

RESPONSE TO SITE SUITABILITY ANALYSIS FOR TMB Site (Block 7001, Lot 1)

Township of Livingston, Essex County, New Jersey

August 31, 2009

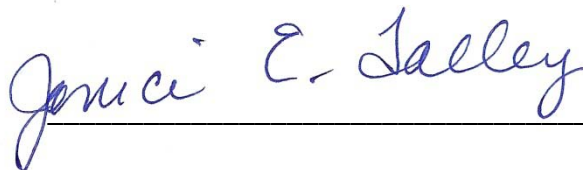
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The original of this report was signed and
sealed in accordance with N.J.S.A. 45:14A-12.



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INTRODUCTION

This report has been prepared in response to the Site Suitability Report for Block 7001, Lot 1 prepared by Art Bernard, P.P., on behalf of TMB Partners. I am a New Jersey licensed professional planner, and I have been so licensed since 1991. I have been actively engaged in the practice of professional planning in New Jersey throughout that period of time. I have prepared over twenty housing plans over that period of time, including 8 plans that address the Third Round housing obligation. My curriculum vitae are attached as Exhibit A.

I have served as a professional planning consultant for Livingston Township and the Livingston Township Planning Board since January 2006. In that capacity, I have been actively involved with ongoing actions directed at preparation of a new Housing Element and Fair Share Plan. As part of that process, I have reviewed and am familiar with materials concerning affordable housing actions taken by Livingston Township prior to my retention as a planning consultant, including proceedings involving Livingston's second round affordable housing obligation.

LIVINGSTON'S AFFORDABLE HOUSING BACKGROUND

The Township of Livingston Planning Board adopted a Housing Element and Fair Share Plan as an amendment to the Master Plan on February 4, 1997 ("Second Round Plan"). The Second Round Plan was the subject of a court hearing conducted by the Honorable Jack B. Kirsten on March 5, 1997 in connection with litigation entitled "Livingston Builders, Inc. v. Livingston Township, et al." that was pending in the Superior Court of New Jersey, Law Division, Essex County, under Docket No. ESX-L-7641-94. That hearing resulted in the entry on April 7, 1997 of an Order Approving With Conditions Mt. Laurel Compliance Plan After Fairness Hearing. That Order conditionally approved the Second Round Plan, subject to continued proceedings concerning the rezoning proposal for property owned by Short Hills West, Ltd.

Issues as to the rezoning proposal for property owned by Short Hills West, Ltd. were the subject of an interlocutory appeal to the Appellate Division. That appeal resulted in a reported decision, captioned *Livingston Builders, Inc. v. Township of Livingston*, 309 N.J. Super. 370 (App. Div. 1998), that reversed the trial court decision declining to approve the portion of the Second Round Plan providing for rezoning of the Short Hills West property. The trial court subsequently entered an Order on Remand Approving With Conditions Mt. Laurel Compliance Plan After Fairness Hearing on April 29, 1998. This Order approved in principle all of the affirmative measures to address Livingston's affordable housing obligation as set forth in the Second Round Plan.

The two conditional approval Orders stated that the Court had considered and relied upon recommendations of the specially-appointed master as set forth in a report dated February 20, 1997. A Final Judgment of Mt. Laurel Compliance and Repose was entered by Judge Jack B. Kirsten on February 7, 2000. As set forth in the Second Round Plan and as approved by the Superior Court, Livingston's Second Round affordable housing obligation was adjusted from 375

to 193 units, based on a vacant land adjustment and realistic development potential analysis. This adjustment was consistent with then-applicable rules of COAH as set forth in N.J.A.C. 5:93-4.2, which were based on a specific provision of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-307(c)(2).

The Second Round Plan fully addressed Livingston's adjusted Second Round Obligation by a combination of: (1) credits for then-existing affordable housing; (2) rezoning property for multifamily development including a set-aside of rental affordable housing; (3) rental bonus credits as authorized by the COAH regulations; (4) rezoning properties for more intensive residential use subject to requirements for funding affordable housing through regional contribution agreements ("RCAs"); (5) rezoning property to permit development of an assisted living facility that included a 15% set-aside of units affordable to lower income households. Implementation of the Second Round Plan was largely governed by agreements with the owners of 5 major parcels. These agreements were separately approved by the Superior Court, as reflected by Orders listed in the Final Judgment. These agreements imposed specific obligations on Livingston Township and the Livingston Planning Board to rezone the five properties and cooperate with necessary development approvals. In return, the property owners were obligated to provide either on-site affordable housing units or funding to produce affordable housing through RCAs.

The then-applicable COAH regulations provided, in N.J.A.C. 5:93-4.2(h), that when a municipality received a vacant land adjustment additional municipal action could be required to provide additional affordable housing in the future; such as overlay zoning applicable to developed property that might be redeveloped and/or a development fee ordinance to generate funds to be used for affordable housing purposes. This was referred to as addressing the unmet need resulting from the vacant land adjustment. Consistent with this regulation, Livingston Township adopted a development fee ordinance that was specifically approved by the Superior Court.

Subsequently, Short Hills West, Ltd. requested amendment of the Second Round Plan and the Mt. Laurel Developer's Agreement to eliminate the requirement for construction of an assisted living facility on a portion of the property and to instead permit construction of senior citizen housing. The property owner agreed to address the affordable housing obligation associated with this property by providing funding for 11 RCA units, rather than providing at least 11 affordable units on-site as part of an assisted living facility. The Planning Board adopted an amendment to the Second Round Plan, and the parties entered into an Amended Mt. Laurel Developer's Agreement. These actions were subject to approval by the Superior Court. Approval was embodied in an Order Amending Final Judgment of Mt. Laurel Compliance and Repose that was entered on September 30, 2005.

Livingston Township's court-approved Second Round Plan was implemented and the adjusted affordable housing obligation was addressed as follows:

1. At the time of adoption of the Second Round Plan, Livingston was entitled to a credit for 33 affordable senior citizen units in a development known as Cedar Commons and credit for 5 units for a qualified group home; for a total of 38 units.
2. Livingston adopted Inclusionary zoning for the Rosedale site requiring the provision of 32 affordable rental units on site. Planning Board approval was granted and the affordable units were completed and occupied by 2000.
3. Livingston obtained rental bonus credits of 32 units for the Rosedale development and 5 units for affordable senior citizen units in the Cedar Commons development. The latter were subject to only a partial credit. The total rental bonus was limited based on the COAH regulations.
4. Livingston rezoned the property owned by Livingston Builders for multifamily development subject to a requirement to provide funding for 53 RCA units. Planning Board approvals were granted and RCA funding was provided in two phases as this property, referred to as the Regency Club, was developed. The first RCA funded by this development was for 27 units. The second RCA was for 37 units; with funding for 26 units being provided by Regency Club/Livingston Builders and funding for the other 11 units being provided by the West Northfield Associates development. Both RCAs were entered into with the City of Linden, were approved by COAH, and were fully performed.
5. Livingston rezoned property owned by West Northfield Associates to allow single-family development linked to the provision of RCA funding. The Second Round Plan estimated that the zoning would provide funding for 8 affordable units, but the subsequent development approvals for a development referred to as Hillside Heights resulted in RCA funding for 11 units. This funding was used with funding from Regency Club/Livingston Builders for the second RCA, which was fully performed. The additional RCA funding eliminated the need for 3 supplemental RCA units, as had been included in the Second Round Plan.

The foregoing actions resulted in satisfaction of 171 units of Livingston's adjusted Second Round Obligation of 193 units. Under the Second Round Plan, as amended, the remaining 22 affordable units were to be provided by RCA funding in connection with development of the Manda and Short Hills West sites. Livingston Township fully performed its obligation to rezone both properties, development approvals were granted by the Planning Board, RCA funding was provided by both developers and 2 RCAs were entered into by Livingston for a total of 22 units. These RCAs, however, have not been implemented due to the failure of COAH to approve them as required by the Fair Housing Act. This inaction on the part of COAH apparently was due to a pending proposal to eliminate the RCA option that ultimately was enacted into law in July 2008. Livingston's actions with respect to these RCAs under the court-approved Second Round Plan were as follows:

1. Livingston rezoned property owned by the Manda plaintiffs to allow affordable housing to be provided either on-site or pursuant to RCA funding. Development approvals were granted to a contract purchaser of the property for a development referred to as Cedar Gate. The developer elected to provide funding for an 11-unit RCA. An RCA was entered into by Livingston and the City of Linden in June 2006, and this RCA was forwarded to COAH for review and approval. COAH never acted on the request. It has been fully funded, but not implemented
2. Livingston rezoned the property owned by Short Hills West consistent with the court-approved amended agreement to require RCA funding for 11 units. Development approvals were granted, and the required RCA funding was provided for an 11 unit RCA, which was entered into by Livingston and the City of Linden in June 2008. This RCA was forwarded to COAH for review, but COAH never acted on the request. This RCA has been fully funded, but not implemented.

Livingston Township and the Livingston Planning Board have taken all actions necessary to fully implement the court-approved Second Round Plan, the Final Judgment and the Amended Final Judgment. The only affordable units that have not been provided are the 22 units under the two RCAs that were fully funded and entered into by Livingston. These two RCAs have not been implemented due to the failure of COAH to approve them prior to the recent legislation that now precludes COAH action on RCAs.

In addition, throughout this period Livingston has continued to collect funds for affordable housing purposes under the development fee ordinance that was approved as part of the Second Round Plan. Furthermore, in order to maximize the collection of affordable housing funds, Livingston amended its development fee ordinance in response to the adoption of COAH regulations allowing higher development fee rates. As a result of these actions, Livingston has a fund of approximately \$2,000,000 available for affordable housing purposes. These funds have not been expended pending preparation of a comprehensive spending plan and appropriate approval by the Superior Court and/or COAH. Furthermore, additional qualifying group homes have been established in Livingston, resulting in credits for an additional 42 bedrooms. Also, in 2007 the Zoning Board of Adjustment granted approval for a six-bedroom group home, construction of which is pending.

Livingston has fully implemented its court-approved Second Round Plan, including both the adjusted obligation of 193 units and actions directed at the unmet need component. To date, the Township's actions have resulted in 65 affordable housing units being built in the Township, 64 affordable units being rehabilitated in Linden through RCA's, 22 affordable RCA units funded but not yet rehabilitated in Linden because of COAH's inaction, 53 units provided through existing and approved group homes in the Township, and 37 bonus credits for a total of 218 affordable units. Moreover, Livingston has continued to implement the Second Round Plan by collecting development fees.

COAH adopted the “Third Round regulations,” which went into effect on December 20, 2004. The new regulations introduced a “Growth Share” methodology to calculate each municipality’s new construction affordable housing obligation. Under Growth Share, one “affordable” unit had to be provided for every eight “market units” built, and one affordable unit for every twenty-five jobs created between 2004 and 2014. That was a significant change from previous COAH methodologies in which numbers were assigned based on formulas and other variables.

The Third Round regulations were challenged by various parties, thus creating considerable uncertainty. That uncertainty became a reality when the New Jersey Appellate Division invalidated the Third Round regulations in January 2007 in a decision entitled *In Re: Adoption of N.J.A.C. 5:94 and 5:95*, 390 N.J.Super. 1 (App. Div.), certif. den. 192 N.J. 71-72 (2007). The Court remanded the matter to COAH for further rule-making, including recalculating the Prior Round Obligations for municipalities based on “filtering” and “secondary sources.” Revised regulations became effective on June 2, 2008. Further changes, setting a deadline of December 31, 2008 for municipalities to submit revised housing plans, took effect in October of that year. The new regulations increased the Growth Share Obligation from one affordable unit for every eight market rate units to one affordable unit for every four new housing units; a 20 percent requirement. In addition, the nonresidential Growth Share Obligation was increased from one affordable unit for every 25 jobs to one affordable unit for every 16 jobs. The period for addressing the affordable housing obligation was extended four additional years to 2018.

On July 17, 2008, Governor Corzine signed a comprehensive affordable housing reform bill into law, P.L.2008, c.46, which included amendments to the Fair Housing Act. Major components of the law include the following:

- Establishment of a statewide 2.5% non-residential development fee
- Elimination of Regional Contribution Agreements
- Requirement for 13% of the affordable units built, and 13% of all units funded by Balanced Housing and the statewide Affordable Housing Trust Fund, to be restricted to very-low income households (30% or less of median income)

The Third Round affordable housing regulations represented a radical departure from the Second Round regulations. As applied to Livingston, this posed a significant burden and challenge for several reasons, including:

1. Residential development providing funding for RCAs under the court-approved Second Round Plan was not excluded from Growth Share generation to the extent that certificates of occupancy were issued on or after January 1, 2004. The COAH regulations only allowed the exclusion of market rate units in “inclusionary developments,” which was narrowly defined to apply only to development providing on-site affordable housing units, rather than funding for off-site affordable units. The Second Round COAH regulations did not distinguish between these two compliance approaches, and selecting one or the other did not have any significant practical implications under the Second Round regulations. As a result, market rate

units resulting from development of Hillside Heights (West Northfield), Cedar Gate (Manda) and Short Hills West properties will generate a significant Growth Share Obligation even though these properties were rezoned for the specific purpose of generating RCA funding under the Second Round Plan. These projects were not completed prior to January 1, 2004 due to decisions by the owners and/or developers of these properties. Ironically, the only projects completed prior to January 1, 2004 were the Livingston Builders/Regency Club development and the inclusionary Rosedale/Fairways development. For the latter, the market rate units would have been excluded from Growth Share generation if completed after that date.

2. Calculation of the Growth Share Obligation also did not exclude developments that had been excluded from consideration in the prior realistic development potential ("RDP") analysis based on not being available due to vested approvals or other constraints. This applied to development of The Pointe (which had been excluded from the RDP due to prior litigation and a land sale agreement) and Bel Aire Woods (which had been excluded from the RDP due to prior approvals).
3. Calculation of the Growth Share Obligation also did not exclude development of property that had been included in the RDP analysis but was not rezoned consistent with a specific provision in the Second Round regulations, N.J.A.C. 5:93-4.2(g). This regulation recognized that property available for the provision of affordable housing was not required to be rezoned for that purpose if the same number of affordable housing units could be provided through other means. In that event, the property could be devoted to other purposes without adverse affordable housing consequences. This applied to the Livingston Town Center project, since a 7.7 acre area (referred to as the Trocha site) had been included in the RDP but not rezoned to provide affordable housing. Instead, it was included in a mixed use redevelopment project that included adjacent commercial property. Under the Growth Share concept, 119 units market units included in this development will now increase Livingston's affordable housing obligation. This also applies to the Beaufort Heights site developed for 15 single-family homes after January 1, 2004.

A direct consequence of the foregoing is that decisions made by Livingston in preparing the Second Round Plan in reliance on the Second Round COAH regulations have resulted in a significantly higher Third Round Growth Share Obligation. If these implications had been known when the Second Round Plan was being considered, a significantly different plan probably would have been prepared. This posed a significant challenge for purposes of preparing a Third Round plan.

On December 4, 2007 the Livingston Planning Board adopted the 2007 Master Plan upon reexamination and comprehensive revision. But, because of litigation regarding the regulations of COAH, the Board, although engaged in a full study and analysis of anticipatable affordable housing obligations, was unable to accurately and responsibly determine Livingston's

prospective affordable housing obligations. As a result, Section IV of the 2007 Master Plan keeps in full force and effect the Housing Element and Fair Share Plan adopted on February 4, 1997 as amended through July 5, 2005 while acknowledging the need to complete a Third Round plan when the regulations come into effect. Revised Third Round regulations came into effect in June 2008, triggering the resumption of work on a Third Round plan for Livingston, which had also been delayed in part by uncertainty arising from the current litigation against the Township and the Planning Board.

On November 16, 2007, a joint builder's remedy lawsuit was filed by the Joseph Kushner Hebrew Academy, Inc. (JKHA) and TMB Partners, LLC (TMB) against Livingston Township and the Planning Board. On November 26, 2007, another builder's remedy lawsuit was filed by Squiretown Properties, LLC. The three lawsuits were consolidated. The Township continued to meet with JKHA and TMB to discuss concept plan details and proposed inclusionary zoning. Conditional settlement agreements were approved in December 2008 for both the JKHA and TMB concept plans.

The agreed-upon conditional settlement agreement and zoning change for the JKHA property was approved by the Court at a Fairness Hearing in February 2009. This agreement has been implemented through amendments to the Township's Master Plan adopted on March 17, 2009 and zoning ordinance adopted in May 2009 to provide for a total of 226 dwelling units on the site, including 45 low- and moderate-income housing units.

The scheduled Fairness Hearing on the TMB conditional settlement agreement was canceled due to information provided by Millburn Township concerning environmental constraints that precluded implementation of the proposed concept plan. Modified proposed inclusionary zoning for the TMB property is included in the Township's Draft Housing Element and Fair Share Plan.

The Township intends to purchase the property that is the subject of the Squiretown Properties lawsuit for construction of a new Public Works facility. Finally, on September 17, 2008, another builder's remedy lawsuit was filed by Hillside-Northfield Partners LLC. That property, currently devoted in part to a commercial landscaping business, is also included in the Draft Housing Element and Fair Share Plan.

During the Spring of 2009, the Township resumed negotiations with TMB, Squiretown and Hillside-Northfield Partners. Finalization of a draft plan was deferred while these negotiations were taking place. Settlement agreements with these parties were not reached and finalization of the draft plan resumed during the summer of 2009.

On August 18, 2009, Livingston Township Planning Board scheduled a hearing on the draft Housing Element and Fair Share Plan that addresses the Township's affordable housing obligation in full, including the unmet need. Livingston Township's Draft Fair Share Plan addresses the rehabilitation obligation, Prior Round Obligation and Growth Share Obligation as summarized in Table 1.

Table 1
Fair Share Plan Summary
Livingston Township, Essex County, New Jersey

	Obligation	Family Housing		Age-Restricted Housing		Very-Low	Group Home
		Rental	Sale	Rental	Sale	Income	Bedrooms
Rehabilitation Obligation	17					NA	
Existing Credits	6					NA	
Proposed Units	11					NA	
Total	17					NA	
Prior Round Obligation	375					NA	
Inclusionary Development	98	65		33		NA	
Regional Contribution Agreements	86					NA	
Alternative Living Arrangements	53					NA	53
100 Percent Affordable Construction	40	20		20		NA	
Bonus Credits	98					NA	
Subtotal	375	96		53		NA	53
GROWTH SHARE OBLIGATION	240						
Inclusionary Developments	101	59	42			7	
Supportive Housing	52					52	52
Assisted Living Facilities	20			20		8	
Redevelopment	10	10				2	
100 Percent Affordable Construction	10	10				2	
Bonus Credits	60						
Subtotal	253	78	42	20	0	59	40
Total	645	174	42	73	0	59	82

TOWNSHIP'S ABILITY TO ADDRESS AFFORDABLE HOUSING OBLIGATION

Mr. Bernard evaluates the TMB development proposal within the context of the Township's ability to meet its overall affordable housing obligation. While it is true that Livingston Township has a significant housing obligation, the Township has made substantial progress in meeting that obligation, as shown in Table 2. Overall, the Township's affordable housing obligation is to provide 632 affordable units over a 31-year period, as documented in the Township's draft Housing Element and Fair Share Plan dated August 18, 2009. Of the 632 units, 182 units have been determined by the Court as "unmet need", meaning that because of the lack of vacant land, these units are to be addressed through affordable housing projects funded by the Township's development fee ordinance or other measures. The 193-unit realistic development potential was addressed by the Township.

Table 2 Affordable Housing Progress Township of Livingston, Essex County, New Jersey			
	Number of Affordable Units (1987 – 2018)		
	Required	Provided	Needed
Rehabilitation Obligation	17	6	11
Prior Round Obligation (1987 – 1999)	375		
<i>Realistic Development Potential</i>	193	241	0
<i>Unmet Need</i>	182	0	134
Growth Share Obligation (1999 – 2018)	240	48	240
Total Obligation	632	247	385

As Mr. Bernard mentions in page 2 of his report, a "municipality must develop a plan to address its realistic development potential." Municipalities are also required to develop a plan to address their "unmet need." In Livingston's case, the plan to address "unmet need" approved by the Court is to utilize funds collected through its development fee ordinance to finance affordable housing activities.

It is important to note that the Township has addressed its realistic development potential in full, and has also provided an additional 48 affordable units in excess of its prior round obligation. A Fair Share Plan must include descriptions of any credits that are intended to address any portion of the fair share obligation. As shown in Table 2, Livingston is eligible for a total credit of 241 units, including on-site affordable housing units, RCA units, and state-licensed group homes. Credits are provided through the construction of 32 rental units at Rosedale Manor, 33 age-restricted rental units at Cedar Street Commons, 86 RCA units, 53 units in ten group homes and 37 bonus credits. As a result, Livingston has met its Court-approved Prior Round Obligation in full.

Table 3 Prior Round Obligation Livingston Township, Essex County, New Jersey		
	Units	Status
Inclusionary Development	65	
<i>Rosedale Manor</i>	32	Completed
<i>Cedar Street Commons</i>	33	Completed
RCA	86	
<i>Regency Club (Livingston Builders)</i>	53	Completed
<i>Hillside Heights (Mitschele)</i>	11	Completed
<i>Manda (Cedar Gate)</i>	11	Executed & Funded
<i>Short Hills West</i>	11	Executed & Funded
Alternative Living Arrangement	53	
<i>Existing</i>	47	Existing
<i>Approved</i>	6	Approved
Bonus Credits	37	
<i>Rental Bonus Credit</i>	32	Existing
<i>Age-Restricted Rental Bonus Credit</i>	5	Existing
TOTAL CREDITS	241	

Mr. Bernard states in his report that the Township deviated from COAH's rules that limit credit on age-restricted housing in addressing its prior round obligation. In fact, the Court-approved Housing Element and Fair Share Plan did not require a deviation from this limitation, and the Township's draft Housing Element and Fair Share Plan dated August 18, 2009 does not require such a deviation.

Mr. Bernard further criticizes the Township for not creating overlay zones for inclusionary development in order to address unmet need. In fact, the Court-approved Second Round Housing Element and Fair Share Plan did not require the Township to create overlay zones, simply to establish a development fee ordinance to address unmet need. Never the less, the Township and its representatives consequently engaged in discussions with developers interested in redeveloping sites involving inclusionary zoning. The draft 2009 Housing Element and Fair Share Plan includes the creation of new inclusionary zones and overlay zones, among and other mechanisms.

GROWTH SHARE OBLIGATION

Mr. Bernard correctly points out that the Township is likely to exceed the residential growth projections provided by COAH, and as a result, will exceed the residential growth share obligation calculated by COAH. Part of the reason that the residential development projection is so large is that sites that were included in the RDP analysis for the second round plan and development that provided RCA funding were developed after 2004, thereby generating a growth share obligation as well. This adjustment in projected development is included in the draft Housing Element and Fair Share Plan. The Township, however, is requesting a downward adjustment to COAH's growth share obligation because the actual and projected nonresidential development within the Township is much lower than COAH's projections.

The "Growth Share" for the period January 1, 2004 through December 31, 2018 is calculated based on municipal growth projections pursuant to N.J.A.C. 5:97-2. Projections of population and employment growth are converted into the projected affordable housing obligation by applying a ratio of one affordable unit among every five residential units projected¹, plus one affordable unit for every 16 newly created jobs projected. The actual Growth Share Obligation is based on permanent certificates of occupancy issued within the municipality for market-rate residential units and for newly constructed, reoccupied and expanded non-residential developments in accordance with COAH's Appendix D, incorporated in the revised Third Round Rules by reference. Affordable housing must be provided in direct proportion to the Growth Share Obligation generated by the actual growth. However, if the actual Growth Share Obligation is less than the projected Growth Share Obligation, the municipality shall continue to provide a realistic opportunity for affordable housing to address the projected Growth Share through inclusionary zoning or any of the mechanisms permitted by N.J.A.C. 5:97-6.

According to Appendix F(2) in the revised Third Round Rules, Livingston would have a net increase of 649 housing units and 2,844 jobs from 2004 to 2018. Applying the COAH ratios, the Township's Growth Share Obligation is 308 units, including 129.8 units through residential development and 177.75 units through non-residential development.

If upon plan evaluation review pursuant to N.J.A.C. 5:96-10, the difference between the number of affordable units constructed or provided in a municipality and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a pro-rated production shortage of 10 percent or greater, the municipality may prepare a housing plan to address the reduced obligation, provided that additional mechanisms set forth in N.J.A.C.5:97-5.6(g) are put into effect. As indicated in Table 3, the land capacity analysis resulted in an increase in the projection of residential development from 649 units to 890 units. The projection for jobs however, decreased significantly, from COAH's projection of 2,844 jobs to an adjusted projection of 921 jobs. As a result, the projected affordable housing obligation decreases from 308 units to 240

¹ This means that one affordable unit must be provided for every four market rate units constructed.

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units. This difference is more than 10 percent. Therefore, pursuant to N.J.A.C. 5:96-10, 234 is the Growth Share Obligation used by the Township in the Fair Share Plan.²

Table 4 Growth Share Projection Livingston Township, Essex County, New Jersey		
	COAH Projected Growth Share	Municipal Projection
Residential Growth (Actual + Land Capacity)	649	592
Approved/Anticipated Residential Development	0	298
Residential Exclusions	0	0
Net Residential Growth	649	890
Residential Growth Share	129.8	178
Non-Residential Growth (Actual + Land Capacity)	2844	662.6
Approved/Anticipated Nonresidential Development	0	322
Non-Residential Exclusions	0	0
Net Non-Residential Growth	2844	984.6
Non-Residential Growth Share	177.75	61.53
Total Growth Share	308	240

² The Growth Share Obligation calculated in Table 4 is different from the calculations in Workbook C because it includes an additional line item for approved/anticipated development, which is not included in COAH's template for Workbook C.

TMB PROPOSAL

The purpose of Mr. Bernard's report is to determine if the TMB project is suitable as proposed. The TMB proposal is attached to his report as Exhibit C. This proposal, which was one of several proposed during settlement discussions, indicates in the zoning table a total of 80 units at a density of 18.71 dwelling units per acre. This is different from the concept plan discussed in his report, which is for 100 dwelling units at a density of 23.4 dwelling units per acre. Therefore, the basis of his conclusions is not clear.

Mr. Bernard states that the TMB site is a suitable location for inclusionary development at the density and design proposed by TMB Associates. Mr. Bernard mischaracterizes this site, however, when he says that the "Property is totally developed with a building that is used as a day care center and parking. There is virtually no open space on the Property." In fact, the eastern half of the property is undeveloped as shown in Figure 1 below.³



Figure 1: Bird's-eye view of TMB site. Source: Microsoft bing 2009

The Township had conditionally settled with TMB Associates to rezone the property to permit a total of 100 units at a density of 22.4 units per acre, including 20 affordable rental units. This zoning was based upon a concept plan that was acceptable to the developer and conditionally acceptable to the Township, subject to the outcome of required public hearing procedures. This plan, which is included in Exhibit B, divided the units among two buildings with 50 dwelling units each. The buildings were pushed to the eastern end of the lot, only 30 feet from the eastern property line, where the grades and elevation on the site allowed the buildings to be built into the gradual slope of the site. Building 3, which was located at the eastern end of the property, was a 3-story building with one underground parking level. Adjacent to Building 3 was Building 1, a small 2-story building that contained the lobby and pool area. Building 2, a 3-story building with two underground parking levels, was adjacent to Building 1 on the west.

³ The house shown in the picture has since been demolished.

Building 2 was setback 194 feet from White Oak Ridge Road and 87.6 feet from the southern property line (adjacent to the residential homes in Millburn Township). The Township was concerned about the 73-foot building height on the western side of Building 2, but felt that the 194-foot setback from White Oak Ridge Road was sufficient to provide a landscaped buffer that would minimize the large building height on the west side of the façade. In the alternative, the proposed rezoning permitted the developer to build a small two-story office building at the corner of White Oak Ridge Road and South Orange Avenue in order to reduce the visual impact of the 73-foot building height.

The environmental constraints on the site are shown in the exhibits attached to James Cosgrove's certification, which was provided by the Township of Millburn. The southern end of the site contains a flood plain that encompasses a tributary to Canoe Brook that runs along and through the southern end of the property, and ultimately to the Canoe Brook Reservoir. This stream is classified as a freshwater non-trout stream (FW2-NT). Prior to the Court's Fairness Hearing on the TMB Proposal, information provided by the Township of Millburn disclosed that according to the NJDEP Landscape Mapping Project, the property contains critical habitat for the following State Threatened and Endangered (T&E) Species: Barred Owl, Great Blue Heron, Red-Headed Woodpecker, Red-Shouldered Hawk, and Wood Turtle. The Wood Turtle is especially important because it is among those T&E species that are "critically dependent on the regulated water for survival," according to the Flood Hazard Area Control Act regulations (N.J.A.C. 7: 13-4.1 (c)2iii). The presence of the wood turtle triggers a 150-foot stream buffer from the adjacent stream, which further limits development of the site.

As a result of this new information concerning environmental constraints, the TMB concept plan was not viable and the concept plan had to be revised. The increased stream buffers for the site created significant constraints on the developer, as shown on the plan in Exhibit B. The environmental constraints forced the bulk of the development to be concentrated at the western end of the site.

TMB submitted a revised concept plan that combined all of the units into one building and pushed the building farther west, setback only 25 feet from White Oak Ridge Road. This design was not satisfactory to the Township and Township representatives met with TMB several times to discuss potential changes to the revised plan. After several meetings, the setback was eventually increased to 56 feet but other changes requested by the Township were not made.

The revised plan is inappropriate because it concentrates the height and mass of the building at the western end of the site. This condition is complicated by the fact that that site increases in elevation by 32 feet from the western end of the site to the eastern end. As a result, the western end of the building is more exposed to public view (four stories of residential over two stories of parking). The western end of the building rises 73 feet in height and is setback only 56 feet from the property line. The overwhelming visual impact of the building cannot be reduced by a large landscaped setback from the road, or through construction of a smaller 2-story office building closer to the road, as was provided in the original plan.

In addition, the building mass is concentrated into one building which extends for a length of 342 feet, which exacerbates its dominating appearance. The rear yard setback was reduced from 87 feet in the original plan to 69 feet, moving the large, massive structure even closer to the single-family residential homes located adjacent to the property.

The draft Housing Element and Fair Share Plan proposes to rezone the site to a new R-5F zone that will permit a density of 12 dwelling units per acre with a 25% affordable set aside for sales units, and a density of 15 dwelling units per acre for rental units with a 20% affordable set aside. Both options represent a significant increase in the underlying density of 1.2 dwelling units per acre. These densities are still higher than the COAH's presumptive minimum gross density of 8 dwelling units per acre for sales units and 12 dwelling units per acre for rental units, but less than the 23.4 units per acre recommended by Mr. Bernard. Since the applicant has proposed to develop this site for rental housing, the rental housing option is included for purposes of calculating the Fair Share Plan. This represents a total of 70 dwelling units, including 14 affordable units.

The proposed zoning for the TMB site is based on the gross acreage of the site. COAH, however, permits municipalities to determine the development potential of sites on a net density basis. N.J.A.C. 5:97-5.2d(4) indicates that land that cannot be developed may be subtracted from total land area when determining realistic development potential through a vacant land adjustment. Further, the worksheets provided by COAH to determine a municipality's Growth Share Obligation requires municipalities to subtract undevelopable land from the total area of individual lots. In the case of the TMB site, approximately half of the site is not buildable because of the 150-foot stream corridor buffer requirement. This generates a net density of approximately 47 dwelling units per acre, which is significantly higher than the net densities on other inclusionary zoning sites in the Township.

Mr. Bernard included several examples of other developments in the area in his report and found that the development pattern proposed by TMB Associates and its surrounding land uses is consistent to other area land use patterns (page 8). This claimed consistency is part of the basis of his conclusion that the TMB proposal is consistent with sound planning and consistent with other Livingston planning efforts. In contrast, on page 11 of his report he finds that the "density of other sites in other areas of Livingston is irrelevant to the proposed density on the TMB property, and on page 12 he finds that the fact that the TMB proposal is much denser than the zoning in other zones is irrelevant as well. This inconsistency in his report makes it difficult to determine when and how other developments, land uses and densities are consistent to determine sound land use planning.

Table 5 provides a clear evaluation of the development projects identified in the Bernard report and their applicability to the TMB site in Livingston. As shown in Table 5, the TMB project is by far the highest structure in all of the comparables. This is significant, particularly since several of the comparables are in much different settings than the TMB site.

Table 5					
Comparable Sites Identified in Bernard Report					
Project Name	Location	Gross Density	Net Density	Max. Building Ht	Comments
Livingston Sites					
TMB Site	Livingston	23.4 du/acre	47 du/acre	73 feet	
A. Livingston Town Center	Livingston	8.5 du/acre	NA	55 feet	Mixed-use development. Max. height applies to four-story apartment buildings wrapping parking deck, which is surrounded by 3-story townhouses, then 2-1/2 story single-family homes.
B. The Pointe	Livingston	10 du/acre	NA	45 feet 35 feet w/in 100' of residential lot line	Density for adult housing project.
C. Cedar Street Commons	Livingston	6 – 8 du/acre	NA	40 feet	Inclusionary senior housing development.
Comparables in Other Towns					
D. Vizcaya Blvd	West Orange		NA		Mixed residential development in secluded residential area. No zoning information available.
E. Columbia Court	Springfield	24.2	NA	40 feet	Inclusionary development - AH-24.2 zone. Area surrounded by intense office development on three sides.
F. Yale Street Red	Maplewood	No density	NA	50 feet	Located in Highway Business (HB) zone that permits residential over retail. Located in active commercial corridor.
G. The Top and The Newstead	South Orange	.72 units per acre	NA	30 feet	Both of these apartment buildings are pre-existing non-conforming uses. The current zoning for these properties is single-family detached homes on 60,000 square foot lots.
H. Bellclaire	Montclair	55 du/acre	NA	67 feet	Located in Central Business District in downtown location. Adjoining residential structures are in OR-3 zone district, which permits garden apartments and offices.

Comparable Sites in Livingston

An analysis of the comparable projects in Livingston illustrates how larger buildings are located in areas where either existing buildings or vegetated buffers screen the larger scale of the buildings. For example, the Livingston Town Center site is a new downtown mixed-use development project. This mixed-use project is an example of Smart Growth, and in fact won a NJAPA award for its successful integration of various uses and residential types. The higher density residential portion of the project is located in the center of the redevelopment site, and consists of 4-story apartment building that wraps around a parking deck. The maximum height for this residential use is 55 feet. This visual impact of this height is minimized by the 2-story retail buildings along Livingston and Mt. Pleasant Avenues, and the 3-story townhouses on the other sides. The 3-story townhouses then step down to 2-1/2 story single-family detached homes. The TMB site does not have the variety of building types or heights to integrate a large building into the fabric of the neighborhood as is provided in the Town Center development.

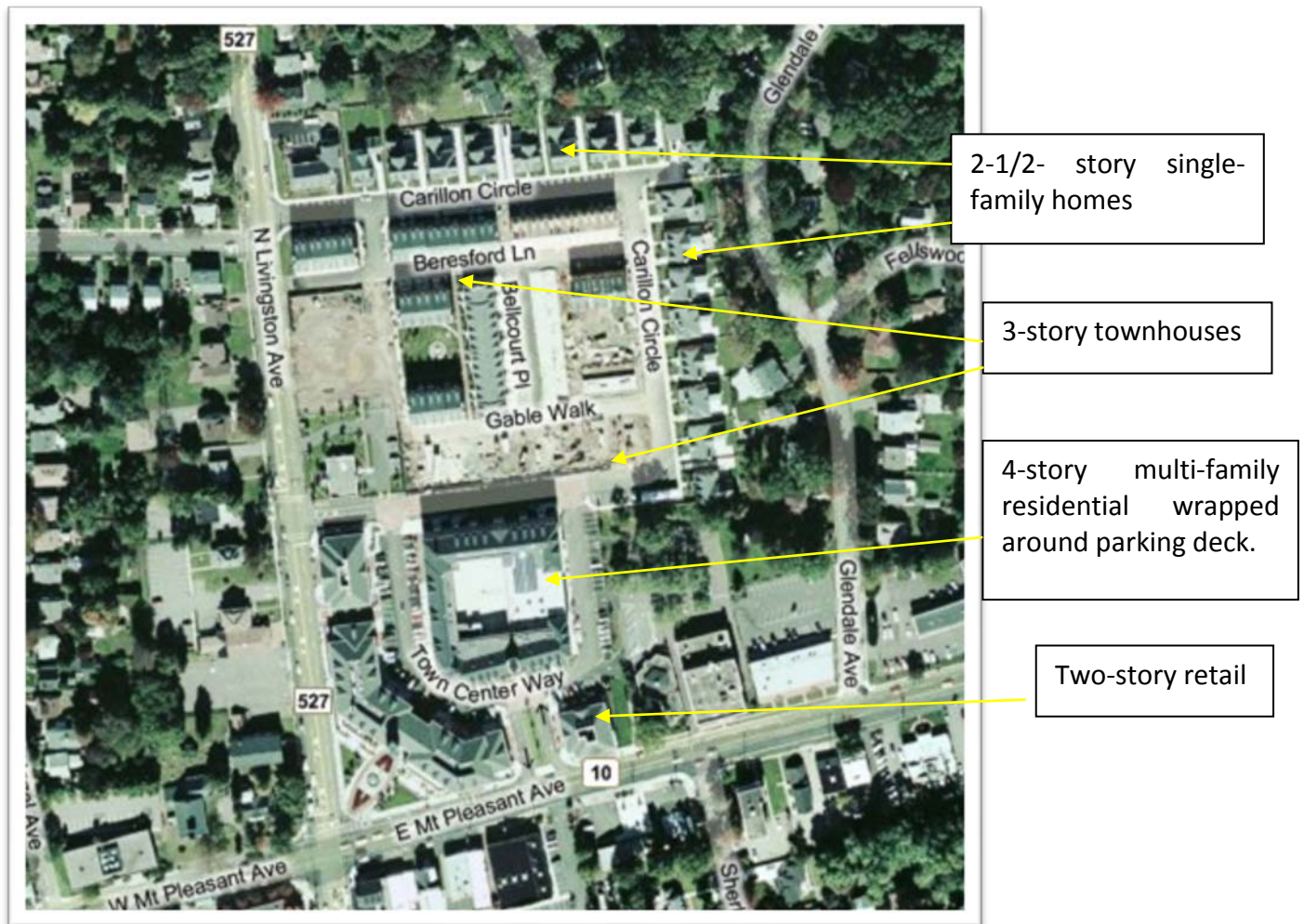


Figure 3: Livingston Town Center, Livingston, NJ

The Pointe at Livingston is zoned for adult housing and an assisted living facility at a density of 10 dwelling units per acre for adult housing and 20 dwelling units per acre for an assisted living facility. The height of the buildings in this district is limited, with a maximum height of 45 feet which is further limited to 35 feet within 100 feet of a residential lot line. This setting for this project is significantly different than the setting for TMB. The Pointe has frontage on Eisenhower Parkway, a major arterial that traverses the Township. Across from the site is the Township's industrial zoning district and sewer treatment plant. Finally, the site is of sufficient size to maintain large swaths of open space containing mature trees that screen the buildings from view.

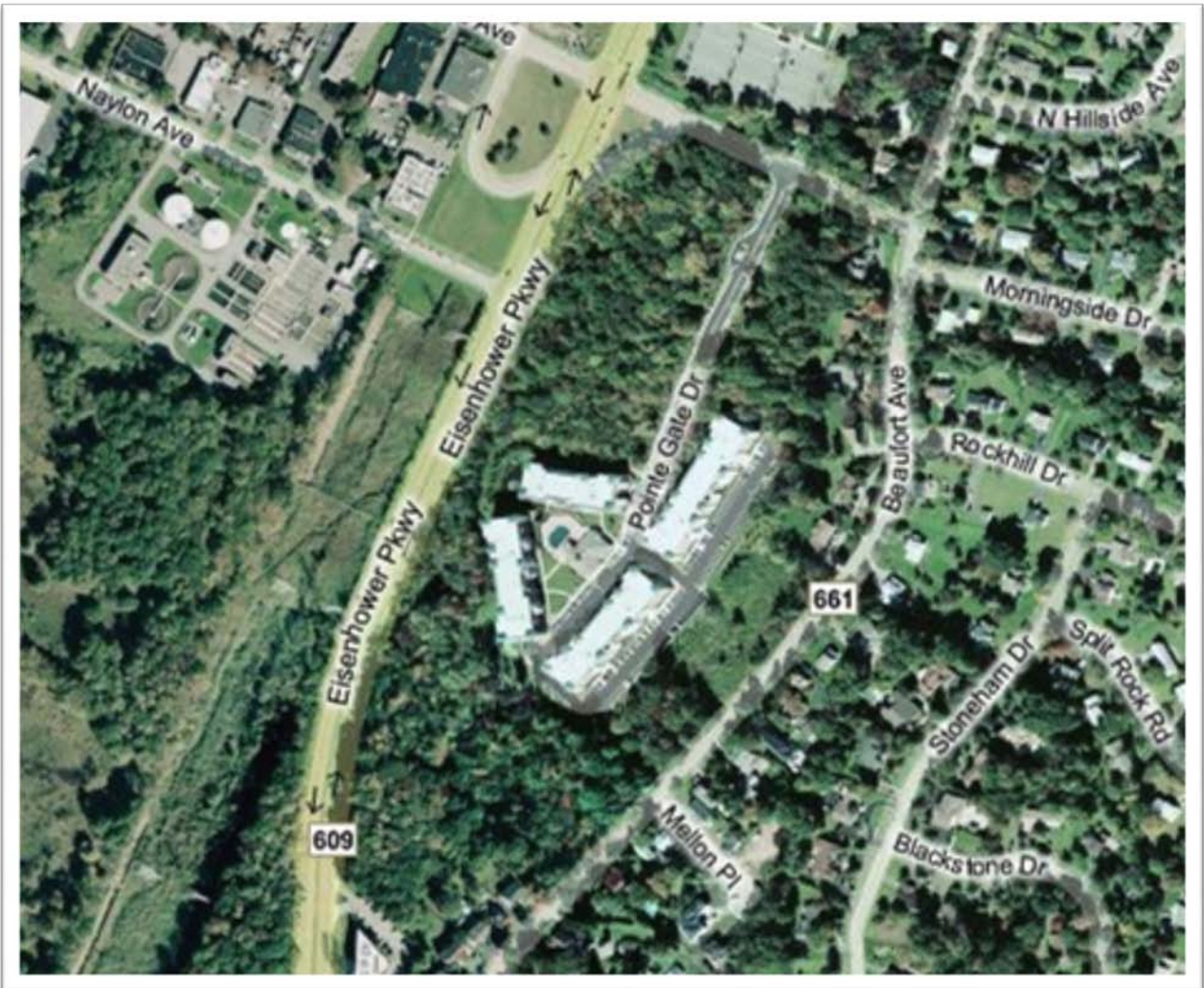


Figure 4: The Pointe, Livingston Township, NJ

Cedar Street Commons is a senior citizen housing development located on a 20-acre site. The site is surrounded by residential homes on 15,000 square foot lots. The site is developed for with smaller scale multi-family structures closer to East Cedar Street, where the development is visible to the public. Larger multi-family structures are located on the interior of the site where existing trees and open space provide sufficient buffer to screen the buildings from adjoining residences and public roadways. The gross density for this project is 10 dwelling units per acres. This site illustrates how larger buildings can be integrated into an existing neighborhood fabric using appropriate setbacks, mix of building types, and vegetated buffers for screening. The TMB site does not have the setbacks or vegetated buffers to successfully integrate the proposed development into the existing neighborhood fabric.



Figure 5: Cedar Street Commons, Livingston Township, NJ

Comparable Sites in Other Municipalities

Developments in other municipalities are not directly comparable to sites in Livingston Township. These municipalities are characterized by different densities and development characteristics than found in Livingston. For example, the Vizcaya Boulevard project in West Orange is a large mixed-residential project located in a secluded setting. It does not have the visibility or prominent frontage that the TMB site has, and therefore is not comparable.

The Columbia Court project in Springfield has a relatively high density of 24.2 units per acre, but is limited in height to 40 feet. In addition, this project is located in a relatively flat area, close to intensely developed commercial/office along Springfield Avenue. This setting has a much more intense development pattern than the TMB site in Livingston and is therefore not comparable.



Figure 6: Columbia Court, Springfield, NJ

The Yale Street redevelopment project in Maplewood is located in a developed Highway Business zone where residential development over first floor commercial uses is permitted. The maximum height all along this zone district is 50 feet and many of the buildings are 3- to 4-stories in height. Again, this is a much more intense development setting than the TMB site in Livingston.



Figure 7: Yale Street Redevelopment, Maplewood, NJ

The Top and The Newstead apartment buildings in South Orange are pre-existing non-conforming uses. These properties are anomalies that are inconsistent with the current zoning in the area, and are therefore not comparable to the TMB site.

The Bellclaire project in Montclair is located in the Township's central business district, which has a maximum building height of 67 feet. Many of the buildings in this district are six-stories in height, which is consistent with the height and scale of the Bellclaire project. In addition, the adjoining buildings on Valley Road are located in an Office Research district that permits garden apartments and offices. The Bellclaire project is not located adjacent to a single-family residential district. While the height and mass of the Bellclaire project is consistent with its downtown setting, it is not consistent with the more suburban, low-density development that characterizes the TMB site.



Figure 8: Bellclaire at Montclair, Montclair, NJ

Inclusionary Development in Livingston

Table 6 provides an evaluation of all of the inclusionary development zones in Livingston. This analysis includes all of the other inclusionary development zones in the Township. It is clear from this analysis that the proposed inclusionary zoning for the TMB site, with a net density of 24.3 dwelling units per acre and a gross density of 47 dwelling units per acre, and a maximum height of 73 feet, is significantly denser and higher than anything else in Livingston. The Township's proposed zoning for this site, which is a gross density of 15 dwelling units per acre with a set aside of 20 percent for rental housing, is reasonable and appropriate given the low-density, suburban setting of the site and the relative densities of inclusionary development within the Township.

Table 6: Inclusionary Zoning in Livingston Township				
Zoning	Project Name	Gross Density	Net Density	Max. Building Ht
R-5A	Rosedale	4.3 du/acre	7.4 du/acre	35 feet
R-5B	Regency	6.0 du/acre	11 du/acre	42 feet
R-5C	Westminster	6 – 8 du/acre	NA	40 feet
R-5D	Short Hills West ¹	13.5 du/acre	NA	3 stories front facade
R-5G	JKHA	19.4 du/acre	NA	55 feet
R-6	Cedar Street Commons ¹	10 du/acre	NA	35 feet
¹ These districts and densities are for senior citizen housing.				

CONCLUSION

1. The Planning Board has prepared a draft Housing Element and Fair Share Plan that addresses the Township's Rehabilitation Obligation, Prior Round Obligation and Growth Share Obligation in full. In fact, the draft Fair Share Plan includes an additional 13 low- and moderate-income housing units.
2. The TMB site is included as an inclusionary site in the draft Fair Share Plan and provides a total of 14 low- and moderate income rental units. This is based on a density of 15 dwelling units per acre and a set aside of 20 percent.
3. The proposed zoning for the TMB site provides for a significant density bonus over the underlying zoning of 1.5 dwelling units per acre. In addition, this density is far greater than five of the six other inclusionary zoning districts in the Township,
4. Sites identified as comparable in Mr. Bernard's report are not comparable to the setting and location of the TMB site, which is a low-density, suburban setting. The relatively narrow width of the lot, prominent frontage on South Orange Avenue and White Oak Ridge Road, and slope of the site make any development highly visible.
5. The Township's concerns regarding the size and scale of TMB's proposed development are valid, given the previously undisclosed development limitations on the site that forced the building to be located near the intersection of White Oak Ridge Road and South Orange Avenue. The proposed zoning allows the project to be scaled down to reduce the height and visual impact of the building from the street and the residences to the rear.
6. Overall, the increased density and height proposed by TMB is not necessary for the Township to address its housing obligation. The proposed zoning in the draft Housing Element and Fair Share Plan is reasonable in light of the characteristics of the site and TMB's proposal is contrary to sound land use planning.

Exhibit A

CURRICULUM VITAE

Talley Planning Associates, LLC

Janice E. Talley, P.P., AICP

Ms. Talley is a licensed professional planner with over 20 years of experience in planning. She has a wide range of experience in the field including preparing master plans, zoning ordinances, housing plans, redevelopment plans and conducting special planning studies such as visioning studies, build-out analyses, fiscal impact studies and economic impact studies. Ms. Talley represents a range of public and private-sector clients and has been accepted as an expert witness before various Courts in the State of New Jersey. Ms. Talley currently serves as planner to Livingston Township, Maplewood Township, Clark Township, Tenafly Borough, Ho-Ho-Kos Borough and Roselle Park Borough.

EDUCATION

Georgia Institute of Technology, Master of City Planning

Emory University, B.A., Economics and English

Georgia State University, Certificate of Real Estate

REGISTRATION/CERTIFICATIONS

Licensed Professional Planner: New Jersey # 5059

American Institute of Certified Planners

PROFESSIONAL EXPERIENCE

Principal, Talley Planning Associates, (2009 – Present).

Associate and Department Manager, H2M Associates, Inc. (2003 - 2008).

Principal, Janice E. Talley, P.P., P.A. (1999 - 2003).

Principal, Heyer, Gruel & Talley, P.A. (1989 - 1998).

PROFESSIONAL MEMBERSHIPS

American Planning Association

New Jersey Planning Officials

APPOINTMENTS AND AWARDS

Adjunct Professor, Rutgers School of Continuing Education

Vice Chairperson, Montclair Township Planning Board

1999 NJ American Planning Association Award, Hudson County Urban Complex Strategic Revitalization Plan

1999 NJ Planning Officials Award, Hudson County Urban Complex Strategic Revitalization Plan

1994 NJ Planning Officials Award, Cranbury Township Master Plan

1994 NJ American Planning Association, Randolph Township Master Plan

1993 NJ Planning Officials Award, Randolph Township Master Plan

Talley Planning Associates, LLC

PUBLICATIONS

Talley, Janice E., John White, Editor-in-Chief, Planning and Zoning Considerations in Office Development, **The Office Building, From Concept to Investment Reality**, Counselors of Real Estate, 1993.

Talley, Janice E., **Revitalizing Minority Commercial Areas Through Commercial Historic District Designation: A Case Study of Atlanta, Georgia**, Journal of Urban Affairs, 1991.

Talley, Janice E., **Affordable Housing: Administering the Mount Laurel Mandate**, (Connecticut Conference on Affordable Housing), 1990.

SELECTED LIST OF PROJECTS

Strategic Plans

- *City of Paterson Urban Enterprise Zone Five-Year Economic Strategic Plan, 2007*
- *City of Paterson Brownfields Strategic Plan, 2005*
- *Passaic County Strategic Revitalization Plan, 2004*
- *Hudson County Strategic Revitalization, 1999*

Master Plans

- *Borough of Glen Rock Master Plan Reexamination Report, 2008*
- *Borough of Pompton Lakes Master Plan, 2007*
- *Borough of Mantoloking Master Plan Reexamination Report, 2002*
- *Borough of Lodi Master Plan Reexamination Report, 2002*
- *Borough of Roselle Park Master Plan, 1999*
- *Wayne Township Master Plan, 1996*
- *Cranbury Township Master Plan, 1994*
- *Randolph Township Master Plan, 1994*

Redevelopment

- *Roselle Park Amended Romerovski Redevelopment Plan, 2009*
- *City of Garfield Redevelopment Agency Planner, 2004 – 2008*
 - *South Garfield Redevelopment Plan, 2004*
 - *Kalama Redevelopment Plan, 2004*
 - *C-Mor Redevelopment Plan, 2007*
- *Mount Holly West Rancocas Redevelopment Study and Redevelopment Plan, 1999 - 2007.*
- *Borough of Maywood Route 17 Redevelopment Study, 2006*
- *City of Bayonne Scattered Sites Redevelopment Study and Plan, 2005*
- *Ventnor City Redevelopment Study and Redevelopment Plan, 2001*

Housing Plans

- *Livingston Township Housing Element and Fair Share Plan, 2009*
- *Clark Township Housing Element and Fair Share Plan, 2009*
- *Maplewood Township Housing Element and Fair Share Plans, 2008 and 2000*
- *Roselle Park Borough Housing Element and Fair Share Plan, 2008*

Talley Planning Associates, LLC

- *Glen Rock Borough Housing Element and Fair Share Plan, 2006 and 2008*
- *Ho-Ho-Kus Borough Housing Element and Fair Share Plan, 2006 and 2008*
- *City of Orange Housing Element and Fair Share Plan, 2006*
- *City of Clifton Housing Element and Fair Share Plan, 2006*

Land Development Ordinances

- *Hudson County Site Plan and Subdivision Ordinance, 2008*
- *City of Orange Land Development Ordinance, 2005*
- *Borough of Mantoloking Land Development Ordinance, 2003*
- *Andover Township Land Development Ordinance, 2001*
- *Borough of North Arlington Land Development Ordinance, 1998*
- *Cranbury Township Land Development Ordinance, 1993*
- *Randolph Township Land Development Ordinance, 1993*

Economic Development

- *East Orange Comprehensive Economic Development Plan, 2002*
- *East Orange Urban Enterprise Zone Program Administrator, 2001-2003*

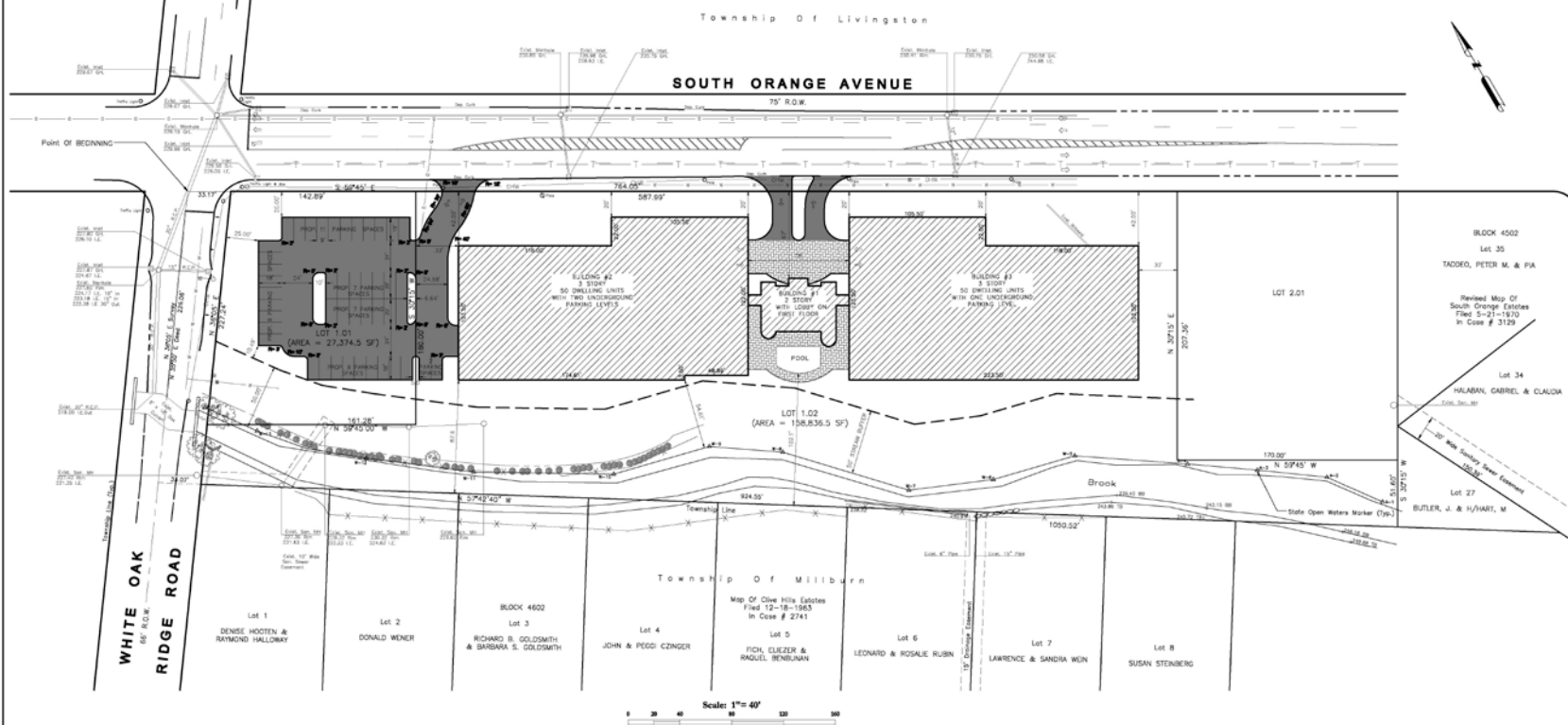
Vision Plans

- *Broadway Vision Plan, Borough of Fair Lawn, 2008*
- *Route 208 Corridor Vision Plan, Boroughs of Fair Lawn and Glen Rock, 2007*
- *Township of Frankford, Frankford Center Plan, 2007*
- *Township of Lafayette, Lafayette Village Gateway Plan, 2007*

Appendix B

CONCEPT PLANS

Concept plan in Conditional Settlement Agreement



SITE DATA AND ZONING ANALYSIS – R-5G RESIDENCE DISTRICT

BULK CRITERIA	REQUIRED	PROPOSED
MINIMUM		
TRACT AREA	4.2 AC.	4.275 AC.
STREET SETBACK	20 FT.	20 FT.
PROPERTY LINE SETBACK	20 FT.	20 FT.
PARKING SETBACK FROM BUILDING	5 FT.	8.58 FT.
SIDE FACING SIDE	50 FT*	78 FT.
FRONT FACING SIDE	35 FT.	53 FT.
MAXIMUM		
TRACT DENSITY	22.81 DW/AC OR 100 UNITS	100 UNITS
DWELLING UNITS PER BUILDING	50 UNITS	50 UNITS
TRACT BUILDING COVERAGE	35 %	28.6 %
TRACT COVERAGE	45 %	41.3 %
BUILDING HEIGHT	65 FT.	65 FT.

PARKING ANALYSIS:

4 – 1 BEDROOM UNITS x 1.8 = 7.2 SPACES
92 – 2 BEDROOM UNITS x 2.0 = 184 SPACES
4 – 3 BEDROOM UNITS x 2.3 = 9.2 SPACES
TOTAL REQUIRED = 200.4 = 201 SPACES
PROVIDED:
UNDERGROUND PARKING = 197 SPACES
SURFACE PARKING = 45 SPACES
TOTAL PROVIDED = 242 SPACES

- NOTES:
1. PG BEING LOT 1, BLOCK 7001, AS SHOWN ON TOWNSHIP OF LIVINGSTON 758 MAPS.
 2. TOTAL TRACT AREA = 146,211 SF, OR 4.275 AC.
 3. ELEVATIONS BASED UPON N.G.M.S. 1928 SURVEY DATUM.
 4. UTILITY LOCATIONS SHOWN HEREON ARE APPROXIMATE BASED UPON SURFACE STRUCTURES VISIBLE ON THE DATE OF FIELD SURVEY. LOCATION OF UNDERGROUND UTILITIES/STRUCTURES MAY VARY FROM LOCATION SHOWN HEREON. ADDITIONAL BURED UTILITIES/STRUCTURES MAY BE ENCOUNTERED. ALL SURFACE UTILITY LOCATIONS SHOULD BE VERIFIED AND FIELD MARKED BY APPROPRIATE UTILITY AUTHORITY PRIOR TO EXCAVATION/CONSTRUCTION. ANY DEVIATION IN LOCATION OF UTILITIES SHOULD BE REPORTED TO SURVEYOR AND ENGINEER PRIOR TO CONSTRUCTION.
 5. THE STATE OPEN WATERS LINE SHOWN HEREON WAS DELINEATED BY ENVIRONMENTAL TECHNOLOGY INC., CHESTER, N.J.

* BUILDING CLEARANCE MAY BE ZERO WHEN COLUMN ELEMENTS ARE CONNECTED

MIXED USE CONCEPT PLAN A

650-660 SOUTH ORANGE AVENUE
TAX LOT 1, BLOCK 7001

TOWNSHIP OF LIVINGSTON
ESSEX COUNTY, NEW JERSEY

CASEY &



KELLER
INCORPORATED

LICENSED PROFESSIONAL
CIVIL ENGINEERS
LAND SURVEYORS
PLANNERS

258 Main Street, PO Box 191
Millburn, New Jersey 07041
903-379-3360 Fax 973-379-7993

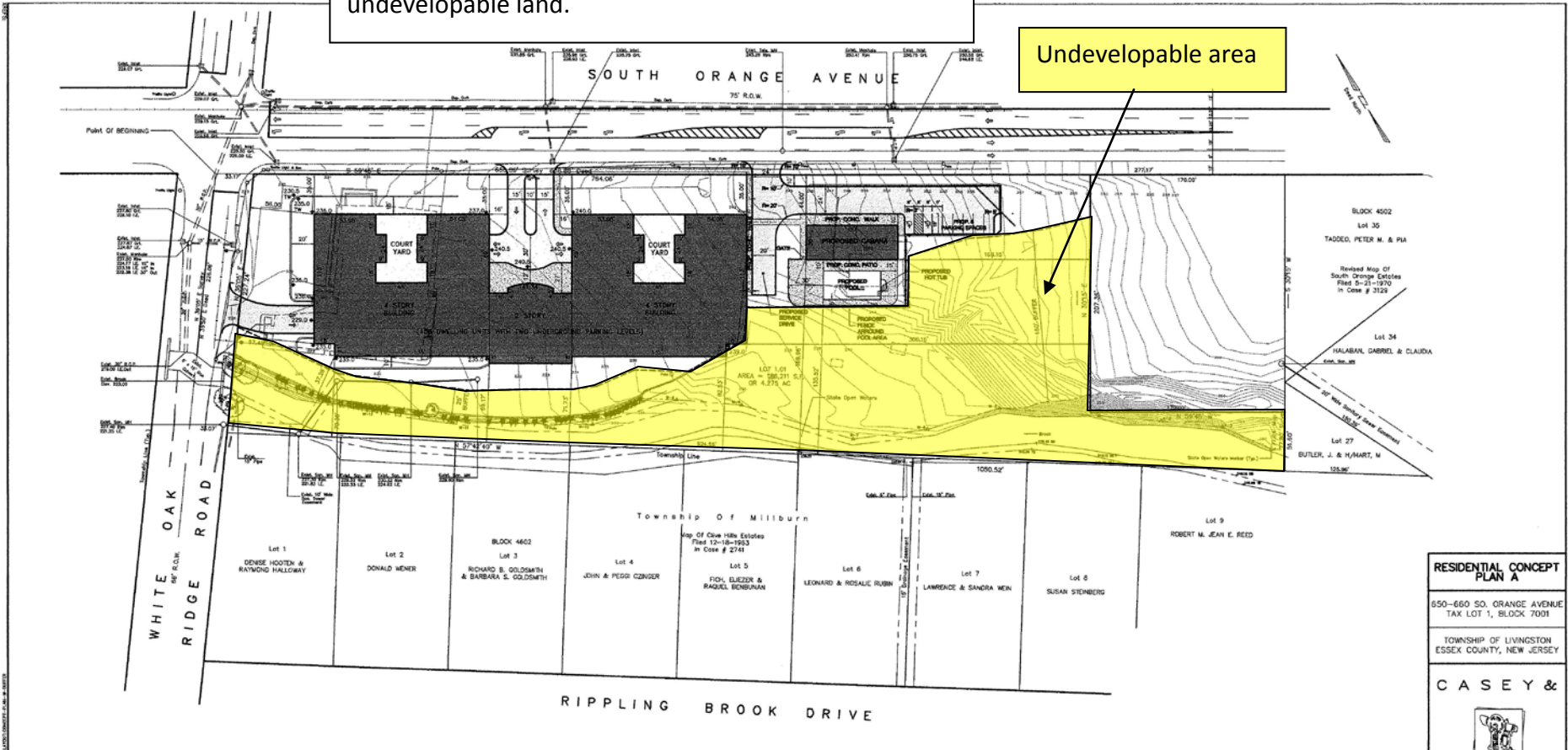
MICHAEL T. LANZAFAMA

REVISONS

NO.	DATE	BY	DESCRIPTION
1	05/05/23	MTL	CFR
2	05/05/23	ML	CFR
3	05/05/23	ML	CFR
4	05/05/23	ML	CFR
5	05/05/23	ML	CFR
6	05/05/23	ML	CFR
7	05/05/23	ML	CFR
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95	05/05/23	ML	CFR
96	05/05/23	ML	CFR
97	05/05/23	ML	CFR
98	05/05/23	ML	CFR
99	05/05/23	ML	CFR
100	05/05/23	ML	CFR

Revised Concept Plan with highlighted area to identify undevelopable land.

Undevelopable area



CURRENT PLAN

SITE DATA AND ZONING ANALYSIS - R-50 RESIDENCE DISTRICT

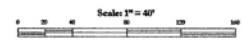
BULK CRITERIA	REQUIRED	PROPOSED
SEPARATIONS		
TRACT AREA	4.2 AC.	4.275 AC.
SETBACK FROM SO. ORANGE AVE.		
Main Building	30 FT.	35 FT.
Garage	38 FT.	44 FT.
Service Core Structure	65 FT.	85 FT.
SETBACK FROM STATE OPEN WATER	25 FT.	27.26 FT.
SETBACK FROM WHITE OAK RIDGE ROAD	35 FT.	66.0 FT.
MAXIMUMS		
TRACT DENSITY	19.05 DU/AC OR 100 UNITS	18.71 DU/AC OR 80 UNITS
MAX. DWELLING UNITS PER BUILDING	50 UNITS	100 UNITS
TRACT BUILDING COVERAGE	35 %	(71,768 SF) 30.95 %
TRACT COVERAGE	45 %	(83,820 SF) 34.11 %
MAIN BUILDING HEIGHT	58 FT.	57 FT.
CARAVAN BUILDING HEIGHT	35 FT.	35 FT.

CURRENT PLAN

PARKING ANALYSIS: (PER R.S.I.S.)

8 - 1 BEDROOM UNITS x 1.8 =	14.4 SPACES
88 - 2 BEDROOM UNITS x 2.0 =	176 SPACES
4 - 3 BEDROOM UNITS x 2.3 =	9.2 SPACES
TOTAL REQUIRED =	200 SPACES
PROVIDED:	
UNDERGROUND PARKING =	205 SPACES
SURFACE PARKING =	8 SPACES
TOTAL PROVIDED =	213 SPACES

- NOTES
1. PG BEING LOT 1, BLOCK 7001, AS SHOWN ON TOWNSHIP OF LIVINGSTON SIX MAPS.
 2. TOTAL TRACT AREA = 186,211 SF, OR 4.275 AC.
 3. ELEVATIONS BASED UPON N.O.D.V.E. 1929 SURVEY DATUM.
 4. UTILITY LOCATIONS SHOWN HEREON ARE APPROXIMATE BASED UPON SURFACE STRUCTURES VISIBLE ON THE DATE OF FIELD SURVEY. LOCATION OF UNDERGROUND UTILITIES/STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED. ALL SUBSURFACE UTILITY LOCATIONS SHOULD BE VERIFIED AND FIELD MARKED BY APPROPRIATE UTILITY AUTHORITY PRIOR TO EXCAVATION/CONSTRUCTION. ANY DEVIATION IN LOCATION OF UTILITIES SHOULD BE REPORTED TO SURVEYOR AND ENGINEER PRIOR TO CONSTRUCTION.
 5. THE SEWER SPRAIN MATERS LINE SHOWN HEREON WAS DELINEATED BY ENVIRONMENTAL TECHNOLOGY INC., CHESTER, N.J.



REVISIONS	DATE	BY	CHK.
1. Building Method	2-10-08	4	Revised
2. Issues for approval	07-20-08	2	Building Method Revised
			08-09-08

RESIDENTIAL CONCEPT PLAN A
 650-660 SO. ORANGE AVENUE
 TAX LOT 1, BLOCK 7001
 TOWNSHIP OF LIVINGSTON
 ESSEX COUNTY, NEW JERSEY



CIVIL ENGINEERS
 LAND SURVEYORS
 PLANNERS

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MICHAEL T. LANZAFAMA

PROJECT NO.	DATE	SCALE	DATE
990275	08-08-08	1" = 40'	08-08-08
448/27509	08-08-08	1" = 40'	08-08-08
1060304	08-08-08	1" = 40'	08-08-08