

RESOLUTION NO. 2018-93

TOWNSHIP OF ABERDEEN, COUNTY OF MONMOUTH, NEW JERSEY

**A RESOLUTION AUTHORIZING AN AMENDMENT TO THE SETTLEMENT
AGREEMENT WITH FAIR SHARE HOUSING CENTER REGARDING
AFFORDABLE HOUSING ISSUES RAISED IN THE TOWNSHIP'S DECLARATORY
JUDGMENT ACTION**

WHEREAS, the Township of Aberdeen has resolved its Affordable Housing compliance issues and entered into a settlement agreement with Fair Share Housing Center dated February 16, 2017; and

WHEREAS, the settlement agreement with Fair Share Housing Center was authorized by resolution 2017-49 of the Township of Aberdeen which was adopted on February 16, 2017; and

WHEREAS, as a result of ongoing negotiations with Fair Share Housing Center and the mechanisms adopted to implement the compliance plan for the Township of Aberdeen it has become necessary to amend the settlement agreement with Fair Share Housing Center dated February 16, 2017; and

WHEREAS, as part of the implementation of the compliance mechanisms to meet its Affordable Housing obligations the Township of Aberdeen's compliance mechanisms have been amended as shown on the attached Exhibit A, which is attached hereto and made a part hereof; and

WHEREAS, Fair Share Housing Center has agreed to an amendment to the settlement agreement dated February 16, 2017 to incorporate the revised compliance mechanisms as shown on Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Aberdeen that the attached addendum to the settlement agreement with Fair Share Housing Center which was attached hereto and incorporated herein as Exhibit A is hereby authorized, approved, and adopted.

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute and the Township Clerk is authorized to witness the amendment to the settlement agreement with Fair Share Housing Center shown as Exhibit A.

EXHIBIT A

5. As noted above, the Township has a Prior Round prospective need of 270 units, which is met through the following compliance mechanisms:

Development	Units	Bonus	Credits
Inclusionary Zoning	55	55	110
The Villages at Aberdeen	8	8	16
The Bluffs	37	37	74
241 Cliffwood Properties LLC	10	10	20
100 Percent Affordable	109	12	121
South River Metals	109	12	121
Write Down/Buy Down (Market to Affordable)	4	0	4
817 North Concourse	1	0	1
788 Cliffwood Avenue	1	0	1
6 Water Street	1	0	1
8 Water Street	1	0	1
Alternative Living/Supportive & Special Needs	35	0	35
New Horizons in Autism (54 Idaho)	3	0	3
NJ institute for Disabilities (105 Avondale)	5	0	5
Manna House (640 Cliffwood)	9	0	9
Center for Family Support (291 Nathan)	3	0	3
Center for Family Support (474 Myrtle)	3	0	3
NJ Institute for Disabilities (15 Avondale)	4	0	4
Eihab Human Services (60 Oxford)	4	0	4
Eihab Human Services (370 Fairfield)	4	0	4
Total	203	67	270

6. The Township has a Third Round realistic development potential (RDP) of 212 units. That RDP will be satisfied as follows:

Development	Units	Bonus	Credits
Inclusionary Zoning	160	53	213
Glassworks/Somerset	110	53	163
Highview/Silver Oak	34	0	34
Montone Land Resources	16	0	16
100 Percent Affordable	36	0	36
South River Metals	36	0	36
Total	196	53	249

The RDP of 212, subtracted from the Third Round obligation of 330 units, results in an unmet need of 118. Additionally, after the Township complies with its RDP of 212, it remains with 37 units of compliance mechanisms that can be applied to its unmet need (249 total third round credits – RDP of 212 = 37 units to apply to unmet need). Once the remaining 37 units of compliance mechanisms are applied to the unmet need, the Township is left with a remaining unmet need of 81 units, which shall be addressed through the following mechanisms described in the Township's 2018 Housing Element and Fair Share Plan:

Development	Potential Affordable Units
Lower Main Street (NC Zone) Mixed-Use Affordable Housing Overlay Zone	28
Industrial Site along Lloyd Road and Garden State Parkway	25
Residential Properties Adjacent to Glassworks	10
Commercial Site along Route 35	13
Office Property along Line Road	9
Township-Wide Mandatory Affordable Housing Set-Aside Requirement	N/A
Total	85

**AMENDMENT TO SETTLEMENT AGREEMENT BETWEEN THE TOWNSHIP OF
ABERDEEN AND FAIR SHARE HOUSING CENTER**

WHEREAS, the Township of Aberdeen and Fair Share Housing Center entered into a settlement agreement date February 16, 2017 as authorized by resolution of the Township Council of the Township of Aberdeen on February 16, 2017 by resolution 2017-49; and

WHEREAS, as part of the determination of the compliance mechanisms to implement the terms of the settlement agreement between the Township of Aberdeen and Fair Share Housing Center it has become necessary to amend the settlement agreement to incorporate the attached Exhibit A which shows the compliance mechanisms to be implemented by the Township of Aberdeen; and

WHEREAS, as all the other terms and conditions contained in the settlement agreement between the Township of Aberdeen and Fair Share Housing Center will remain in full force and effect except as amended by the compliance mechanisms attached hereto as Exhibit A; and

WHEREAS, the Township of Aberdeen adopted a resolution on June 21, 2018 authorizing the amendment to the settlement agreement.

NOW, THEREFORE, Fair Share Housing Center and the Township of Aberdeen hereby agree to adopt the attached Exhibit A as an amendment to the settlement agreement dated February 16, 2017.

Fred Tagliarini, Mayor
Township of Aberdeen

Karen Ventura, Clerk
Township of Aberdeen

Adam Gordon, Esq.
Counsel for Intervener/Interested Party
Fair Share Housing Center

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