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March 4, 2026

VIA ECOURTS AND UPS

Honorable Daniel R. Lindemann J.S.C.

Union County Courthouse

2 Broad Street

Floor 2 Rotunda, Court Room 401

Elizabeth, New Jersey 07207

RE: In the Matter of the Application of the Township of Clark
Docket No.: UNN-L-415-25

Dear Judge Lindemann:

On behalf of the Township of Clark (“Township” or “Clark”), please be advised as follows.

In December of 2025, the Township and Fair Share Housing Center (“FSHC”) entered into a Mediation Agreement. See Exhibit 1. To implement the Mediation Agreement, the Clark Planning Board adopted an Amendment to their Housing Element and Fair Share Plan and the Township endorsed that Amendment. See Exhibit 2. The Housing Element and Fair Share Plan this Amendment modifies is already on file with the Court.

On February 17, 2026, the Township introduced the following ordinances to implement the amended plan:

1. 26-06, Amending Chapter 195, Zoning, of the Code of the Township of Clark, to Establish A New R-B-16-2 Multiple-Family Residential Overlay District for Block 148, Lots 1, 10, 13, 15, 19, 20, 23 &24, and Block 131, Lot 7, to be adopted March 13, 2026. See Exhibit 3.

2. 26-07, Amending Chapter 195, Zoning, of the Code of the Township of Clark, to Establish the Mixed-Use Affordable Housing Overlay District for Block 63, Lots 52, 53, 54 & 55.01, to be adopted March 13, 2026. See Exhibit 4.
3. 26-08, Amending Chapter 195, Zoning, of the Code of the Township of Clark, to Establish a New Age Restricted/Senior Housing Overlay District for Block 52, Lot 15.0101, to be adopted March 13, 2026. See Exhibit 5.
4. 26-09, Adopting an Affordable Housing Ordinance and Developmental Fee Ordinance in Accordance with the Fair Share Housing Act, Uniform Housing Affordability Controls, and N.J.A.C. 5:99-1 ET SEQ, to be adopted on March 13, 2026. See Exhibit 6. This is the extensive ordinance the Township adopted to establish standards for all affordable projects. The New Jersey Housing and Mortgage Finance Agency (HMFA) adopted the regulations that are the basis for this ordinance on November 6, 2025 and those regulations only became available to the public on December 15, 2025. Thereafter, a prototype was made available and after that another prototype was made available by the State. The Township has not had time to review the latest prototype. After it has an opportunity to review and analyze the prototype, it may make additional changes to this ordinance.

The Township is scheduled to have a hearing on the ordinances on March 13, 2026.

In addition, in 2026, the Township adopted the following resolutions too implement the Amended Plan and Mediation Agreement with FSHC:

1. Resolution #26-36 Resolution Appointing A Municipal Housing Liaison, adopted on January 5, 2026. See Exhibit 7. The Township appointed James Ulrich to serve as the Municipal Housing Liaison.
2. Resolution #26-57 Resolution Authorizing the Award of Contract for Affordable Housing Administrative Services, adopted on February 2, 2026. See Exhibit 8. The Township appointed CGP&H as the Administrative Agent.
3. Resolution #26-85 Resolution of the Township Council of the Township of Clark Endorsing an Amendment to the Housing Element and Fair Share Plan Adopted by the Planning Board on February 5, 2026, adopted on March 2, 2026. See Exhibit 9.
4. Resolution #26-86 Resolution of the Township Council of the Township of Clark, County of Union, Seeking Approval of An Updated Spending Plan, adopted on March 2, 2026. See Exhibit 10.

5. Resolution #26-87 Resolution of the Township Council of the Township of Clark of the County of Union, State of New Jersey, Stating Its Intent to Bond or Take Such Other Steps as May Be Necessary to Fully Fund Its Housing Element and Fair Share Plan, adopted March 2, 2026. See Exhibit 11.
6. Resolution #26-88 Resolution Adopting An Operating Manual Prepared by CGP&H, adopted March 2, 2026. See Exhibit 12.
7. Resolution #26-89 Resolution of the Council of the Township of Clark Adopting An “Affirmative Marketing Plan” for the Township of Clark, adopted March 2, 2026. See Exhibit 13.
8. Resolution #26-90 Resolution of the Township Council of the Township of Clark, County of Union Adopting the Affordability Assistance Manual Prepared by CGP&H, adopted March 2, 2026. Exhibit 14.

A resolution approving a rehab plan will be ready for a vote on March 13, 2026.

In addition, the Township agreed to pursue placing the Raritan Gas Station into an Area in need of Redevelopment. On February 19, 2026, the Township provided the first notice of the Planning Board’s public hearing on the Area in Need of Redevelopment that it would do a redevelopment study for this property. On February 22, the Township issued a second notice of the Planning Board’s public hearing on the Area in Need of Redevelopment that it would do the redevelopment study. On March 13, the Township adopted will designate the AINR study.

We need to bring one point to the Court’s attention. While the Program judge has recommended approval of the Township’s Housing Element and Fair Share Plan as amended, she also stated that this Court should schedule a “schedule a Fairness and/or Compliance Hearing to consider approval of the Municipality’s Amended HEFSP and the issuance of a Certification of Compliance and Repose”. See paragraph (c) on page 5 of the Program Settlement Recommendation of Judge Mary C. Jacobson, A.J.S.C. Ret., dated January 14, 2026. We have no objection to the Court confirming that we have done what we agreed to do in our Mediation Agreement. However, we question whether a hearing is really necessary. We certainly do object to any fairness or compliance hearing. The Fair Housing Act, as amended (“hereinafter FHA II”) does not authorize this court to conduct such a hearing.

Moreover, even if the Court had the power to require such a hearing, nothing could do more to undermine FHA II. Through this legislation, the Legislature made clear that it believed that Mount Laurel proceeding take too long to complete and cost too much. Consequently, it sought to impose objective, statewide standards designed to operate “**more expeditiously**” and “**at a lower cost to all parties.**” N.J.S.A. 52:27D-302(n) (emphasis added). By designing a streamlined process, the Legislature sought to focus finite public resources on implementing approved plans

instead of on wasteful litigation. Moreover, the last thing that the 400 + municipalities expected when they accepted the Legislature's invitation to participate in the new process was that the expensive and demanding process that culminated in the favorable recommendation of the program judge would merely be step 1 in an even lengthier and costlier process. While we could argue this point extensively, for now, we just wanted to make our position on that issue clear.

In any event, we look forward to addressing any concerns the Court may have once it reviews this package of documents. Thank you for your attention to this matter.

Respectfully submitted,

Jeffrey R. Surenian

Jeffrey R. Surenian

cc: All Attorneys of Counsel (*via ecourts*)

Exhibit 1

MEDIATION AGREEMENT BEFORE THE AFFORDABLE HOUSING DISPUTE
RESOLUTION PROGRAM

In the Matter of the Application of the Township of Clark, County of Union
Docket No. UNN-L-415-25

WHEREAS, the Township of Clark (the “Township” or “Clark”) having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the “Program”) and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 et. seq. (the “Fair Housing Act”) on January 30, 2025; and

WHEREAS, the Court entered an order on March 8, 2025 setting the Township’s Fourth Round fair share obligations as a Present Need of 71 units and a Prospective Need of 166 units, which no party appealed, and ordering the Township to file a Housing Element and Fair Share Plan (“HEFSP”) by June 30, 2025; and

WHEREAS, the Township having filed its HEFSP on June 6, 2025 (“Adopted HEFSP”);
and

WHEREAS, FSHC having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Township’s HEFSP on August 31, 2025; and

WHEREAS, the Township having responded to FSHC’s letter, dated August 31, 2025, by submitting a report on the basis for the vacant land adjustment on October 27, 2025 and a report on the other issues raised by FSHC on November 4, 2025; and

WHEREAS, the parties having further discussed the concerns raised by FSHC’s letter of August 31, 2025 on multiple occasions; and

WHEREAS, the Township and FSHC have agreed to amicably resolve the issues set forth in the challenge through this mediation agreement and present this agreement for review by the Program and referral to the Mount Laurel judge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) and

Administrative Directive #14-24, which if approved will result in a compliance certification for the Township for the Fourth Round;

THEREFORE, the Township and FSHC agree:

Fair Share Obligations

1. The Township's Present Need or Rehabilitation Obligation is 71 the Township's Prior Round Obligation (1987-1999) is 93, the Township's Third Round Obligation (1999-2025) is 170, the Township's Fourth Round Prospective Need (2025-2035) is 166.

Satisfaction of Fair Share Obligations

2. The Township will address its Present Need via the Township's local rehabilitation program, administered by Community Grants, Planning & Housing.
3. The Township's Prior Round Obligation is 93 and was addressed as part of the Township's Third Round per the November 9, 2016 Settlement Agreement between the Township and FSHC.
4. The Township's Third Round Obligation is 170. Combined with the Prior Round Obligation of 93, the Township's total obligation is 263 and shall be addressed with the following mechanisms consistent with the October 29, 2025, Planner's Response Report:

MECHANISM	TYPE	UNITS	BONUS	TENURES	STATUS
Woodcrest at Clark	Age-Restricted	65	0	Rental	Built
Westfield and Terminal	Family	3	0	Rental	Not Built

Raritan Gas Station	Family	2	0	Rental	Not Built
Westfield and Raritan	Family	6	6	Rental	Built
Schieferstein Site	Family	11	0	Rental	Not Built
A&P Site (DTV)	Family	21	21	Rental	Approved
DTV (Downtown Village District)	Family	51	2	Rental	Partial Approvals
Walnut Site	Family	28	28	Rental	Built
Group Homes	Special Needs	9	9	Rental	Built
Subtotal		196	66		
Total: 262					
Remaining Obligation: 1					

Raritan Gas Station: Given that the Raritan Gas station has remained undeveloped for over 10 years, Township agrees to pursue designating the site as an Area in Need of Redevelopment to ensure that the mechanism remains realistic.

A&P Site: The Township's Planning Board approved the A&P project with 21 affordable units on December 4, 2025. The Township agrees to provide all compliance documentation as the site progresses.

Downtown Village District (DTV): The Township agrees to provide all compliance

documentation as sites within the DTV are developed and to continue to encourage development within the DTV.

Remaining Obligation: FSHC and the Township agree that there is a shortfall in the Third Round of 1 unit. The parties agree that the Township shall pursue mechanisms to meet this shortfall subject to the conditions set forth in Paragraph 10. This may include but is not limited to:

- working with a supportive needs provider to provide an additional bedroom within an existing group home;
 - including an additional affordable unit in any of the unbuilt Third Round mechanisms such as the future Raritan Gas Station Redevelopment Plan or;
 - capturing 1 unit through the adoption of the Mandatory Set-Aside Ordinance as included in Paragraph 5.
5. The Township's Fourth Round Prospective Need Obligation is 166. The Township will address its Fourth Round Prospective Need obligation of 166 through a Vacant Land Adjustment ("VLA"). The parties agree that the Borough's Fourth Round Realistic Development Potential ("RDP") is 0 units subject to the conditions set forth in Paragraph 9. The Township's 166 unit unmet need shall be with the following mechanisms:

PROJECT	TYPE	UNITS	TENURE	STATUS
Grand Centurions (Block 52, Lot 15.01)	Age-Restricted	14	TBD	Not Built
Clarkton Shopping Center (Block 63, Lots 54 & 55.01)	Family	10	TBD	Not Built

Clark Village (Block 63, Lots 52 & 53)	Family	6	TBD	Not Built
Raritan Road (Block 148, Lots 1, 10, 13, 15, 19, 20, 23 & 24)	Family	8	TBD	Not Built
Polish Cultural Foundation (Block 131, Lot 7)	Family	11	TBD	Not Built
Mandatory 20% Set-Aside Ordinance				
Total:		49		

Unit Type and Income Distribution Requirements

6. The Township and FSHC agree that the Township's HEFSP as presented above satisfies the following standards set forth in P.L. 2024, c. 2, including but not limited to, with respect to the following, and that the Township shall maintain satisfaction with such requirements for the Fourth Round:
- a. Age Restricted Cap. The Township agrees that it shall not exceed the age-restricted cap found in N.J.S.A. 52:27D-311(l), which requires age-restricted units to be capped at 30 percent of the overall Fourth Round affordable housing units that address the Fourth Round Prospective Need obligation exclusive of any bonus credits.
 - b. Family units. Pursuant to N.J.S.A. 52:27D-211(l), the Township shall satisfy a minimum of 50 percent of the actual affordable housing units, exclusive of any bonus credits created to address its Fourth Round Prospective Need affordable housing obligation through the creation of housing available to families with

children and otherwise in compliance with the requirements and controls established pursuant to Section 21 of P.L.1985, c.222 (C.52:27D-321).

- c. Rental and family rental units. Pursuant to N.J.S.A. 52:27D-311(I), at least 25 percent of the actual affordable housing units, exclusive of any bonus credits, created to address its Prospective Need affordable housing obligation shall be addressed through rental housing, including at least half as available to families with children.
 - d. Very low-income units. Pursuant to N.J.S.A. 52:27D-329.1, 13 percent of all affordable units referenced in this Agreement addressing the Township's Prospective Need obligation shall be very low-income units for households earning 30 percent or less of the regional median income, with half of the very low-income units being available to families.
 - e. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311(a) and (b), and all other applicable law.
 - f. All Prior Round and Third Round compliance shall continue to meet with the applicable percentages and standards for bonuses, family and senior housing, rental and family rental, very low-income units, and adaptability set forth in any prior settlement agreement between FSHC and the Township, statutory requirements, and the Prior Round and Third Round regulations.
7. In all developments that produce affordable housing, the Township and FSHC agree that, unless varied by a prior court order of the trial court, the below terms shall apply:
- a. All of the affordable units shall fully comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. ("UHAC"), including but not

limited to the required bedroom and income distribution, length of affordability controls, and phasing of affordable units.

- b. The applicability of the updated form of UHAC versus the prior form of UHAC shall be as set forth in the statute and most current form of UHAC adopted by HMFA. Any terms of a prior agreement, judgment, or grant of substantive certification as to prior round of obligations modifying UHAC as to affordability controls longer than the now current regulations or as to very low-income units shall remain in effect as to those prior rounds of obligations.
- c. The Township agrees that in order to meet the low-income and very low-income requirement of the Fair Housing Act, it shall adopt an ordinance requiring for all affordable housing developments in its HEFSP that 50 percent of the affordable units within each bedroom distribution shall be required to be for low-income households earning 50 percent or less of the regional median income, including 13 percent of the affordable units within each bedroom distribution shall be required to be for very low-income households earning 30 percent or less of the regional median income.
- d. The Township agrees to review its Affordable Housing Ordinance and other ordinances to ensure that it complies with the most up to date requirements of UHAC and revise those ordinances accordingly as part of its Fourth Round HEFSP and implementing ordinances.
- e. The affordable units shall be affirmatively marketed in accordance with UHAC and applicable law. The affirmative marketing shall include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with

applicable law The affirmative marketing plan shall include the following community and regional organizations: FSHC; the Latino Action Network; New Jersey NAACP; Northwest New Jersey Community Action Program Inc.

Process for Approval and Implementation

8. Pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) and Administrative Directive #14-24, the municipality and FSHC recognize that the Program and/or county level housing judge must still review this agreement and the resulting HEFSP and implementing ordinances and resolutions for compliance with the Fair Housing Act prior to issuing a compliance certification, as follows:
 - a. The Township and FSHC shall present this mediation agreement to the Program member for review upon full execution by both parties.
 - b. The Program Member shall review the agreement and if satisfied with compliance with the Fair Housing Act shall refer this matter to the Mount Laurel judge for review and entry of certification of compliance, conditioned on adoption of all implementing ordinances and resolutions.
 - c. The Township shall adopt all implementing ordinances and resolutions no later than March 15, 2026, including but not limited to the outstanding items identified in the next paragraph. No later than 48 hours after adoption or March 15, 2026, whichever is sooner, the Township shall file the information required by Paragraph 9 and any other adopted ordinances and resolutions on eCourts.
 - d. No later than April 15, 2026, the Township and FSHC shall provide via filing on eCourts a form of consent order granting final compliance certification for the

Court's review or identify any remaining issues of compliance that may be disputed at which point the court shall schedule a conference to review any such areas.

- e. Both parties agree to implement the terms of this Agreement. If the Program, county level housing judge, or any appellate court rejects this Agreement, the parties reserve their right to rescind any action taken in anticipation of the Program's approval and return to status quo ante. All parties shall have an obligation to fulfill the intent and purpose of this Agreement, unless to do so would be inconsistent with the final, unappealable adjudication of any Program or court ruling or judgment. The terms of this agreement may be enforced through an enforcement motion in this declaratory judgment or a separate action before the Program or the Superior Court, Law Division.

9. The Township and FSHC agree that following conditions remain to be met prior to March 15, 2026 as conditions of compliance certification, and that the municipality shall provide these documents to FSHC in draft form for comment by January 1, 2026:
 - a. The Township shall adopt an amended HEFSP which includes the updated Third and Fourth Round crediting information pursuant to Paragraphs 4 and 5.
 - b. The Township shall prepare an updated Vacant Land Adjustment which includes the reasons for exclusions of properties supported by the FHA and governing regulations. The Township should include the VLA in its amended HEFSP.
 - c. The Township will adopt a mandatory set-aside ordinance requiring a 20% affordable housing set aside for new development of 5 or more residential units at 6 du/ac or greater.

- d. The Township will adopt a Fourth Round Spending Plan in accordance with P.L. 2024, c. 2 and the forthcoming regulations at N.J.A.C. 5:99.
 - e. The Township will update and adopt its affordable housing ordinance, development fee ordinance, affirmative marketing plan, and other administrative documents in accordance with the forthcoming regulations at N.J.A.C. 5:80-26.1, et seq., and N.J.A.C. after they are adopted and before March 15, 2026.
10. The Township and FSHC agree that the Township will explore mechanisms to meet its Third Round Shortfall of 1 unit as a condition of compliance certification and provide a plan to address the unit by March 15, 2026.
11. The Township and FSHC recognize that substantial changes in circumstances affecting the Township's RDP are possible pursuant to the holding in *Fair Share Housing Center v. Cherry Hill*, 173 N.J. 393, (2002) and related law. In the event such a substantial changed circumstance occurs, the Township shall have one hundred twenty (120) days to present to the trial court and FSHC a plan to address such change in circumstances on notice and opportunity to be heard from FSHC. The Township agrees that any additional RDP generated due to changed circumstances must be addressed in a manner that is consistent with controlling law.
12. The Township's Compliance Certification shall be subject to required ongoing monitoring as follows:
- a. The Township by February 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of a detailed accounting of all development fees and any other payments into its trust fund that have been collected including residential and non-residential development fees,

along with the current balance in the municipality's affordable housing trust fund as well as trust funds expended, including purposes and amounts of such expenditures, in the previous year from January 1st to December 31st.

- b. The Township by February 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of up-to-date municipal information concerning the number of affordable housing units actually constructed, construction starts, certificates of occupancy granted, and the start and expiration dates of deed restrictions. With respect to units actually constructed, the information shall specify the characteristics of the housing, including housing type, tenure, affordability level, number of bedrooms, date and expiration of affordability controls, and whether occupancy is reserved for families, senior citizens, or other special populations.
- c. For the midpoint realistic opportunity review as of July 1, 2030, pursuant to N.J.S.A. 52:27D-313, the Township or other interested party may file an action through the Program seeking a realistic opportunity review and shall provide for notice to the public, including a realistic opportunity review of any inclusionary development site as set forth in the adopted HEFSP that has not received preliminary site plan approval prior to the midpoint of the 10-year round. Any such filing shall be through eCourts or any similar system set forth by the Program with notice to any party that has appeared in this matter.

13. This Agreement may be executed in counterparts, all of which together shall constitute the same agreement, and any exhibits or schedules attached hereto shall be hereby made a part of this Agreement. This Agreement shall not be modified, amended or altered in any way

except by a writing signed by each of the parties. Each party acknowledges that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each signatory is the proper person and possesses the authority to sign the Agreement, and that this Agreement was not drafted by any one of the parties, but was drafted, negotiated and reviewed by all parties, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections. No member, official or employee of the municipality shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.

On behalf of the Township of Clark:



Date: 12/12/2025

On behalf of Fair Share Housing Center:



Date: 12/12/2025

Exhibit 2

**TOWNSHIP OF CLARK, COUNTY OF UNION
RESOLUTION NO. 2026-3**

**A RESOLUTION OF THE PLANNING BOARD FOR THE TOWNSHIP OF CLARK
AMENDING THE HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY THE
PLANNING BOARD ON JUNE 5, 2025**

WHEREAS, on January 30, 2025, the Township of Clark (“Township” or “Clark”) filed a Declaratory Judgment Action pursuant to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.as amended (“FHA II”); and

WHEREAS, on March 27, 2025, the Superior Court entered an Order setting the Township’s Fourth Round Present Need obligation at 71 and its Round 4 Prospective Need obligation at 166 and directing the Township to file its Housing Element and Fair Share Plan (“HEFSP”) no later than June 30, 2025; and

WHEREAS, Township filed its HEFSP on or about June 6, 2025 and sought approval of same; and

WHEREAS, on August 30, 2025, Fair Share Housing Center (“FSHC”) wrote a letter challenging the Township’s plan pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b); and

WHEREAS, on November 4, 2025, the Township provided responsive materials to FSHC; and

WHEREAS, the Township and FSHC participated in mediation sessions before the Program and have negotiated a Mediation Agreement, dated December 12, 2025 resolving all issues raised by FSHC’s challenge; and

WHEREAS, to implement the Mediation Agreement, certain changes need to be made to the Township’s HEFSP; and

WHEREAS, accordingly, the Township’s professionals have prepared an amendment to the HEFSP the Township endorsed and filed in June of 2025; and

WHEREAS, that Amendment is attached hereto as Exhibit A; and

WHEREAS, the Clark Township Planning Board has placed that Amendment on file at least ten days before the hearing conducted today on February 5, 2026; and

WHEREAS, after considering the comments of the public, the Clark Township Planning Board finds the Amendment to be in the best interest of the Township;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board for the Township of Clark, County of Union, State of New Jersey, as follows:

1. The Planning Board for the Township of Clark hereby adopts the Amendment to the Housing Element and Fair Share Plan (hereinafter "Amendment") adopted by the Planning Board in June of 2025.
2. The Planning Board hereby requests that the Township consider endorsing the Amendment.
3. The Planning Board hereby authorizes the Township's professionals to make any non-substantive or *de minimis* revisions or clarifications as may be reasonably required to effectuate the intent of this Resolution and to facilitate review and approval of the Housing Element and Fair Share Plan as amended.
4. The Planning Board hereby authorizes the Township's professionals to file such supplementary material as they deem appropriate to secure approval of the HEFSP as amended.
5. This Resolution shall take effect immediately upon adoption.

CERTIFICATION

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Board of the Township of Clark at a meeting held on February 5, 2026.


 Donna Mazzucco
 Planning Board Secretary

Motion to Approve and Memorialize: Amendment to Housing Element & Fair Share Plan

Township of Clark Planning Board February 5, 2026						
	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
A. Albanese			X			
J. Ulrich			X			
J. Minniti						X
K. Koch	X		X			
L. Steinberg			X			
M. Altmann			X			
W. Grzyb			X			
G. Grzankowski			X			
E. Gerstner			X			
M. Siessel						X

Master Plan
Amendment to Housing Element and Fair Share Plan
Adopted by Clark Township Planning Board on June 5,
2025

Township of Clark
Union County, New Jersey

January 23, 2026
Adopted on

Prepared by:

ricciplanning

177 Monmouth Avenue
Atlantic Highlands, NJ 07716



Paul N. Ricci, AICP, PP
New Jersey Professional Planner
License No.: LI005570

The original of this document was signed
and sealed in accordance with New Jersey Law

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Township of Clark
2026 Housing Element and Fair Share Plan

I. INTRODUCTION

This document serves as an amendment to the Housing Element and Fair Share Plan (HE&FSP) for the Township of Clark, adopted by the Clark Township Planning Board on June 5, 2025. This amendment reflects the changes to the June 5, 2025, Housing Element and Fair Share Plan resulting from a mediation agreement reached between Fair Share Housing Center (FSHC) and Clark Township in December 2025. The Affordable Housing Program recommended approval of the Housing Element and Fair Share Plan with the changes referenced in the Mediation Agreement and the County Judge entered an order accepting the recommendations of the Program (refer to Appendix A).

II. FAIR SHARE PLAN

A. Introduction

This section presents the Township of Clark's plan to address its fair share obligations. The Township's total cumulative fair share obligation is 500, broken down as follows:

Present Need (i.e., Rehabilitation)	71 units
Round 1, 2 and 3 Obligation	263 units
Round 4 Prospective Need	166 units

The remainder of the Fair Share Plan outlines how the Township of Clark proposes to address these above obligations.

B. Round 1, 2 and 3 Obligation

On November 9, 2016, the Township entered into a Settlement Agreement with the Fair Share Housing Center. The Planning Board adopted, and the Governing Body endorsed, a Housing Element and Fair Share Plan to implement the settlement. On January 9, 2018, the Court entered a Judgment of Repose to approve the Housing Element and Fair Share Plan. The approved Housing Element and Fair Share Plan addressed the Township's obligation for Rounds 1 and 2 (also known as the "prior round obligation") as well as for Round 3. Following the 2018 settlement agreement, the Township made minor changes to its Round 3 compliance strategies during its Fourth-Round compliance review. These adjustments were approved in the Township's December 12, 2025, settlement agreement with Fair Share Housing Center, as well as endorsed by the Affordable Housing Program on December 31, 2025. These changes are reflected in this Housing Element and Fair Share Plan Amendment.

Township of Clark
2026 Housing Element and Fair Share Plan

1. Round 1, 2 and 3 Compliance

As provided in the Township's Settlement Agreement with the Fair Share Housing Center, Round 1, 2 and 3 compliance relies upon the rezoning of eight (8) sites. These sites and their current status are described below:

1. Woodcrest at Clark: This site is in the R-SH (Age-Restricted/Senior Housing) Overlay Zone. Sixty-six (66) age-restricted rental units were completed. Clark can claim sixty-five (65) units in its Round 1, 2 and 3 compliance and one (1) age-restricted unit in Round 4.

- o As of the preparation of this 2026 Housing Element and Fair Share Plan, this project was complete.

2. Westfield and Terminal: The Westfield Avenue and Terminal Avenue Site (Block 57, Lot 6.01) is one (1) parcel occupied with a plumbing supply business between Woodcrest and the Clark Nursing Home. The site is zoned to provide three (3) affordable family rental units. The site is in the R-B-20 District, which permits development at 20 units per acre. The site is approximately 0.7 acres in area and adjoins a nursing home to the east and age-restricted apartments to the south and west. With 20-unit per acre zoning, the site continues to provide an attractive incentive to repurpose an existing plumbing supply business into market rate and affordable housing.

- o As of the preparation of this 2026 Housing Element and Fair Share Plan, this site remains a part of the Township's compliance plan.

3. Raritan Gas Station: The Raritan Gas Station Site (Block 34, Lot 25) is currently vacant and previously had a gasoline station on the property. The site is zoned to provide two (2) affordable family rental units. The site has been vacant for approximately 20 years. Existing zoning allows for 16 units per acre where surrounding development is largely 2.9 units per acre. Conversations with the Township Engineer suggest that the property owner continues to show interest in redeveloping the property. With 16-unit per acre zoning, the site continues to provide an attractive incentive to construct market rate and affordable housing. Pursuant to the settlement agreement with Fair Share Housing Center, the Township has committed to seeking designation of the site as an area in need of redevelopment to ensure its continued viability for affordable housing purposes.

- o As of the preparation of this 2026 Housing Element and Fair Share Plan, this site remains a part of the Township's compliance plan.

4. Westfield and Raritan (Brookside Manor): The Westfield and Raritan Site (Block 63, Lots 45, 47, 49, 51) had one (1) vacant property, another with a vacant and uninhabitable home. The project was completed with six (6) affordable family rental units, including one (1) one-bedroom moderate income unit; one (1) two-bedroom very low-income unit; one (1) two-bedroom low-

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income unit; one (1) two-bedroom moderate income unit; one (1) three-bedroom low-income unit; and one (1) three-bedroom moderate income unit.

- As of the preparation of this 2026 Housing Element and Fair Share Plan, this project was complete.

5. Schieferstein: The Schieferstein Site (Block 36, Lots 13, 14, 15) is located on Madison Hill Road between Rainbow Drive and Amelia Drive and has an area of 4.5 acres. The property is currently zoned for affordable housing. The site is anticipated to generate eleven (11) affordable family rental units. The site remains one of the largest properties in town, primarily consisting of open space or unimproved land such as farmland. Consequently, it continues to represent an excellent opportunity for the development of multiple units on a single tract of land within the Township.

- As of the preparation of this 2026 Housing Element and Fair Share Plan, this site remains a part of the Township's compliance plan.

6. A & P Site: The former A & P Site encompasses 3.6 acres on an entire block at the south end of the DTV (Downtown Village) Zone and the Westfield Avenue corridor near the border with the City of Rahway. Site plan approval is in place. However, it has not yet been constructed. Originally, 18 affordable family rental units were planned per the Round 3 Housing Plan, but only 12 affordable family rental units were approved. However, a new adjacent corner property has become available, which resulted in expanded development at the site and the creation of 21 affordable housing units. To assist in the process, the Township designated the above-mentioned corner property as an area in need of redevelopment in May 2025. In December 2025, approval was granted for 138 units on the subject property, including 21 designated as affordable housing.

- As of the preparation of this 2026 Housing Element and Fair Share Plan, this site remains a part of the Township's compliance plan.

7. Downtown Village District: This district is located along Westfield Avenue and is intended to serve as a downtown district. Based on zoning devised in coordination with the Fair Share Housing Center, a total of 101 affordable family rental units could theoretically be created based on a density of thirty-two (32) units per acre. However, the agreement with Fair Share Housing Center requires the creation of 51 affordable units. At the time of ordinance creation, the Fair Share Housing Center recognized potential limitations due to the built-out condition of this area. Assemblage of lots has indeed posed a challenge. Notwithstanding the challenges, six (6) affordable family rental units were approved at 27-29 Westfield Avenue, and two (2) affordable units at 175-181 Westfield Avenue.).

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- As of the preparation of this 2026 Housing Element and Fair Share Plan, the zoning for this site, which was prepared with the assistance of FSHC, remains intact.

8. Walnut Site: This site is located at Valley Road and Walnut Avenue. The Settlement Agreement with the Fair Share Housing Center anticipated 27 affordable units. A total of 28 family rental units were built, including four (4) one-bedroom units; 18 two-bedroom units; and six (6) three-bedroom units. In addition, the site created 28 family rental bonus credits.

- As of the preparation of this 2026 Housing Element and Fair Share Plan, this project was complete.

In addition to the eight (8) sites listed above, the Township's Round 1, 2 and 3 compliance plan anticipated that it would create 9 bedrooms in group homes. Nine (9) exist and the Township received nine (9) bonus credits for this special needs housing. Specifically, the Township's plan is to assist the Arc of Union County in providing up to one (1) additional bedroom in an existing group home to satisfy an existing Round 3 1-unit shortfall.

- To increase the likelihood of the generation of an additional group home bedroom, the Township will dedicate up to \$250,000 from its trust fund to assist in the creation of this unit/bedroom.

2. Summary of Round 1, 2 and 3 Compliance

Clark's Round 1, 2 and 3 compliance strategy, as updated to reflect current conditions as of the preparation of this 2025 Housing Element and Fair Share Plan, is summarized in the following table, Summary of Round 1, 2 and 3 Compliance (2026 Revision).

Summary of Round 1, 2 and 3 Compliance (2026 Revision)

Mechanism	Status	Credits	Rental Bonus Credits
Woodcrest at Clark	Complete	65	Excluded
Westfield and Terminal	Active Site	3	0
Raritan Gas Station	Active Site	2	0
Westfield and Raritan (Brookside Manor)	Complete	6	6
Schieferstein	Active Site	11	0
A&P Site	Active Site	21	21
Downtown Village District	Active Site	51	2
Walnut Site	Complete	28	28
Group Homes (Existing)	Complete	9	9
Group Homes (Proposed)	Tentative	1	0
Subtotal		197	66
Total		263	

As can be seen in the above table, the Township's Round 1, 2 and 3 compliance strategy results in 197 units of credit and 66 rental bonus credits. This meets the combined Round 1, 2 and 3 obligation of 263 units. This Housing Plan Amendment resolves a prior shortfall of one unit from Rounds 1 through 3 by adding an extra bedroom to an existing group home.

C. Round 4 Obligation

As previously noted, the Township of Clark's Round 4 Obligation, which covers the period from July 1, 2025, through June 30, 2035, is 166 units. However, Clark has a limited supply of vacant, developable land and, therefore, applies a Vacant Land Adjustment to this obligation.

Clark's Vacant Land Adjustment, which is detailed in Appendix B, results in a Realistic Development Potential (RDP) of zero (0) units and an unmet need of 166 units.

The Township of Clark addresses its unmet need of 166 units in various ways including the proposed adoption of overlay zoning to enable five (5) sites to redevelop with a residential density of 16 units per acre and 20-percent affordable housing set-aside. Each of these five (5) sites:

These five (5) sites to address unmet need include:

- Grand Centurions (Block 52, Lot 15.01);
- Clarkton Shopping Center (Block 63, Lots 54 and 55.01);
- Clark Village (Block 63, Lots 52 and 53);
- Raritan Road (Block 148, Lots 1, 10, 13, 15, 19, 20, 23 & 24); and
- Polish Cultural Foundation (Block 131, Lot 7).

In total, the five (5) sites for which overlay zoning will be adopted could result in as much as 49 affordable units. This also exceeds the minimum of 42 units, or 25 percent of the Township's unmet need obligation of 166 units that FSHC contends is required by the Fair Housing Act as amended in March of 2024. The five (5) sites for which overlay zoning will be adopted are mapped in Appendix C. Appendix D provides the proposed overlay ordinances.

The Township's unmet need compliance strategy is summarized below.

Summary of Unmet Need Compliance

Mechanism	Credits
Grand Centurions	14
Clarkton Plaza	10
Clark Village	6
Raritan Road	8
Polish Heritage	11
Woodcrest at Clark (Previous round surplus)	1
Total Credits	50

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2026 Housing Element and Fair Share Plan

As shown above, the Township's plan for the unmet need could generate as many as 50 units towards the unmet need of 166.

Township of Clark
2026 Housing Element and Fair Share Plan

Appendices

Appendix A – Settlement Agreement and Program Settlement Recommendation

PREPARED BY THE AFFORDABLE HOUSING PROGRAM:

In the Matter of the Application of The Township of Clark	Superior Court of New Jersey Law Division, Civil Part Docket No. UNN-L-415-25 Program Settlement Recommendation - Housing Element and Fair Share Plan
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THIS MATTER, having come before the Affordable Housing Dispute Resolution Program (Program), pursuant to the Complaint for Declaratory Judgment filed in this matter on January 30, 2025 (DJ Complaint) by the Petitioner, the Township of Clark (Municipality), pursuant to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. (FHA), and in accordance with Administrative Directive #14-24 and its Addenda, seeking a certification of compliance with the FHA;

AND IT APPEARS that on March 27, 2025, the Hon. Daniel R. Lindemann, J.S.C., entered an Order as follows:

- (a) Establishing the Municipality’s Fourth Round “present need” at 71 units;
- (b) Establishing the Municipality’s Fourth Round “prospective need” at 166 units;

(c) Directing the Municipality to prepare and adopt a Housing Element and Fair Share Plan on or before June 30, 2025; and

(d) Granting the Municipality immunity from exclusionary zoning litigation; and

AND IT APPEARS that the Municipality timely adopted and filed the Municipality's Proposed Fourth Round Housing Element and Fair Share Plan (HEFSP);

AND IT APPEARS that a challenge(s) to the Municipality's Fourth Round HEFSP was timely filed by interested party Fair Share Housing Center;

AND the Program having appointed Special Adjudicator James Kyle, PP;

AND the Program Member having conducted settlement conferences on October 27, 2025, December 1, 2025, and December 12, 2025, at which time all parties reached a settlement. The settlement terms were placed on the record and include, but are not limited to the following:

(a) The Municipality's Present Need (Rehabilitation) Obligation is

71 units ;

(b) The Municipality's Prospective Need Obligation (2025-2035) is 166 units;

(c) The Municipality's First and Second Rounds Obligation is 93 units;

(d) The Municipality's Third Round Obligation (1999-2025) is 170 units;

(e) The Municipality's Realistic Development Potential (RDP) is 0 units .

(f) The Municipality's Unmet Need is 166 units. The Municipality shall satisfy its Fourth Round Unmet Need as follows:

NAME	TYPE	UNITS	TENURES	STATUS
Grand Centurions	A/R	14	TBD	Proposed
Clarkton Shopping Center (Block 63, Lots 54, 55.01)	Family	10	TBD	Proposed
Clark Village (Block 63, Lots 52, 53)	Family	6	TBD	Proposed
Raritan Road (Block 148, Lots 1, 10, 13, 15, 19, 20, 23, 24)	Family	8	TBD	Proposed
Polish Cultural Center Foundation (Block 131, Lot 7)	Family	11	TBD	Proposed
Mandatory 20% set aside ordinance				
Totals		49		

AND the parties have executed a written mediation agreement memorializing the settlement terms and having filed it with the court on December 22, 2025 (attached hereto as Exhibit A);

AND the Municipality having represented it intends to adopt an Amended HEFSP in accordance with the terms of the settlement;

AND the Special Adjudicator, James Kyle, PP, having submitted a detailed report to the Program Member recommending endorsement of the settlement terms (attached hereto as Exhibit B);

AND the Program Member having accepted the recommendation of the Special Adjudicator and having determined that the terms of the settlement are fair, reasonable and adequately protect the interests of low and moderate-income residents of the Municipality;

AND the Program Member having determined that the terms of the settlement are constitutionally compliant and provide a fair and reasonable opportunity for the Municipality to meet its obligations under the FHA and Mount Laurel doctrine.

AND for all those reasons, as well as those set forth in the attached Report of the Special Adjudicator and the attached Statement of Reasons (attached hereto as Exhibit C), the Program Member hereby recommends an ORDER directing that:

- (a) The settlement terms as set forth above are approved; and
- (b) In accordance with N.J.S.A. §52:27D-304.1(f)(2)(c), on or before March 15, 2026, the Municipality shall adopt and file its Amended HEFSP that contains the terms of the settlement as well as the implementing ordinances and resolutions proposed within the Amended HEFSP; and

- (c) Thereafter, the court shall schedule a Fairness and/or Compliance Hearing to consider approval of the Municipality's Amended HEFSP and the issuance of a Certification of Compliance and Repose; and
- (d) Grant the Municipality continued immunity from exclusionary zoning litigation for the duration of the compliance process conditioned upon the Municipality's compliance with the order and good faith implementation of the Amended HEFSP and good faith participation in the compliance process.

Respectfully Submitted by the Program:

By:

/s/ Mary C. Jacobson

Hon. Mary C. Jacobson, A.J.S.C. (ret.)

Dated: December 31, 2025

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December 22, 2025

VIA ECOURTS

Honorable Mary C. Jacobson, A.J.S.C. (ret.)

Program Chair

Richard J. Hughes Justice Complex

25 Market Street

P.O. Box 37

Trenton, New Jersey 087625-00373

RE: In the Matter of the Application of the Township of Clark
Docket No.: UNN-L-415-25

Dear Judge Jacobson:

This firm represents the Township of Clark as affordable housing counsel. Enclosed please find a duly executed copy of the Mediation Agreement between the Township and Fair Share Housing Center in the above referenced matter.

Thank you for your attention to this matter.

Respectfully submitted,

Jeffrey R. Surenian

Jeffrey R. Surenian

cc: All attorneys of record (*via ecourts*)
James T. Kyle, PP/AICP, Special Adjudicator (*via email*)

**MEDIATION AGREEMENT BEFORE THE AFFORDABLE HOUSING DISPUTE
RESOLUTION PROGRAM**

In the Matter of the Application of the Township of Clark, County of Union
Docket No. UNN-L-415-25

WHEREAS, the Township of Clark (the “Township” or “Clark”) having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the “Program”) and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 et. seq. (the “Fair Housing Act”) on January 30, 2025; and

WHEREAS, the Court entered an order on March 8, 2025 setting the Township’s Fourth Round fair share obligations as a Present Need of 71 units and a Prospective Need of 166 units, which no party appealed, and ordering the Township to file a Housing Element and Fair Share Plan (“HEFSP”) by June 30, 2025; and

WHEREAS, the Township having filed its HEFSP on June 6, 2025 (“Adopted HEFSP”);
and

WHEREAS, FSHC having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Township’s HEFSP on August 31, 2025; and

WHEREAS, the Township having responded to FSHC’s letter, dated August 31, 2025, by submitting a report on the basis for the vacant land adjustment on October 27, 2025 and a report on the other issues raised by FSHC on November 4, 2025; and

WHEREAS, the parties having further discussed the concerns raised by FSHC’s letter of August 31, 2025 on multiple occasions; and

WHEREAS, the Township and FSHC have agreed to amicably resolve the issues set forth in the challenge through this mediation agreement and present this agreement for review by the Program and referral to the Mount Laurel judge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) and

Administrative Directive #14-24, which if approved will result in a compliance certification for the Township for the Fourth Round;

THEREFORE, the Township and FSHC agree:

Fair Share Obligations

1. The Township's Present Need or Rehabilitation Obligation is 71 the Township's Prior Round Obligation (1987-1999) is 93, the Township's Third Round Obligation (1999-2025) is 170, the Township's Fourth Round Prospective Need (2025-2035) is 166.

Satisfaction of Fair Share Obligations

2. The Township will address its Present Need via the Township's local rehabilitation program, administered by Community Grants, Planning & Housing.
3. The Township's Prior Round Obligation is 93 and was addressed as part of the Township's Third Round per the November 9, 2016 Settlement Agreement between the Township and FSHC.
4. The Township's Third Round Obligation is 170. Combined with the Prior Round Obligation of 93, the Township's total obligation is 263 and shall be addressed with the following mechanisms consistent with the October 29, 2025, Planner's Response Report:

MECHANISM	TYPE	UNITS	BONUS	TENURES	STATUS
Woodcrest at Clark	Age-Restricted	65	0	Rental	Built
Westfield and Terminal	Family	3	0	Rental	Not Built

Raritan Gas Station	Family	2	0	Rental	Not Built
Westfield and Raritan	Family	6	6	Rental	Built
Schieferstein Site	Family	11	0	Rental	Not Built
A&P Site (DTV)	Family	21	21	Rental	Approved
DTV (Downtown Village District)	Family	51	2	Rental	Partial Approvals
Walnut Site	Family	28	28	Rental	Built
Group Homes	Special Needs	9	9	Rental	Built
Subtotal		196	66		
Total: 262					
Remaining Obligation: 1					

Raritan Gas Station: Given that the Raritan Gas station has remained undeveloped for over 10 years, Township agrees to pursue designating the site as an Area in Need of Redevelopment to ensure that the mechanism remains realistic.

A&P Site: The Township's Planning Board approved the A&P project with 21 affordable units on December 4, 2025. The Township agrees to provide all compliance documentation as the site progresses.

Downtown Village District (DTV): The Township agrees to provide all compliance documentation as sites within the DTV are developed and to continue to encourage development within the DTV.

Remaining Obligation: FSHC and the Township agree that there is a shortfall in the Third Round of 1 unit. The parties agree that the Township shall pursue mechanisms to meet this shortfall subject to the conditions set forth in Paragraph 10. This may include but is not limited to:

- working with a supportive needs provider to provide an additional bedroom within an existing group home;
- including an additional affordable unit in any of the unbuilt Third Round mechanisms such as the future Raritan Gas Station Redevelopment Plan or;
- capturing 1 unit through the adoption of the Mandatory Set-Aside Ordinance as included in Paragraph 5.

5. The Township's Fourth Round Prospective Need Obligation is 166. The Township will address its Fourth Round Prospective Need obligation of 166 through a Vacant Land Adjustment ("VLA"). The parties agree that the Borough's Fourth Round Realistic Development Potential ("RDP") is 0 units subject to the conditions set forth in Paragraph 9. The Township's 166 unit unmet need shall be with the following mechanisms:

PROJECT	TYPE	UNITS	TENURE	STATUS
Grand Centurions (Block 52, Lot 15.01)	Age- Restricted	14	TBD	Not Built
Clarkton Shopping Center (Block 63, Lots 54 & 55.01)	Family	10	TBD	Not Built

Clark Village (Block 63, Lots 52 & 53)	Family	6	TBD	Not Built
Raritan Road (Block 148, Lots 1, 10, 13, 15, 19, 20, 23 & 24)	Family	8	TBD	Not Built
Polish Cultural Foundation (Block 131, Lot 7)	Family	11	TBD	Not Built
Mandatory 20% Set-Aside Ordinance				
Total:		49		

Unit Type and Income Distribution Requirements

6. The Township and FSHC agree that the Township’s HEFSP as presented above satisfies the following standards set forth in P.L. 2024, c. 2, including but not limited to, with respect to the following, and that the Township shall maintain satisfaction with such requirements for the Fourth Round:
 - a. Age Restricted Cap. The Township agrees that it shall not exceed the age-restricted cap found in N.J.S.A. 52:27D-311(l), which requires age-restricted units to be capped at 30 percent of the overall Fourth Round affordable housing units that address the Fourth Round Prospective Need obligation exclusive of any bonus credits.
 - b. Family units. Pursuant to N.J.S.A. 52:27D-211(l), the Township shall satisfy a minimum of 50 percent of the actual affordable housing units, exclusive of any bonus credits created to address its Fourth Round Prospective Need affordable housing obligation through the creation of housing available to families with

children and otherwise in compliance with the requirements and controls established pursuant to Section 21 of P.L.1985, c.222 (C.52:27D-321).

- c. Rental and family rental units. Pursuant to N.J.S.A. 52:27D-311(l), at least 25 percent of the actual affordable housing units, exclusive of any bonus credits, created to address its Prospective Need affordable housing obligation shall be addressed through rental housing, including at least half as available to families with children.
 - d. Very low-income units. Pursuant to N.J.S.A. 52:27D-329.1, 13 percent of all affordable units referenced in this Agreement addressing the Township's Prospective Need obligation shall be very low-income units for households earning 30 percent or less of the regional median income, with half of the very low-income units being available to families.
 - e. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311(a) and (b), and all other applicable law.
 - f. All Prior Round and Third Round compliance shall continue to meet with the applicable percentages and standards for bonuses, family and senior housing, rental and family rental, very low-income units, and adaptability set forth in any prior settlement agreement between FSHC and the Township, statutory requirements, and the Prior Round and Third Round regulations.
7. In all developments that produce affordable housing, the Township and FSHC agree that, unless varied by a prior court order of the trial court, the below terms shall apply:
- a. All of the affordable units shall fully comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. ("UHAC"), including but not

limited to the required bedroom and income distribution, length of affordability controls, and phasing of affordable units.

- b. The applicability of the updated form of UHAC versus the prior form of UHAC shall be as set forth in the statute and most current form of UHAC adopted by HMFA. Any terms of a prior agreement, judgment, or grant of substantive certification as to prior round of obligations modifying UHAC as to affordability controls longer than the now current regulations or as to very low-income units shall remain in effect as to those prior rounds of obligations.
- c. The Township agrees that in order to meet the low-income and very low-income requirement of the Fair Housing Act, it shall adopt an ordinance requiring for all affordable housing developments in its HEFSP that 50 percent of the affordable units within each bedroom distribution shall be required to be for low-income households earning 50 percent or less of the regional median income, including 13 percent of the affordable units within each bedroom distribution shall be required to be for very low-income households earning 30 percent or less of the regional median income.
- d. The Township agrees to review its Affordable Housing Ordinance and other ordinances to ensure that it complies with the most up to date requirements of UHAC and revise those ordinances accordingly as part of its Fourth Round HEFSP and implementing ordinances.
- e. The affordable units shall be affirmatively marketed in accordance with UHAC and applicable law. The affirmative marketing shall include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with

applicable law The affirmative marketing plan shall include the following community and regional organizations: FSHC; the Latino Action Network; New Jersey NAACP; Northwest New Jersey Community Action Program Inc.

Process for Approval and Implementation

8. Pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) and Administrative Directive #14-24, the municipality and FSHC recognize that the Program and/or county level housing judge must still review this agreement and the resulting HEFSP and implementing ordinances and resolutions for compliance with the Fair Housing Act prior to issuing a compliance certification, as follows:
 - a. The Township and FSHC shall present this mediation agreement to the Program member for review upon full execution by both parties.
 - b. The Program Member shall review the agreement and if satisfied with compliance with the Fair Housing Act shall refer this matter to the Mount Laurel judge for review and entry of certification of compliance, conditioned on adoption of all implementing ordinances and resolutions.
 - c. The Township shall adopt all implementing ordinances and resolutions no later than March 15, 2026, including but not limited to the outstanding items identified in the next paragraph. No later than 48 hours after adoption or March 15, 2026, whichever is sooner, the Township shall file the information required by Paragraph 9 and any other adopted ordinances and resolutions on eCourts.
 - d. No later than April 15, 2026, the Township and FSHC shall provide via filing on eCourts a form of consent order granting final compliance certification for the

Court's review or identify any remaining issues of compliance that may be disputed at which point the court shall schedule a conference to review any such areas.

- e. Both parties agree to implement the terms of this Agreement. If the Program, county level housing judge, or any appellate court rejects this Agreement, the parties reserve their right to rescind any action taken in anticipation of the Program's approval and return to status quo ante. All parties shall have an obligation to fulfill the intent and purpose of this Agreement, unless to do so would be inconsistent with the final, unappealable adjudication of any Program or court ruling or judgment. The terms of this agreement may be enforced through an enforcement motion in this declaratory judgment or a separate action before the Program or the Superior Court, Law Division.
9. The Township and FSHC agree that following conditions remain to be met prior to March 15, 2026 as conditions of compliance certification, and that the municipality shall provide these documents to FSHC in draft form for comment by January 1, 2026:
- a. The Township shall adopt an amended HEFSP which includes the updated Third and Fourth Round crediting information pursuant to Paragraphs 4 and 5.
 - b. The Township shall prepare an updated Vacant Land Adjustment which includes the reasons for exclusions of properties supported by the FHA and governing regulations. The Township should include the VLA in its amended HEFSP.
 - c. The Township will adopt a mandatory set-aside ordinance requiring a 20% affordable housing set aside for new development of 5 or more residential units at 6 du/ac or greater.

- d. The Township will adopt a Fourth Round Spending Plan in accordance with P.L. 2024, c. 2 and the forthcoming regulations at N.J.A.C. 5:99.
 - e. The Township will update and adopt its affordable housing ordinance, development fee ordinance, affirmative marketing plan, and other administrative documents in accordance with the forthcoming regulations at N.J.A.C. 5:80-26.1, et seq., and N.J.A.C. after they are adopted and before March 15, 2026.
10. The Township and FSHC agree that the Township will explore mechanisms to meet its Third Round Shortfall of 1 unit as a condition of compliance certification and provide a plan to address the unit by March 15, 2026.
11. The Township and FSHC recognize that substantial changes in circumstances affecting the Township's RDP are possible pursuant to the holding in Fair Share Housing Center v. Cherry Hill, 173 N.J. 393, (2002) and related law. In the event such a substantial changed circumstance occurs, the Township shall have one hundred twenty (120) days to present to the trial court and FSHC a plan to address such change in circumstances on notice and opportunity to be heard from FSHC. The Township agrees that any additional RDP generated due to changed circumstances must be addressed in a manner that is consistent with controlling law.
12. The Township's Compliance Certification shall be subject to required ongoing monitoring as follows:
 - a. The Township by February 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of a detailed accounting of all development fees and any other payments into its trust fund that have been collected including residential and non-residential development fees,

along with the current balance in the municipality's affordable housing trust fund as well as trust funds expended, including purposes and amounts of such expenditures, in the previous year from January 1st to December 31st.

- b. The Township by February 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of up-to-date municipal information concerning the number of affordable housing units actually constructed, construction starts, certificates of occupancy granted, and the start and expiration dates of deed restrictions. With respect to units actually constructed, the information shall specify the characteristics of the housing, including housing type, tenure, affordability level, number of bedrooms, date and expiration of affordability controls, and whether occupancy is reserved for families, senior citizens, or other special populations.
- c. For the midpoint realistic opportunity review as of July 1, 2030, pursuant to N.J.S.A. 52:27D-313, the Township or other interested party may file an action through the Program seeking a realistic opportunity review and shall provide for notice to the public, including a realistic opportunity review of any inclusionary development site as set forth in the adopted HEFSP that has not received preliminary site plan approval prior to the midpoint of the 10-year round. Any such filing shall be through eCourts or any similar system set forth by the Program with notice to any party that has appeared in this matter.

13. This Agreement may be executed in counterparts, all of which together shall constitute the same agreement, and any exhibits or schedules attached hereto shall be hereby made a part of this Agreement. This Agreement shall not be modified, amended or altered in any way

except by a writing signed by each of the parties. Each party acknowledges that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each signatory is the proper person and possesses the authority to sign the Agreement, and that this Agreement was not drafted by any one of the parties, but was drafted, negotiated and reviewed by all parties, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections. No member, official or employee of the municipality shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.

On behalf of the Township of Clark:



Date: 12/12/2025

On behalf of Fair Share Housing Center:



Date: 12/12/2025

SPECIAL ADJUDICATOR REPORT

IMO the Application of the Township of Clark, Union
County Docket No. UNN-L-415-25

December 26, 2025

Prepared for:

Hon. Mary C. Jacobson, A.J.S.C. (ret.)
Affordable Housing Dispute Resolution Program
Richard J. Hughes Justice Complex
P.O. Box 037
Trenton, New Jersey 08625

Prepared by:



Special Adjudicator
NJ Professional Planning License 5667

Kyle McManus Associates
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Hopewell, NJ 08525
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1.0 INTRODUCTION

This report has been prepared and submitted in my capacity as Special Adjudicator to assist the Affordable Housing Dispute Resolution Program (“Program”), In the Matter of the Application of the Township of Clark, Docket No. UNN-L-415-25.

The following Report addresses the below listed topics:

- *Mediation Agreement Before the Affordable Housing Dispute Resolution Program* between Fair Share Housing Center and the Township of Clark, dated December 12, 2025 and filed December 13, 2025.
- The objection filed by Joelle Paul, Esq. on behalf of Fair Share Housing Center (“FSHC”) to the Township’s Housing Plan, dated August 30, 2025 (“FSHC Objection”).
- *Master Plan Housing Element and Fair Share Plan, Township of Clark, Union County, New Jersey*, adopted June 5, 2025.

2.0 CONTEXT FOR REVIEW

This Report reviews the Mediation Agreement, Clark’s Housing Element and Fair Share Plan (hereafter HEFSP) and supplemental submissions against the New Jersey Fair Housing Act (*N.J.S.A. 52:27D-301 et seq*) (“FHA”), the adopted rules by the Council on Affordable Housing (“COAH”) (*N.J.A.C. 5:93, N.J.A.C. 5:97*), to the extent applicable, relevant case law, the Uniform Housing Affordability Control Rules, *N.J.A.C. 5:80-26.1 et seq.* (“UHAC”), Division of Local Planning Service Fair Housing Act Rules (*N.J.A.C. 5:99*), and the Administrative Directives issued by the Program (#14-24, Addendum to #14-24).

The FHA, amended in 2024, set forth a new methodology for calculation of municipal affordable housing obligations, strategies and requirements for preparing a housing plan and satisfying the affordable housing obligations, and procedure for gaining approval of a housing plan and immunity from builder’s remedy litigation, among a variety of other topics. As part of these amendments, the Program was created to oversee the newly created process. The goal for each municipality participating is to obtain a compliance certification, which “protects the municipality from exclusionary zoning litigation during the current round of present and prospective need and through July 1 of the year the next round begins, which is also known as a “judgment of compliance” or “judgment of repose” (*N.J.S.A. 52:27D-304.q.*).

While the FHA provides a variety of strategies and requirements for preparing a housing plan and satisfying a municipal affordable housing obligation, it requires municipalities, as well as objectors, to continue to rely upon adopted COAH’s rules for many aspects of compliance:

All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to P.L.2024,c. 2 (C.52:27D-304.1 et al.), or binding court decisions. (N.J.S.A. 52:27D-311.m.)

Additionally, the FHA provides guidance on not just the newly calculated obligations of the present need

and the prospective need, but also how a housing plan should address the prior round obligations.

As part of its housing element and fair share plan, the municipality shall include an assessment of the degree to which the municipality has met its fair share obligation from the prior rounds of affordable housing obligations as established by prior court approval, or approval by the council, and determine to what extent this obligation is unfulfilled or whether the municipality has credits in excess of its prior round obligations... In addressing prior round obligations, the municipality shall retain any sites that, in furtherance of the prior round obligation, are the subject of a contractual agreement with a developer, or for which the developer has filed a complete application seeking subdivision or site plan approval prior to the date by which the housing element and fair share plan are required to be submitted, and shall demonstrate how any sites that were not built in the prior rounds continue to present a realistic opportunity, which may include proposing changes to the zoning on the site to make its development more likely, and which may also include the dedication of municipal affordable housing trust fund dollars or other monetary or in-kind resources. The municipality shall only plan to replace any sites planned for development as provided by a prior court approval, settlement agreement, or approval by the council, with alternative development plans, if it is determined that the previously planned sites no longer present a realistic opportunity, and the sites in the alternative development plan provide at least an equivalent number of affordable units and are otherwise in compliance with the “Fair Housing Act,.” (N.J.S.A. 52:27D-304.1.f.(2)(a)) (emphasis added)

3.0 REHABILITATION OBLIGATION

The Township’s Round 4 rehabilitation obligation, also referred to as present need, is 71 (seventy-one) units, which will be addressed by a local rehabilitation program funded through the affordable housing trust fund. Community Grants, Planning & Housing will administer this program for the municipality.

4.0 ROUNDS 1 AND 2 (1987-1999)

The Township’s Round 1 and 2 obligation is 93 units, and was addressed as part of the Township’s Third Round Plan per a November 9, 2016 settlement agreement between Clark and FSHC.

5.0 ROUND 3 (1999-2025)

The Township’s Round 3 obligation is 170 units. The Township’s HEFSP notes this obligation, as well as the 93 unit Prior Round obligation, was met via the following mechanisms providing a total of 262 credits towards the 263 unit combined obligation:

- Woodcrest at Clark – 65 age-restricted rental units
- Westfield and Terminal – 3 family rental units
- Raritan Gas Station – 2 family rental units

- Westfield and Raritan – 6 family rental units and 6 bonus credits
- Schieferstein Site – 11 family rental units
- A&P Site (DTV) – 21 family rental units and 21 bonus credits
- DTV (Downtown Village District) – 51 family rental units and 2 bonus credits
- Walnut Site – 28 family rental units and 28 bonus credits
- Group home bedrooms – 9 units and 9 bonus credits

The Mediation Agreement notes the Township will pursue mechanisms to address the 1 unit shortfall in meeting the Third Round obligation. This can include an additional supportive housing bedroom, an additional affordable unit in a Third Round site identified above or capturing the unit through the mandatory setaside ordinance.

6.0 ROUND 4 (2025-2035)

The Township's Round 4 obligation is 166 units, however, the Township seeks a vacant land adjustment that established RDP at 0 (zero) units and Unmet Need at 166 (one hundred sixty six) units. As you are likely aware, both FSHC and I spent significant time reviewing the vacant land analysis with the Township's planner, and we both agree with the results and the corresponding RDP of 0.

As part of the mediation process, the Township agreed to provide overlay zoning to address Unmet Need that meets the Fair Housing Act requirement that municipalities receiving a vacant land adjustment ***"...identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted, and adopt realistic zoning that allows for such adjusted obligation, or demonstrate why the municipality is unable to do so."***¹ Although the current HEFSP interpreted the above language to mean 25% of RDP and not Unmet Need, without concession as to the legal meaning of the above section, the below Unmet Need mechanisms provide for a total of 49 credits, which is more than the 42 credits needed to provide at least 25% of Unmet Need. I note this is exclusive of any bonus credits the Township may realize in the future, which they are entitled to upon construction and occupation of the deed restricted unit.

- Grand Centurions (Block 52, Lot 15.01) – overlay zoning for 14 age-restricted affordable units
- Clarkton Shopping Center (Block 63, Lots 54 and 55.01) – overlay zoning for 10 family affordable units
- Clark Village (Block 63, Lots 52 and 53) – overlay zoning for 6 family affordable units
- Raritan Road (Block 148, Lots 1, 10, 13, 15, 19, 20, 23 and 24) – overlay zoning for 8 family affordable units
- Polish Cultural Heritage Foundation (Block 131, Lot 7) – overlay zoning for 11 family affordable units
- Mandatory setaside ordinance requiring projects of 5 units or more or at a density of 6 du/ac or more provide 20% of the units as affordable to low and moderate income households

¹ N.J.S.A. 52:27D-310.1

Findings & Recommendations

A. Conditionally Compliant.

- An amended HEFSP shall be adopted including updated Third and Fourth Round crediting information per the Mediation Agreement
- The amended HEFSP shall include an updated vacant land analysis identifying the reasons for exclusion of parcels in the inventory per the Mediation Agreement
- The Township must amend its affordable housing ordinance, affirmative marketing plan, development fee ordinance and spending plan to be consistent with the recently adopted amendments to both the Uniform Housing Affordability Controls and N.J.A.C. 5:99, both of which became effective on December 15, 2025. This should be completed by March 15, 2026 in accordance with the Fair Housing Act amendments.
- All ordinances implementing the mechanisms described in the HEFSP must be adopted prior to March 15, 2026, including the overlay zoning to address Unmet Need identified above and the mandatory setaside ordinance requiring that all projects larger than 5 units or at a density of 6 du/ac or greater provide a minimum 20% of the units as affordable

7.0 FINDINGS

Having reviewed the Mediation Agreement between Fair Share Housing Center and the Township as well as all documentation submitted to the Affordable Housing Dispute Resolution Program throughout the course of proceedings related to the Program's review of the Township's Housing Element and Fair Share Plan, I find the agreement is fair and reasonable and adequately protects the interests of low and moderate income households in the Region. Further, Clark's Housing Element and Fair Share Plan and the mechanisms noted above provide a fair and reasonable opportunity for the Township to meet its obligations under the Fair Housing Act and the Mount Laurel Doctrine. The Township has demonstrated their entitlement to a vacant land adjustment with an RDP of zero units and Unmet Need of one hundred sixty six units and has provided Unmet Need mechanisms sufficient to meet the requirements of N.J.S.A. 52:27D-310.1 in that 25% of Unmet Need is met with overlay zoning on parcels likely to redevelop. By agreeing to amend the HEFSP per the Mediation Agreement, the Township is meeting its constitutional obligation to provide a realistic opportunity for the provision of affordable housing in a manner that is substantially compliant with the requirements of the Fair Housing Act.

PREPARED BY THE AFFORDABLE HOUSING PROGRAM:

In the Matter of the Township of
Clark

Superior Court of New Jersey
Law Division, Civil Part

Docket No. UNN-L-415-25

STATEMENT OF REASONS

Statement of Reasons

New Jersey’s Fair Housing Act (FHA) was amended, in part, to “establish definitive deadlines for municipal action and any challenges to those actions” to ensure timely municipal compliance with their constitutional and statutory affordable housing obligations. See N.J.S.A. §52:27D-302 (m). The FHA set forth a streamlined procedure whereby municipalities can secure a compliance certification. After the adoption and filing of a municipality’s housing element and fair share plan (HEFSP), an interested party may file a response, or challenge, alleging with specificity that the municipality’s HEFSP is not in compliance with the FHA or the Mount Laurel doctrine. N.J.S.A. §52:27D-304.1(f)(2)(b). Notably, the FHA declared a “preference for the resolution of disputes involving exclusionary zoning” to be the mediation and review process set forth in the act and not litigation. N.J.S.A. §52:27D-303. To that end, the FHA created an Affordable Housing Program to conduct mediations to facilitate settlements between a municipality and

any interested parties that filed a challenge to the municipality's HEFSP. The FHA gave the municipality until December 31, 2025, to resolve challenges by revising its HEFSP or to provide an explanation for why no changes were necessary. N.J.S.A. §52:27D-304.1(f)(2)(b).

In reviewing Plans the Program shall apply an objective assessment standard to determine whether the municipality's HEFSP complies with the FHA and Mount Laurel doctrine. Ibid. Upon resolution of a challenge, the Program shall recommend to the Mt. Laurel judge for the vicinage in which the municipality is located that the judge issue a compliance certification conditioned upon the municipality's "commitment, as necessary, to revise its fair share plan and housing element in accordance with the resolution of the challenge." Ibid. In reviewing challenges, the Program recognizes that the municipality may use a variety of means and techniques to provide for its fair share of affordable housing, N.J.S.A. §52:27D-311, and should employ flexibility in assessing a municipality's HEFSP for compliance with the FHA and Mount Laurel doctrine. In re Adoption of N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 29-33 (2015).

Fair Share Housing Center is the only challenger to the HEFSP submitted by the Township of Clark and prepared by Planner Paul Ricci. Both parties participated in three mediation sessions, as did Special Adjudicator James Kyle. After extensive discussions, aided by Mr. Kyle, the parties reached a settlement of all issues. Having

presided over the settlement conferences, having reviewed the submissions of the parties, including the original HEFSP, having heard the settlement terms placed on the record on December 12, 2025, and having considered the detailed analysis and recommendation of Special Adjudicator Kyle, this Program member is satisfied that the Municipality's proposed amendments to its HEFSP provide a realistic opportunity for the construction of low and moderate income housing and are compliant with the FHA and in accordance with S. Burlington Cnty. NAACP v. Mount Laurel, 92 N.J. 158, 220-22 (1983). This Program member is also satisfied that the terms of the settlement adequately protect the interests of low and moderate-income households. Matter of Twp. Of Bordentown, 471 N.J. Super. 196, 218 (App. Div. 2022).

The Township of Clark is a built-up municipality in Union County. It has a Present Need of 71 units that is being addressed by a local rehabilitation program financed by the Township's affordable housing trust fund. Clark also has a Prospective Need of 166 to be addressed through a Vacant Land Adjustment (VLA) with several mechanisms that account for more than 25% of its unmet need. Those mechanisms include several areas where the Township will enact overlay zoning on parcels likely to redevelop in the Fourth Round sufficient to support 49 units of affordable housing exclusive of bonuses, which nonetheless can be awarded when eligible affordable housing is built in those zones. Notably, Clark needed to account

for 42 units to satisfy 25% of unmet need, thus reflecting an excess of seven units. In addition, the Township has committed to adopting a mandatory set-aside ordinance for inclusionary projects of 20 percent.

Of critical importance to this Program member is that, after extensive review by Fair Share Housing Center staff and Special Adjudicator Kyle, both have accepted and endorsed the revisions to the Clark Plan and its VLA. While this Program member had initially been skeptical of Clark's calculation of its RDP as zero, Fair Share Housing Center and Adjudicator Kyle carefully reviewed the elements of the VLA and concurred with the RDP, the assessment of the Township's unmet need, and the mechanisms proposed by Clark during mediation to satisfy more than 25% of its unmet need. After reviewing all the materials related to the Clark Plan and revisions, this Program member finds that the HEFSP as revised complies with the FHA and that the settlement is fair and reasonable to the affected class of low and moderate income households. See generally East/West Venture v. Borough of Fort Lee 286 N.J. Super. 311, 335-37 (App. Div. 1996) (discussing factors to consider in deciding whether settlement is fair and reasonable including whether the settlement will result in expeditious construction of affordable housing); Morris County Fair Housing Council v. Boonton Twp., 197 N.J. Super. 359, 372 (App. Div. 1984) (noting that the danger of a judgment of compliance that does not adequately protect the interests of lower income persons is substantially reduced

when the claim is brought by the Public Advocate or other public interest organization (i.e. Fair Share Housing Center), since it will be assumed that generally a public interest group will only approve a settlement that it determines to be in the best interests of the people it represents.) Consequently, this Program Member recommends to the Mt. Laurel Judge for Union County that a certification of compliance and continuation of immunity from exclusionary housing litigation be granted to the Township of Clark. This Program member also wants to thank all participants in the mediation process for their professionalism and collegiality that resulted in the settlement of this matter.

Respectfully Submitted by the Program:

By:

/s/ Mary C. Jacobson

Mary C. Jacobson, J.S.C. Ret.

Dated: December 31, 2025

**Township of Clark
2026 Housing Element and Fair Share Plan**

Appendix B – Vacant Land Adjustment

Vacant Land Adjustment

Township of Clark

Union County, New Jersey

October 20, 2025

Prepared by:

ricciplanning

177 Monmouth Avenue
Atlantic Highlands, NJ 07716



Paul N. Ricci, AICP, PP
New Jersey Professional Planner
License No.: LI005570

*The original of this document was signed
and sealed in accordance with New Jersey Law*

1.0 – INTRODUCTION

The Township of Clark's Housing Element and Fair Share Plan, which was adopted by the Clark Planning Board on June 5, 2025, and subsequently endorsed by the Clark Township Council on June 16, 2025, includes a Vacant Land Adjustment. This report provides additional details on the Vacant Land Adjustment and demonstrates that it was prepared in conformance with the provisions of the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) and N.J.A.C. 5:93-4.2.

2.0 – INVENTORY OF VACANT LAND

The Vacant Land Adjustment inventoried all Class 1 (Vacant) and Class 15C (Public) properties within the Township. Note that although Vacant Land Adjustments would normally inventory Class 3A (Farm, Regular) and Class 3B (Farm, Qualified) properties, no such properties are located within the Township of Clark.

All inventoried properties are listed in the Vacant Land Inventory provided in Appendix A and mapped in Appendix B. These areas contain a total of 145 properties totaling slightly more than 481.1 acres. However, a careful review of these properties indicates that 120 of them, totaling slightly less than 476.0 acres, are incorrectly identified as vacant and, instead, are either: developed; under construction; or dedicated as open space and recreation areas and listed on the Township's Recreation and Open Space Inventory as filed with the New Jersey Department of Environmental Protection¹. Thus, of the total of 145 properties totaling 481.1 acres, only 25 properties with a total area of less than 5.2 acres were found to be vacant. Appendices A and B denote vacant and non-vacant properties. Additionally, Appendix A includes detailed notes relating to the current status of inventoried properties.

¹ Properties on the Township's Recreation and Open Space Inventory or with similar conservation easements in place are identified in Appendix A and mapped in Appendix B. In total, these areas encompass approximately 565.1 acres, of which 189.6 acres are located on parcels that are primarily dedicated to active recreation and 375.5 acres are located on parcels that are primarily dedicated to passive recreation (n.b., the allocation between active and passive recreation has been made through manual review of aerial photographs). However, the Township contains a large reservoir and significant areas of other water surfaces. As a result, properties on the Township's Recreation and Open Space Inventory or with similar conservation easements in place encompass only 417.6 acres of *land* surface, of which 176.9 acres are dedicated to active recreation and 240.7 acres are dedicated to passive recreation. The Township has a total land area of approximately 2,684.8 acres (n.b., this is computed to as the total area of 2,850.4 acres, less 165.6 acres of water). Thus, the 240.7 acres of *lands* (i.e., not areas covered by water surface) considered as passive recreation account for approximately 9.0 percent of the Township's total land area, which is more than the limit of three (3) percent prescribed by N.J.A.C. 5:97-5.2(d). Similarly, the total developed and developable area of the Township is estimated to be 2,271.5 acres (n.b., this is computed as the total area 2,850.4 acres, less 578.9 acres with environmental encumbrances, including wetlands and estimated buffers, flood hazard areas, water, and historic sites listed on the New Jersey and United States registers). Thus, the 176.9 acres of *lands* considered as active recreation account for about 7.8 percent of the Township's total developed and developable area, which is more than the limit of three (3) percent prescribed by N.J.A.C. 5:97-5.2(d). Appendix A classifies ROSI parcels as active or passive. Note that although areas of active and passive recreation exceed the limits of N.J.A.C. 5:97-5.2(d), their developability has been restricted by easement prior to the start of Round 4. Additionally, the Township makes no claim to reservation of additional areas for active or passive recreation.

3.0 — EXCLUSION FROM CALCULATION OF REALISTIC DEVELOPMENT POTENTIAL

N.J.A.C. 5:93-4.2 provides criteria by which properties or portions thereof may be excluded from the calculation of Realistic Development Potential. These criteria are indicated below:

- *Any land that is owned by a local government entity that, as of January 1, 1997, has adopted, prior to the filing of a petition for substantive certification, a resolution authorizing the execution of an agreement that such land shall be utilized for a public purpose other than housing. N.J.A.C. 5:93-4.2(c)1.*
- *Any vacant contiguous parcels of land in private ownership of a size which would accommodate less than five dwelling units. N.J.A.C. 5:93-4.2(c)2.*
- *Agricultural lands shall be excluded when the development rights to these lands have been purchased or restricted by covenant. N.J.A.C. 5:93-4.2(e)1.*
- *In areas of the State not regulated by the Pinelands Commission, the Division of Coastal Resources and the Hackensack Meadowlands Development Commission, municipalities may exclude as potential sites for low- and moderate-income housing: inland wetlands as delineated on the New Jersey Freshwater Wetlands Maps, or when unavailable, the U.S. Fish and Wildlife Service National Wetlands Inventory; or as delineated on-site by the U.S. Army Corps of Engineers or DEP, whichever agency has jurisdiction; when on-site delineation is required by the Council; flood hazard areas as defined in N.J.A.C.7:13; and sites with slopes in excess of 15 percent, as determined from the U.S.G.S. Topographic Quadrangles, which render a site unsuitable for low- and moderate-income housing. In cases where part of a site is unsuitable for low- and moderate-income housing because of flood hazard areas or inland wetlands, the Council shall not permit low- and moderate-income housing to be constructed on that unsuitable part of the site; provided however, that this rule shall not prohibit construction of low- and moderate-income housing on the remainder of the site. In the case of slopes in excess of 15 percent, a municipality may regulate inclusionary development through a steep slope ordinance, provided the ordinance also regulates non-inclusionary developments in a consistent manner. The Council reserves the right to exclude sites in whole or in part when excessive slopes threaten the viability of an inclusionary development. N.J.A.C. 5:93-4.2(e)2ii.*
- *Historic and architecturally important sites shall be excluded if such sites were listed on the State Register of Historic Places in accordance with N.J.A.C. 7.4 prior to the submission of the petition of substantive certification. N.J.A.C. 5:93-4.2(e)3.*
- *Municipalities may reserve three percent of their total developed and developable acreage for active municipal recreation and exclude this acreage from consideration as potential sites for low- and moderate-income housing. However, all sites designated for active recreation must be designated for recreational purposes in the municipal master plan. In determining developable acreage, municipalities shall calculate their total vacant and undeveloped lands and deduct from that total number the lands excluded by the Council's rules regarding historic and architecturally important sites, agricultural lands and environmentally sensitive lands. Municipalities shall also exclude from this calculation of total vacant and undeveloped lands, those owned by nonprofit organizations, counties and the State or Federal government when such lands*

are precluded from development at the time of substantive certification. Municipalities shall submit appropriate documentation demonstrating that such active recreational lands are precluded from development. Existing active municipal recreation areas shall be subtracted from the three percent calculation of total developed and developable acreage to determine additional land that may be reserved for active municipal recreation. N.J.A.C. 5:93-4.2(e)4i.

- *Any land designated on a master plan of a municipality as being dedicated or which is dedicated by easement or otherwise for purposes of conservation, parklands or open space and which is owned, leased, licensed or in any other manner operated by a county, municipality or tax-exempt, nonprofit organization including a local board of education or by more than one municipality, by joint agreement pursuant to P.L. 1964,c.185 (N.J.S.A. 40:61-35.1 et seq.), for so long as the entity maintains such ownership, lease, license or operational control of such land. N.J.A.C. 5:93-4.2(e)5i.*

Appendix A indicates where a given property has been excluded or partially excluded from the calculation of Realistic Development Potential. Nonetheless, we provide the following as the most frequent reasons for exclusion or partial exclusion:

- Insufficient developable area to accommodate five (5) or more housing units, which would result in the generation of at least one (1) unit of Realistic Development Potential (n.b., information regarding presumptive densities is provided below); and,
- Presence of one (1) or more environmental constraints, such as wetlands and estimated buffers thereof, special flood hazard areas, water (n.b., Appendix A identifies the total constrained area or each inventoried parcel, as well as the area constrained by individual environmental constraints).

Regarding exclusions due to environmental constraints where development is prohibited, we note that Appendix C provides mapping of environmental constraints.

In addition to the above, we note the following regarding the disposition of the 25 properties that were found to be vacant:

- Realistic Development Potential Calculation: 24 properties were considered in the calculation of Realistic Development Potential; and,
- Total Environmental Constraint: One (1) property was entirely covered with one (1) or more environmental constraints and, therefore, was unavailable for development (n.b., the area of environmental constraints is provided in Appendix A).

4.0 – CALCULATION OF REALISTIC DEVELOPMENT POTENTIAL

After the exclusion of properties and portions of properties in accordance with the provisions of the Fair Housing Act, the Township's Realistic Development Potential was calculated. This calculation results in a Realistic Development Potential of zero (0) units. This is due to the fact that no property had a development capacity of five (5) or more units, which is the minimum number of units required to result in at least one (1) unit of Realistic Development Potential based on a 20-percent set-aside.

While complete details of the calculation of Realistic Development Potential can be found in Appendix A, we note that presumptive densities ranging from six (6) to 39 units per acre were applied on a parcel-by-parcel basis, based on the existing zoning of the area in which the

relevant parcel was located, or, when a parcel was located in a zone that does not permit residential development (e.g., the Public [P] Zone), the adjacent or nearest zone that does permit residential development. A list of existing zones with permitted densities and presumptive densities follows:

- R-60: The permitted density of the R-60 zone is approximately 7.3 units per acre and a presumptive density of 12.0 units per acre has been applied, which is an increase of approximately 4.7 units per acre over the permitted density;
- R-75: The permitted density of the R-75 zone is approximately 5.8 units per acre and a presumptive density of 9.0 units per acre has been applied, which is an increase of approximately 3.2 units per acre over the permitted density;
- R-100: The permitted density of the R-100 zone is approximately 4.4 units per acre and a presumptive density of 8.0 units per acre has been applied, which is an increase of approximately 3.6 units per acre over the permitted density;
- R-150: The permitted density of the R-150 zone is approximately 2.9 units per acre and a presumptive density of 6.0 units per acre has been applied, which is an increase of approximately 3.1 units per acre over the permitted density;
- R-A: The permitted density of the RA zone is 16.0 units per acre and a presumptive density of 24.0 units per acre has been applied, which is an increase of 8.0 units per acre over the permitted density; and
- DTV: The permitted density of the DTV zone is 32 units per acre and a presumptive density of 39.0 units per acre has been applied, which is an increase of 7.0 units per acre over the permitted density.

Appendix A indicates the existing zone and proposed density of vacant parcels.

Note that the presumptive densities applied meet or exceed the minimum presumptive density of six (6) units per acre that may be applied in a Vacant Land Adjustment according to N.J.A.C. 5:93-4.2(f).

5.0 – CALCULATION OF UNMET NEED

The Township's Round 4 prospective need obligation is 166 units. With a Realistic Development Potential of zero (0) units, the Township's Unmet Need is 166 units.

6.0 – REDEVELOPMENT CONSIDERATIONS

According to N.J.A.C. 5:93-4.2(d), municipalities granted a Vacant Land Adjustment may have other sites currently dedicated to low-density development assessed for potential affordable housing opportunities through inclusionary zoning. In such cases, these sites would be incorporated into the Township's Realistic Development Potential. Examples of such properties include: golf courses not owned by members; farms located in State Planning Areas 1, 2 or 3; driving ranges; nurseries; and non-conforming uses.

Clark contains two (2) properties that were evaluated for redevelopment opportunities as they include attributes of low density or underutilization in accordance with 5:93-4.2 (d):

- Schieferstein Farm Market: This property is located at 393 Madison Hill Road and contains a mom-and-pop farm market that sells local produce, pies, Christmas trees, and similar products. The property is located on approximately 4.5 acres and was

included in the Township's Round 3 Housing Element and Fair Share Plan. It is zoned at a density of 16 units per acre, which would create 11 affordable units.

- Hyatt Hills Driving Range and Golf Course: This property has an area of approximately 84.7 acres, of which 67.1 acres are situated within Clark. Historically, it was owned by General Motors Corporation and functioned as a facility for ball bearing production. The current owner is Racer Properties. Previously, the location operated via a Joint Commission as a municipal golf course with Cranford Township. Although the Joint Commission remains in existence, it now serves solely operational purposes, with day-to-day management handled by an external agency. The property was adaptively reused as an active open space site due to environmental contamination, necessitating the installation of an environmental cap. In connection with its industrial past, a deed restriction exists that prohibits development of the site. A copy of this deed restriction is provided in Appendix E. Given the existence of this deed restriction, the property was not considered available for development.

Note that Clark does not contain any other golf courses, farms, driving ranges, or nurseries. Additionally, there are no clear instances of underutilized properties in the Township, nor are there areas with high vacancy rates, such as empty office buildings or former special-use facilities like phased-out pharmaceutical complexes. Consequently, no underutilized sites were added to the Township's Realistic Development Potential.

Conclusion

The Township's Round 4 prospective need obligation is 166 units. In light of the above analysis, that number should be adjusted to 0.

APPENDIX A: VACANT LAND INVENTORY TABLE

CLARK TOWNSHIP
VACANT LAND INVENTORY TABLE

BLOCK	LOT	PROPERTY CLASS	PROPERTY LOCATION	TOTAL ACRES	ROSI (PASSIVE)	ROSI (ACTIVE)	WATER	ENVIRONMENTAL CONSTRAINTS (ACRES)				HISTORIC SITE	TOTAL CON- STRAINED	VACANT WITH NET ACRES (Y/N)	NOTES	ADJACENT TO PARCELS WITH VACANT DEVELOP- ABLE LAND	PRE- SUMPTIVE DENSITY	TOTAL YIELD (NET ACRES x PRESUMP- TIVE DENSITY)	ROP
								SPECIAL FLOOD HAZARD AREA	WETLANDS	50-FOOT WETLAND BUFFER	WETLANDS								
38.02	12	1	60 RIDGE ROAD	0.58	-	-	-	-	-	-	-	-	0.58	Y	Existing Zone R-150	A	6.00	3.45	-
128.01	23	15C	ROGEBRO	0.16	-	-	-	-	-	-	-	-	0.16	Y	Existing Zone R-150	A	6.00	0.96	-
128.01	25	15C	PROSPECT ST	0.09	-	-	-	-	-	-	-	-	0.09	Y	Existing Zone R-75	B	9.00	0.83	-
128.01	25	15C	BROADWAY	0.09	-	-	-	-	-	-	-	-	0.09	Y	Existing Zone R-75	B	9.00	0.83	-
118	2	15C	BROADWAY	0.09	-	-	-	-	-	-	-	-	0.09	Y	Existing Zone R-75	B	9.00	0.83	-
125	11	15C	HALIDAY ST	0.13	-	-	-	-	-	-	-	-	0.13	Y	Existing Zone R-60	B	12.00	1.10	-
141	17	15C	CENTRAL AVE	0.09	-	-	-	-	-	-	-	-	0.09	Y	Existing Zone P (Adjacent to R-75)	-	12.00	1.61	-
152	16	15C	WALNUT AVE	0.12	-	-	-	-	-	-	-	-	0.12	Y	Existing Zone R-75; Adjoins Garden State Parkway	-	9.00	0.82	-
155	4	1	470A PARKWAY DR	0.30	-	-	-	-	-	-	-	-	0.30	Y	Existing Zone R-75	-	9.00	2.73	-
156	14	15C	RIVERVIEW DR	0.09	-	-	-	-	-	-	-	-	0.09	Y	Existing Zone R-75	-	9.00	0.69	-
168	46	15C	VALLEY ROAD	0.28	-	-	-	-	-	-	-	-	0.28	Y	Existing Zone R-75	-	9.00	2.13	-
165	22	15C	430 WISCONSIN	0.09	-	-	-	-	-	-	-	-	0.09	Y	Existing Zone R-75	-	9.00	0.83	-
165	22	15C	430 WISCONSIN	0.09	-	-	-	-	-	-	-	-	0.09	Y	Existing Zone R-75; Adjoins Clark Reservoir	-	9.00	2.03	-
143	4	15C	89 FAHLENBERG	0.44	-	-	-	-	-	-	-	-	0.44	Y	Existing Zone R-100	-	6.00	2.64	-
50.04	76	1	555 OAK RIDGE ROAD	0.55	-	-	-	-	-	-	-	-	0.55	Y	Existing Zone R-150	-	6.00	3.30	-
33.05	3.02	1	51 FEATHERED LAKE	0.38	-	-	-	-	-	-	-	-	0.38	Y	Existing Zone R-150	-	6.00	2.28	-
7	2	1	185 LEVINGTON BLVD	0.34	-	-	-	-	-	-	-	-	0.34	Y	Existing Zone R-100	-	8.00	2.68	-
7.01	3	1	1 GOODMANS CROSSING	0.17	-	-	-	-	-	-	-	-	0.17	Y	Existing Zone RA	-	24.00	4.04	-
75	10	15C	LANE AVE	0.11	-	-	-	-	-	-	-	-	0.11	Y	Existing Zone RA	-	24.00	4.04	-
81	68.01	1	138 GERTRUDE ST	0.16	-	-	-	-	-	-	-	-	0.16	Y	Existing Zone R-100	-	8.00	1.72	-
88	73	1	87 FAN ST	0.11	-	-	-	-	-	-	-	-	0.11	Y	Existing Zone R-75	-	9.00	1.42	-
91	21	1	81 WESTFIELD AVE	0.13	-	-	-	-	-	-	-	-	0.13	Y	Existing Zone R-75	-	9.00	0.98	-
94	11	15C	LONEL ST	0.10	-	-	-	-	-	-	-	-	0.10	Y	Existing Zone DTV	-	39.00	4.92	-
97	1	15C	LOESER AVE	0.24	-	-	-	-	-	-	-	-	0.24	Y	Existing Zone R-60	-	12.00	1.70	-
1	1	15C	OAK RIDGER	11.61	11.61	-	1.96	13.37	11.55	11.61	10.26	11.61	-	N (R051)	ROSI Parcel	-	-	-	
1	3	15C	OAK RIDGER	51.65	51.65	-	6.92	48.33	48.58	50.96	50.51	51.65	-	N (R051)	ROSI Parcel	-	-	-	
107	54	15C	JOSEPH ST	0.14	0.14	-	-	-	-	-	-	-	0.14	-	N (R051)	ROSI Parcel	-	-	-
128	37	15C	BROADWAY	0.18	0.18	-	-	-	-	-	-	-	0.18	-	N (R051)	ROSI Parcel	-	-	-
149	10	15C	DAYTON ST	0.16	0.16	-	-	-	-	-	-	-	0.16	-	N (R051)	ROSI Parcel	-	-	-
149	11	15C	DAYTON ST	0.17	0.17	-	-	-	-	-	-	-	0.17	-	N (R051)	ROSI Parcel	-	-	-
149	15	15C	BEHEL ST	0.17	0.17	-	-	-	-	-	-	-	0.17	-	N (R051)	ROSI Parcel	-	-	-
149	16	15C	BEHEL ST	0.23	0.23	-	-	-	-	-	-	-	0.23	-	N (R051)	ROSI Parcel	-	-	-
149	18	15C	BEHEL ST	0.23	0.23	-	-	-	-	-	-	-	0.23	-	N (R051)	ROSI Parcel	-	-	-
149	5	15C	DAYTON ST	0.11	0.11	-	-	-	-	-	-	-	0.11	-	N (R051)	ROSI Parcel	-	-	-
149	6	15C	DAYTON ST	0.23	0.23	-	-	-	-	-	-	-	0.23	-	N (R051)	ROSI Parcel	-	-	-
149	8	15C	DAYTON ST	0.23	0.23	-	-	-	-	-	-	-	0.23	-	N (R051)	ROSI Parcel	-	-	-
150	13	15C	DAYTON ST	0.23	0.23	-	-	-	-	-	-	-	0.23	-	N (R051)	ROSI Parcel	-	-	-
150	15	15C	DAYTON ST	0.23	0.23	-	-	-	-	-	-	-	0.23	-	N (R051)	ROSI Parcel	-	-	-
150	17	15C	DAYTON ST	0.23	0.23	-	-	-	-	-	-	-	0.23	-	N (R051)	ROSI Parcel	-	-	-
150	19	15C	DAYTON ST	0.11	0.11	-	-	-	-	-	-	-	0.11	-	N (R051)	ROSI Parcel	-	-	-
150	4	15C	NORWOOD ST	0.17	0.17	-	-	-	-	-	-	-	0.17	-	N (R051)	ROSI Parcel	-	-	-
150	8	15C	NORWOOD ST	0.23	0.23	-	-	-	-	-	-	-	0.23	-	N (R051)	ROSI Parcel	-	-	-
150	9	15C	NORWOOD ST	0.17	0.17	-	-	-	-	-	-	-	0.17	-	N (R051)	ROSI Parcel	-	-	-
150	9	15C	NORWOOD ST	0.17	0.17	-	-	-	-	-	-	-	0.17	-	N (R051)	ROSI Parcel	-	-	-
174.01	28	15C	HILLSIDE AVE	0.13	0.13	-	-	-	-	-	-	-	0.13	-	N (R051)	ROSI Parcel	-	-	-
174.01	28	15C	HILLSIDE AVE	0.13	0.13	-	-	-	-	-	-	-	0.13	-	N (R051)	ROSI Parcel	-	-	-
174.01	28	15C	HILLSIDE AVE	0.04	0.04	-	-	-	-	-	-	-	0.04	-	N (R051)	ROSI Parcel	-	-	-
176	52	15C	LUPINE WAY	2.99	2.99	-	2.39	-	0.39	0.28	0.91	-	2.39	-	N (R051)	ROSI Parcel	-	-	-
176	53	15C	LUPINE WAY	1.51	1.51	-	0.19	1.06	1.09	1.09	1.47	-	1.51	-	N (R051)	ROSI Parcel	-	-	-
176	55	15C	LUPINE WAY	13.24	13.24	-	2.93	12.46	8.96	11.43	-	13.24	-	N (R051)	ROSI Parcel	-	-	-	
179.01	48	15C	LUPINE WAY	40.02	40.02	-	40.02	4.27	9.73	5.05	9.41	-	40.02	-	N (R051)	ROSI Parcel	-	-	-
199	1	15C	FRANKLIN ST	0.36	0.36	-	0.00	0.00	0.03	-	-	-	0.36	-	N (R051)	ROSI Parcel	-	-	-
199	2	15C	BED-FORD ST	0.30	0.30	-	-	-	0.02	-	-	-	0.30	-	N (R051)	ROSI Parcel	-	-	-
2	1	15C	OAK RIDGER	3.72	3.72	-	1.05	-	0.02	-	-	-	3.72	-	N (R051)	ROSI Parcel	-	-	-
2	3	15C	OAK RIDGER	36.94	36.94	-	1.28	2.48	3.25	3.61	3.72	-	36.94	-	N (R051)	ROSI Parcel	-	-	-
201	1	15C	MADISON HILL RD	0.78	0.78	-	-	-	-	4.00	36.94	-	0.78	-	N (R051)	ROSI Parcel	-	-	-
3	1	15C	236 OAK RIDGE RD	91.19	91.19	-	6.25	35.09	21.93	27.19	91.02	-	91.19	-	N (R051)	ROSI Parcel	-	-	-
31.03	8	15C	SWEET BRIAR DR-REAR	7.33	7.33	-	2.28	7.33	4.05	6.67	-	-	7.33	-	N (R051)	ROSI Parcel	-	-	-
32	7	15C	PURIFIED LAKES	0.10	0.10	-	5.21	0.21	1.23	3.49	-	-	0.10	-	N (R051)	ROSI Parcel	-	-	-
32	7	15C	PURIFIED LAKES	0.10	0.10	-	5.21	0.21	1.23	3.49	-	-	0.10	-	N (R051)	ROSI Parcel	-	-	-
40	25	15C	659 MADISON HILL ROAD	0.79	0.79	-	0.39	0.39	0.81	1.75	-	-	0.79	-	N (R051)	ROSI Parcel	-	-	-
40	25	15C	659 MADISON HILL ROAD	0.79	0.79	-	0.39	0.39	0.81	1.75	-	-	0.79	-	N (R051)	ROSI Parcel	-	-	-
40	27	15C	659 MADISON HILL RD	3.11	3.11	-	0.25	0.25	0.37	1.03	-	-	3.11	-	N (R051)	ROSI Parcel	-	-	-

CLARK TOWNSHIP
VACANT LAND INVENTORY TABLE

BLOCK	LOT	PROPERTY CLASS	PROPERTY LOCATION	TOTAL ACRES	ENVIRONMENTAL CONSTRAINTS (ACRES)							TOTAL CON- NET ACRES STRAINED	VACANT WITH NET ACRES (Y/N)	NOTES	ADJACENT TO PARCELS WITH VACANT DEVELOP-ABLE LAND	PRE-SUMPTIVE DENSITY	TOTAL YIELD (NET ACRES x PRESUMPTIVE DENSITY)	ROP
					ROSI (PASSIVE)	ROSI (ACTIVE)	WATER	SPECIAL FLOOD HAZARD AREA	WETLANDS	50-FOOT WETLAND BUFFER	HISTORIC SITE							
42	89.01	15C	MADISON HILL RD	56.13	56.13	-	37.60	41.84	-	-	-	56.13	-	ROSI Parcel	-	-		
52	13	15C	MADISON HILL RD	48.09	48.09	-	30.45	38.26	-	-	-	48.09	-	ROSI Parcel	-	-		
57	1	15C	805 OLD BARITAN ROAD	1.90	1.90	-	0.04	0.77	-	-	-	1.90	-	ROSI Parcel	-	-		
62	33	15C	LEXINGTON BLVD	0.46	0.46	-	0.08	0.32	-	-	-	0.46	-	ROSI Parcel	-	-		
87	16	15C	UNION BLVD	1.23	1.23	-	0.08	0.43	-	0.07	-	1.22	-	ROSI Parcel	-	-		
88	1	15C	OAK RIDGE RD	1.46	-	-	0.20	1.40	-	1.44	-	1.46	-	Electrical Transmission Line	-	-		
102	1	15C	11 HARDING AVE	0.09	-	-	-	-	-	-	-	-	-	Part of developed property	-	-		
104	9	15C	HARDING AV	0.05	-	-	-	-	-	-	-	-	-	Narrow configuration	-	-		
105	26.01	15C	BROADWAY & JOSEPH	0.35	-	-	-	-	-	-	-	-	-	Received development approval for mixed-use/inclusionary development	-	-		
111	2	15C	OAK RIDGE RD	0.13	-	-	-	-	-	-	-	-	-	Developed with Block 11, Lot 13	-	-		
115	22	15C	FULTON ST	0.07	-	-	-	-	-	-	-	-	-	Part of developed property	-	-		
116	1	15C	88 WESTFIELD AVE	0.18	-	-	-	-	-	-	-	-	-	Part of developed property	-	-		
127	1	15C	FULTON ST	0.05	-	-	-	-	-	-	-	-	-	Drainage, narrow configuration	-	-		
127	2	15C	VALLEY ROAD	0.02	-	-	-	-	-	-	-	-	-	Associated access with Clark Fire Department Headquarters	-	-		
127	26	15C	JOHN ST	0.06	-	-	-	-	-	-	-	-	-	Part of developed property	-	-		
127	3	15C	HALDAN ST	0.11	-	-	-	-	-	-	-	-	-	Associated access with Clark Fire Department Headquarters	-	-		
127	4	15C	HALDAN ST	0.06	-	-	-	-	-	-	-	-	-	Associated access with Clark Fire Department Headquarters	-	-		
128	4	15C	HALDAN ST	0.12	-	-	-	-	-	-	-	-	-	Part of developed property	-	-		
128	6	15C	HALDAN ST	0.12	-	-	-	-	-	-	-	-	-	Developed property	-	-		
128	10	15C	VALLEY ROAD	0.14	-	-	-	-	-	-	-	-	-	Part of developed property	-	-		
128	11	15C	BROADWAY	0.06	-	-	-	-	-	-	-	-	-	Part of developed property, narrow configuration	-	-		
128	14	15C	BROADWAY	0.08	-	-	-	-	-	-	-	-	-	Part of developed property	-	-		
137	14	15C	BOYNTON AVE	0.06	-	-	-	-	-	-	-	-	-	Part of developed property	-	-		
140.01	19	15C	GEORGIA ST	0.88	-	-	-	-	-	-	-	-	-	Peter Newarkic Park	-	-		
140.01	20	15C	GEORGIA ST	0.21	-	-	-	-	-	-	-	-	-	Peter Newarkic Park	-	-		
141	20	15C	CENTRAL AVE	0.31	-	-	-	-	-	-	-	-	-	Peter Newarkic Park	-	-		
142	2.01	15C	CENTRAL AVE-REAR	0.07	-	-	-	-	-	-	-	-	-	Narrow configuration, landlocked, part of developed property	-	-		
148	7	15C	REFUEL ST	0.17	-	-	-	-	-	-	-	-	-	Contains Town Storage Building	-	-		
148	8	15C	REFUEL ST	0.17	-	-	-	-	-	-	-	-	-	Curry Field - Encumbered	-	-		
148	9	15C	REFUEL ST	0.16	-	-	-	-	-	-	-	-	-	Developed property	-	-		
155	7.01	15C	35 WALNUT AVE	8.46	-	-	0.09	-	0.00	0.12	-	0.21	-	Part of developed property	-	-		
155	20	15C	PETER CIRCLE	0.04	-	-	-	-	-	-	-	-	-	Developed property, contains Peter Circle right-of-way	-	-		
155	55	15C	PETER CIRCLE	0.36	-	-	-	-	-	-	-	-	-	Developed property	-	-		
155	56	15C	PETER CIRCLE	0.36	-	-	-	-	-	-	-	-	-	Developed property	-	-		
158	2	15C	OAK RIDGE RD	1.37	-	-	-	-	-	-	-	-	-	Montclair	-	-		
21	10.01	15C	ACKEN DR	0.01	-	-	0.41	-	1.16	1.17	1.17	-	-	Electrical Transmission Line	-	-		
21	26	15C	SKYLINE DR	0.09	-	-	-	-	-	-	-	-	-	Narrow configuration, landlocked	-	-		
21	8	15C	25 ACKEN DR	0.28	-	-	-	-	-	-	-	-	-	Part of developed property, landlocked	-	-		
24	29.01	15C	HILLCREST DR	0.06	-	-	-	-	-	-	-	-	-	Developed with a new home	-	-		
24	3	15C	1321 HILLCREST DR	0.42	-	-	-	-	-	-	-	-	-	Narrow configuration	-	-		
24	38.01	15C	REAR FAIRVIEW RD	0.06	-	-	-	-	-	-	-	-	-	Single-family, teardown and rebuild	-	-		
24	38.02	15C	REAR FAIRVIEW RD	0.11	-	-	-	-	-	-	-	-	-	Drainable, narrow configuration	-	-		
32	1	15C	LAKE AVE	0.91	-	-	-	0.91	-	-	-	0.91	-	Drainage, narrow configuration	-	-		
34	25.01	15C	757 BARITAN ROAD	0.81	-	-	-	-	-	-	-	-	-	Part of developed property	-	-		
36	15.01	15C	385 MADISON HILL ROAD	0.85	-	-	-	-	-	-	-	-	-	Round 3 Compliance Mechanism (Currently Affordable Housing Zone)	-	-		
38.03	36.01	15C	MILDRED TERRACE	0.06	-	-	-	-	-	-	-	-	-	Drainage, narrow configuration	-	-		
38.06	30	15C	SKYLINE DRIVE/REAR	0.06	-	-	-	-	-	-	-	-	-	Drainage, narrow configuration	-	-		
4	1	15C	201 OAK RIDGE RD	8.36	-	-	-	-	-	-	-	-	-	Developed property	-	-		
4	1	15C	201 OAK RIDGE RD	8.36	-	-	-	-	-	-	-	-	-	Developed property	-	-		
40	46	15C	553 MADISON HILL ROAD	0.35	-	-	-	-	-	-	-	-	-	Developed property	-	-		
40	50.04	15C	8 BARSTOWN COURT	0.57	-	-	-	-	0.00	0.08	-	0.08	-	Developed property	-	-		
43	12.13	15C	WESTFIELD AVE	0.04	-	-	0.03	-	-	-	-	-	-	Narrow configuration	-	-		
49	1	15C	HUTCHINSON ST	1.18	-	-	-	-	-	-	-	-	-	Contains a pumping station	-	-		
50	1	15C	865 BARITAN ROAD	0.52	-	-	0.64	-	-	-	-	0.64	-	Active Recreation (adjacent ROSI)	-	-		
50	16	15C	HUTCHINSON ST (REAR)	1.76	-	-	0.06	-	-	-	-	0.06	-	Developed property	-	-		
53	34	15C	868 BARITAN ROAD	1.15	-	-	0.45	0.66	-	-	-	0.74	-	Active Recreation (adjacent ROSI)	-	-		
53	35	15C	FEATHERBED LANE	8.79	-	-	4.90	8.27	1.91	1.00	-	1.30	-	Contains a parking lot associated with the Deutscher Club	-	-		
57	1	15C	WESTFIELD AVE	0.41	-	-	0.08	0.41	-	-	-	0.41	-	This is a lake.	-	-		
58	4	15C	100 TERMINAL AVE	10.68	-	-	-	-	-	-	-	-	-	Narrow configuration	-	-		
58	6	15C	TERMINAL AVE	0.16	-	-	-	-	-	-	-	-	-	Developed property	-	-		

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VACANT LAND INVENTORY TABLE

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					ROSI (PASSIVE)	ROSI (ACTIVE)	WATER	SPECIAL FLOOD HAZARD AREA									
59	14	15C	TERMINAL AVE-REAR	0.79	-	-	-	-	-	-	0.79	N	Narrow configuration, landlocked	-	-	-	
59	17	15C	CENTRAL AVE	0.32	-	-	-	-	-	-	0.32	N	Narrow configuration	-	-	-	
59	01	15C	1750 DAKOTA ST	0.13	-	-	-	-	-	-	0.13	N	Part of developed property	-	-	-	
59	01	15C	1755 FLORIDA ST	0.06	-	-	-	-	-	-	0.06	N	Part of developed property	-	-	-	
60	60.01	1	1086 HARTMAN ROAD	0.23	-	-	-	-	-	-	0.23	N	Developed property	-	-	-	
60	61	1	1084 HARTMAN ROAD	0.82	-	-	-	-	-	-	0.82	N	Developed property	-	-	-	
60	62	1	1084 HARTMAN ROAD	0.56	-	-	-	-	-	-	0.56	N	Developed property	-	-	-	
60	63	1*	1072 HARTMAN ROAD	0.34	-	-	-	-	-	-	0.34	N	Developed property	-	-	-	
63	43	15C	430 WESTFIELD AVE	10.18	-	-	-	-	-	-	10.18	N	Developed property	-	-	-	
63	76	1	191 LEXINGTON BLVD	0.28	-	-	-	-	-	-	0.28	N	Part of developed property	-	-	-	
63	79	1	177 LEXINGTON BLVD	0.39	-	-	-	-	-	-	0.39	N	Part of Lexington Village Apartments	-	-	-	
7	1	1	LAKE AVE	0.51	-	-	0.10	-	0.02	-	0.47	N	Contractor's storage, almost entirely encumbered	-	-	-	
7.02	4	1	567 LAKE AVE	0.08	-	-	0.08	-	-	-	0.08	N	Part of developed property, narrow configuration, landlocked	-	-	-	
75	20	15C	BARTELL PL	4.84	-	-	-	-	-	-	4.84	N	Active recreation (Adjacent ROSI)	-	-	-	
76	4	15C	275 WESTFIELD AVE	0.23	-	-	-	-	-	-	0.23	N	Sold to the owner of Block 76, Lot 2 (Adjacent property)	-	-	-	
81	45.01	15C	RICHARD ST	0.01	-	-	-	-	-	-	0.01	N	Part of developed property, narrow configuration	-	-	-	
81	82	15C	72 KATHRYN ST	0.12	-	-	-	-	-	-	0.12	N	Developed with 31/83	-	-	-	
88	01	15C	72 KATHRYN ST	0.03	-	-	-	-	-	-	0.03	N	Part of developed property	-	-	-	
88	01	15C	23 KATHRYN ST	0.05	-	-	-	-	-	-	0.05	N	Part of developed property	-	-	-	
91	53	1	MADISON HILL ROAD	0.10	-	-	-	-	-	-	0.10	N	Part of developed property	-	-	-	
91	2	1	MADISON HILL ROAD	0.10	-	-	-	-	-	-	0.10	N	Part of developed property	-	-	-	
94	2	1*	9 HARGOLD AVE	0.17	-	-	-	-	-	-	0.17	N	Developed with a new single family home	-	-	-	
													TOTAL RDP:	-	-	-	

APPENDIX B: VACANT LAND INVENTORY MAP



Vacant Land Inventory Map
Township of Clark, Union County, New Jersey



- NOT VACANT
- NOT VACANT (RDSI PARCEL)
- VACANT



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Vacant Land Inventory Map
Township of Clark, Union County, New Jersey



- NOT VACANT
- NOT VACANT (ROSI PARCEL)
- VACANT



350 Feet

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 NJR 352 4501 (Fax)
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Vacant Land Inventory Map
Township of Clark, Union County, New Jersey



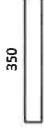
Cranford
Township

Winfield
Township

Linden City

-  NOT VACANT
-  NOT VACANT (ROSI PARCEL)
-  VACANT

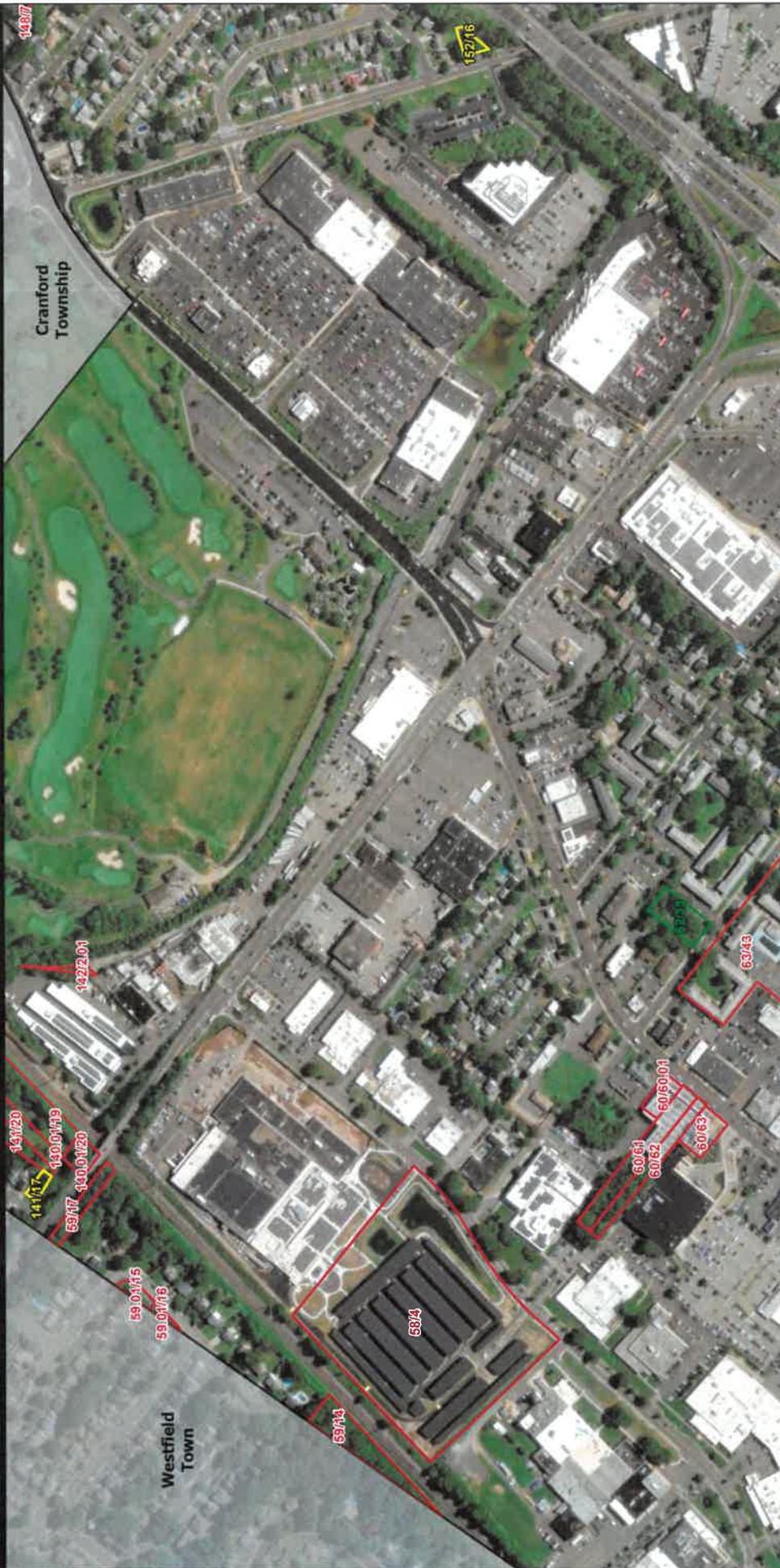
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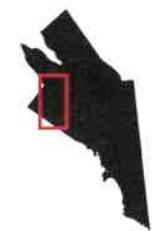
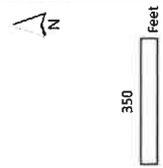


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Vacant Land Inventory Map
Township of Clark, Union County, New Jersey



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- NOT VACANT
- NOT VACANT (RDSI PARCEL)
- VACANT

Vacant Land Inventory Map
Township of Clark, Union County, New Jersey



- NOT VACANT
- NOT VACANT (ROSI PARCEL)
- VACANT







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 177 Main Street, Suite 100
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Vacant Land Inventory Map
Township of Clark, Union County, New Jersey



- NOT VACANT
- NOT VACANT (ROSI PARCEL)
- VACANT

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 888.313.4501 (Fax)
 paul@ricciplanning.com

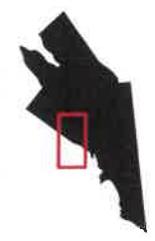
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Vacant Land Inventory Map
Township of Clark, Union County, New Jersey



- NOT VACANT
- NOT VACANT (ROSI PARCEL)
- VACANT



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350 Feet

Vacant Land Inventory Map
Township of Clark, Union County, New Jersey



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908.687.4501 (Fax)
pau@ricciplanning.com

Legend

- NOT VACANT
- NOT VACANT (ROSI PARCEL)
- VACANT

Scale
350 Feet

North Arrow

Inset Map

Vacant Land Inventory Map
Township of Clark, Union County, New Jersey



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 177 Administration Avenue
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NOT VACANT (Red outline)
 NOT VACANT (ROSI PARCEL) (Green outline)
 VACANT (Yellow outline)

350 Feet

Vacant Land Inventory Map
Township of Clark, Union County, New Jersey



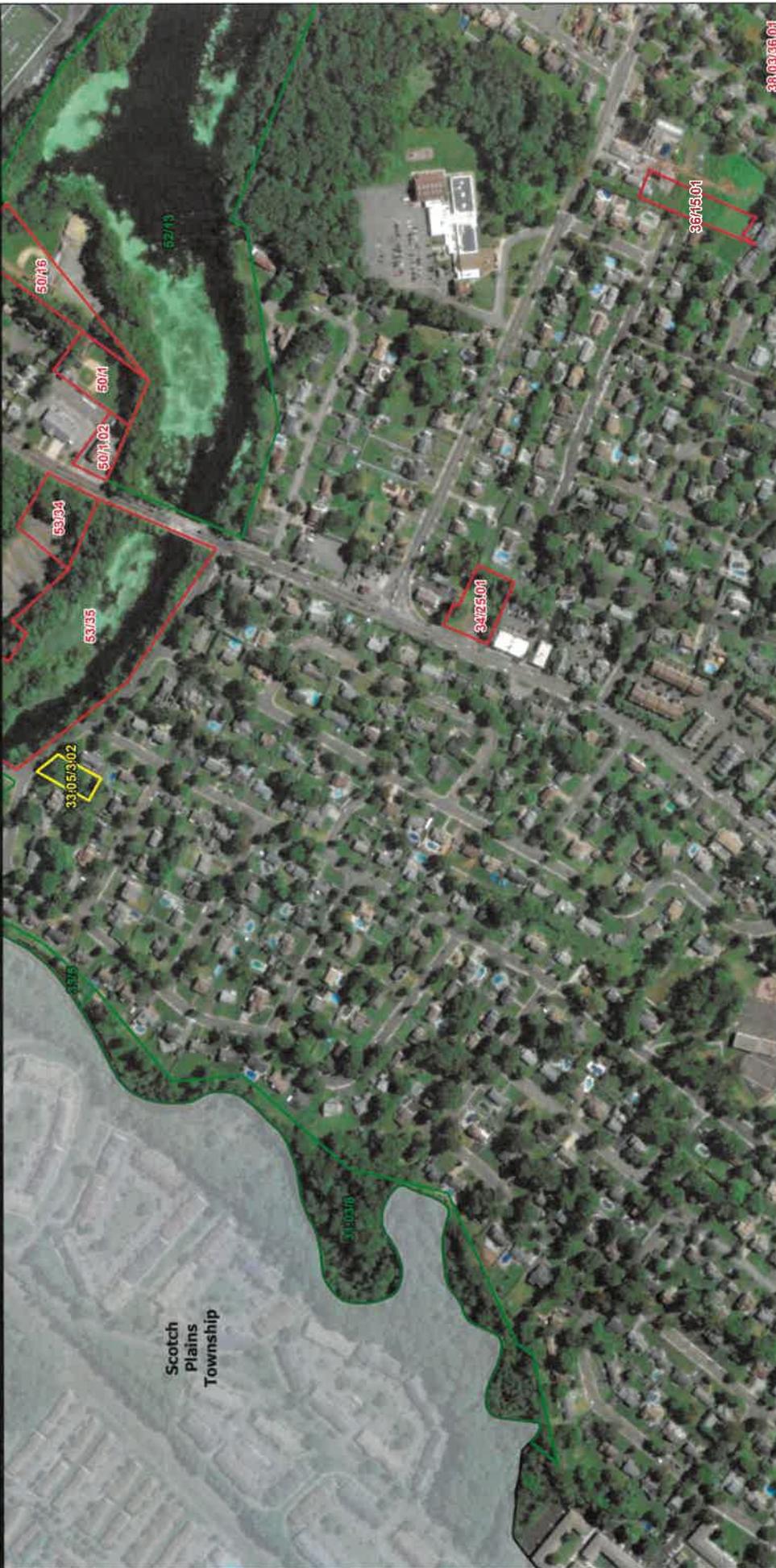
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- NOT VACANT (ROSI PARCEL)
- VACANT



350 Feet

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177 Oldmansions, Suite 106
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Vacant Land Inventory Map
Township of Clark, Union County, New Jersey



- NOT VACANT
- NOT VACANT (ROSI PARCEL)
- VACANT



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Scotch
Plains
Township

Vacant Land Inventory Map
Township of Clark, Union County, New Jersey



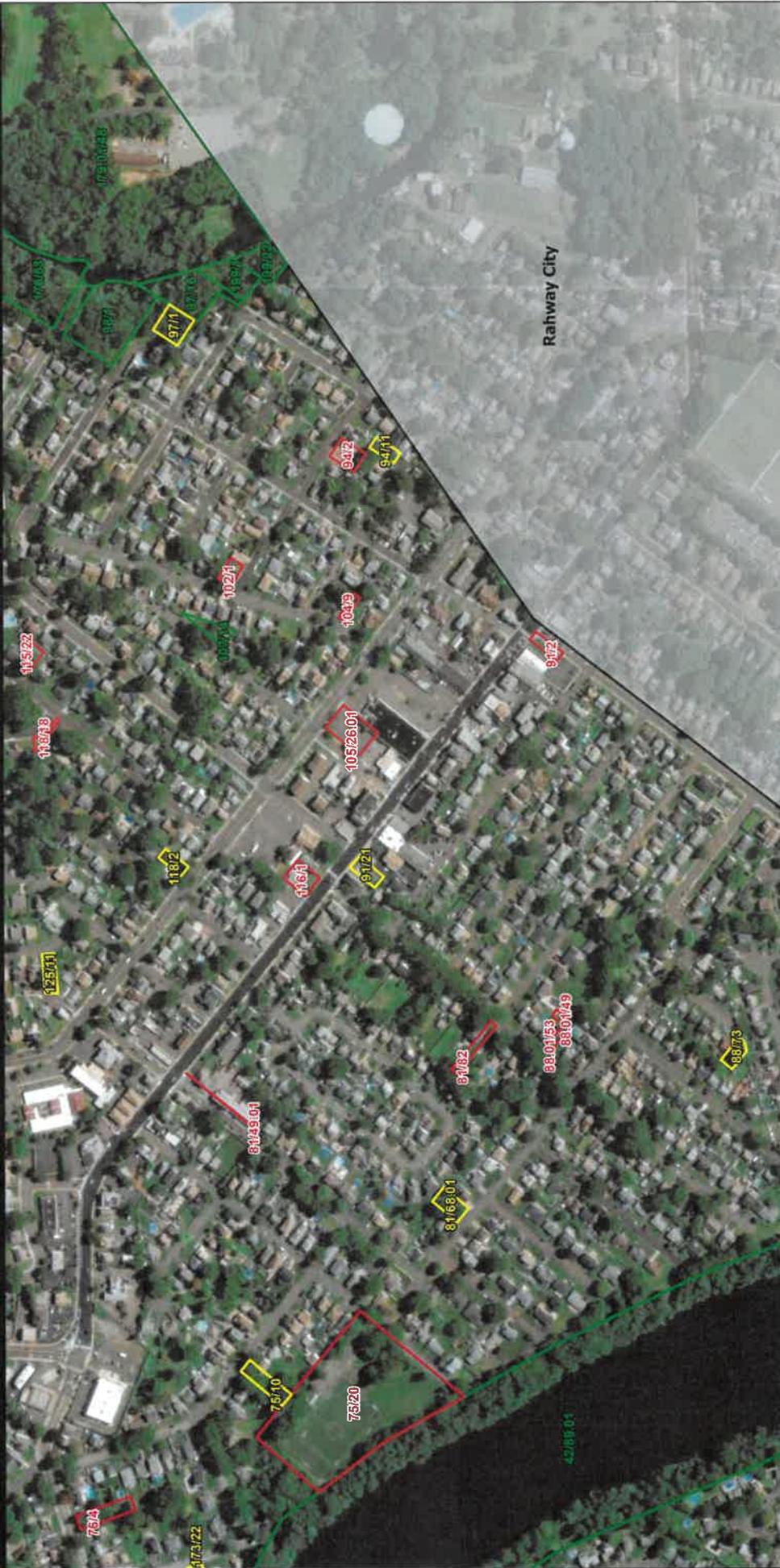
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- NOT VACANT (ROSI PARCEL)
- VACANT



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Morristown, NJ 07960
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350 Feet

Vacant Land Inventory Map
Township of Clark, Union County, New Jersey



- NOT VACANT
- NOT VACANT (ROSI PARCEL)
- VACANT

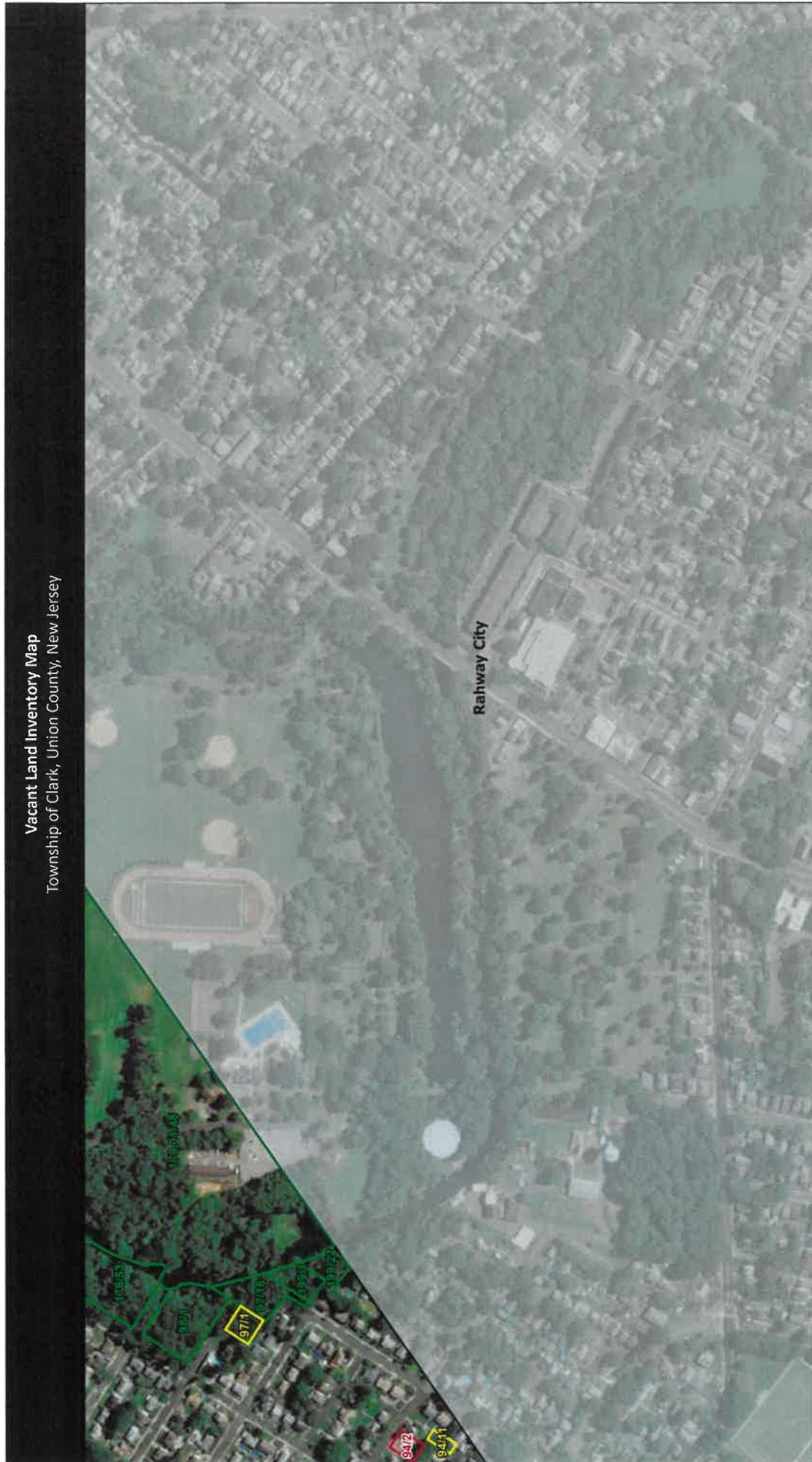
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North arrow pointing up and slightly right.

Scale bar: 350 Feet

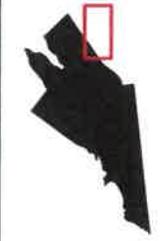
Vacant Land Inventory Map
Township of Clark, Union County, New Jersey



- NOT VACANT
- NOT VACANT (ROSI PARCEL)
- VACANT

 N

 350 Feet



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Vacant Land Inventory Map
Township of Clark, Union County, New Jersey



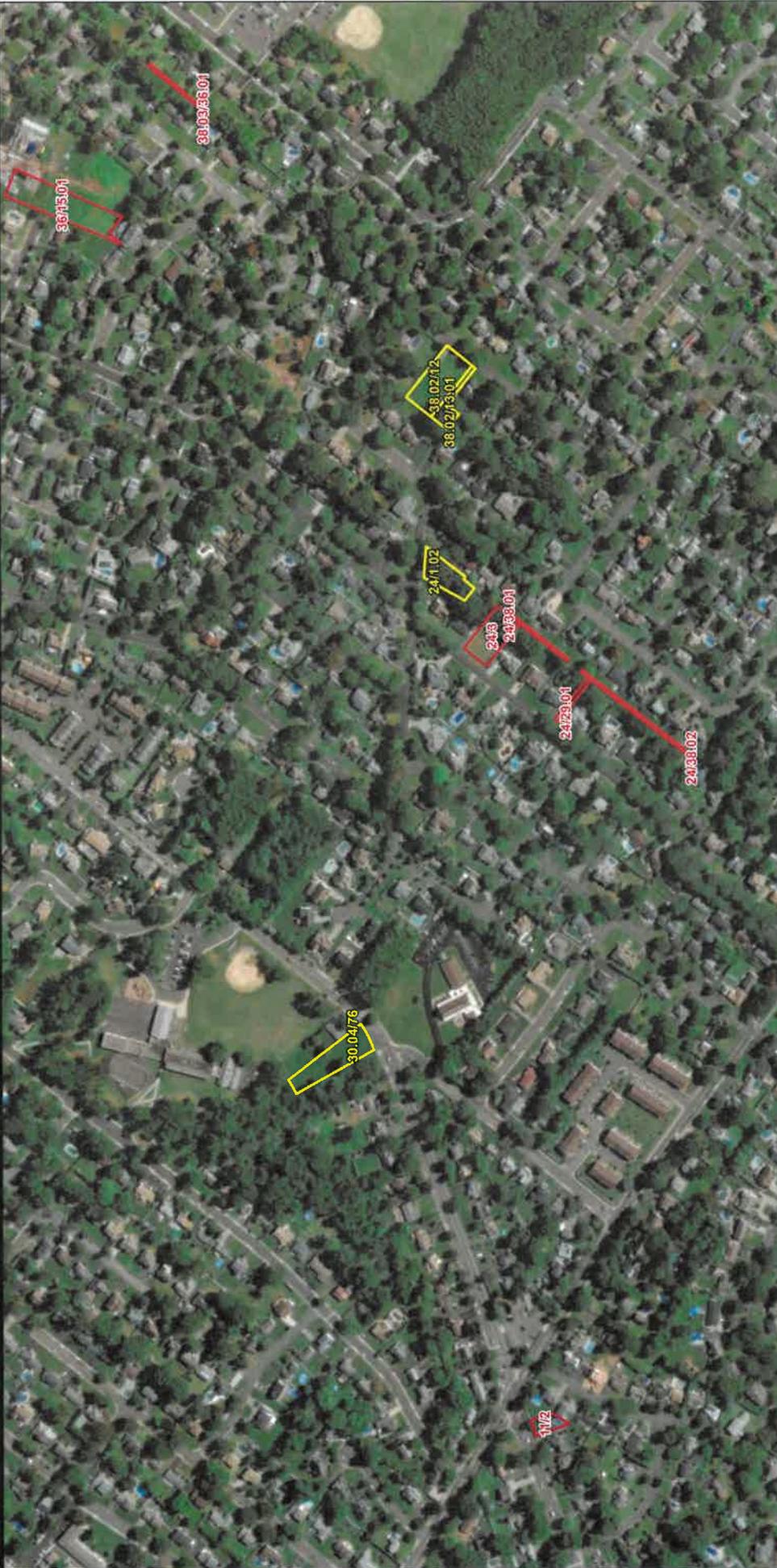
Scotch
Plains
Township

- NOT VACANT
- NOT VACANT (ROSI PARCEL)
- VACANT



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Vacant Land Inventory Map
Township of Clark, Union County, New Jersey



- NOT VACANT
- NOT VACANT (ROSI PARCEL)
- VACANT

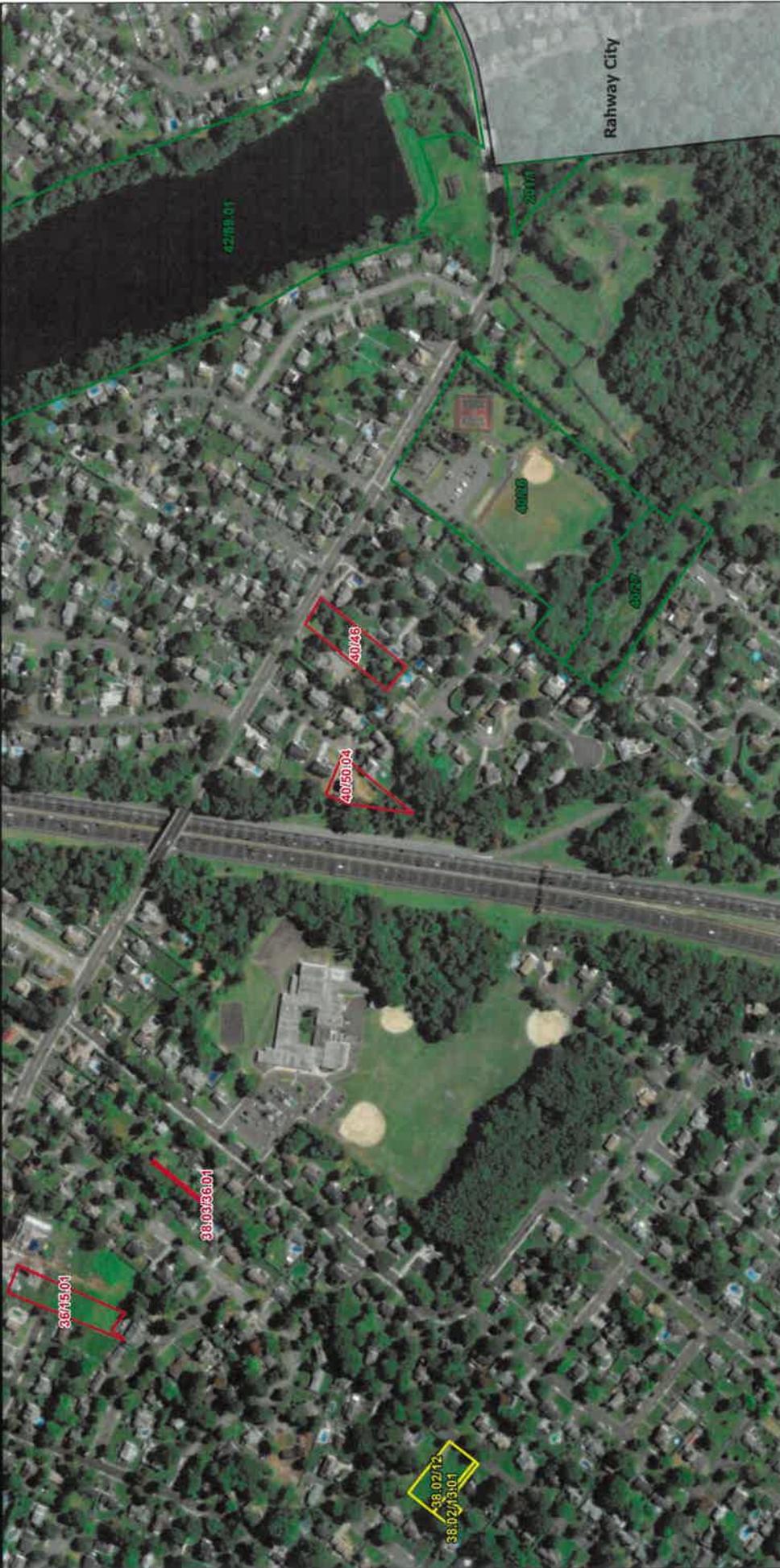
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North Arrow

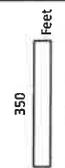
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Vacant Land Inventory Map
Township of Clark, Union County, New Jersey

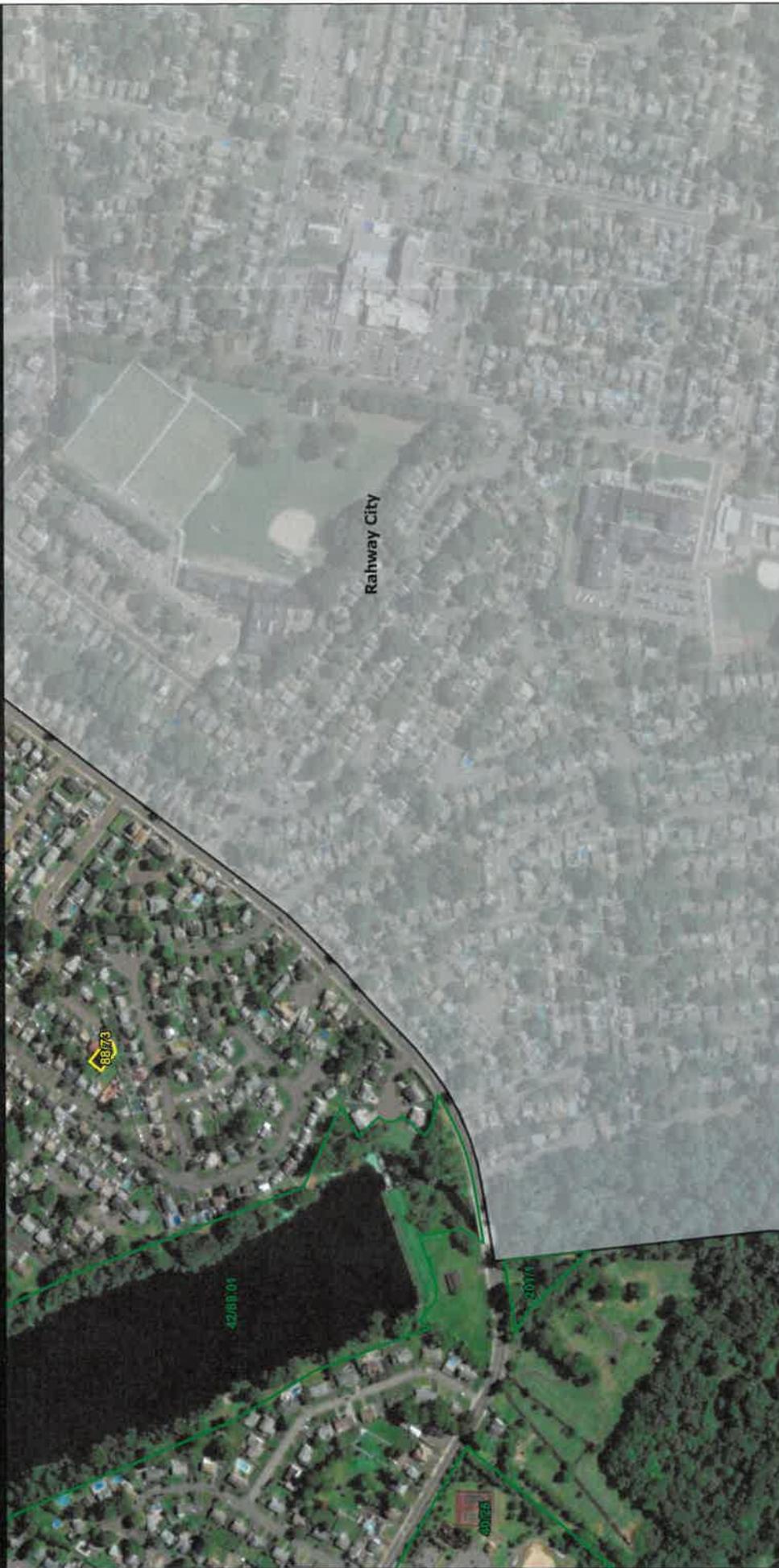


- NOT VACANT
- NOT VACANT (ROSI PARCEL)
- VACANT

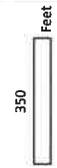


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Vacant Land Inventory Map
Township of Clark, Union County, New Jersey



- NOT VACANT
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- VACANT



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Vacant Land Inventory Map
Township of Clark, Union County, New Jersey

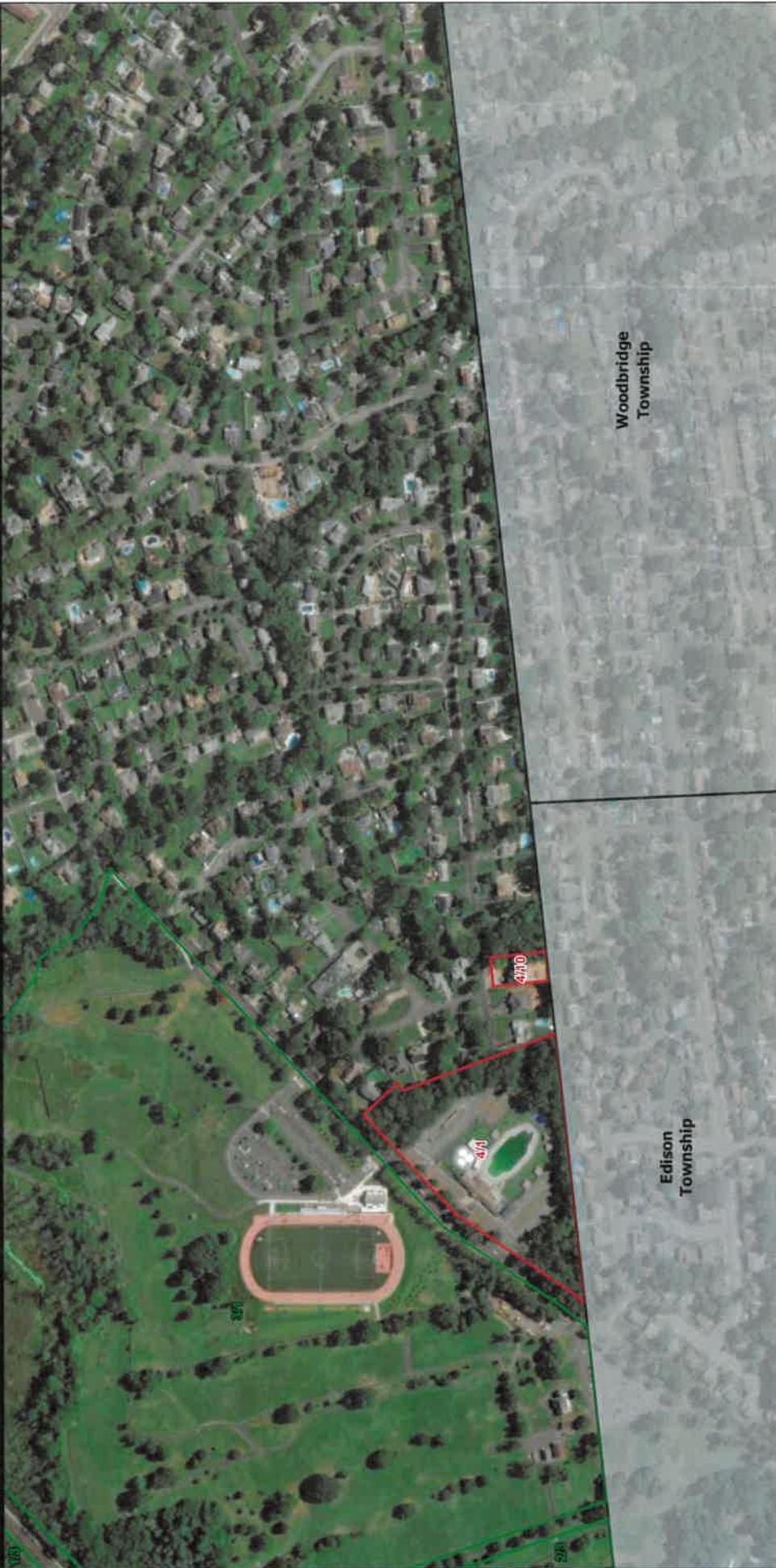


- NOT VACANT
- NOT VACANT (ROSI PARCEL)
- VACANT



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Vacant Land Inventory Map
Township of Clark, Union County, New Jersey



- NOT VACANT
- NOT VACANT (ROSI PARCEL)
- VACANT



350 Feet

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Vacant Land Inventory Map
Township of Clark, Union County, New Jersey



Woodbridge
Township

- NOT VACANT
- NOT VACANT (ROSI PARCEL)
- VACANT

 N
 350 Feet

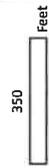


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Vacant Land Inventory Map
Township of Clark, Union County, New Jersey



- NOT VACANT
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- VACANT



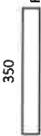
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Vacant Land Inventory Map
Township of Clark, Union County, New Jersey



- NOT VACANT
- NOT VACANT (ROSI PARCEL)
- VACANT

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 350 Feet

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APPENDIX C: ENVIRONMENTAL CONSTRAINTS MAP



