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# **Amendment to the Amended Third Round Housing Element & Fair Share Plan**

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**Adopted by the Planning Board October 14, 2009**



Clarke Caton Hintz

# **Amendment to the Amended Third Round Housing Element & Fair Share Plan**

**Borough of Oceanport, Monmouth County, New Jersey  
Adopted by the Planning Board October 14, 2009**

**Prepared for the Borough of Oceanport by:**

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**Clarke Caton Hintz**

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Clarke Caton Hintz

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**Michael Jedziniak, Esq. (Jeffrey R. Surenian & Assoc.) – Board COAH Counsel**

**William White, PE (Maser Consulting) – Board Engineer**



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**John O. Bennett, III, Esq. (Dilworth Paxson LLP) – Borough Attorney**

**William White, PE (Maser Consulting) – Board Engineer**



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## EXECUTIVE SUMMARY

This is an Amendment to the December 2008 Amended Housing Element and Fair Share Plan of the Borough of Oceanport, Monmouth County, New Jersey (hereinafter the “2008 Plan”). This plan follows the requirements of Section 310 of the New Jersey Fair Housing Act (FHA), *N.J.S.A. 52:27D-310*, and the relevant provisions of the regulations adopted by the New Jersey Council On Affordable Housing (hereinafter “COAH”) at *N.J.A.C. 5:97-2.3* and *N.J.A.C. 5:97-3.2*.

Since December 2008 the Borough has nearly settled with the plaintiff in a builder’s remedy lawsuit – Oceanport Holdings. The plaintiff filed a lawsuit on May 26, 2005, seeking a builder’s remedy on Block 1, Lots 18 and 18.01 and 18.02 and Block 61, Lots 16 and 16.01. During and subsequent to preparation of the December 2008 Plan, the Borough entered confidential settlement discussions with the plaintiff, through the assistance of a court-appointed special master. Most recently, the Borough and Plaintiff have agreed to a development scheme for the property that generally consists of 26 market-rate townhome units and a payment by the Developer into the Borough’s Affordable Housing Trust Fund that will subsidize a portion of the Borough’s prior round affordable units. This agreement will be memorialized in a Settlement Agreement between the Borough and Plaintiff.

By reference, this Plan hereby incorporates all aspects of the 2008 Plan, except as superseded herein.

The settlement with Oceanport Holdings impacts the 2008 Plan in three primary ways:

1. The third round obligation is reduced by the number of units to be developed on the Oceanport Holdings property and the associated off-site affordable units since the plaintiff’s payment in lieu of construction is linked to the production of prior round affordable units.
2. The project provides a funding source for the Barker’s Circle prior round affordable units.
3. The site is newly included as a prior round affordable housing site.

In addition to the Settlement discussions, since December 2008, it has come to light that the Checkmate Inc. special needs facility, which was utilized in the prior round, was created in 1986 and is therefore a prior cycle credit (*N.J.A.C. 5:97-1.4*). As such, this Amendment alters the method which the Borough satisfies the prior round obligation.

Additionally, this Amendment alters the manner which the third round very low income obligation is satisfied. The 2008 Plan relied on the Barker’s Circle project where this Amendment relies upon the 39 Elizabeth Drive special needs facility. A partial reallocation of prior round and third round credits is required to accommodate this change.

There are three components to a municipality's affordable housing obligation; the rehabilitation share, the prior round obligation and the third round obligation. COAH has calculated the following for the Borough of Oceanport:

- Rehabilitation Share: 0 units
- Prior Round Obligation: 149 units
- Third Round Obligation: 36 units

The Borough will fully satisfy the 149 prior round obligation using affordable housing units from a 100% age-restricted affordable project known as Oceanport Gardens, a special needs facility known as Checkmate Inc., a family and age-restricted inclusionary project known as Barker's Circle, a family inclusionary project known as Oceanport Village and a 100% affordable housing project known as Oceanport Manor. The 36 unit third round obligation will be satisfied with the Barker's Circle inclusionary project, a special needs facility known as 39 Elizabeth Drive, the 100% affordable project known as Oceanport Manor and a municipally sponsored construction project.



## **OCEANPORT'S AFFORDABLE HOUSING OBLIGATION**

There are three components to a municipality's affordable housing obligation; the rehabilitation share, the prior round obligation and the third round obligation.

### **Rehabilitation Obligation**

By reference, this Amendment includes the discussion of the rehabilitation obligation included in the 2008 Plan on pages 29 and 32. As background however, Appendix B to COAH's substantive rules, *N.J.A.C. 5:97 et seq.*, provide each municipality's rehabilitation obligation; Oceanport's rehabilitation obligation is 0 units.

### **Amendment to the Prior Round Obligation**

Oceanport's prior round obligation (1987-1999), as recalculated by COAH, is 149 units (Appendix C. to *N.J.A.C. 5:97*). This Plan Amendment adds one site – Oceanport Holdings – to the list of prior round projects and acknowledges that the Checkmate Inc. facility is a prime cycle credit. Additionally, the allocation of credits between the prior round and third round for the 39 Elizabeth Drive and Oceanport Manor projects have been revised.

#### **39 Elizabeth Drive**

The site was included in the 2008 Plan as a prior round site. However, this Amendment will utilize the 4 bedroom special needs facility to satisfy a portion of the third round obligation, including the very low income obligation. This facility has affordability controls through the entirety of the third round. Please see page 33 of the 2008 Plan and Appendix G of the 2008 Plan for additional information.

#### **Barker's Circle**

The development proposal for this site remains unchanged from the 2008 Plan. However, the site is now linked to the Oceanport Holdings site due to the payment in lie of construction that will be provided to construct the prior round portion of the Barker's Circle Senior 100% affordable site. Additional information about this project can be found on pages 35 through 38 of the 2008 Plan.

The Borough will advance the project once the property has been conveyed. As discussed in the 2008 Plan, the property is located on the Fort Monmouth Base and currently owned by the

Department of Defense. The Base is scheduled for closure in 2011; however, the Borough has requested early conveyance of the property so that they may expeditiously move forward with the reuse of these buildings. The Executive Director of FMERPA has expressed a willingness to convey the property to the Borough when FMERPA has the ability to do so. To ensure that the Barker's Circle project moves forward in a manner similar to the development of the Oceanport Holdings site, the Borough will issue a request for proposals, if Barker's Circle is developed privately, or create a concept plan, if Barker's Circle is developed by the municipality, within 6 months of the site being conveyed to the Borough. A construction schedule for this project can be found in Appendix G of this Amendment.

### **Checkmate Inc.**

Since December 2008, it has come to light that the Checkmate Inc. special needs facility, created in 1986, is a prior cycle credit (N.J.A.C. 5:97-1.4). As such, this facility is no longer eligible to satisfy the rental obligation or to receive rental bonus credits. Additional information on this project can be found on pages 33 through 34 of the 2008 Plan. Supplemental documentation on this facility can be found in Appendix D of this Amendment.

### **Oceanport Manor**

This project consists of 6 existing affordable rental units and 6 approved but not yet constructed affordable rental units. The 2008 Plan utilized 3 existing units to satisfy a portion of the prior round obligation and the 3 remaining existing and 6 unbuilt units to satisfy a portion of the third round. This amendment will utilize all 6 existing units and 2 unbuilt units in the prior round and the 4 remaining unbuilt units in the third round. Please see pages 34 through 35 and Appendix H of the 2008 Plan for additional information on this project.

### **Oceanport Holdings**

The Borough has nearly settled with the Plaintiff in the builder's remedy lawsuit regarding this site – Oceanport Holdings. The property, at approximately 3 acres consists of Block 1, Lots 18 and 18.01 and Block 61, Lots 16 and 16.01. It is located along Oceanport Creek at the end of River Street in the R-3 district. The property is entirely within the 100 year flood zone. Despite its current use as a marina, located north and west of the property is a single-family detached residential neighborhood.

The Borough and the Plaintiff have settled on a development proposal for the property that includes 26 market rate townhomes – a density of over 8 units an acre. Rather than providing affordable housing units on the property, the developer has agreed to a payment in lieu of construction that will fund a portion of the Barker’s Circle senior 100% affordable housing project. Specifically, the developer will provide a \$399,000 payment in lieu of affordable housing construction.

The payment shall be used to fund the construction of the prior round affordable units at the Barker’s Circle senior 100% affordable housing project; the funds shall not be used to subsidize any other affordable housing programs. As such, the prior round Barker’s Circle senior 100% affordable housings units are analogous to off-site affordable housing constructed by the developer. Utilizing the payment for this purpose provides a direct link between the Oceanport Holdings and Barker’s Circle senior 100% affordable housing project.

For this reason, the Oceanport Holdings and a portion of Barker’s Circle senior 100% affordable units maybe excluded from the third round projections consistent with N.J.A.C. 5:97-2.4.(a)1.

The site is available, approvable, developable and suitable.

The site meets COAH’s site suitability standards, pursuant to N.J.A.C. 5:97-3.13.

- *The site has a clear title and is free of encumbrances which preclude development of affordable housing.* The site has a clear title and no legal encumbrances which would preclude its development as an affordable housing project.
- *The site is adjacent to compatible land uses and has access to appropriate streets.* The development of townhouse units this location will be compatible with the single family detached neighborhood which is adjacent to the site. The site has access, through the neighborhood, via River Street.
- *Adequate sewer and water capacity is available.* The site is located in the Borough’s public water service area and is within the approved sewer service area. Adequate water capacity will be provided by New Jersey American and sewer capacity will be provided by Two Rivers Water Reclamation Authority to serve the project.
- *The site can be developed in accordance with R.S.I.S.* Development of the site will be consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq.

Development of the site is consistent with the State Development and Redevelopment Plan (hereinafter the “State Plan”) and the rules and regulations of all agencies with jurisdiction over the site.

- *The site is located in a “Smart Growth Planning Area”.* The adopted 2001 State Plan and the Preliminary State Plan both designate the site in the Metropolitan Planning Area, Planning Area I.
- *The development will be consistent with the Land Use policies delineated by CAFRA.* The site is located outside of the Pinelands, Highlands, or Meadowlands; however, it is located within CAFRA jurisdiction. The development of the site can comply with the applicable CAFRA regulations.
- *The site will comply with all applicable environmental regulations.* The entirety of the site is located within the 100 year flood plain. However, this constraint will not preclude development of the site, nor make it unsuitable for affordable housing. NJDEP regulations do not prohibit construction within a 100 year flood plain, instead buildings must be constructed with the first floor of living space above the 100 year flood line.
- *The site will not impact any historic or architecturally important sites and districts.* The site is not located in an historic district and there are no historic structures on the property. The development will not have a detrimental impact on any historic or architecturally important sites or districts.

### **Satisfaction of the Prior Round Obligation**

In addition to satisfying the total obligation, the Borough must also adhere to a minimum rental obligation and maximum number of age-restricted units. These calculations have been adjusted, as compared to the 2008 Plan, to include the Checkmate Inc. facility as prior cycle credits.

- Minimum Rental Obligation = 12 units  
.25 (prior round obligation – prior cycle credits– impact of the 20% cap – impact of the 1000 unit cap) = .25 (149-102-0-0) = 11.75, rounded up to 12
  - A rental unit available to the general public receives one rental bonus;
  - An age-restricted unit receives a 0.33 rental bonus, but no more than 50 percent of the rental obligation shall receive a bonus for age-restricted units;
  - No rental bonus is granted in excess of the prior round rental obligation; and
  - No rental bonus is granted to prior cycle credits.

- Maximum Age Restricted = 12 units  
.25 (prior round obligation + rehabilitation share – prior cycle credits – rehabilitation credits – impact of the 20% cap – impact of the 1000 unit cap – transferred or proposed prior round RCAs) = .25 (149+0-100-0-0-0) = 11.75, rounded up to 12

The Borough has met its 149 unit prior round obligation with Oceanport Gardens, Checkmate Inc., Oceanport Manor and Barker's Circle. The prior round rental obligation has been met with 8 units at Oceanport Manor and 4 units at Barker's Circle. The bonus credits for Oceanport Village are compliance bonus credits, not rental bonus credits.

**Table 1. Affordable Units Meeting the 149 Unit Prior Round Obligation**

Development	Rental	Senior	Units	Bonus Credits	Total Credits
Prior Cycle Credits					
Oceanport Gardens	x	x	100	0	100
Checkmate Inc.	x		2	0	2
100% Affordable Housing					
Oceanport Manor Existing	x		6	6	12
Oceanport Manor Proposed (2 of 6)	x		2	2	4
Inclusionary Housing					
Barker's Circle – Age-restricted (12 of 21)	x	x	12	1	13
Oceanport Village	x		9	9	18
<b>Total</b>			<b>131</b>	<b>18</b>	<b>149</b>

### **Amendment to the Third Round Obligation**

The third round obligation is initially based on COAH's household and job projections for each municipality during the third round. For every five households, or units, projected during the third round, one affordable housing unit must be provided. For every 16 jobs projected, the Borough must provide one affordable housing unit. COAH's substantive rules require that a municipality plan for the affordable housing obligation generated by the projections; however, a municipality must provide affordable housing in proportion to its actual growth (N.J.A.C. 5:97-2.2(e)). COAH

has projected the creation of 84 households and 575 jobs in Oceanport during the third round (N.J.A.C. 5:97 Appendix F, *Allocating Growth to Municipalities*).

COAH's substantive rules, N.J.A.C. 5:97-2.4, permit municipalities to exclude certain market and affordable units from the third round household projections. The Borough has two programs which are eligible for exclusion.

- Oceanport Village / Jockey Club Estates. This item is two projects with the same developer – the New Jersey Sports Exhibition Authority – who secured approvals for the two projects across the street from one another. Oceanport Village received Planning Board Approval on August 25, 2004, Jockey Club Estates received Planning Board approval on October 25, 2006, and a developer's agreement addressing both projects was finalized in 2006. Both projects will be constructed during the third round. The affordable housing on the Oceanport Village site is intended, pursuant to the developer's agreement, to satisfy the obligation generated by the market rate residential units on the Jockey Club Estates and Oceanport Village sites.
- Oceanport Holdings. The developer of the Oceanport Holdings site will provide a payment in lieu of construction to fund the development of prior round affordable units at the Barker's Circle senior 100% affordable housing site. As such, prior round Barker's Circle affordable units serves as the off-site affordable housing contribution for the Oceanport Holdings development. The market rate units will be excluded from the third round projections consistent with a 15% set-aside, the standard set-aside in prior round rental developments. Consistent with Workbook A (Appendix C) 26 market units and 5 affordable units will be excluded.

Accordingly, the Borough's 36 unit third round obligation is calculated in Table 2, *Calculation of the Third Round Obligation*. Additional information can be found in Workbook A., included as Appendix C to this Amendment.

**Table 2. Calculation of Third Round Obligation**

<b>Residential – 84 Projected Units</b>	
Exclusions	
Oceanport Village / Jockey Club Estates	60
Oceanport Holdings	31
Units Creating Growth Share	0
<i>Residential Growth Share</i>	0.00
<b>Nonresidential – 575 Projected Jobs</b>	
Exclusions	
None	0
<i>Nonresidential Growth Share</i>	35.94
<b>Total Third Round Obligation</b>	<b>35.94</b>

### 39 Elizabeth Drive

As discussed above, this 4 bedroom special needs facility will be utilized in the third round, rather than the prior round as was done in the 2008 Plan. Please see page 33 of the 2008 Plan and Appendix G of the 2008 Plan for additional information.

### Municipally Sponsored Construction

The Borough will construct 5 family rental units on one or more sites that have not yet been identified. These rental units will not be needed in early years of the third round; as such the Borough will identify the site within 2 years of beginning construction as identified on the implementation schedule (N.J.A.C. 5:97-6.7(d)). This program will contribute one credit for each of the 5 units and will also satisfy portions of the family obligation and the rental family obligation. A construction schedule for this project can be found in Appendix H of this Amendment.

### Oceanport Manor

As discussed, this Amendment will reallocate the units in this project between the prior round and third round. The 2008 Plan utilized 3 existing units to satisfy a portion of the prior round obligation and the 3 remaining existing and 6 unbuilt units to satisfy a portion of the third round. This amendment will utilize all 6 existing units and 2 unbuilt units in the prior round and the 4

remaining unbuilt units in the third round. Please see pages 34 through 35 and Appendix H of the 2008 Plan for additional information on this project.

### **Satisfaction of the Third Round Obligation**

Oceanport's third round obligation (2004-2018) is 36 units (Appendix F. to *N.J.A.C. 5:97*, with exclusions). In addition to satisfying the total obligation, the Borough must also adhere to minimum total family units, minimum rental obligation, minimum family rental units, a maximum age-restricted units, maximum bonus credits and minimum very low income units.

- Minimum Family Obligation = 15 units  
 $.50(\text{third round affordable units}) = .50(29) = 14.5$ , rounded up to 15
- Minimum Rental Obligation = 9 units  
 $.25(\text{third round obligation}) = .25(36) = 9$
- Minimum Family Rental Obligation = 5 units  
 $.50(\text{third round rental obligation}) = .50(9) = 4.5$ , rounded up to 5
- Maximum Age-restricted Units = 9 units  
 $.25(\text{third round obligation}) = .25(36) = 9$
- Maximum Bonus Credits = 9 credits  
 $.25(\text{third round obligation}) = .25(36) = 9$
- Minimum Very Low Income = 4 units  
 $.13(\text{third round affordable units}) = .13(32) = 4.16$ , rounded down to 4  
\*P.L.2008, c.46 amended the Fair Housing Act to require 13% of all third round units to be reserved for very low income households.

Oceanport has met its 36 unit third round obligation and has satisfied the family, rental, maximum age-restricted and very low income requirements.

- The 15 unit family obligation has been satisfied with Oceanport Manor, the family sale units at Barker's Circle and the municipally sponsored construction project.
- The 9 unit rental obligation has been satisfied with 4 units at Oceanport Manor, 4 of the age-restricted units at Barker's Circle and one unit at the municipally sponsored construction project.



- The 5 unit family rental obligation has been satisfied with 4 units at Oceanport Manor and one unit at the municipally sponsored construction project.
- The Borough is proposing 9 age-restricted units where the maximum is 9.
- The Borough is proposing 5 bonus credits where the maximum is 9.
- The Borough has met the 4 unit very low income requirement with 4 units at the 39 Elizabeth Drive facility.

**Table 3. Affordable Units Meeting the 36 Unit Third Round Growth Share Obligation.**

Project	Family	Rental	Senior	Units	Bonus Credits	Total Credits
Special Needs						
39 Elizabeth Drive		x		4	1	5
100% Affordable						
Oceanport Manor – Approved	x	x		4	0	4
Inclusionary Housing						
Barker's Circle – Age-restricted (9 of 21)	x		x	9	0	9
Barker's Circle – Family	x			9	0	9
Municipally Sponsored Construction						
Future Site	x	x		5	4	9
<b>TOTAL</b>				<b>31</b>	<b>5</b>	<b>36</b>

## IMPLEMENTATION SCHEDULE

The majority of the affordable units satisfying the prior round have been built. Much of the Borough's third round programs have yet to be constructed. The Borough anticipates that adequate affordable housing will be provided the time of the first plan evaluation, pursuant to N.J.A.C. 5:96-10.1, to satisfy the growth share obligation generated at that time. Please see Tables 4 and 5, *Implementation Schedule* for additional information.

**Table 4. Prior Round Implementation Schedule**

Program	Credits Complete	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total Credits
Oceanport Gardens – Units	100	0	0	0	0	0	0	0	0	0	0	100
Checkmate Inc. – Units	2	0	0	0	0	0	0	0	0	0	0	2
Oceanport Village – Units	0	0	0	9	0	0	0	0	0	0	0	9
Oceanport Village – Bonus Credits	0	0	0	9	0	0	0	0	0	0	0	9
Barker's Circle Age-restricted – Units	0	0	0	0	0	12	0	0	0	0	0	12
Barker's Circle Age-restricted – Bonus Credits	0	0	0	0	0	1	0	0	0	0	0	1
Oceanport Manor Existing – Units	6	0	0	0	0	0	0	0	0	0	0	6
Oceanport Manor Existing – Bonus Credits	6	0	0	0	0	0	0	0	0	0	0	6
Oceanport Manor Unbuilt – Units	0	0	2	0	0	0	0	0	0	0	0	2
Oceanport Manor Unbuilt – Bonus Credits	0	0	2	0	0	0	0	0	0	0	0	2
<b>Third Round Total</b>	<b>114</b>	<b>0</b>	<b>4</b>	<b>18</b>	<b>0</b>	<b>13</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>149</b>

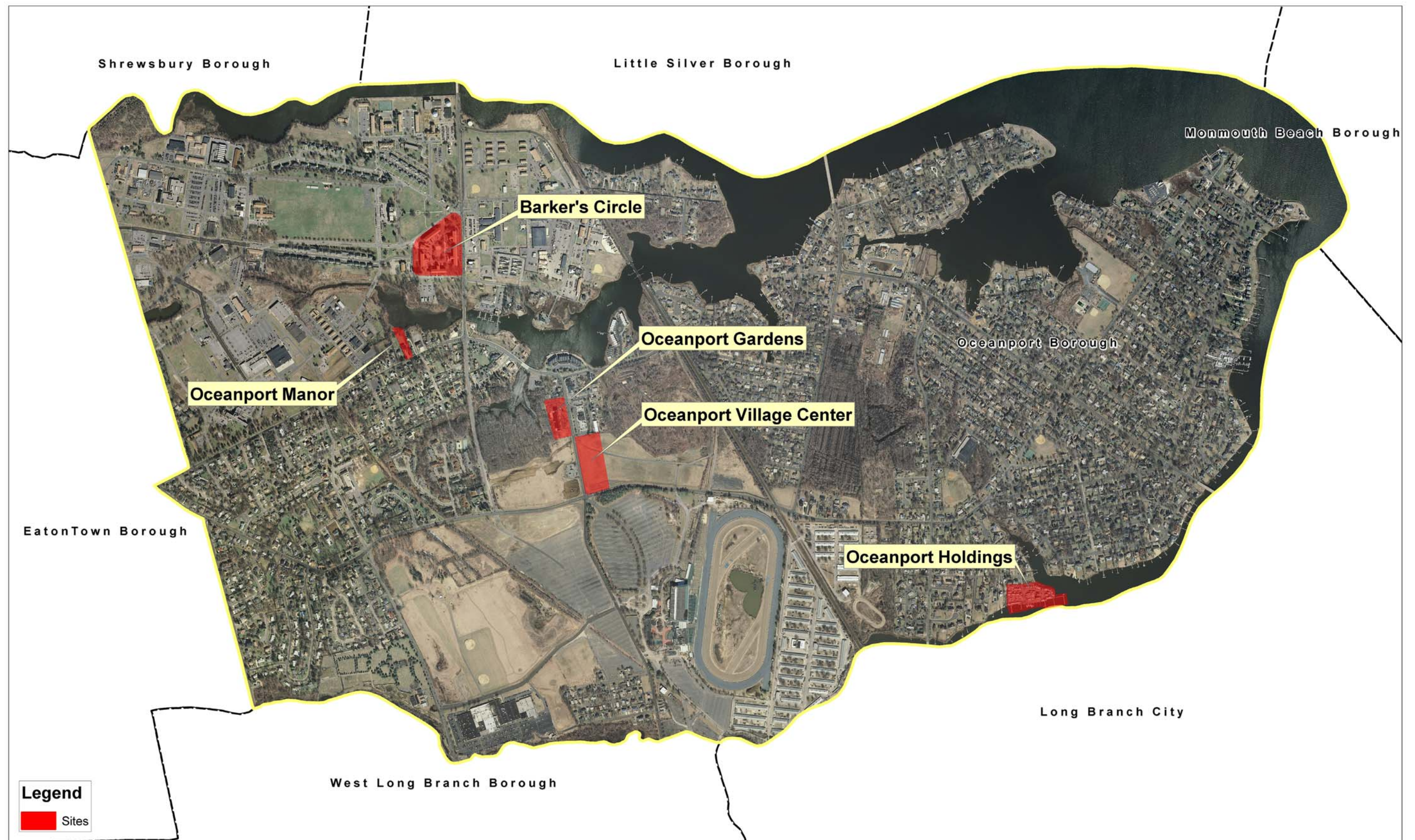
**Table 5. Third Round Implementation Schedule**

<b>Program</b>	<b>Credits Complete</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>Total Credits</b>
39 Elizabeth Drive – Units	4	0	0	0	0	0	0	0	0	0	0	4
39 Elizabeth Drive Bonus – Credits	1	0	0	0	0	0	0	0	0	0	0	1
Barker’s Circle Age-restricted – Units	0	0	0	0	0	9	0	0	0	0	0	9
Barker’s Circle Family – Units	0	0	0	0	0	9	0	0	0	0	0	9
Oceanport Manor Approved – Units	0	0	4	0	0	0	0	0	0	0	0	4
Municipally Sponsored Construction – Units	0	0	0	0	0	0	0	5	0	0	0	5
Municipally Sponsored Construction – Bonus Credits	0	0	0	0	0	0	0	4	0	0	0	4
<b>Third Round Total</b>	<b>5</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>18</b>	<b>0</b>	<b>9</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>36</b>









# Affordable Housing Sites

Oceanport, Monmouth County, NJ September 2009

0 225 450 900 1,350 Feet



Clarke Caton Hintz

Architecture

Planning

Landscape Architecture





**Appendix A.**

**Planning Board Resolution Adopting the  
Amended Housing Element & Fair Share Plan**

BOROUGH OF OCEANPORT PLANNING BOARD

RESOLUTION OF THE PLANNING BOARD  
OF THE BOROUGH OF OCEANPORT  
MONMOUTH COUNTY, NEW JERSEY  
ADOPTING AN AMENDMENT TO  
THE 2008 AMENDED HOUSING ELEMENT  
AND FAIR SHARE PLAN  
OCTOBER 14, 2009

WHEREAS, the Planning Board of the Borough of Oceanport (hereinafter also referred to as the "Planning Board" or the "Board") has been constituted as a Unified Planning Board by the Mayor and Council of the Borough of Oceanport; and

WHEREAS, pursuant to the Municipal Land Use Law the Planning Board is statutorily empowered with the authority to review and make Amendments to the Oceanport Master Plan; and

WHEREAS, the Planning Board adopted its current Master Plan pursuant to N.J.S.A. 40:55D-28 in November of 2005; and

WHEREAS, the Master Plan included a Housing Element pursuant to N.J.S.A. 40:55D-28b (3); and

WHEREAS, the Planning Board of the Borough of Oceanport, County of Monmouth, State of New Jersey, adopted an Amended Housing Element and Fair Share Plan pursuant to N.J.S.A. 40:55D-28 on December 18, 2008; and

WHEREAS, the Governing Body endorsed the amended Housing Element and Fair Share Plan on December 18, 2008; and

WHEREAS, pursuant to COAH's amended Cycle III regulations and review by the Court-appointed Special Master, the Planning Board has determined to adopt an Amendment to the 2008 Amended Housing Element and Fair Share Plan; and

WHEREAS, the draft 2008 Amended Third Round Housing Element and Fair Share Plan Master Plan Amendment was prepared by the firm of Clarke Caton Hintz; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board of the Borough of Oceanport held a public hearing on the Amended Housing Element and Fair Share Plan on October 14, 2009; and

WHEREAS, all members of the public who wished to comment were given a full opportunity to be heard at the public hearing and the Board considered all comments made by members of the public; and

WHEREAS, the Board considered the input provided at the public hearing by the planning firm of Clarke Caton Hintz and the responses provided to all questions and comments presented by the members of the public; and

WHEREAS, the Board finds that the statutory procedural requirements articulated in the Municipal Land Use Law with respect to effectuating the within Amendment to the 1974 Master Plan have been fully complied with; and

WHEREAS, the Planning Board has determined that the Amendment to the 2008 Amended Housing Element and Fair Share Plan is consistent



with the goals and objectives of the Borough of Oceanport Master Plan and that adoption and implementation of the amended Housing Element and Fair Share Plan are in the public interest and protect public health and safety and promote the general welfare; and

**WHEREAS**, it is the intent of this amendment to the Borough Master Plan that this amendment shall supercede the 1974 Master Plan and any amendments to any elements thereto in the event of any inconsistencies; and

**NOW THEREFORE BE IT RESOLVED** by the Planning Board of the Borough of Oceanport, County of Monmouth, State of New Jersey, that the Planning Board hereby adopts the Amended Housing Element and Fair Share Plan prepared by the firm of Clarke Caton Hintz and the subject of the Public Hearing of the Oceanport Planning Board on October 14, 2009.

**BE IT FURTHER RESOLVED**, the "Amended Third Round Housing Element & Fair Share Plan"" prepared by the firm of Clarke Caton Hintz and the subject of the Public Hearing of the Oceanport Planning Board on October 14, 2009 is to be appended in its entirety as an appendix to the Borough's Master Plan.


**BE IT FURTHER RESOLVED**, that this amendment to the Borough Master Plan shall supercede the 1974 Master plan and any subsequent amendments thereto and the 2008 Amendment to the Housing Element and Fair Share Plan Element to the Oceanport Master Plan and shall be deemed controlling in the event of any inconsistencies therewith.

RESOLUTION OF THE BOROUGH OF OCEANPORT  
ADOPTING AN AMENDMENT TO  
THE 2008 AMENDED HOUSING ELEMENT  
AND FAIR SHARE PLAN  
OCTOBER 14, 2009

This resolution was offered by MR. WHITSON,  
seconded by MR. MCCARTHY, and adopted on roll  
call by the following vote:

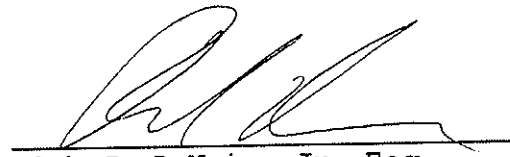
ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Widdis	(✓)	( )	( )	( )	( )
Kleiberg	( )	( )	( )	(✓)	( )
McCarthy	(✓)	( )	( )	( )	( )
Johnson	(✓)	( )	( )	( )	( )
Savarese	( )	( )	( )	(✓)	( )
Whitson	(✓)	( )	( )	( )	( )
Sullivan	( )	( )	( )	( )	(✓)
Gervilino	( )	( )	( )	(✓)	( )
Chayes	(✓)	( )	( )	( )	( )
Bertekap (Alt. 1)	(✓)	( )	( )	( )	( )
Flor (Alt. 2)	(✓)	( )	( )	( )	( )

I hereby certify that the foregoing Resolution was adopted by the  
Planning Board of the Borough of Oceanport at its meeting of October  
14, 2009.

  
Jeanne Smith, Secretary

STATE OF NEW JERSEY :  
SS.  
COUNTY OF MONMOUTH :

I hereby certify that on October 14, 2009,  
JEANNE SMITH, personally came before me and  
acknowledged under oath, to my satisfaction, that she: (a) is the  
Secretary of the Borough of Oceanport Planning Board; and (b) signed  
the Resolution as her act and deed.

  
Rick J. DeNoia, Jr. Esq.  
Attorney at Law, State of NJ

**Appendix B.**

**Governing Body Resolution Endorsing the  
Amended Housing Element & Fair Share Plan**

R-09-151  
10.15.09

**RESOLUTION OF THE COUNCIL OF THE BOROUGH OF OCEANPORT ENDORSING  
THE BOROUGH'S AMENDMENT TO THE 2008 HOUSING ELEMENT AND FAIR  
SHARE PLAN**

**WHEREAS**, the Planning Board of the Borough of Oceanport, County of Monmouth, State of New Jersey, adopted the Borough's Amendment to the 2008 Amended Housing Element and Fair Share Plan on October 14, 2009; and

**WHEREAS**, a true copy of the resolution of the Planning Board adopting the Amendment to the 2008 Amended Housing Element and Fair Share Plan is attached pursuant to N.J.A.C. 5:96-2.2(a)2; and

**WHEREAS**, the Amendment to the 2008 Amended Housing Plan Element and Fair Share Plan addresses the Borough's Cycle I, II, and III affordable housing obligations in accordance with N.J.A.C. 5:97-1.1 et seq.

**NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF OCEANPORT:**

1. That it hereby endorses the Amendment to the 2008 Amended Housing Element and Fair Share Plan as adopted by the Planning Board of the Borough of Oceanport on October 14, 2009; and
2. That it hereby authorizes and directs its professionals to file the amended Housing Element and Fair Share Plan with the Court and to seek Court approval of same subject to approval of a pending settlement agreement with Oceanport Holdings, LLC; and
3. That it authorizes its professionals to submit a courtesy copy of the Housing Element and fair Share Plan to COAH; and
4. That it authorizes its professionals to seek to maintain the temporary immunity that currently exists in conjunction therewith so that the Court can review the plan and so that the Borough can respond to any judicial concerns free from unnecessary lawsuits brought on the basis of the Mount Laurel doctrine; and
5. That it authorizes its professionals to take any and all actions reasonable and necessary to secure a Judgment of Compliance and Repose from the Court; and
6. That notice of the application for approval of the Borough's plan shall be published in a newspaper of regional circulation and the Borough shall otherwise provide all the notice the Court deems appropriate of the date the Court sets a hearing on whether the Amendment to the 2008 Amended Housing Element and Fair Share Plan satisfies the Borough's affordable housing responsibilities under applicable laws. Said notice shall give the public sufficient time to review the Borough's Housing Element and Fair Share Plan and offer any comments that individual or entity may deem appropriate.

I certify this to be a true copy of Resolution R-09-151 adopted by the Mayor and Council at the meeting held October 15, 2009

  
KIMBERLY A. JUNGFER, RMC  
BOROUGH CLERK

**Appendix C.**  
**Workbook A**

## **Workbook A: Growth Share Determination Using Published Data**

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

### **COAH Growth Projections Must be used in all submissions**

**Municipality Name:**

**Oceanport, Monmouth Co.**

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

	<b>Residential</b>	<b>Non-Residential</b>
1 <b>Enter Growth Projections From Appendix F(2) *</b>	84	575
2 <b>Subtract the following Residential Exclusions pursuant to 5:97-2.4(a) from "Exclusions" tab</b>	<a href="#">Click Here to enter Prior Round Exclusions</a>	
COs for prior round affordable units built or projected to be built post 1/1/04	14	
Inclusionary Development	0	
Supportive/Special Needs Housing	0	
Accessory Apartments	0	
Municipally Sponsored or 100% Affordable	0	
Assisted Living	0	
Other	0	
Market Units in Prior Round Inclusionary development built post 1/1/04	77	
3 <b>Subtract the following Non-Residential Exclusions (5:97-2.4(b))</b>		
Affordable units	0	0
Associated Jobs		
4 <b>Net Growth Projection</b>	-7	575
5 <b>Projected Growth Share</b> (Conversion to Affordable Units Dividing Households by 5 and Jobs by 16)	0.00 Affordable Units	35.94 Affordable Units
6 <b>Total Projected Growth Share Obligation</b>		36 Affordable Units

\* For residential growth, see Appendix F(2), Figure A.1, Housing Units by Municipality. For non-residential growth, see Appendix F(2), Figure A.2, Employment by Municipality.

## Affordable and Market-Rate Units Excluded from Growth

Municipality Name: **Oceanport, Monmouth Co.**

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

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

### Market and Affordable Units in Prior Round Inclusionary Development

Built post 1/1/04

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

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

Development Name	Rentals? (Y/N)	Total Units	Market Units	Affordable Units	Market Units Excluded
Oceanport Village / Jockey Club	y	80	71	9	51
Oceanport Holdings	y	31	26	5	26
		0			0
		0			0
		0			0
<b>Total</b>		<b>111</b>	<b>97</b>	<b>14</b>	<b>77</b>

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

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

Development Name	Affordable Units Provided	Permitted Jobs Exclusion
		0
		0
		0
		0
<b>Total</b>	<b>0</b>	<b>0</b>

[Return To Workbook A Summary](#)

**Appendix D.**  
**Checkmate Inc. Documentation**



**Council on Affordable Housing (COAH)  
Supportive and Special Needs Housing Survey**

Municipality: Fort Monmouth County: Monmouth  
Sponsor: Monmouth County Division of Social Services Developer: N/A

Block: N/A Lot: N/A Street Address: 417 Burns Avenue Fort Monmouth NJ 07703

Facility Name: Class 1 Emergency Homeless Shelter

Section 1: Type of Facility:

Section 2: Sources and amount of funding committed  
to the project :

<input type="checkbox"/> Licensed group home <input type="checkbox"/> Transitional facility for the homeless (not eligible for COAH credit after June 2, 2008) <input type="checkbox"/> Residential health care facility (licensed by NJ Dept. of Community Affairs or DHSS) <input type="checkbox"/> Permanent supportive housing <input type="checkbox"/> Supportive shared housing <input checked="" type="checkbox"/> X Other - Please Specify: Class I Emergency Shelter	<input type="checkbox"/> Capital Application Funding Unit \$ _____ <input type="checkbox"/> HMFA Special Needs Housing Trust Fund \$ _____ <input type="checkbox"/> Balanced Housing - Amount \$ _____ <input type="checkbox"/> HUD - Amount \$ _____ Program _____ <input type="checkbox"/> Federal Home Loan Bank - Amount \$ _____ <input type="checkbox"/> Farmers Home Administration - Amount \$ _____ <input type="checkbox"/> Development fees - Amount \$ _____ <input type="checkbox"/> Bank financing - Amount \$ _____ <input checked="" type="checkbox"/> X Other - Please specify: Contract Ceiling \$431,053, Transportation Contract \$40,000 <input type="checkbox"/> For proposed projects, please submit a pro forma <input type="checkbox"/> Municipal resolution to commit funding, if applicable <input type="checkbox"/> Award letter/financing commitment (proposed new construction projects only)
<p><u>Section 3:</u> For all facilities other than permanent supportive housing:</p> <p>Total # of bedrooms reserved for: 31</p> <p>Very low-income clients/households N/A</p> <p>Low-income clients/households N/A</p> <p>Moderate-income clients/households N/A</p> <p>Market-income clients/households N/A</p>	<p><u>Section 4:</u> For permanent supportive housing:</p> <p>N/A</p> <p>Total # of units 1, including:</p> <p># of very low-income units N/A</p> <p># of low-income units N/A</p> <p># of moderate-income units N/A</p> <p># of market-income units N/A</p>
<p><u>Section 5:</u></p> <p>Length of Controls: 1 year</p> <p>Effective Date of Controls: 01/01/08</p> <p>Expiration Date of Controls: 01/01/2013</p> <p>Average Length of Stay: 30 DAY+ (transitional facilities only)</p>	<p><u>Section 6:</u></p> <p><input checked="" type="checkbox"/> CO Date: 2/12/2008</p> <p>For licensed facilities, indicate licensing agency:</p> <p><input type="checkbox"/> DDD <input type="checkbox"/> DMHS <input type="checkbox"/> DHSS <input type="checkbox"/> DCA <input type="checkbox"/> DCF</p> <p><input checked="" type="checkbox"/> X Other Department of Community Affairs</p> <p>Initial License Date: 5/22/2008</p> <p>Current License Date: 05/22/08</p>
<p><u>Section 7:</u></p> <p>Has the project received project-based rental assistance? ___ Yes ___X___ No; Length of commitment: N/A</p> <p>Other operating subsidy sources: NONE; Length of commitment: N/A</p> <p>Is the subsidy renewable? ___ Yes ___ No N/A</p>	
<p><u>Section 8:</u> The following verification is attached: N/A</p> <p><input type="checkbox"/> Copy of deed restriction or mortgage and/or mortgage note with deed restriction (30-year minimum, HUD, FHA, FHLE, UHAC deed restriction, etc.)</p> <p><input type="checkbox"/> Copy of Capital Application Funding Unit (CAFU) or DHS Capital Application Letter (20 year minimum, no deed restriction required)</p>	
<p><u>Section 9:</u></p> <p>Residents 18 yrs or older? ___X___ Yes ___ No</p> <p>Population Served (describe): Homeless Adults 18 and over</p> <p>Age-restricted? ___X___ Yes ___ No</p> <p>Accessible (in accordance with NJ Barrier Free Subcode)? ___X___ Yes ___ No</p>	

Section 10: Affirmative Marketing Strategy (check all that apply): N/A

- ☐ DDD/DMHS/DHSS waiting list
- ☐ Affirmative Marketing Plan approved by the Council's Executive Director

### CERTIFICATIONS

I certify that the information provided is true and correct to the best of my knowledge and belief.

Certified by: Sandra P. O., MSW  
Project Administrator

12/30/08  
Date

Certified by: [Signature]  
Municipal Housing Liaison

12/30/08  
Date

EASTER SEALS OF NJ  
1 KIMBERLY ROAD  
E. BRUNSWICK, NJ 08815-0000

STATE OF NEW JERSEY  
DEPARTMENT OF COMMUNITY AFFAIRS  
DIVISION OF CODES AND STANDARDS

LICENSE TO OWN AND OPERATE  
ISSUED TO: EASTER SEALS OF NJ  
LICENSE CAPACITY: 31  
LICENSE ISSUED: May 22, 2008



FACILITY TYPE:  
Class I Emergency Homeless Shelter  
FACILITY ADDRESS:  
417 BURNS AV  
FORT MONMOUTH, NJ  
FACILITY #: 1338-0001  
EXPIRATION DATE April 30, 2009

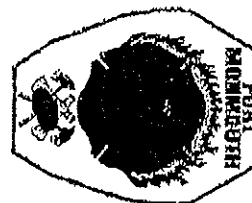
This license is issued pursuant and subject to P.L. 1985, c. 48; N.J.S.A. 55:13C-1 et seq. and is valid only for the person or organization it is issued to and only to own and/or operate the facility indicated herein.

This renewal license is also subject to suspension or revocation, after opportunity for a hearing, in the event of non-compliance with applicable licensing requirements. Issuance of this renewal license is for the purpose of allowing continued operation and is not evidence of any determination that the facility is "currently" in compliance with applicable state regulations.

*Michael Briant*  
Michael Briant  
Bureau of Rooming and Boarding House Standards



BUREAU OF FIRE PREVENTION  
DEPARTMENT OF THE ARMY  
HEADQUARTERS, U.S. ARMY GARRISON  
FORT MONMOUTH, NEW JERSEY 07703-5101



# Certificate of Inspection

REGISTRATION FILE NO. 417  
NAME OF BUILDING/USE Homeless/Emergency Shelter (R-2) OWNER'S NAME U.S. Army  
BUILDING/USE ADDRESS 417 Burns Avenue, Fort Monmouth, New Jersey 07703  
OCCUPANT: Easter Seals of New Jersey  
1 Kimberly Rd. East Brunswick, NJ 08816

THIS IS TO CERTIFY THAT AN INSPECTION OF THE VISIBLE PARTS OF THE ABOVE NAMED BUILDING/USE  
CONDUCTED ON 12 February 2008 FOUND THE PREMISES TO BE FREE OF ANY  
APPARENT LIFE THREAT VIOLATIONS OF THE UNIFORM FIRE CODE OF THE STATE OF NEW JERSEY AND  
NATIONAL FIRE CODES.

THIS CERTIFICATE SHALL BE POSTED BY THE  
OWNER OF THE USE IN A CONSPICUOUS  
LOCATION ON THE SUBJECT PREMISES

BY: [Signature]  
Nels V. Warren Jr.  
Fire Official

Use Group: R-2 Life Hazard Use: Type Ad Occupancy: 31 beds 30 days+

**Purpose:** **Brief History and Description of THE ADULT HOMELESS SHELTER at FORT MONMOUTH**

**Prepared by:** **Jeffrey R. Schwartz. Director  
Division of Planning and Contracting  
Monmouth County Department of Human Services**

### **History and Description**

Through the Monmouth County **Comprehensive Emergency Assistance System (CEAS)** (a committee of the Monmouth County Department of Human Services [MCDHS] Human Services Advisory Council [HSAC]), the Monmouth County Consolidated Funding Application for Homeless Assistance (The “Continuum of Care Application”) is prepared annually. The Continuum of Care is required by US HUD to qualify for funding. It represents a coordinated and holistic system, designed for flexibility to effectively and compassionately address the ongoing and diverse needs of the homeless and chronically homeless individuals and families in Monmouth County. The **mainstay of this system** is the ability to provide adequate accommodations and services for homeless county residents in a safe and secure environment, including both emergency shelter and permanent supported housing. **The Adult Shelter at Fort Monmouth, an emergency shelter, is an integral part of this continuum; its availability is deemed of the highest priority.**

Monmouth County through an agreement with the US Department of the Army operates the Adult Shelter on the grounds of Fort Monmouth (see Attachment 2, Department of Army Lease). The Adult Shelter has been **physically located in the Oceanport** section of Fort Monmouth since its **inception in 1986**. To date it is the only emergency shelter in the county.

### **Program Description**

The Monmouth County Department of Human Services operates an adult homeless shelter for both single men and single women with a capacity, at a minimum, to accommodate 21 men and 10 women on any given day. The shelter operates year- round and provide both shelter and social services to those homeless individuals housed therein. The Adult Shelter currently provides temporary housing, with the average stay for any one person expected to be between 30 and 45 days. The social services provided include: comprehensive case management, on-site meals, medical evaluations and referrals, employment counseling, and linkages to housing, transportation and financial assistance. The program has been operated under the guidelines and requirements of U.S. Department of the Army as expressed through the Garrison Commander. Security restrictions require a background check conducted on all persons prior to admittance to the facility. This background check is currently completed by Fort Monmouth security

personnel. Individuals that are found to be unsuitable are not permitted entry and are placed outside the shelter in alternative arrangements until other accommodations can be made.

### **Description of the Need**

The homeless population has increased dramatically over the past many years due in part to the high cost of living in Monmouth County and the rapidly diminishing stock of affordable housing. Our most recent surveys to identify the homeless population conducted in the winters of 2008 and 2009, confirm that the homeless population in Monmouth County is rising. Through an agreement with the U.S. Department of the Army, Monmouth County has operated the Adult Shelter on the grounds of Fort Monmouth for the past 22 years and has served over 6,300 homeless men and women during that time. The Adult Shelter is critical to our ability to address the problems of homelessness in Monmouth County and the well being of its citizens.

### **Coordination of Services**

The MCDHS contracts with a private, non-profit corporation for operations of the Adult Shelter. The current program has been operated by Easter Seals New Jersey, a social service agency which provides “24/7” onsite supervision, for the past year and a half. Prior to that Check-Mate, Inc. had operated the program since its inception. The program is fully integrated and coordinated with a wide variety of local service providers and other homeless assistance programs, to include: The NJ Department of Community Affairs; the Monmouth County Division of Social Services (administering the General Assistance, Food Stamps and Medicaid programs for single adults) and case management for the Homeless Mentally Ill (PATH Program); the Visiting Nurses Association of Central Jersey (providing on-site medical assessment and care); the Monmouth County Division of Mental Health and Addiction Services; and finally the local hospitals and medical facilities. Easter Seals New Jersey is a member of the County Emergency Assistance System (CEAS) and the Monmouth County Continuum of Care. It is affiliated with all of the other homeless shelter providers as well as other human service agencies that provide support to the homeless population.

### **Description of Property**

Currently the Adult Shelter occupies two buildings, #417 and #421, which were constructed around 1940 to serve as temporary barracks for returning soldiers. Building #417 is utilized for housing residents and Building #421 is used for storage, equipment and the refrigeration of the food. The future physical requirements of a facility to house the Adult Shelter necessarily must contain space to provide beds for between 20 – 40 residents, separated by gender. The ideal facility will enable each resident a private area with a door containing a window. Additionally, the facility must include bathroom and shower facilities, a large kitchen and communal eating area, adequate laundry area, a reception area and administrative and counseling offices. Also there is a need for storage space for necessities such as extra mattresses, bedding, food and commercial refrigeration, emergency clothing, etc. Program staff must have the ability to secure the site after hours without compromising the health and safety of staff or residents.

## **Financial Status and Organizational Structure**

The Adult Shelter at Fort Monmouth is a facility that, since its inception in 1986, has been provided by the County of Monmouth, through its Department of Human Services, Division of Planning and Contracting. The program is supported by Monmouth County through an annual contribution of over \$400,000. Additional revenues include fees which are paid by local municipal welfare agencies through the state funded Emergency Assistance Program, as well as an Emergency Shelter Grant allocation of \$19,000 from the Monmouth County Community Development Program. The total operating budget anticipated for FY 2009 is \$565,000. The MCDHS monitors the Adult Shelter through the following: monthly fiscal and statistical review; annual audit and insurance review; quarterly operations meetings; annual intensive program monitoring evaluation.

As of July 1999, Monmouth County became one of only a select few counties in the U.S. to earn a triple-A financial rating from all three of the established rating agencies: Moody's, Fitch Ratings and Standard & Poor's. Triple-A is the highest rating that any entity can earn and to date, only 17 of 3,013 counties in the U.S. have received this rating. This prestigious and coveted rating was affirmed as recently as May, 2006. The County currently maintains in excess of 50 buildings for operations, including a 10-acre site in Tinton Falls known as Linkages, which is the transitional housing program for 29 homeless families.

As previously stated, the County of Monmouth currently subcontracts with Easter Seals New Jersey, a non-profit agency. Prior to that, Checkmate, Inc. had served as the operations agency for the shelter since its inception in 1986. CheckMate, located in Asbury Park and Freehold, serves many of the County's most needy and vulnerable persons through a wide variety of programs and services.

## **Operational Timeframe**

Because of its current active and viable status, the Monmouth County Adult Shelter Program anticipates it will continue the program without any interruption during the transition of Ft. Monmouth. However, if the location of the site of the shelter should change the only issue would be the time required for moving and meeting NJ Department of Community Affairs codes for shelter licensing. It is hoped that should FMERPA designate a new location to house the shelter, the current location would remain operational until the new location was prepared to begin housing clients, therefore resulting in no interruption of services.

The MCDHS is appreciative of the use of the property at Fort Monmouth for the Adult Shelter for homeless adults. We have worked cooperatively with the Department of the Army over the past 22 years and fully intend to do so with any municipality who would site this program. We will most willingly provide any other information as deemed needed.



**Appendix E.**  
**Revised Spending Plan**



Clarke Caton Hintz

# **Revised Third Round Spending Plan**

**Borough of Oceanport, Monmouth County, New Jersey**

**October 2009**



## Introduction

Oceanport Borough has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (*N.J.S.A. 40:55D-1 et seq.*), the Fair Housing Act (*N.J.S.A. 52:27D-301*) and the regulations of the Council on Affordable Housing (hereinafter “COAH”) (*N.J.A.C. 5:97-1 et seq.* and *N.J.A.C. 5:96-1 et seq.*). A development fee ordinance creating a dedicated revenue source for affordable housing was originally adopted by Oceanport Borough in September 1, 2005 and approved by COAH September 19, 2005. The ordinance establishes Oceanport Borough’s affordable housing trust fund for which this spending plan is prepared.

As of July 17, 2008, Oceanport Borough collected \$3,875 and expended \$0, resulting in a balance of \$3,875. As of December 31, 2008, Oceanport Borough collected \$8,151 and expended \$0, resulting in a balance of \$8,151. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in Bank of America for the purposes of affordable housing. These funds shall be spent in accordance with *N.J.A.C. 5:97-8.7-8.9* as described in the sections that follow.

The Planning Board adopted a third round housing element and fair share plan in October 2005 and submitted it to Superior Court as part of a request for a Judgment of Compliance and an Order of Repose. The Planning Board adopted an Amended Third Round Housing Element and Fair Share Plan in December 2008 and submitted it to Superior Court. The Court has not acted on either Plan. The Borough first received approval to maintain an affordable housing trust in 2008. As of December 31, 2004, the prior round balance remaining in the affordable housing trust fund was \$0. From January 1, 2005 through July 17, 2008, Oceanport Borough collected an additional \$3,875 in development fees, payments in lieu of construction, other funds, and/or interest. Oceanport Borough has not expended any funds as it awaits approval of its Third Round Spending Plan.



### Revenues for Certification Period

To project revenue anticipated during the period of third round substantive certification, Oceanport Borough considered the following:

- (a) Development fees: \$51,000
  - 1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
  - 2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
  - 3. Future development that is likely to occur based on historical rates of development.

- (b) Payments in lieu of Construction (PIL): \$399,000

Actual and committed payments in lieu (PIL) of construction from developers as follows:

The Oceanport Holdings developer will provide a \$399,000 payment in lieu of constructing affordable units that will be utilized for development of the prior round Barker's Circle senior 100% affordable units.

- (c) Other funding sources: \$0

Oceanport Borough is not anticipating collecting money from other funding sources at this time. Funds from other sources, include, but are not limited to the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, and proceeds from the sale of affordable units. All monies in the Affordable Housing Trust fund are anticipated to come from development fees and interest.

- (d) Projected interest:

Based on the current average interest rate, Oceanport Borough anticipates collecting \$4,400 in interest through 2018.



Clarke Caton Hintz

Source of Funds – Housing Trust Fund 2009 through 2018

Source of Funds	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
Development fees: Approved/ Pending/ Projected Development	\$6,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$51,000
Payments in Lieu of Construction	\$0	\$0	\$0	\$199,500	\$199,500	\$0	\$0	\$0	\$0	\$0	\$399,000
Other Funds (Unit Sales)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Interest	\$200	\$300	\$400	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$4,400
Total	\$6,200	\$5,300	\$5,400	\$205,000	\$205,000	\$5,500	\$5,500	\$5,500	\$5,500	\$5,500	\$454,400



## OCEANPORT BOROUGH | SPENDING PLAN

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### Clarke Caton Hintz

Oceanport Borough projects a total of \$458,276 in revenue to be collected between July 18, 2008 and December 31, 2018. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

### Administrative Mechanism to Collect and Distribute Funds

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

(a) Collection of development fee revenues:

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

(b) Distribution of development fee revenues:

The Planning Board adopts and forwards a resolution to the governing body recommending the expenditure of development fee revenues as set forth in this spending plan. The governing body reviews the request for consistency with the spending plan and adopts the recommendation by resolution.

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

### Description of Anticipated Use of Affordable Housing Funds

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

Oceanport Borough will dedicate \$4,103,312 to rehabilitation and new construction programs. (see detailed descriptions in Fair Share Plan) as follows:

Rehabilitation program: \$0

COAH has determined that Oceanport has a 0 unit rehabilitation obligation. As such, the Borough will not operate or participate in a rehabilitation program.



## OCEANPORT BOROUGH | REVISED SPENDING PLAN

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Clarke Caton Hintz

### Municipally Sponsored Construction: \$4,130,312

The Borough will convert 4 of the 6 buildings at Barker's Circle to affordable housing. Barker's Circle is a 6 building cluster on the Fort Monmouth base. The Borough will partner with an affordable housing developer to convert 4 of the existing buildings to multi-family housing units. One building will be converted to 21 senior rental units and the three remaining buildings will be converted to inclusionary housing consisting of at least 36 units, of which at least 9 units will be family sale units. The cost for this program is anticipated to be \$3,369,177. Please see the Housing Element and Fair Share Plan and the Pro Forma for this project for additional information.

The Borough will also construct a 4 unit municipally sponsored construction project. The implementation schedule anticipates the need for these affordable units in 2014. Using the COAH figures for the subsidy required for an affordable unit in N.J.A.C. 5:97-6.4(c)4 for Region 4 of \$152,227, Oceanport Borough anticipates that this program will cost \$761,135 (5 units x \$152,227).

The cost of the prior round Barker's Circle senior 100% project will be offset by the \$399,000 payment in lieu of construction from the Oceanport Holdings site. As discussed in the Amendment to the Revised Housing Element, the prior round affordable units at the Barker's Circle site are equivalent to an off-site affordable housing contribution by the Oceanport Holdings site since the payment in lieu of construction will be used solely for the development of Barker's Circle senior 100% affordable units that will contribute toward satisfaction of the prior round obligation.

The outstanding funding needs of these units and the remaining municipally sponsored construction programs will be offset by the development fees which the Borough will collect during the third round. Additionally, and as a practical matter, the Borough anticipates that funding will come from one or more outside sources to substantially reduce the cost of the program. These sources include, but are not limited to, governmental sources such as the Federal Low Income Housing Tax Credits, New Jersey Balanced Housing funds, County HOME funds, Federal Home Loan Bank Board financing, HMFA bond financing, the New Jersey Affordable Housing Trust Fund and Small Cities CDBG funds.



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

Oceanport Borough is required to spend a minimum of 30 percent of development fee revenue to render existing affordable units more affordable and one-third of that amount must be dedicated to very low-income households (i.e. households earning less than 30 percent of the regional median income). The actual affordability assistance minimums are calculated on an ongoing basis in the CTM system based on actual revenues.

### Projected minimum affordability assistance requirement

Actual development fees through 7/17/2008		\$3,875
Actual interest earned through 7/17/2008	+	\$1.43
Development fees projected* 2009-2018	+	\$55,276
Interest projected* 2008-2018	+	\$4,400
Less housing activity expenditures through 6/2/2008	-	\$0
Total	=	\$63,552
30 percent requirement	x 0.30 =	\$19,066
Less Affordability assistance expenditures through 12/31/2004	-	\$0
PROJECTED MINIMUM Affordability Assistance Requirement 1/1/2005 through 12/31/2018	=	\$19,066
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 1/1/2005 through 12/31/2018	÷ 3 =	\$6,355

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

Oceanport Borough will dedicate \$19,066 from the affordable housing trust fund to render units more affordable, including \$6,355 to render units more affordable to households earning 30 percent or less of median income by region, as follows:

- Down-payment assistance;
- Rental assistance;





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- Security deposit assistance
- Low interest loans
- Assistance with homeowners association or condominium fees and special assessments; and/or
- Converting low-income units to very-low-income units, etc.

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

Oceanport Borough may use affordable housing trust fund revenue for related administrative costs up to a 20 percent limitation pending funding availability after programmatic and affordability assistance expenditures. The actual administrative expense maximum is calculated on an ongoing basis in the CTM system based on actual revenues.

### Projected Administrative Expenses Requirement

Actual development fees through 7/17/2008		\$3,875
Actual interest earned through 7/17/2008	+	\$1.43
Development fees projected/payments-in-lieu* 2008-2018	+	\$51,000
Interest projected* 2008-2018	+	\$4,400
Less housing activity expenditures through 6/2/08	-	\$0
<b>Total</b>	=	\$63,552
20 percent maximum permitted administrative expenses	x 0.20	\$12,710
Less administrative expenditures through 12/31/2004	-	\$0
Projected allowed administrative expenditures	=	\$12,710

\* - Note: The 2008 portion of this projection reflects 2008 after July 17 as the first portion of 2008 is included in the actual figure reported above.

Oceanport Borough projects that \$12,710 will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are as follows:



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- Borough Attorney, Engineer, and Planner fees related to preparing the Housing Element and Fair Share Plan and obtaining substantive certification;
- Administration fees related to rehabilitation, extension of expiring controls, and municipally sponsored construction programs.
- Affirmative Marketing
- Income qualification of households
- Compliance with COAH Monitoring
- Administration of Borough's Affordable Housing Units

### **Expenditure Schedule**

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



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Projected Expenditure Schedule 2009 Through 2018

Program	Number of Units Projected	Funds Expended and/or Dedicated (thousands)												
		2005 through 7/18/08	7/18/08 through 12/31/08	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
Municipally Sponsored Construction	35	\$0	\$0	\$0	\$0	\$0	\$1,685	\$1,685	\$381	\$381	\$0	\$0	\$0	\$4,130
Total Programs	35	\$0	\$0	\$0	\$0	\$0	\$1,685	\$1,685	\$381	\$381	\$0	\$0	\$0	\$4,130
Affordability Assistance		\$0	\$0	\$1.9	\$1.9	\$1.9	\$1.9	\$1.9	\$1.9	\$1.9	\$1.9	\$1.9	\$1.9	\$19.1
Administration		\$0	\$0	\$1.3	\$1.3	\$1.3	\$1.3	\$1.3	\$1.3	\$1.3	\$1.3	\$1.3	\$1.3	\$12.7
Total	35	\$0	\$0	\$3.0	\$3.0	\$3.0	\$1,687.6	\$2,068.0	\$383.0	\$3.0	\$3.0	\$3.0	\$3.0	\$4,160.0



### **Excess or Shortfall of Funds**

Pursuant to the Housing Element and Fair Share Plan, the governing body of Oceanport Borough has adopted a resolution agreeing to fund any shortfall of funds required for implementing the rehabilitation or market to affordable programs. In the event that a shortfall of anticipated revenues occurs, Oceanport Borough will bond to satisfy the gap in funding. A copy of the adopted resolution is included in the Fair Share Plan Appendices of the 2008 Amended Housing Element and Fair Share Plan.

### **Barrier Free Escrow**

Collection and distribution of barrier free funds shall be consistent with Oceanport Borough's Affordable Housing Ordinance in accordance with N.J.A.C. 5:97-8.5.

### **Summary**

Oceanport Borough intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the housing element and fair share plan dated November 2008.

Oceanport Borough has a balance of \$3,876 as of July 17, 2008 and anticipates an additional \$458,676 in revenues before the expiration of substantive certification for a total of \$462,552. The municipality will dedicate a maximum of \$4,130,312 towards new construction programs. Additionally, up to \$19,066 will be spent to render units more affordable if a balance remains, and up to \$12,710 could be spent on administrative costs. Any shortfall of funds will be offset by bonding.



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### Spending Plan Summary

Revenues	
Balance as of July 17, 2008	\$3,876
Projected Revenue from July 18, 2008 through 2018:	
Development fees/Payments in lieu/ Other Funds	+ \$458,676
Interest	+ \$4,400
Total Projected Revenue	= \$466,952
Expenditures	
Funds used for Rehabilitation	- \$0
Funds used for New Construction	
1. Barker's Circle	- \$3,369,177 (up to)
2. 5 Unit Municipal Project	- \$761,135
Affordability Assistance	- \$19,066
Administration	- \$12,710
Excess Funds for Additional Housing Activity	= \$0
1. Rehabilitation, if applicable	-
Total Projected Expenditures	= \$4,162,088
POTENTIAL SHORTFALL	= (\$3,695,136)

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**Appendix F.**  
**Barker's Circle Senior Rental Pro Forma**

**PRO FORMA**  
**BARKER'S CIRCLE SENIOR RENTALS**

The Borough proposes the creation of 21 senior rental units at Barker's Circle at the Fort Monmouth Base. The Borough will partner with an affordable housing developer to have the 21 senior rental affordable units created. The land and building shall be donated to the developer. Please see the Housing Element and Fair Share Plan for additional information.

**Unit Cost**

Unit Type	Number of Units	Cost per Unit <sup>1</sup>	Subtotal
Senior Rental	21	\$140,697	\$2,954,637
<b>Total</b>			<b>\$2,954,637</b>

**Income/Expense Analysis**

Annual Income

21 units at \$791 per month	\$199,332
<b>Anticipated Annual Rental Income</b>	<b>\$199,332</b>

Annual Expenses

Administrative (total)	\$15,750
<i>Unit Administration</i>	
Salaries	\$21,000
Maintenance	\$21,000
Condominium fee	\$0
Utilities	\$26,250
Management fees	\$21,000
Real Estate taxes	\$5,250
Insurance	\$21,000
Replacement reserve	\$18,900
Vacancy/Uncollected	\$21,000
Mortgage Payment and Debt Service	\$42,000
<b>Subtotal</b>	<b>\$213,750</b>
<b>Annual Program Deficit</b>	<b>\$13,818</b>

**Program Cost: \$3,369,177**  
**(\$2,954,637 + [\$13,818 x 30 years])**

The cost of units which shall be used to satisfy the prior round obligation will be offset by a payment in lieu of construction by the Oceanport Holdings site. The developer of the Oceanport Holdings has agreed to provide the development's off site affordable housing via the prior round Barker's Circle senior 100% project.

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<sup>1</sup> Source: Region 4 *construction cost*, pursuant to N.J.A.C. 5:97-6.4(c)3. (payments in lieu of construction)

**Appendix G.**  
**Barker's Circle Construction Schedule**



**BOROUGH OF OCEANPORT, MONMOUTH COUNTY  
BARKER'S CIRCLE CONSTRUCTION SCHEDULE**

The development of the project can not begin until the property is conveyed to the Borough by the Department of Defense. The below construction schedule assumes conveyance in January 2011. However, the schedule will be adjusted accordingly should the conveyance occur earlier or later than January 2011.

<b>Activity</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>Document Submittal Date</b>
Site Acquisition:		January 2011	February 2011
RFP Process:	February 2011	July 2011	August 2011
Developer Selection:	August 2011	August 2011	September 2011
Pro Forma Completion:	September 2011	September 2011	October 2011
Site Plan Preparation:	October 2011	April 2012	
Site Plan Approvals:	April 2013	September 2013	October 2013
Building Design:	April 2012	September 2012	
Contractor Selection:	October 2012	November 2012	December 2013
Construction Permits:	November 2012	December 2012	January 2014
Funding:	September 2011	September 2012	October 2013
Construction:	November 2012	November 2013	December 2014
Occupancy:	December 2013		January 2013

**Appendix H.**  
**Municipally Sponsored Construction Project Schedule**

**BOROUGH OF OCEANPORT, MONMOUTH COUNTY  
MUNICIPALLY SPONSORED CONSTRUCTION PROJECT SCHEDULE**

<b>Activity</b>	<b>Start Date</b>	<b>Completion Date</b>	<b>Document Submittal Date</b>
Site Acquisition:	February 2012	February 2013	March 2013 <sup>1</sup>
RFP Process:	March 2013	September 2013	October 2013
Developer Selection:	October 2013	October 2013	November 2013
Pro Forma Completion:	November 2013	November 2013	December 2013
Site Plan Preparation:	October 2013	April 2014	
Site Plan Approvals:	April 2014	September 2014	October 2014
Building Design:	April 2014	September 2014	
Contractor Selection:	October 2014	November 2014	December 2014
Construction Permits:	November 2014	December 2014	January 2015
Funding:	September 2013	September 2014	October 2014
Construction:	November 2014	November 2015	December 2015
Occupancy:	December 2015		January 2016

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<sup>1</sup> This item shall include all site documentation, such as site description, site suitability and data on any environmental constraints.