

**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:

<b>Development</b>	<b>Units</b>	<b>Bonus</b>	<b>Credits</b>
<b>Inclusionary Zoning</b>	<b>55</b>	<b>55</b>	<b>110</b>
The Villages at Aberdeen	8	8	16
The Bluffs	37	37	74
241 Cliffwood Properties LLC	10	10	20
<b>100 Percent Affordable</b>	<b>109</b>	<b>12</b>	<b>121</b>
South River Metals	109	12	121
<b>Write Down/Buy Down (Market to Affordable)</b>	<b>4</b>	<b>0</b>	<b>4</b>
817 North Concourse	1	0	1
788 Cliffwood Avenue	1	0	1
6 Water Street	1	0	1
8 Water Street	1	0	1
<b>Alternative Living/Supportive &amp; Special Needs</b>	<b>35</b>	<b>0</b>	<b>35</b>
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
<b>Total</b>	<b>203</b>	<b>67</b>	<b>270</b>

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

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

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:

<b>Development</b>	<b>Potential Affordable Units</b>
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
<b>Total</b>	<b>85</b>

**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.

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Fred Tagliarini, Mayor  
*Township of Aberdeen*

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Karen Ventura, Clerk  
*Township of Aberdeen*

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

## EXHIBIT A

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