIDDLETOWN TOWNSHIP  
Housing Element & Fair Share Plan



WILSON AVENUE SITE

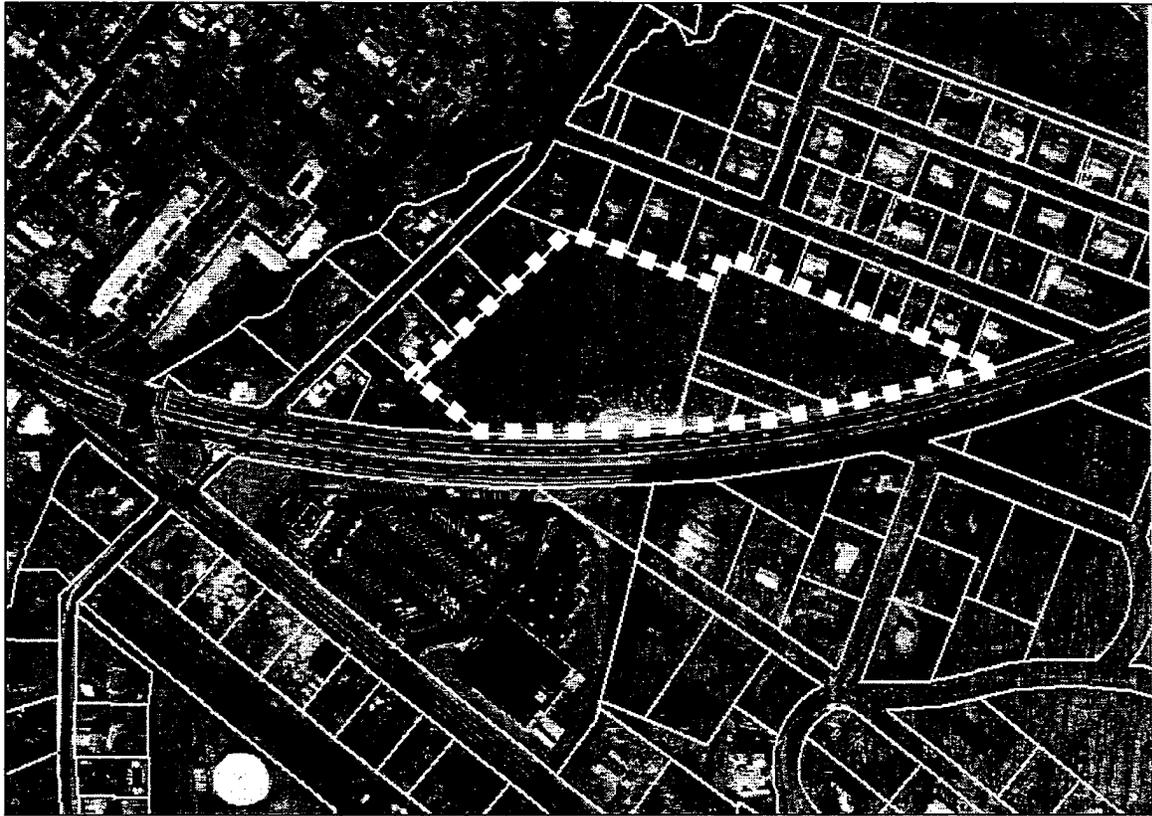


BAYSIDE PARKWAY SITE

MIDDLETOWN TOWNSHIP  
Housing Element & Fair Share Plan



ATLANTIC PIER



WEST FRONT STREET



RIVER DEVELOPMENT: Wallace & Browns Fence Tracts



**MIDDLETOWN TOWNSHIP**  
**Housing Element & Fair Share Plan**

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**APPENDIX F: RESOLUTIONS**

**TOWNSHIP OF MIDDLETOWN  
PLANNING BOARD**

**RESOLUTION ADOPTING AN AMENDMENT TO THE  
TOWNSHIP'S EXISTING HOUSING ELEMENT AND  
FAIR SHARE PLAN AND A NEW THIRD ROUND  
HOUSING ELEMENT AND FAIR SHARE PLAN**

**WHEREAS**, the Planning Board of Middletown Township Monmouth County, State of New Jersey, adopted its current Housing Element and Fair Share Plan pursuant to N.J.S.A. 40:55D-28 on **March 8, 2000**; and

**WHEREAS**, the Governing Body endorsed the Housing Element and Fair Share Plan on **March 13, 2000**; and

**WHEREAS**, the Governing Body petitioned the Council on Affordable Housing for substantive certification on March 13, 2000, and re-petitioned for Substantive Certification on December 15, 2003; and

**WHEREAS**, the Council on Affordable Housing has not yet granted Substantive Certification to Middletown, but has issued a pre-mediation report, dated **October 14<sup>th</sup>, 2005**.; and

**WHEREAS**, The Township was required to submit a third round Housing and Fair Share Plan, utilizing COAH's new Growth Share methodology, in order to stay under COAH's umbrella of protection against builders remedy lawsuits

**WHEREAS**, the Planning Board has determined to amend the Housing Element and Fair Share Plan; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the amended Housing Element and Fair Share Plan on December 8, 2005;

and

**WHEREAS**, the Planning Board has determined that the amendment to the existing Housing Element and Fair Share Plan and the new third round Housing Element and Fair Share Plan is consistent with the goals and objectives of Middletown Township's Master Plan dated October 27, 2004, amended March 30, 2005, and that adoption and implementation of the amendments to the Housing Element and Fair Share Plan are in the public interest and protect public health and safety and promote the general welfare.

**NOW THEREFORE BE IT RESOLVED** by the Planning Board of Middletown Township, State of New Jersey, that the Planning Board hereby adopts the amended Housing Element and Fair Share Plan as well as a new third round Housing Element and Fair Share Plan.

**ON A MOTION BY** William Warters and seconded by Maureen Unsinn

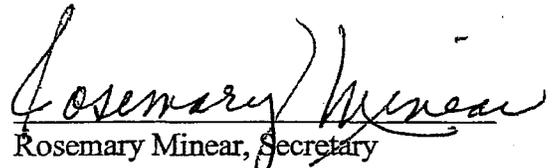
the application is approved based upon the following vote:

AYES: Deus, Peters, Rathjen, Unsinn, Warters

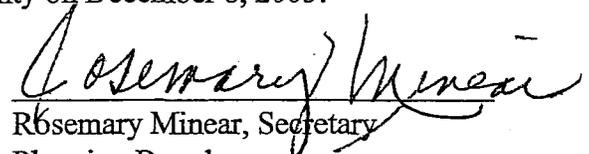
NAYS: None

ABSTAIN:

ABSENT:

  
Rosemary Minear, Secretary  
Planning Board

I hereby certify that this is a true copy of the resolution adopting the amended Housing Element and Fair Share Plan of Middletown Township, Monmouth County on December 8, 2005.

  
Rosemary Minear, Secretary  
Planning Board

**Resolution No. 05-298**

**Township Committee Resolution  
Endorsing the Planning Boards  
Adoption of an Amended Housing Element And  
Fair Share Plan and a New Third Round  
Housing Element and Fair Share Plan and Petitioning The  
New Jersey Council on Affordable Housing**

**WHEREAS**, the Planning Board of the Township of Middletown, State of New Jersey, adopted its current Master Plan pursuant to N.J.S.A. 40:55D-28 on October 27, 2004; and

**WHEREAS**, the Master Plan was amended to include an Amended Housing Element and Fair Share Plan as well as a new Third Round Housing Element and Fair Share Plan, pursuant to N.J.S.A. 40:55D-28b(3); and

**WHEREAS**, N.J.A.C. 5:94-2.2(a) requires the adoption of the Housing Element by the Planning Board and endorsement by the Governing Body; and

**WHEREAS**, N.J.A.C. 5:94-4.1(a) requires the preparation of a Fair Share Plan in accordance with the Housing Element of the Master Plan; and

**WHEREAS**, N.J.A.C. 5:94-4.1(b) requires the adoption of the Fair Share Plan by the Planning Board and endorsement by the Governing Body; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board of the Township of Middletown held a public hearing on the Amended Housing Element and Fair Share Plan and new Third Round Plan on December 8, 2005; and

**WHEREAS**, Planning Board has hereby determined that the Amended Housing Element and Fair Share Plan and new Third Round Plan are consistent with the goals and objectives of the Township of Middletown's October 27, 2004 Master Plan and that adoption and implementation of the Housing Element and Fair Share Plan are in the public interest and are necessary to protect public health and safety and promote the general welfare.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Middletown, State of New Jersey that the Amended Housing Element and Fair Share Plan and new Third Round Plan are in best interests of the Township and thus hereby endorses their adoption.

**BE IT FURTHER RESOLVED** that the Governing Body of the Township of Middletown pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:95-13.2, submits this petition to amend its certified Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

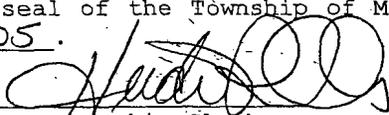
**MIDDLETOWN TOWNSHIP COMMITTEE**

Committee Member	Approved	Opposed	Abstain	Absent
R. O'Grady	X			
P. Parkinson	X			
R. Peters	X			
G. Scharfenberger	X			
Mayor T. Hall	X			

**CERTIFICATION**

I, Heidi Abs, Clerk of the Township of Middletown hereby certify the foregoing to be a true copy of a resolution adopted by the Middletown Township Committee at an open public meeting held on December 19, 2005.

**WITNESS**, my hand and the seal of the Township of Middletown this 19<sup>th</sup> day of December, 2005.

  
HEIDI R. ABS, Township Clerk

Resolution No. 05-299

**TOWNSHIP COMMITTEE RESOLUTION  
COMMITTING TO BOND AS NECESSARY TO  
IMPLEMENT THE AMENDED SECOND ROUND HOUSING AND FAIR SHARE  
PLAN AND THE NEW THIRD ROUND HOUSING ELEMENT AND  
FAIR SHARE PLAN.**

**WHEREAS**, the Planning Board of the Township of Middletown, State of New Jersey, adopted its current Master Plan pursuant to N.J.S.A. 40:55D-28 on October 27, 2004; and

**WHEREAS**, the Master Plan was amended to include an Amended Housing Element and Fair Share Plan as well as a new Third Round Housing Element and Fair Share Plan, pursuant to N.J.S.A. 40:55D-28b(3); and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board of the Township of Middletown held a public hearing on the Amended Housing Element and Fair Share Plan and new Third Round Plan on December 8, 2005; and

**WHEREAS**, Planning Board has determined that the Amended Housing Element and Fair Share Plan and new Third Round Plan are consistent with the goals and objectives of the Township of Middletown's October 27, 2004 Master Plan and that adoption and implementation of the Housing Element and Fair Share Plan are in the public interest and are necessary to protect public health and safety and promote the general welfare; and

**WHEREAS**, certain elements of the Housing Plan involve the expenditure of funds, the amount of which will likely exceed the Township's ability to fund via its Affordable Housing Trust fund;

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Middletown, State of New Jersey hereby commits that, where necessary it will bond to pay for the implementation of the Township's Housing Elements and Fair Share Plans, where necessary or where other funding sources are not available.

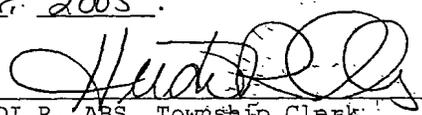
**MIDDLETOWN TOWNSHIP COMMITTEE**

Committee Member	Approved	Opposed	Abstain	Absent
R. O'Grady	X			
P. Parkinson	X			
R. Peters	X			
G. Scharfenberger	X			
Mayor T. Hall	X			

**CERTIFICATION**

I, Heidi Abs, Clerk of the Township of Middletown hereby certify the foregoing to be a true copy of a resolution adopted by the Middletown Township Committee at an open public meeting held on December 19, 2005.

**WITNESS**, my hand and the seal of the Township of Middletown this 19<sup>th</sup> day of December, 2005.

  
HEIDI R. ABS, Township Clerk

**TOWNSHIP COMMITTEE RESOLUTION  
COMMITTING TO ADOPT ORDINANCES AS NECESSARY TO  
IMPLEMENT THE AMENDED SECOND ROUND HOUSING AND FAIR SHARE  
PLAN AND THE NEW THIRD ROUND HOUSING ELEMENT AND  
FAIR SHARE PLAN.**

WHEREAS, the Planning Board of the Township of Middletown, State of New Jersey, adopted its current Master Plan pursuant to N.J.S.A. 40:55D-28 on October 27, 2004; and

WHEREAS, the Master Plan was amended to include an Amended Housing Element and Fair Share Plan as well as a new Third Round Housing Element and Fair Share Plan, pursuant to N.J.S.A. 40:55D-28b(3); and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board of the Township of Middletown held a public hearing on the Amended Housing Element and Fair Share Plan and new Third Round Plan on December 8, 2005; and

WHEREAS, Planning Board has determined that the Amended Housing Element and Fair Share Plan and new Third Round Plan are consistent with the goals and objectives of the Township of Middletown's October 27, 2004 Master Plan and that adoption and implementation of the Housing Element and Fair Share Plan are in the public interest and are necessary to protect public health and safety and promote the general welfare; and

WHEREAS, certain elements of the housing plan may necessitate the rezoning of properties or the adoption of various ordinances, needed to effectuate the plans;

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middletown, State of New Jersey hereby commits that, where necessary it will adopt ordinances necessary to effectuate the implementation of the Township's Housing Elements and Fair Share Plans.

**MIDDLETOWN TOWNSHIP COMMITTEE**

Committee Member	Approved	Opposed	Abstain	Absent
R. O' Grady	X			
P. Parkinson	X			
R. Peters	X			
G. Scharfenberger	X			
Mayor T. Hall	X			

**CERTIFICATION**

I, Heidi Abs, Clerk of the Township of Middletown hereby certify the foregoing to be a true copy of a resolution adopted by the Middletown Township Committee at an open public meeting held on December 19, 2005.

WITNESS, my hand and the seal of the Township of Middletown this 19<sup>th</sup> day of 2005, December.

  
HEIDI R. ABS, Township Clerk

**Label**

**ZoneGroups**

B-1, B-1A Business Zone (Neighborhood Commercial)

B-2 Business Zone (Highway Commercial)

B-3, BP Business Zone and Business Park Zone

FL Federal Land

M-1, MC Light Industrial Zone and Maine Commercial Zone

OR, OR-3 Office Research Zones

R-5, R-7 High Density Residential Zones

22, R-22 R-10, R-15, R-22, R-22A, \* Medium Density Residential Zones

22, R-22 R-10, R-15, R-22, R-22A, \* Medium Density Residential Zones

R-90, R-1 R-45, R-45A, R-90, R-110 Low Density Residential Zones

R-130, R-220 Rural Estate Residential Zones

RTF Two-family Residential Zone

2.4, RHA, RGA, RGA-1, 2.4, RHA, RHA \* Residential Apartments Zones

. RTH, RRMF-1, 2.3, 4.5, RTH, RTH \* Multi-family Residential Zones

R-O Residence and Office Zone

PRH, R-1, R-2 Planned Residential Zones

PD Planned Development Zone