

ORDINANCE 2020-14

**BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY
(BY PURCHASE OR EMINENT DOMAIN) FOR AFFORDABLE HOUSING
PURPOSES IN, BY AND FOR THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF
MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$4,000,000 TO
PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE
ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE
FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF
THE ISSUANCE OF SUCH BONDS**

BE IT ORDAINED by the Township Committee of the Township of Chatham, in the County of Morris, State of New Jersey, as follows:

Section 1. The Township of Chatham, in the County of Morris, State of New Jersey (the "Township") is hereby authorized to acquire real property (by purchase or eminent domain) in, by and for the Township for affordable housing purposes. Said improvement shall include real estate transaction expenses and all work, materials and appurtenances necessary and suitable therefor. The property to be acquired has a street address of 522 Southern Boulevard and is designated as Block 128, Lot 2 on the Tax Assessment Map of the Township. The Mayor, Township Administrator, Township Clerk and Township Attorney are hereby authorized to take all actions and execute all documents necessary in connection with the acquisition (by purchase or eminent domain) of the real property.

Section 2. The sum of \$4,000,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$4,000,000, and (4) \$200,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$3,800,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$315,000 which is

estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that the aggregate sum of \$200,000 (consisting of (A) \$50,610 in the Township's Affordable Housing Trust Fund and (B) \$149,390 in the Township's Capital Improvement Fund), is now available to serve as the down payment on said purpose. The sum of \$200,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Township of an aggregate principal amount not exceeding \$3,800,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$3,800,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell

said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of forty years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$3,800,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Morris, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 12. The Township intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the

payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Introduced: August 13, 2020

Adopted:

Attest:

TOWNSHIP OF CHATHAM, COUNTY OF
MORRIS, STATE OF NEW JERSEY

BY: _____
Michael J. Kelly, Mayor

Gregory J. LaConte, Clerk

ORDINANCE 2020-15

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION BY PURCHASE OR
CONDEMNATION OF REAL PROPERTY SHOWN AS BLOCK 128, LOT 2 ON THE
TOWNSHIP TAX MAP AND COMMONLY KNOWN AS 522 SOUTHERN
BOULEVARD, NOW OWNED BY KRONOS HOLDING, LLC**

WHEREAS, the New Jersey Supreme Court, through its rulings in In re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Hous., 221 N.J. 1 (2015) (“Mount Laurel IV”); Hills Dev. Co. v. Twp. of Bernards, 103 N.J. 1 (1986) (“Mount Laurel III”); S. Burlington Cty. NAACP v. Twp. of Mount Laurel, 92 N.J. 158 (1983) (“Mount Laurel II”); Burlington Cty. NAACP v. Twp. of Mount Laurel, 67 N.J. 151, 174 (1975) (“Mount Laurel I”) (“Mount Laurel Decisions”), determined that municipalities in New Jersey have a constitutional obligation to provide a realistic opportunity for a fair share of its region’s present and prospective needs for housing for low and moderate income families; and

WHEREAS, the New Jersey State Legislature, in response to the Mount Laurel Decisions, adopted the Fair Housing Act, N.J.S.A. 53:27D-301 et seq. to codify the obligation of municipalities to provide a realistic opportunity for housing for low and moderate income families; and

WHEREAS, the Township of Chatham recognizes its obligation under the State Constitution, as further set forth in the Mount Laurel Decisions and the Fair Housing Act, to provide a realistic opportunity for housing for low and moderate income individuals and families; and

WHEREAS, on July 6, 2015, the Township filed a declaratory judgment action, in accordance with Mount Laurel IV, seeking a declaration of its compliance with the Mount Laurel Decisions and the Fair Housing Act (“Action”); and

WHEREAS, the Fair Share Housing Center (“FSHC”) intervened in the Action and, with the assistance of a Court Appointed Special Master, reached a settlement with the Township which sets forth the manner in which the Township will ensure the opportunity for housing for low and moderate income families; and

WHEREAS, on December 13, 2018, the Township and FSHC entered into the December 13, 2018 Settlement Agreement which fixed the Township’s Third Round (1999 – 2025) Prospective Need, as adjusted through the December 13, 2018 Settlement Agreement, at 387 affordable housing units; and

WHEREAS, through a Vacant Land Analysis a municipality attempts to demonstrate that it does not have the land capacity to meet its affordable housing obligation and is used to calculate a municipality’s realistic development potential (“RDP”); and

WHEREAS, the December 13, 2018 Settlement Agreement fixed the Township’s RDP at 200 affordable units as calculated in the Vacant Land Analysis attached as Exhibit B to that Agreement; and

WHEREAS, the Township’s RDP was to be satisfied as follows:

<u>Compliance Mechanism</u>	<u>Units</u>	<u>Bonuses</u>
Regional Contribution Agreement (“RCA”) with the City of Newark	8	

Extension of expiring controls on affordable family, for-sale units at Vernon Grove Condominium	72	
Family rental units created through inclusionary zoning with off-site family rental affordable units at the Skate Park	24	24
Affordable family rental units through the development of a 100% municipally sponsored development at a site or sites to be determined	74	26
Totals	<u>178</u>	<u>50</u>
	228	

;and

WHEREAS, the December 13, 2018 Settlement Agreement was amended on January 10, 2019 to correct a block and lot designation; and

WHEREAS, on February 22, 2019, there was a Fairness and Preliminary Compliance Hearing during which the December 13, 2018 Settlement Agreement, as amended on January 10, 2019, was approved by the Superior Court of New Jersey; and

WHEREAS, under the December 13, 2018 Settlement Agreement, the Township had until July 22, 2019 to identify a site or sites for the 100% municipally sponsored development for 74 affordable family rental units (“Development”); and

WHEREAS, the Township obtained extensions of the July 22, 2019 deadline to designate a site or sites for the 100% municipally sponsored development for 74 affordable family rental units during which the Township sought to identify municipally owned properties for this development, including converting the Township owned Municipal Building at 58 Meyersville Road; and

WHEREAS, on January 10, 2020, the Township filed a Notice of Motion for Approval of Development Fee Ordinance and Related Spending Plan, Extension of Time for Compliance and Temporary Immunity, and Adjustment of Construction Start Date, including to extend the deadline to identify municipally owned property for the 100% municipally sponsored development for 74 affordable housing family rental units; and

WHEREAS, on January 24, 2020, the FSHC filed opposition to the Township’s Motion and a Cross-Motion seeking to terminate the Township of Chatham’s Immunity from Builder’s Remedy Suits and to Enforce Litigant’s Rights; and

WHEREAS, on February 7, 2020 the Township filed opposition to the FSHC Cross-Motion; and

WHEREAS, the Township and the FSHC participated in mediation with the Court Appointed Special Master to resolve the pending motions; and

WHEREAS, as a result of that mediation, the Township and the FSHC entered into the March 12, 2020 Amended Settlement Agreement; and

WHEREAS, the March 12, 2020 Amended Settlement Agreement reallocated the 74 units in the Development as follows:

<u>Compliance Mechanism</u>	<u>Units</u>	<u>Bonuses</u>
No fewer than 59 affordable two- and three-bedroom family rental units on River Road (Block 62, Lot 71) and, potentially, Block 62, Lot 74	59	26
Up to 15 group home bedrooms on a site or sites to be identified	15	
Totals	<u>74</u>	; and

WHEREAS, after proceedings before the Township Planning Board, the Township concluded that the River Road property was not appropriate for the Development and sought to amend the March 12, 2020 Amended Settlement Agreement; and

WHEREAS, after further review by the Township, FSHC and the Court Appointed Special Master, the Township concluded that because of the lack of sufficient unencumbered vacant land owned by the Township, that the property shown as Block 128, Lot 2 on the Township Tax Map and commonly known as 522 Southern Boulevard, now owned by Kronos Holding, LLC (“Property”) was an appropriate site for the Development; and

WHEREAS, the acquisition of the Property will increase the number of affordable family rental units in the Township by at least 59 units because, without the Property, the Township would be unable to meet its RDP; and

WHEREAS, on July 20, 2020, the Township Planning Board adopted the 2020 Housing Element and Fair Share Plan which designated the Property for the Development; and

WHEREAS, on July 23, 2020, the Township endorsed the 2020 Housing Element and Fair Share Plan which designated the Property for the Development; and

WHEREAS, on July 23, 2020, the Township and FSHC entered into the July 23, 2020 Amended Settlement Agreement designating the Property for the Development; and

WHEREAS, the Township Committee finds that the Property is necessary or useful for the construction of low and moderate income housing because the Property is: (a) of a sufficient size to accommodate at least 59 affordable family-rental two and three bedroom housing units, (b) is located in the “downtown” area of the Township close to shopping, local services, parks and public transportation; (c) offers a convenient location to the affordable unit residents; (d) is serviced by sewer and water; (e) is compatible to adjacent land uses; (f) offers a more suitable location for affordable housing than the Municipal Building or the River Road property all as detailed in the “Site Suitability Analysis for Construction of Affordable Housing, 522 Southern Boulevard, Chatham Township, N.J., July, 2020” prepared by Francis J. Banisch III, P.P., A.I.C.P. attached as Exhibit A to the July 23, 2020 Amended Settlement Agreement; and

WHEREAS, based upon the above factors, the Township hereby determines that the Property is necessary or useful for the construction of low and moderate income housing and that will result in an increase in affordable housing units in the Township; and

WHEREAS, in accordance with N.J.S.A. 40A:12-5(a)(1) “any municipality, by ordinance, may provide for the acquisition of any real property, capital improvement, or personal property: (1) by purchase, gift, devise, lease, exchange, or condemnation . . .”; and

WHEREAS, in accordance with N.J.S.A. 52:27D-325 “a municipality may purchase, lease or acquire by gift or through purchase, lease or acquired by gift or through the exercise of eminent domain, real property and any estate or interest therein, which the municipal governing body determines necessary or useful for the construction or rehabilitation of low and moderate income housing or conversion to low and moderate income housing”; and

WHEREAS, an appraiser retained by the Township, Appraisal Consultants Corp., determined the value of the Property to be \$3,685,000 as set forth in that “Appraisal for 522 Southern Boulevard, Chatham Township, NJ”, dated August 11, 2020; and

WHEREAS, the Township Committee wishes to authorize the Mayor and/or designee to negotiate for the acquisition of the Property in an amount not to exceed the appraised value for the Property, and if a negotiated purchase cannot be agreed upon, to initiate an eminent domain action to acquire title to the Property for the Development under the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq. so long as all legal prerequisites for eminent domain are satisfied and to thereafter prosecute such eminent domain action to completion and to arrange for the Township to satisfy any judgment entered in such eminent domain proceedings.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

Section 1. The appraisal of the Property prepared by Appraisal Consultants Corp. on behalf of the Township is hereby accepted and approved in its entirety, including but not limited to the appraised value of \$3,685,000.00.

Section 2. After the effective date of this Ordinance, the Township shall reserve the sum of \$3,685,000.00 from Bond Ordinance 2020-14 titled “BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY (BY PURCHASE OR EMINENT DOMAIN) FOR AFFORDABLE HOUSING PURPOSES IN, BY AND FOR THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$4,000,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS” and the Chief Financial Officer has certified the availability of funds for the purposes set forth herein.

Section 3. The Mayor and/or designee are hereby authorized to negotiate for the acquisition by voluntary purchase and, if voluntary purchase cannot be effectuated, to carry out the condemnation of the Property in the amount not to exceed the appraised value of the Property for the purpose of providing for housing for low and moderate income individuals and families.

Section 4. The Mayor and/or designee are hereby authorized to execute any and all agreements and other legal documents necessary to accomplish the acquisition of the Property, including but not limited to a written offer for the purchase of the Property, land sale contract and deed for the conveyance of the Property and Verified Complaint, Declaration of Taking, and any other necessary documents for eminent domain proceedings for the Property in accordance with the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq.

Section 5. In conjunction with said acquisition, the Township hereby reserves and shall reserve any and all rights it had or may have to recover in any subsequent or pending action or by any administrative means, all costs of remediation and/or clean-up of contamination that have been incurred or may be incurred in the future by reason of conditions which were in existence as of or prior to the date of vesting of title and possession of the Property in the name of the Township.

Section 6. In conjunction with said acquisition, the Township hereby reserves and shall reserve the right to seek in its sole discretion, any and all available legal, administrative and equitable remedies to compel the record owners and/or responsible parties to remediate and/or clean up the Property in accordance with applicable state and federal statutory and regulatory provisions. The Township is not and shall not be liable for the clean-up and removal costs of any discharge which occurred or began prior to the Township’s ownership.

Section 7. The Mayor and Township Committee and such other officials, consultants, agents, employees and professionals of the Township as may be necessary and appropriate are hereby authorized and directed to take any and all actions necessary to effectuate the purposes of this Ordinance.

Section 8. The Township Committee takes notice of the following documents referenced in this Ordinance, which documents are incorporated herein by reference:

- a. December 13, 2018 Settlement Agreement between the Township of Chatham and the Fair Share Housing Center, Inc., with attached Exhibits;
- b. January 10, 2019 Amended Settlement Agreement;
- c. February 22, 2019 Order on Fairness and Preliminary Compliance Hearing, with attached Exhibits;
- d. January 10, 2020 Township of Chatham Notice of Motion and supporting documents;
- e. January 24, 2020 Fair Share Housing Center, Inc. Opposition to Motion and Cross-Motion and supporting documents;
- f. February 7, 2020 Township Reply to Cross-Motion and supporting documents;
- g. March 12, 2020 Amended Settlement Agreement, with attached Exhibits;
- h. July 23, 2020 Amended Settlement Agreement, with attached Exhibits;
- i. 2020 Housing Element and Fair Share Plan (“HE&FSP”) and supporting documents;
- j. July 20, 2020 Planning Board Resolution adopting the 2020 HE&FSP and supporting documents;
- k. July 23, 2020 Township Committee Resolution endorsing HE&FSP, and supporting documents;
- l. July 23, 2020 Township Committee Resolution authorizing July 23, 2020 Amended Settlement Agreement;
- m. July 23, 2020 Amended Settlement Agreement, with attached Exhibits, and
- n. August 11, 2020 Appraisal Consultants Corp. Appraisal Report, with attached Exhibits.

Section 9. All of the **WHEREAS** clauses are incorporated into this **NOW, THEREFORE**.

Section 10. A copy of the Ordinance and any agreements authorized herein shall be placed on file with the Township Clerk’s Office.

Section 11. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

Section 12. This Ordinance shall take effect in accordance with the laws of the State of New Jersey after final passage and publication.

Introduced: August 13, 2020

Adopted:

Attest:

TOWNSHIP OF CHATHAM, COUNTY OF
MORRIS, STATE OF NEW JERSEY

BY: _____
Michael J. Kelly, Mayor

Gregory J. LaConte, Clerk

ORDINANCE 2020-16

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ADOPTING THE REDEVELOPMENT PLAN FOR 522 SOUTHERN BOULEVARD, BLOCK 128, LOT 2 ON THE TOWNSHIP TAX MAP

WHEREAS, the Township of Chatham has a constitutional obligation to provide for the realistic development of affordable housing; and

WHEREAS, the Township endorsed the 2020 Housing Element and Fair Share Plan on August 13, 2020 identifying 522 Southern Boulevard, Block 128, Lot 2 (“Property”) as appropriate for a 100% municipally sponsored family rental affordable housing development; and

WHEREAS, the Township Committee wishes to prepare a “mini-master plan” for the Property and to provide bulk standards; namely, height, front, side and rear yard set-backs and design and parking criteria for the Property through the adoption of a Redevelopment Plan for the Property.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the attached Redevelopment Plan for the Property, dated August, 2020, prepared with assistance from Banisch Associates, Inc., be adopted.

Section 1. This Ordinance and Redevelopment Plan repeals, replaces and supersedes the existing or underlying zoning for the Property.

Section 2. The Redevelopment Plan for the Property is adopted as attached.

Section 3. The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Morris County Planning Board and to all other persons or entities entitled to notice, including to the Clerk of adjoining municipalities, to the last owner of the property and all persons at their last known address, if any, whose names are noted on the assessment records as claimants of an interest in the Property. The Township Clerk shall execute Affidavits of Proof of Service of the notices required by this Section 3, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

Section 4. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Chatham for its review in accordance with N.J.S.A. 40A:12A-7e. The Planning Board is directed pursuant to N.J.S.A. 40A:12A-7d to transmit to the Township Committee, within forty-five (45) days after referral, a report finding that the Redevelopment Plan shall be substantially consistent with the Township Master Plan or designed to effectuate the Master Plan or that the Redevelopment Plan is substantially inconsistent with the Township Master Plan or not designed to effectuate the Master Plan.

Section 5. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 6. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 7. This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Township Clerk with the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16.

Introduced: August 27, 2020

TOWNSHIP OF CHATHAM, COUNTY OF
MORRIS, STATE OF NEW JERSEY

Adopted:

Attest:

BY: _____
Michael J. Kelly, Mayor

Gregory J. LaConte, Clerk

DRAFT

Proposed Redevelopment Plan

for

522 Southern Boulevard

Block 128, Lot 2

Chatham Township

Morris County

August 2020

Prepared by:
Chatham Township Committee

With Assistance from:
Banisch Associates, Inc.
111 Main Street, Flemington, NJ

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Chapter 1. INTRODUCTION

1.1 BASIS FOR THE PLAN

This Redevelopment Plan has been prepared at the direction of the Chatham Township Committee, pursuant to New Jersey's Local Redevelopment and Housing Law (LRHL), for Block 128, Lot 2 (the "Redevelopment Plan Area") located along Southern Boulevard in the Hickory Tree section of Chatham Township. See Figure 1 Location of Redevelopment Plan Area and Figures 2 and 3 which show the location a tax map and aerial photograph respectively.

The Redevelopment Area is currently occupied by a discontinued Charlie Brown's Restaurant, which filed for Chapter 7 bankruptcy protection from creditors after being closed since March, 2020.

1.2 REDEVELOPMENT PLANNING PROCESS

The Local Redevelopment and Housing Law (LRHL) at NJSA 40:12A-1 et seq., details the process that a municipality must follow to designate a property as a "Condemnation Area in Need of Redevelopment" and thereafter adopt a Redevelopment Plan for the property so designated.

Following the adoption of a Redevelopment Plan, a municipality is empowered to undertake the following actions:

- Clear any area owned or acquired and install, construct or reconstruct public infrastructure essential to the preparation of sites for use in accordance with the redevelopment plan.
- Contract for professional services.
- Contract with public agencies or redevelopers for the undertaking of any project or redevelopment work.
- Negotiate and collect revenues from a redeveloper to defray the costs of the redevelopment entity.
- Lease or convey property or improvements to any party without public bidding.

According to the Local Redevelopment and Housing Law, the Redevelopment Plan shall include an outline for the planning, development, redevelopment or rehabilitation of the Redevelopment Area which are sufficient to indicate:

1. Its relationship to definitive local objectives, including appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and public improvements;
2. Proposed land uses and building requirements;
3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area;
4. Identification of properties to be acquired, if any;
5. Any significant relationship of the Redevelopment Plan to the Master Plans of contiguous

- municipalities, the County and the State Development and Redevelopment Plan; and
6. Enumeration of deed-restricted affordable units in the redevelopment area and their disposition.

1.3 OVERVIEW OF REDEVELOPMENT PLAN AREA

The Redevelopment Plan Area is a 3.3-acre parcel identified on the official tax maps of the Township of Chatham as Block 128, Lot 2 (on Tax Map Sheet 43) which the Committee of the Township of Chatham previously designated as a Condemnation Redevelopment Area. The Redevelopment Plan Area is located at 522 Southern Boulevard and is situated within the Township's sewer service area. As seen on Figure 3, building and parking occupy most of the parcel. The site is free of environmental constraints, however, a wetland area within the adjacent parcel to the south may result in a wetland transition area minimally encroaching into the site's southeastern corner. Since this buffer is within the existing wooded area to the rear, it appears not to impact the redevelopment of the site.

1.4 OVERVIEW OF REDEVELOPMENT PLAN FOR THE REDEVELOPMENT PLAN AREA

This Redevelopment Plan provides for the development between sixty-two (62) and sixty-six(66) affordable rental family units in a 3-story building or buildings. One of the units will be provided for an on-site superintendent and will not be deed-restricted for affordability. This Redevelopment Plan Area is to be conveyed to a third party for the construction, ownership and management of the low- and moderate-income housing units. The designated redeveloper must finance, obtain approvals, construct, build, own and manage the development. Such a development shall conform to the requirements of the Fair Housing Act, the second-round rules of the Council on Affordable Housing (COAH) and New Jersey Housing and Mortgage Finance Agency (NJHMFA), as applicable. The Redevelopment will also comply with the terms and conditions set forth in the Settlement Agreement between Fair Share Housing Center and the Township of Chatham, as amended.

Chapter 2. CONTEXT, VISION AND GOALS

2.1 LAND USE CONTEXT

The prevailing land uses in the Township are residential, with low density rural areas to the north and medium density residential neighborhoods in the central and southern portions of the Township. High density apartments and townhouses are clustered in two principal areas - in the southern part of the Township along River Road and in the northern part of the Township between Southern Boulevard, and Green Village Road (Chatham Hill). The Chatham Hill apartments are less than 200' from Lot 2.

The Redevelopment Plan Area is part of the commercial center in Chatham Township, which is situated along Green Village Road, Southern Boulevard and Shunpike Road. The Redevelopment Area is situated in the Township's downtown business area, with restaurants and a supermarket across the street to the east and a wide range of commercial services available within easy walking distance (see Figure 4). A neighborhood of single-family homes on small lots is just east of the site, Juniper Village senior assisted living is to the south and a gasoline filling station adjoins Lot 2 to the north. Figure 5 illustrates the tax class of properties and Figure 6 illustrates the current zoning of the subject property and the surrounding neighborhood. As readily seen on Figure 5, a compact commercial zone is essentially fully developed and is Chatham Township's downtown.

2.2 VISION FOR THE REDEVELOPMENT PLAN AREA

Chatham Township has spent the past several years examining opportunities for the development of affordable housing to address its constitutional fair share obligation. Primary among the Township's objectives has been the identification of realistic opportunities for the creation of such affordable housing. In this particular case, the affordable housing component to be developed in the Redevelopment Plan Area will be 100% affordable, consisting of between 63 and 67 units in a family rental apartment project that will include one non deed-restricted unit for a superintendent, to be undertaken by the designated redeveloper. The development of a 100% affordable family rental housing development within this Redevelopment Plan Area is part of the Township's plan to meet its prospective need obligation for the Third Round, that is, the period between 1999-2025. The Redevelopment Plan Area is well-situated and suitable to provide for affordable family rental apartments, having sufficient developable land to accommodate the development as well as all necessary infrastructure and roadway access.

2.3 GOALS

This proposed Redevelopment Plan is consistent with Chatham Township's Master Plan, which has identified the following two broad goals related to housing:

- Preserve the desirability of the community and its neighborhoods by managing the scale of new and expanded buildings and alterations to their landscapes.

This site is well situated for the provision of affordable housing to assist in meeting the Township's constitutional obligation, being situated next to a commercial center offering a grocery store, hardware store, pharmacy, food establishments and within walking distance to recreational facilities. The proposed development of a 3-story 100% affordable rental apartment building, providing between 63 and 67 units, including one unit for a building superintendent at this location is compatible with the surrounding uses.

- Promote a balance of housing types for all segments of the population.

The Redevelopment Area provides an appropriate setting for this municipally sponsored 100% affordable development. Through the adoption of this Redevelopment Plan, a new public-private partnership initiative will provide a realistic opportunity for between 62 and 66 affordable family units to be constructed and occupied in a mixed use building at this location.

These Master Plan goals and objectives serve as a guide to this Redevelopment Plan, and will ensure that the new development will blend into the current landscape of the Redevelopment Area, harmonize with nearby neighborhoods, and enhance the quality of life for residents of Chatham Township.

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Chapter 3. LAND USE AND BUILDING REQUIREMENTS

3.1 APPLICABILITY

This Redevelopment Plan shall supersede Chatham Township’s Land Development regulations as they pertain to the Redevelopment Plan Area (Chapter XXX of the Chatham Township Code). The development shall adhere to the requirement set forth herein as it relates to permitted uses, bulk, area and yard requirements, as well as building and site plan design requirements, landscaping and open space requirements, utility service requirements, and low and moderate income housing requirements.

3.2 CONCEPTUAL SITE DESIGN

This Redevelopment Plan provides for the development of between 62 and 66 affordable family rental units, plus one non deed-restricted unit for an on-site superintendent, in one or more 3- and/or 4-story mixed use apartment buildings with non-residential uses on the first floor. This plan recognizes that the siting of these built elements will be designed by the designated redeveloper and that the Redevelopment Plan cannot provide a definitive site plan layout at this time.

Given the single family residential character of the Sunset Lake neighborhood to the west, a substantial wooded or landscaped buffer should be maintained at the eastern end of the Redevelopment Plan Area. The Redevelopment Plan recognizes the unique challenges of developing between 62 and 66 affordable family rental units in a mixed use format on this site in light of the necessity in 100% affordable housing projects to eliminate any cost generating requirements and improvement, as well as other limitations such as wetland buffer requirements and existing paved areas. As such, the proposed development may require flexibility and deviations from the standards and requirements set forth in this chapter. The Planning Board may therefore, in its discretion, permit modifications and deviations from strict adherence to the requirements otherwise applicable where such adherence is not necessarily in the interest of the public, and where the waivers or modifications are consistent with the intent and purpose of the underlying requirements and the interests of the Township. (See Section 6-3 of this report “Deviation Requests”)

3.3 PERMITTED USES

A. Principal Uses

1. 100% municipally-sponsored rental affordable housing.
2. One on-site non-deed restricted unit for occupancy by a building superintendent.

B. Accessory Uses

1. Structures and facilities designed for recreation or community use for residents and their guests, including barbeque facilities.
2. Tot lots.
3. Walking paths.
4. Off-street parking, in accordance with RSIS standards.
5. Fences and walls in accordance with the requirements of Section 30-96.15 of the Chatham Land Development Ordinance.

6. Landscaping and screening in accordance with the requirements set forth in Section 3.7 of this report.
7. Outdoor lighting in accordance with the requirements of Section 30-96.22 of the Chatham Land Development Ordinance.
8. Outdoor structures for the storage of solid waste and recycling materials, with sufficient vehicular access for pick-up and removal.
9. One (1) double-sided monument sign composed of wood, stone, brick or masonry or the same material as used on the exterior of the principal buildings not to exceed 50 square feet in area or a height of greater than 4 feet, and a setback no closer than 10 feet from a property line.
10. Above-ground, at-grade, or below-ground utility structures and facilities required to provide gas, electricity, telephone, water, sewer cable television or other utility service. Utilities shall comply with the requirements set forth in Section 3.8 of this chapter.
11. Other accessory uses and structures which are customary and incidental to the principal permitted use.

3.4 BULK, AREA AND YARD REQUIREMENTS

A. Minimum Standards

1. Lot Area: 3 acres
2. Lot Frontage: 200 feet
3. Setbacks of Principal Buildings to Property Line:
 - a. Front 35 feet
 - b. Side 10 feet
 - c. Rear 75 feet
4. Distance between Two Principal Buildings on the lot: 20 feet
5. Setbacks of Tot Lots or Trash Enclosures:
 - a. Front: 20 feet
 - b. Side: 15 feet
 - c. Rear: 200 feet
6. Setback of Parking:
 - a. To property lines
 1. Front: 35 feet
 2. Side: 20 feet
 3. Rear: 75 feet
 - b. To buildings: 10 feet
7. Number of Parking Spaces: 1.5 spaces/dwelling unit¹

B. Maximum Standards

1. Building Coverage: 30%
2. Impervious Coverage: 50%
3. Building Height² - Principal Buildings: 3 stories and 45 feet with up to 40% of building footprint

¹ A de minimus exemption from the parking requirements of New Jersey's Residential Site Improvement Standards (RSIS) will be required.

² Building height for the purposes of this Redevelopment Plan shall be measured as the vertical distance from the average post-development ground elevation as measured at the corners at the

permitted to be 4 stories and 60 feet

4. Number of dwelling units: between 62 and 66 affordable dwelling units plus 1 superintendent unit

3.5 BUILDINGS AND SITE PLAN DESIGN

1. All off-street parking areas and internal roadways shall be paved, bounded by permanent curbing and constructed in accordance with RSIS standards; provided, however, that, upon recommendation of the Township Engineer, the requirement of curbing may be waived or modified when found not to be needed for control of storm water, protection of pavement and similar purposes.
2. Except as otherwise provided in the New Jersey Residential Site Improvement Standards, internal roadways shall be at least twenty-four (24) feet in width for two (2)-way traffic and twelve (12) feet in width for one (1)-way traffic and shall not enter a street within fifty (50) feet of an existing intersection. Driveways leading from internal roadways to parking areas shall be at least twenty (20) feet in width. Parking on internal roadways and driveways shall be prohibited.
3. The arrangement and location of parking areas and internal roadways shall be subject to approval of the Planning Board at site plan approval and shall be designed to insure maximum safety, proper circulation and maximum convenience for residents and their guests, while also properly buffering adjoining residential properties.
4. Figure 7 illustrates the building envelope for permitted development according to the bulk requirements in Section 3.4 above.

3.6 DESIGN REQUIREMENTS

1. Architectural elevations and floor plans shall be provided at site plan application for each building.
2. The length of a building shall not exceed 225 feet.
3. Variations in set-back, materials, colors and design including breaks in the building façade shall be encouraged to break up the appearance of the mass of the building. The building façade shall be broken into façade segments. The building façade shall have off-sets every 40 feet, with set back or bump out sections being 4 feet or more in depth.
4. Primary exterior materials shall be consistent with materials utilized for surrounding buildings and may include cedar impression vinyl siding, vinyl siding, asphalt shingle roofing and cementitious or PVC trim.
5. A variety of materials and architectural features are to be used, for example, to distinguish first floor from the second floor, to distinguish the top floor from the lower floor, and to highlight building entrances.
6. Sloping roofs are encouraged. If flat roofs are provided, they shall incorporate design techniques to shield any roof mounted equipment.
7. Rooftop HVAC and mechanical equipment, if used, shall be aesthetically shielded by peak roof inserts.
8. All apartment buildings and all accessory buildings and structures shall be designed in a

perimeter of the building to a horizontal plane projected from the highest point of the roof.

unified architectural style.

9. Architectural design and materials used in the construction of accessory buildings shall be similar to or complement those of the principal buildings.
10. There shall be a minimum gross floor area for the dwelling units in the project as follows: for 1-bedroom units, 620 square feet; for 2-bedroom units, 750 square feet; and for 3-bedroom units, 1,000 square feet. Each dwelling unit shall contain as a minimum, a separate living room, a separate bedroom, a separate bath, and a kitchen, which kitchen facility shall be located separate and apart from other rooms in the unit with the exception of the dining room.
11. Storage space with a door or other means of separate access containing a minimum of forty (40) square feet of floor area and a minimum volume of three hundred (300) cubic feet shall be provided for each dwelling unit in the principal building, within the dwelling unit itself, or in a basement of the building in which the units are located.

3.7 LANDSCAPING AND OPEN SPACE

1. A minimum of 15 percent of the site area shall be specifically set aside for conservation, recreation, and/or other open space, and shall not include stormwater detention facilities or other structural or infrastructure improvements.
2. The tree replacement requirements of the Township's Tree Protection Ordinance (§22-5.4 and 5.5) shall be adhered to.
3. The minimum required open space area may include wetlands or wetlands buffers.
4. Common open space, where improved, shall be attractively landscaped with grass lawns, trees and shrubs. Where possible, provision shall be made for the preservation of existing trees and natural features including those in designated critical areas (such as within wetland buffer areas). All proposed landscaping, including existing and new trees, shrubs and natural screening shall be shown on a landscape plan and submitted to the Planning Board for approval at site plan review.
5. Except as otherwise provided in the New Jersey Residential Site Improvement Standards, sidewalks or walkways constructed in accordance with the Township specifications shall be provided in such locations and of such widths as required and approved by the Planning Board to insure safe and convenient pedestrian traffic.
6. Effective screening by fences, walls or landscaping shall be provided to shield parking areas and other common facilities from view of adjoining residential properties.
7. Adequate outdoor lighting shall be provided in parking areas and along sidewalks, walkways and internal roadways. The source of lighting shall be directed downward, away from buildings and adjoining streets and property lines. Lighting fixtures shall be so arranged that the direct source of light is not visible from any adjacent residential property.

3.8 UTILITY SERVICES

1. All dwelling units within a structure shall be connected to approved and functioning public water and sanitary sewer systems prior to the issuance of certificates of occupancy.
2. Adequate provision shall be made for storm water drainage, water supply and sewage treatment and disposal.
3. All telephone, electric and CATV service, including outdoor lighting on the property, shall be by underground conduit.
4. Fire hydrants shall be installed at locations specified by the Township. Such hydrants shall be provided with appropriate water pressure and otherwise adequately maintained by the owner or owners of the development. All such hydrants shall conform to the standards of the National

Board of Fire Underwriters or Township requirements, whichever is more restrictive.

5. Suitable provision shall be made for the orderly on-site storage and pick-up of solid waste, including recyclable materials. The locations and numbers of all facilities for such purposes shall be subject to approval by the Planning Board and shall meet all regulations of the Township Board of Health and applicable provisions of the Township Recycling Ordinance.

3.9 MUNICIPAL COOPERATION WITH UTILITIES

- A. The Township shall confirm in writing its support for the submission of applications for all utilities (including specifically water and sewer), and all necessary governmental agency or private utility approvals related to all aspects of the development within five (5) business days of a written request for such support from the redeveloper. Specifically, the Township shall assist the redeveloper in obtaining such approvals with Morris County, New Jersey Department of Transportation and the New Jersey Department of Environmental Protection and any other public or private entity with which the redeveloper must deal in order to develop the approved site plan.

3.10 LOW- AND MODERATE-INCOME HOUSING REQUIREMENTS

- A. Low and moderate-income housing shall be constructed and rented in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. and the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq. except that up to four (4) units may be one bedroom units and at least 59 units shall consist of 2-bedroom and 3-bedroom units, of which no fewer than 15 shall be 3-bedroom units. The income distribution shall include no more than 50% moderate income and no less than 13% very low income. Affordable housing units shall be affordable family rentals and shall not be age-restricted.
- B. The Township designated Affordable Housing Administrator shall be responsible for affirmatively marketing, administering and certifying the occupants of each affordable unit, with all administrative costs to be paid by the redeveloper/owner of the affordable units.
- C. Up to 20 percent of all new affordable housing shall be set aside for low or moderate income veterans with active service in time of war as defined by section 1 of P.L.1963, c.171 (C.54:4-8.10).

Chapter 4. REDEVELOPMENT ACTIONS

4.1 OUTLINE OF PROPOSED ACTIONS

Construction of new affordable housing structures and other improvements shall take place as proposed in this Redevelopment Plan. The existing restaurant and improvements within the Redevelopment Plan Area shall be completely demolished and removed by the designated redeveloper.

The redeveloper will be required to enter into a Redevelopment Agreement with the Township that stipulates the precise nature and extent of the improvements to be made, and will be required to finance, obtain approvals, construct, build, own and management the development. Their timing and phasing shall be governed as required therein.

4.2 PROPERTIES TO BE ACQUIRED

This Redevelopment Plan will require Chatham to acquire Block 128, Lot 2.

4.3 RELOCATION

This Redevelopment Plan will not require displacement or relocation of any residents or businesses.

4.4 ADMINISTRATIVE PROVISIONS

Redevelopment activities within the Redevelopment Plan Area shall comply with all requirements in any executed Redevelopment Agreement between the designated redeveloper and the Township of Chatham.

Chapter 5. PLAN CONSISTENCY REVIEW

5.1 RELATIONSHIP TO MASTER PLANS OF ADJOINING MUNICIPALITIES

Madison is the municipality closest to the subject property, being approximately 200' to the north. Lands across Shunpike Road in Madison are included in the "P" Professional Office/Residential district and are built out with office buildings. Given the intervening land use (service station) and the nature of existing development in Madison, the redevelopment of the Redevelopment Plan Area will not have any discernable impact on the Madison Master Plan.

The Redevelopment Plan Area is more than one mile from Chatham Township's borders with other surrounding municipalities; as such, its development will have no impact on these municipalities.

5.2 RELATIONSHIP TO THE MORRIS COUNTY MASTER PLAN

The Morris County Master Plan (adopted 1975) includes a *Future Land Use Plan* map that identifies the Hickory Tree area as a "Local Center". The intent of the County Plan was to organize growth in and around centers; the Redevelopment Plan Area is consistent with this objective. The County Plan was ahead of its time in many respects, including its focus on center-based growth and protecting environmental resources – also one of the primary organizing principles of the State Development and Redevelopment Plan.

The County's Future Land Use Plan also includes a statement of eight goals for the future of Morris County. Goal 6 is the "Provision for a variety of individual choices in lifestyles and living spaces." The Plan notes that historically, Chatham Township residents have preferred single family housing, but that "other types of housing are often preferred by sub-segments of a demographically mixed population; including a set-aside for veterans, and offering housing options for seniors and others who desire a rental housing unit." This Redevelopment Plan increases the diversity of housing choice within Chatham Township and reinforces the vitality of the walkable Hickory Tree area and is thus consistent with this goal of the Morris County Master Plan.

5.3 RELATIONSHIP TO STATE DEVELOPMENT AND REDEVELOPMENT PLAN (SDRP)

The site lies in Metropolitan Planning Area 1 (PA-1) of the SDRP. The SDRP has been crafted as a growth management plan and PA-1 is the principal area in which the SDRP promotes growth, including higher density residential development.

PA-1 is a preferred location for affordable housing development as it generally includes diverse land uses that support the needs of households. Relevant objectives for the PA-1 Metropolitan Planning Area, identified in the stated intent of the State Plan, include the following, which are supported by this Redevelopment Plan:

- Provide for much of the State's future development and redevelopment;

- Take advantage of increased densities and compact building design;
- Encourage distinctive, attractive neighborhoods with a strong sense of place; and
- Create a wide range of residential housing opportunities and choices with income mix.

The State Plan embraces the theory that growth should be organized around defined “centers”, which may include “cores”. While Chatham Township has not designated a center according to the SDRP, Hickory Tree is clearly a center with core. Cores are described as follows:

Cores are the downtowns and major neighborhood commercial concentrations of our traditional communities. They are generally characterized by their greater intensity and complexity. In most cases:

- buildings are multi-story and mixed-use;
- internal trips are on foot or by transit;
- parking is shared;
- surfaces are impervious;
- open space is public; and
- housing is multi-family.

The Core is the commercial, cultural and civic heart of the Center. It should be a bustling place which provides a dynamic setting for human interaction. Activities which generate the most pedestrian traffic, such as restaurants, retail and services, should be focused in the Core. (emphasis added)

Among the Policy Objectives to guide the application of the State Plan’s Statewide Policies in the Metropolitan Planning Area are included the following:

1. **Land Use:** *Promote redevelopment and development in Cores and neighborhoods of Centers and in Nodes that have been identified through cooperative regional planning efforts. Promote diversification of land uses, including housing where appropriate, in single-use developments and enhance their linkages to the rest of the community. Ensure efficient and beneficial utilization of scarce land resources throughout the Planning Area to strengthen its existing diversified and compact nature.*

2. **Housing:** *Provide a full range of housing choices through redevelopment, new construction, rehabilitation, adaptive reuse of nonresidential buildings, and the introduction of new housing into appropriate nonresidential settings. Preserve the existing housing stock through maintenance, rehabilitation and flexible regulation.*

8. **Redevelopment:** *Encourage redevelopment at intensities sufficient to support transit, a broad range of uses and efficient use of infrastructure. Promote design that enhances public safety, encourages pedestrian activity and reduces dependency on the automobile. (emphasis added)*

Under the heading “Revitalization and Housing”, Policy 31 “Low-income Housing Opportunities” the SDRP calls for municipalities to

Reverse the trend toward large concentrations of low-income households in municipalities experiencing distress, including those disproportionately occupied by racial minorities, by creating and affirmatively marketing low-income housing opportunities in less distressed neighborhoods and communities, while selectively demolishing vacant, obsolete housing for parks, community gardens or housing expansion, and development of market rate housing. (emphasis added)

One of the adopted housing policies of the SDRP which is specifically advanced by this Redevelopment Plan, is set forth in the excerpt below:

#6. Housing – Preserve and expand the supply of safe, decent and reasonably priced housing while meeting the constitutional mandate with respect to affordable housing through improved planning, regulatory reform, supportive infrastructure investments, housing subsidies, tax and discounted fee incentives and municipal property tax relief in ways that are consistent with the vision and goals of the State Plan. (emphasis added)

Clearly, 522 Southern Boulevard is situated in a multi-use core as described in the SDRP. It is, thus, the type of location that affordable housing construction is encouraged, precisely because of the proximity to commercial and civic uses.

Chapter 6. GENERAL PROVISIONS

6.1 AMENDMENT TO ZONING MAP OF CHATHAM TOWNSHIP

The Zoning Map of the Township of Chatham is hereby amended to indicate the location of the Redevelopment Plan Area as set forth in this Redevelopment Plan.

6.2 DEFINITIONS

With respect to the intent and meaning of all words and terms used in this Redevelopment Plan, the “Definitions” section of the Township’s Land Development Ordinance shall govern unless as otherwise defined herein.

6.3 DEVIATION REQUESTS

The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan (inclusive of both bulk and design requirements set forth in Chapter 3), where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any areas, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant such relief to an applicant relating to a specific piece of property where the purposes of the Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Redevelopment Plan. Any deviation that would require “d” variance in accordance with the Municipal Land Use Law, N.J.S.A. 40:55D-70d et seq., shall require an amendment to the Redevelopment Plan by the Township Committee. An application for a deviation from the requirements of this Redevelopment Plan shall provide public notice as set forth in N.J.S.A. 40:55D-12a and b.

6.4 SITE PLAN REVIEW

Within the Redevelopment Area, site plans providing for the demolition of existing improvements and construction of new buildings and other improvements shall be prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D1 et seq.) and shall be submitted by the redeveloper for review and approval by the Township of Chatham Planning Board.

To assure the comprehensive and coordinated development of the Redevelopment Plan Area, any application for site plan approval submitted to the Chatham Planning Board shall be consistent with the terms of this Redevelopment Plan and shall include at least the following elements:

- A site plan for the Redevelopment Plan Area identifying land use types, building locations and heights, floor areas of each building and the number of residential units, with zoning tables indicating compliance with the bulk and design regulations set forth herein, and deviations to be requested.
- The site plan shall also show specific locations and details related to parking, loading, vehicular access and circulation, pedestrian and bike paths, open space and recreational features and improvements.
- Architectural elevations and floor plans.
- A landscape plan.
- A utility plan.
- A stormwater management plan.
- A traffic study.
- An environmental impact assessment.
- A signage plan showing signage design and details.

No permits shall be issued for construction of buildings within the Redevelopment Plan Area until the Chatham Township Planning Board has granted final site plan approval for such improvements. The criteria for the consideration and approval of the site plan shall be in conformance with the requirements of this Redevelopment Plan as set forth herein, the applicable site plan provisions of the Township of Chatham Land Use Ordinance which are referenced in this Redevelopment Plan, as well as the executed Redevelopment Agreement between the redeveloper and the Township of Chatham.

An application for site plan approval shall provide public notice as set forth in NJSA 40:55D-12a and b. All requested deviations (as identified pursuant to Section 6.3 above) shall be included in such notice.

6.5 AFFORDABLE HOUSING

The redeveloper or their successor's, heirs, or assigns, shall be required as part of any redevelopment agreement between the redeveloper and the Township of Chatham to finance, obtain approvals, build, own, operate and maintain the 100% affordable family-rental housing within the Redevelopment Plan Area. The affordable housing units are to be financed with 9% low income housing tax credits.

Up to 20 percent of all new affordable housing shall be set aside for low or moderate income veterans with active service in time of war as defined by section 1 of P.L.1963, c.171 (C.54:4-8.10).

6.6 ADVERSE INFLUENCES

No use shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

6.7 NON-DISCRIMINATION PROVISIONS

No covenant, lease, conveyance or other instrument shall be affected or executed by the Township

Committee or by any redeveloper or any of his or her heirs, successors or assigns, whereby the sale, lease, use or occupancy of land within the Redevelopment Plan Area is restricted on the basis of race, creed, color, sexual orientation or national origin. Appropriate covenants, running with the land in perpetuity, shall prohibit any such restrictions and shall be included in the disposition instruments.

6.8 DURATION OF THE PLAN AND DEED RESTRICTION

The provisions of this Redevelopment Plan specifying the redevelopment of the Redevelopment Plan Area and the requirements and restrictions with respect thereto shall be in effect for a minimum period of thirty (30) years from the date of the adoption of this Plan by the Township Committee. All units within the Redevelopment Plan Area shall be deed restricted for low and moderate family occupancy for a minimum period of thirty (30) years from the date of issuance of the certificate of occupancy for the first unit. The Township of Chatham, at its sole option and with no cost to the Township, may extend the deed restriction at the conclusion of the first thirty (30) year period.

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Chapter 7. OTHER PROVISIONS

7.1 STATEMENT ABOUT REDEVELOPMENT

In accordance with N.J.S.A. 40A:12A-1 et seq. known as The Local Redevelopment and Housing Law, the following statements are made:

- The Redevelopment Plan herein has delineated a definitive relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements. The Plan has laid out various programs and strategies needed to be implemented in order to carry out the Plan objectives.
- The Redevelopment Plan lays out the proposed land uses and building requirements for the Redevelopment Plan Area.
- The Redevelopment Plan does not envision a need to relocate any residents or businesses.
- The Redevelopment Plan is substantially consistent with the Master Plan for the Township of Chatham and the Morris County Master Plan. The Plan also complies with the goals and objectives of the New Jersey State Development and Redevelopment.
- This Redevelopment Plan shall supersede all provisions of the Zoning and Land Development Regulations of the Township of Chatham regulating development within the Redevelopment Plan Area, except where stated otherwise within the text of this Plan. Final adoption of this Redevelopment Plan by the Township Committee shall be considered an amendment of the Township of Chatham Zoning Map.
- If any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.

7.2 PROCEDURE FOR AMENDING THE APPROVED PLAN

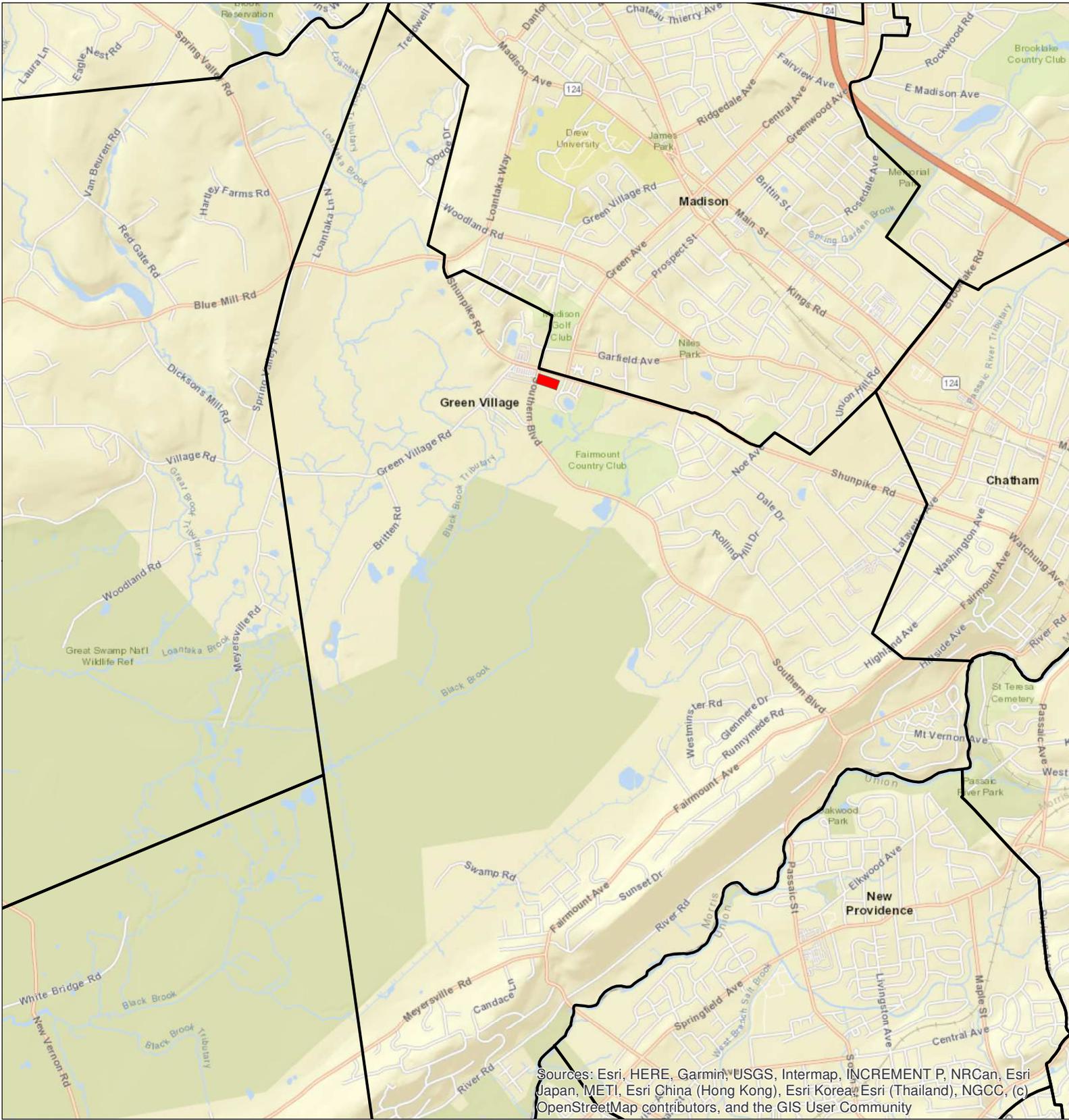
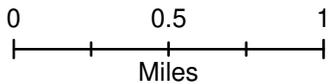
This Redevelopment Plan may be amended from time to time upon compliance with the requirements of state law. A non-refundable application fee shall be paid pursuant to site plan fee schedule found in Section 126-35 “Fees” of the Chatham Township Code by the party requesting such amendment, unless the request is issued from any agency of Chatham Township. The Township Committee, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a professional planner licensed in the State of New Jersey.

7.3 APPLICABILITY OF OTHER ORDINANCES

Unless specifically noted to the contrary in this Condemnation Redevelopment Plan, all land development regulations of Chatham Township shall apply to the Redevelopment Plan Area.

Figure 1 Regional Location

Block 128, Lot 2
 Portion of Chatham Township
 Morris County, NJ
 July 2020

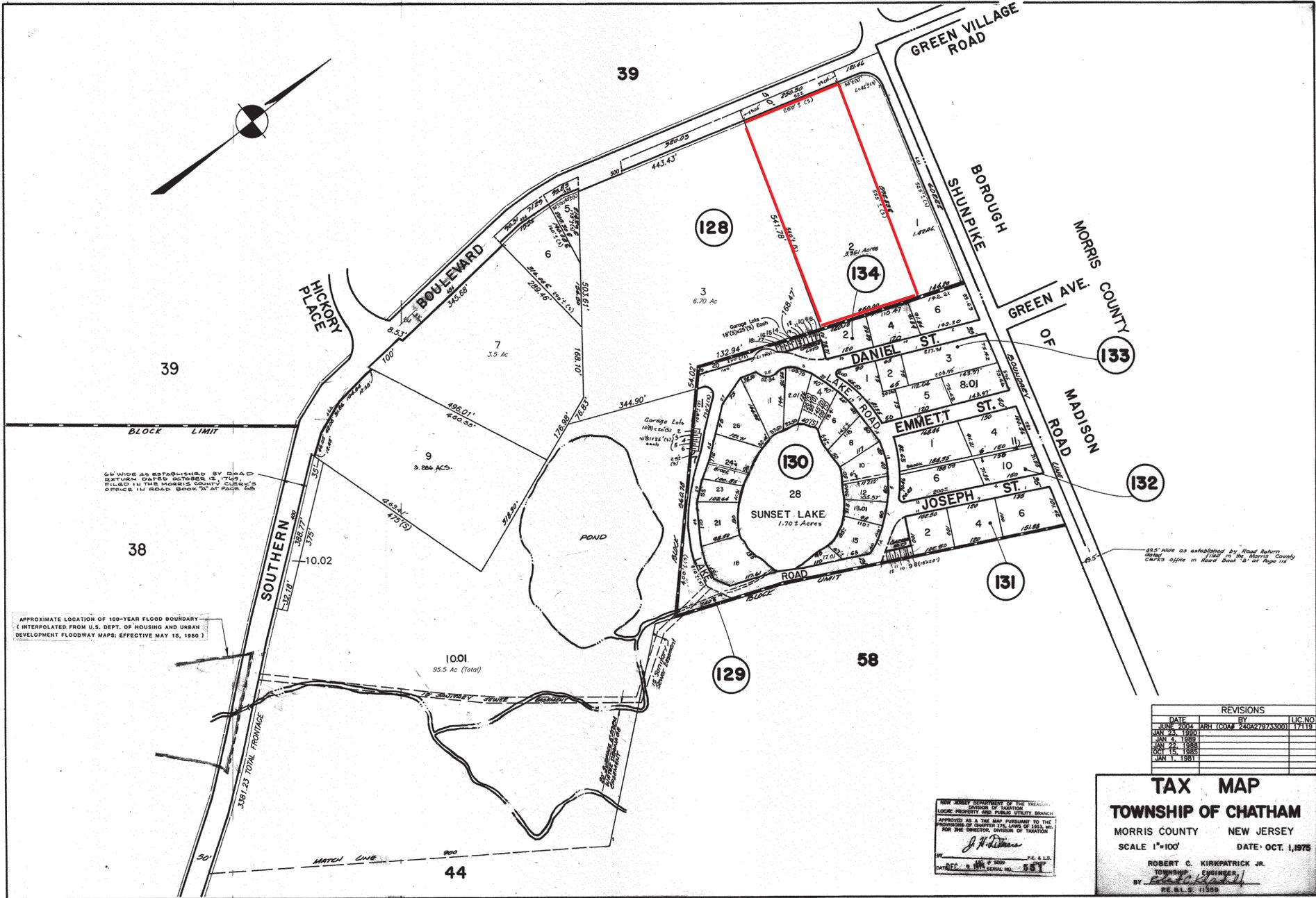


Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Legend

 Block 128, Lot 2

Figure 2: Redevelopment Plan Area - Tax Map Page 43



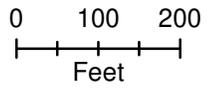
REVISIONS		
DATE	BY	LC NO
JUNE 2004	ARH (CO# 2422973300)	17119
JAN 4 1999		
JUN 22 1998		
OCT 15 1995		
JUN 7 1981		

TAX MAP
TOWNSHIP OF CHATHAM
 MORRIS COUNTY NEW JERSEY
 SCALE 1"=100' DATE: OCT. 1, 1975
 ROBERT C. KIRKPATRICK JR.
 TOWNSHIP ENGINEER
 BY: *[Signature]*
 P.E. S.L.S. 11599

FROM BUREAU DEPARTMENT OF THE TREASURY
 DIVISION OF TAXATION
 LOCAL PROPERTY AND PUBLIC UTILITY BRANCH
 APPROVED AS A TAX MAP PURSUANT TO THE
 PROVISIONS OF CHAPTER 176, LAWS OF 1974, P.L.
 FOR THE DIRECTOR, DIVISION OF TAXATION
[Signature]
 BY: J. H. [Signature] P.E. S.L.S.
 DATE: DEC. 3, 1998 SERIAL NO. 557

Figure 3 Aerial Photography

Block 128, Lot 2
Portion of Chatham Township,
Morris County, NJ
July 2020



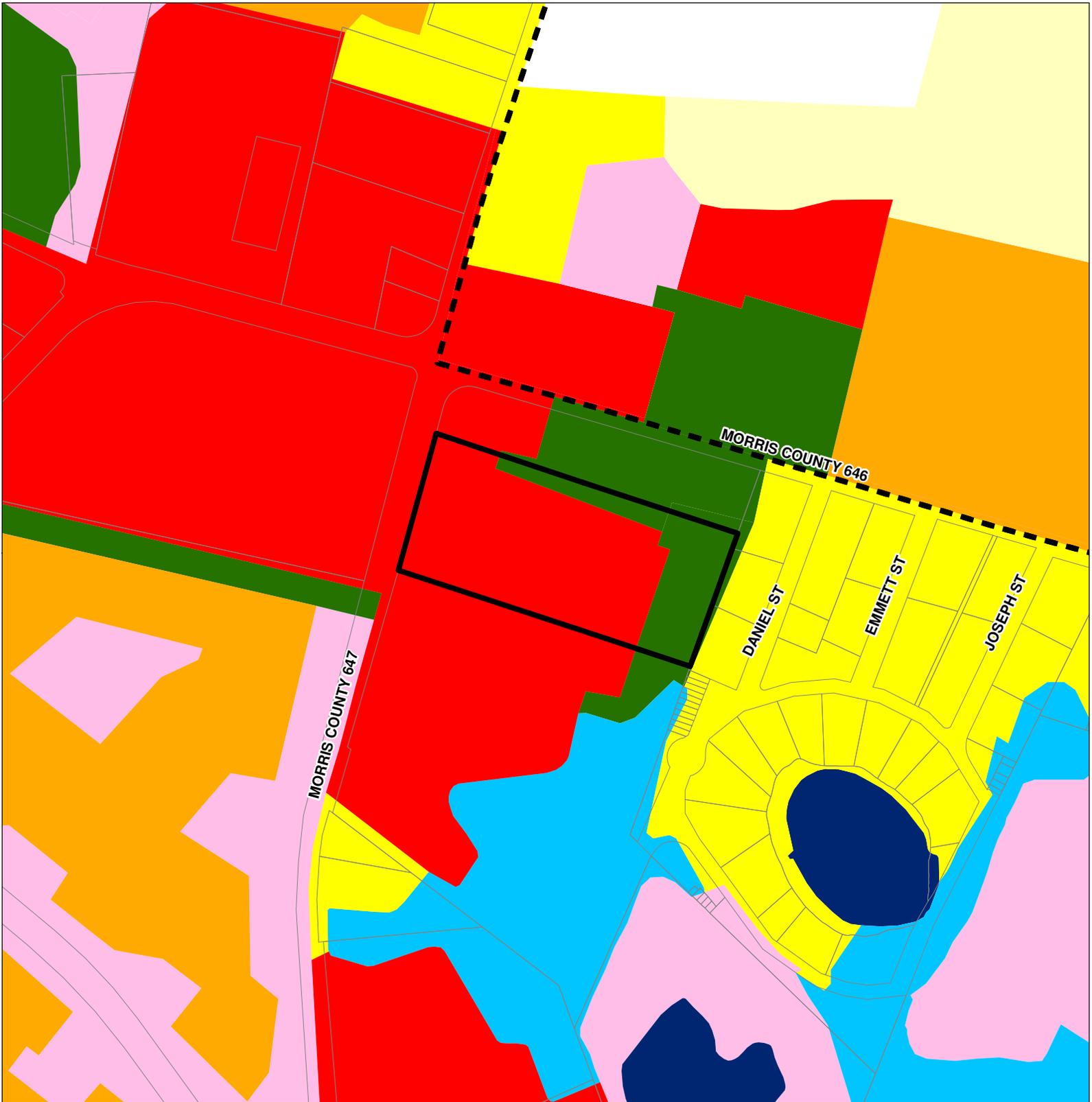
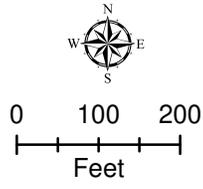
Legend

-  Block 128, Lot 2
-  Township Boundary

Figure 4
Land Use/Land Cover
 Block 128, Lot 2
 Portion of Chatham Township,
 Morris County, NJ
 July 2020

Data Sources:
 Morris County Parcels 2014
 NJDOT roadway network 2011
 NJDEP 2015 Land Use/Land Cover

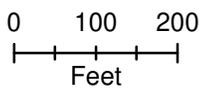
BANISCH
 ASSOCIATES, INC.
 Planning and Design



- Legend**
- Block 128, Lot 2
 - Township Boundary
 - High Density Residential
 - Other Developed
 - Commercial
 - Water
 - Medium Density Residential
 - Forest
 - Wetlands

Figure 5
Property Tax Class

Block 128, Lot 2
 Portion of Chatham Township,
 Morris County, NJ
 July 2020



Data Sources:
 Morris County Parcels 2014
 NJDOT roadway network 2011

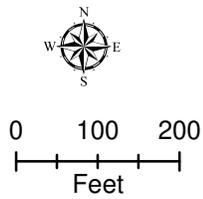
BANISCH
 ASSOCIATES, INC.
 Planning and Design



Legend

-  Township Boundary
-  Block 128, Lot 2
-  Vacant
-  Public Property
-  Residential
-  Commercial
-  Apartment
-  Residential/ Public (recent subdivision not shown)

Figure 6
Zoning
 Block 128, Lot 2
 Portion of Chatham Township,
 Morris County, NJ
 July 2020



Data Sources:
 Morris County Parcels 2014
 NJDOT roadway network 2011

BANISCH
 ASSOCIATES, INC.
 Planning and Design

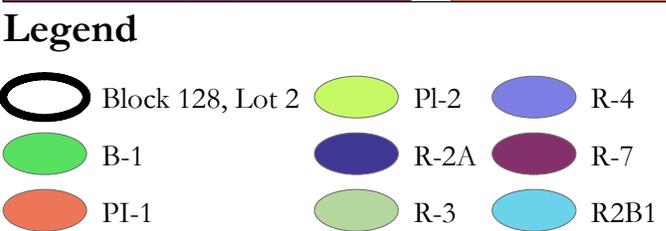
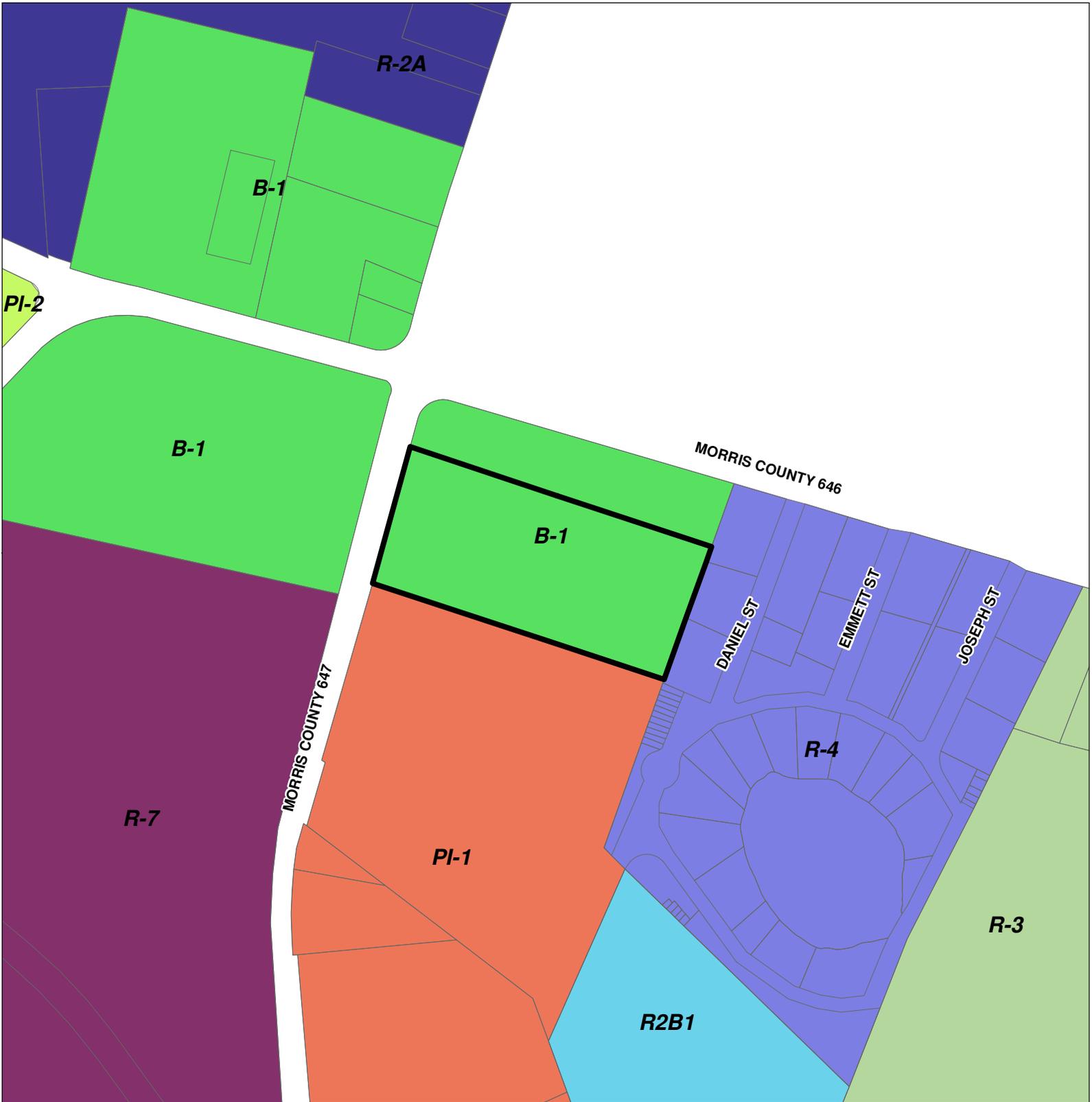


Figure 7 – Building Envelope

Front Yard -35'

Side yards - 10' each side



Rear yard 75'

RESOLUTION 2020-189

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY ACCEPTING AND APPROVING THE PLANNING BOARD RECOMMENDATION THAT BLOCK 128, LOT 2, COMMONLY KNOWN AS 522 SOUTHERN BOULEVARD BE DESIGNATED AS A CONDEMNATION REDEVELOPMENT AREA AS DEFINED IN N.J.S.A. 40A:12-1 ET SEQ.

WHEREAS, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("Redevelopment Law") authorizes municipalities to determine whether certain parcels of land located within the municipality constitute areas in need of condemnation redevelopment; and

WHEREAS, on July 9, 2020, the Township Committee of the Township of Chatham, by Resolution 2020-169, authorized and directed the Township of Chatham Planning Board ("Planning Board") to conduct a preliminary investigation pursuant to the Redevelopment Law to determine whether the property identified as Block 128, Lot 2 as shown on the Tax Map of the Township and commonly known as 522 Southern Boulevard ("Study Area"), constituted an area in need of condemnation redevelopment in accordance with the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Study Area consists of one (1) parcel fronting on Southern Boulevard owned by Kronos Holding LLC; and

WHEREAS, on July 20, 2020, the Township Planning Board, by Resolution authorized Frank Banisch, P.P. ("Planning Consultant"), to conduct an investigation to determine whether the Study Area constitutes an area in need of condemnation redevelopment in accordance with the Redevelopment Law, and to prepare a preliminary investigation report of the Study Area; and

WHEREAS, the Planning Consultant prepared a Study, dated July 2020 ("Report"), which details the findings and recommendations relevant to whether the Study Area should be designated as an area in need of condemnation redevelopment; and

WHEREAS, the Planning Board, having provided the requisite notice and all jurisdictional requirements of the Redevelopment Law having been met, conducted a public hearing on August 17, 2020, where the Planning Consultant, being sworn and qualified as an expert in professional planning, made a presentation of the Report to the Planning Board; and

WHEREAS, in addition to the presentation of the Planning Consultant, the Planning Board held a public hearing; and

WHEREAS, the Planning Consultant concluded that the Study Area satisfies the criteria of the Redevelopment Law, N.J.S.A. 40A:12A-5 as follows:

Block 128, Lot 2 - Criteria (b), (d) and (h)

and that the Study Area is an area in need of condemnation redevelopment; and

WHEREAS, the Planning Board received a written objection to the Report from Adam J. Faiella, Esq., on behalf of Kronos Holding LLC, prior to the close of the public hearing on August 17, 2020; and

WHEREAS, Adam J. Faiella, Esq. also appeared at the Planning Board hearing and stated the objections; and

WHEREAS, at the conclusion of the public hearing, the Planning Board found that the Planning Consultant's conclusions in the Report and his testimony provide substantial evidence to support the findings that the Study Area satisfies the criteria of the Redevelopment Law, N.J.S.A. 40A:12A-5, and that the designation of the Study Area as an area in need of condemnation redevelopment is necessary for the effective redevelopment of the Study Area; and

WHEREAS, the Planning Board voted to recommend that the Township Committee find that the Study Area be designated as an area in need of condemnation redevelopment meeting the criteria of the Redevelopment Law, N.J.S.A. 40A:12A-5, as set forth by the Planning Consultant; and

WHEREAS, on August 17, 2020, the Planning Board adopted a Resolution memorializing the public hearing and decision on that date; and

WHEREAS, the Planning Board submitted the memorializing Resolution, along with a copy of the Report and all exhibits presented at the public hearing to the Township Clerk for distribution to the Mayor and Township Committee for consideration thereof; and

WHEREAS, after review and consideration of the Planning Board's recommendation, including all documents submitted therewith, the Township Committee agrees with the conclusion of the Planning Board that the Study Area meets the aforementioned criteria for a condemnation redevelopment area designation, and the Township Committee finds that such conclusion is supported by substantial evidence; and

WHEREAS, the Township Committee further agrees with the recommendation of the Planning Board that the Study Area be designated as an area in need of condemnation

redevelopment pursuant to the Redevelopment Law; and

WHEREAS, the Township Committee now desires to designate the Study Area as an area in need of condemnation redevelopment, pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, the Township Committee further desires to authorize and direct the Planning Consultant to prepare a redevelopment plan for the Study Area and present same to the entire Township Committee.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, in the County of Morris, and State of New Jersey, as follows:

1. The aforementioned recitals, including the Planning Board Resolution, Report and exhibits presented at the August 17, 2020 public hearing before the Planning Board, are incorporated herein as though fully set forth at length.
2. The Township Committee hereby designates the Study Area as an area in need of condemnation redevelopment pursuant to N.J.S.A. 40A:12A-6, satisfying criteria of the Redevelopment Law, N.J.S.A. 40A:12A-5 as follows:

Block 128, Lot 2 - Criteria (b), (d) and (h)

3. The Planning Consultant is hereby directed to prepare a redevelopment plan for the Study Area (to be hereinafter referred to as the Redevelopment Plan), and present same to the entire Township Committee.
4. The Clerk of the Township shall forward a copy of this Resolution to the Commissioner of the New Jersey Department of Community Affairs for review and approval by regular and certified mail, return receipt requested.
5. The Clerk of the Township shall forward a copy of this Resolution to Kronos Holding LLC, the owner of the Study Area, at its address shown on the Tax Assessor's records; those whose names are listed on the Tax Assessor's records, and Adam J. Faiella, Esq., who filed a written objection, by regular mail and certified mail, return receipt requested.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

Adopted: August 27, 2020

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Michael J. Kelly, Mayor

RESOLUTION 2020-190

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, RATIFYING AND CONFIRMING THE TOWNSHIP ATTORNEY SIGNING ON BEHALF OF THE TOWNSHIP A CONSENT ORDER APPROVING AFFORDABLE HOUSING TRUST FUND EXPENDITURE

WHEREAS, the Township Committee is in the process of acquiring by purchase or condemnation 522 Southern Boulevard, Block 128, Lot 2 (“Property”) as shown on the Township Tax Map for a 100% municipally sponsored affordable family rental development; and

WHEREAS, on August 13, 2020, the Township Committee introduced Bond Ordinance 2020-14 to finance the acquisition of the Property; and

WHEREAS, the Township proposes to use \$50,610.00 from the Affordable Housing Trust Fund for a portion of the down payment for Bond Ordinance 2020-14; and

WHEREAS, the Court Appointed Special Master Brian M. Slaugh, P.P., A.I.C.P. and the Fair Share Housing Center, Inc. through attorney Bassam F. Gergi, Esq. consented to the use of the Affordable Housing Trust Fund for this purpose provided that if the Property is not acquired, that the Township would reimburse the Affordable Housing Trust Fund for these funds and provided that the Township adopted an Amended Spending Plan consistent with applicable law.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. That the action of the Township Attorney to sign the attached Consent Order Approving Affordable Housing Trust Fund Expenditure is hereby ratified and confirmed.
2. That this Resolution shall take effect immediately.

Adopted: August 27, 2020

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Michael J. Kelly, Mayor

RESOLUTION 2020-192

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM, ACKNOWLEDGING RECEIPT OF REPORTS**

BE IT RESOLVED by the Township Committee of the Township of Chatham that
the following monthly reports of departments be acknowledged as received:

CFO – July
Police Department – July
Construction Official – July
Tax Collector – June, July

Adopted: August 27, 2020

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Michael J. Kelly, Mayor

DRAFT

RESOLUTION 2020-193

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING MINUTES OF MEETINGS

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meeting held on August 13, 2020.

Adopted: August 27, 2020

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Michael J. Kelly, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2020-194

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM APPROVING EXECUTIVE SESSION MINUTES OF MEETINGS**

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on August 13, 2020.

Adopted: August 27, 2020

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Michael J. Kelly, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2020-195

TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, RELEASING DEVELOPER ESCROW ACCOUNT AND/OR PERFORMANCE BOND BALANCES

WHEREAS, developers are required to deposit monies with the Township for the purposes of offsetting Township professional costs to review plans or to inspect approved development and for the purpose of ensuring the satisfactory completion of public or private improvements; and

WHEREAS, these deposited monies, following all necessary withdrawals to cover Township expenses or costs, may be released upon satisfactory completion of work, receipt of review board decisions, or completion of guaranteed work, upon passage of a Township resolution authorizing such release.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following guarantee amount or account balances, with interest adjustments as prescribed by state and local laws, may be released to the depositor of record:

<u>NAME</u>	<u>Project</u>	<u>A/C NUMBER</u>	<u>AMOUNT</u>
Sameer Joshi 479 River Road Chatham, NJ 07928	BOH 19-63-16.01 479 River Road	7765172554	\$702.50
SVM Construction Inc 25 Drake Road Mendham, NJ 07945	RO 19-062 770 River Road	7765172562	\$300.00

Adopted: August 27, 2020

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Michael J. Kelly, Mayor

RESOLUTION 2020-P-20

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY,
AUTHORIZING CONFERENCE OF THE TOWNSHIP COMMITTEE WITH THE
PUBLIC EXCLUDED**

WHEREAS, N.J.S.A. 10:4-12 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of the Township of Chatham is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Litigation - In the Matter of the Township of Chatham for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan Docket No. MRS-L-1659-15
 - b. Collective Bargaining Negotiations: PBA
 - c. Personnel Matter
3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will come back into Regular Session and may take further action.
5. This Resolution shall take effect immediately.

Adopted: August 27, 2020

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Michael J. Kelly, Mayor

Gregory J. LaConte, Clerk