

VII. AMENDED AND REVISED FAIR SHARE PLAN

This Municipal Housing Element and Fair Share Plan has been revised to meet the requirements of the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), the March 10, 2015 NJ Supreme Court's decision (In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing.), to ensure compliance with the RMP and to comply with the Settlement Agreement between the Township and the Fair Share Housing Center dated September 7, 2016.

Per the Kinsey Report as revised July 2016 and as adjusted pursuant to the Settlement Agreement dated September 7, 2016, Byram Township has a Third Round Prospective Need of 182 units. Byram will rely on a Vacant Land Adjustment to identify a deficit in its ability to provide its calculated obligation. Byram Township has an RDP in the Planning Area of 1 affordable housing unit. Approximately 98% of the entire municipality is located in the Preservation Area where land use development is severely restricted, and a realistic opportunity for the development of affordable housing does not exist. The remaining 2% of the municipality is located in the Planning Area, wherein the Village Center ("VC") Inclusionary Zone is located and is zoned for an inclusionary development addressing the Prior Round need. Outside of the VC Zone in the Planning Area in Byram, a total of three (3) parcels exist that are available for development. This produces a maximum of six (6) housing units per Highlands Development standards for these 3 parcels. At twenty (20%) percent set aside, a maximum of 1 affordable housing unit is produced. However, Byram has provided a "realistic opportunity" for the development of low and moderate income housing in those areas designated for growth in order to balance the goal of conservation, the Village Center and Village Business zones within the Designated Highlands Center, as well as the recently designated Multi-Family Housing zone. These are the areas designated for growth within the context of the RMP and these are the areas that are contiguous to existing development and have access to necessary utility infrastructure.

The Municipal Fair Share Plan has been redrawn to the extent necessary to address the affordable housing obligation, while at the same time complying with Highlands Area density and resource constraints and the referenced changes to the Fair Housing Act. Prior plans for the provision of affordable housing units, which have not yet been implemented, have been reevaluated for consistency with these provisions and altered accordingly.

The following outlines the measures that the Township will enlist to meet its Fair Share obligation and constitutes the Township's Fair Share Plan.

Application of Existing Credits

Rehabilitation

Byram will be applying 6 credits for rehabilitation projects completed in the housing period to its obligation of 13 units, leaving a rehabilitation obligation of 7 units.

Present & Prospective Need

Byram will be applying 40 credits for projects completed in the housing period to its total obligation of prospective need.

Byram Township Existing Credits	
Group Homes	
8 Francis Road: Rental/Alternative Living	4
23 Waterloo Road: Rental/Alternative Living	4
52 Lee Hill Road: Rental/Alternative Living	4
63 Lee Hill Road : Rental/Alternative Living	4
Bonus Credits: Rental/Alternative Living	16
Inclusionary Development in the VB Zone	
Venture 2: Rental	1
Bonus Credits: Rental	1
Inclusionary Development in the MF Zone	
Village School Apartments: Rental	3
Bonus Credits: Rental	3
New Construction Units	20
Bonus Credits	20
TOTAL CREDITS- New Construction	40
25% Bonus Cap (215 Unit Total Obligation)	54

Proposed Mechanisms

Rehabilitation

The Township of Byram plans to address its Rehabilitation obligation with through support from grant funding. In the 1990's, the Township was awarded a Small Cities grant from the Department of Community Affairs and intends to use this funding to continue supporting the rehabilitation program. As of October 31, 2015, the grant fund contained \$201,986.64 and is in a separate account with PNC Bank. The program functions when a potential applicant applies for eligibility and if chosen, a bid process begins, an inspection is conducted, and contractor is hired. The program anticipates recapping rehabilitation loan funds, if the units are sold prior to the end of the affordability controls. A 0% loan is forgiven after 10 years, if ownership changes prior to the 10 year period, the loan is repaid. It is anticipated that the rehabilitation program will

require minimal financial assistance from the Township's Affordable Housing Trust Fund. If any assistance is needed, it is anticipated only administrative costs will apply.

Byram will ensure that the structure of the program adheres to the current regulations and will affirmatively market the program as outlined by the Uniform Housing Affordability Controls (UHAC). The administrating agent maintains the necessary documentation for each rehabilitated unit and has completed and submitted the required monitoring reports and will continue to do so. The current rehabilitation program is active and following a Rehabilitation Manual that was approved by COAH.

Prior Round Obligation

The Township proposes to address its 33 Prior Round obligation through zoned inclusionary development, with a 20% set-aside, in the mixed-use Village Center. Presently, the site is zoned VC Village Center Mixed-Use (adopted March 6, 2006). Previously, the site was zoned also zoned as the Village Center (adopted January 5, 2004). The proposed Village Center is composed of two lots, Block 365, Lot 2 (owned by HRS Drilling Company, Incorporated) and Block 365, Lot 5 (owned by Western World, Incorporated). The parcels have clear title and are free of encumbrances, which preclude development of affordable housing.

The Village Center is approximately 55 acres in size and is located along Route 206. The area is bound by Route 206 to the west (VB Village Business zone - existing commercial uses present), Lackawanna Drive (VB Village Business zone - adjacent to a strip mall development) and quarry operations to the north (IPR – Industrial Professional Recreational zone), the Wild West City Theme Park to the east (F-P Family Theme Park Zone), and the East Brookwood neighborhood (under the current R-2, R-3, and R-4 Residential zones) to the south. This site will be developed consistent with the Residential Site Improvement Standards, where applicable. The proposed Village Center is located in PA5 and within a designated center, which is one of the preferred locations for municipalities to address their affordable housing obligation.

The Village Center is also central to the Township achieving Highlands Plan Conformance. The Highlands Final Consistency Report for Byram Township Plan Conformance states:

“The proposed Byram Highlands Center is recognized as the only portion of the municipality suitable for increased growth. It is situated with extensive frontage on State Route 206 and consists of approximately 197 acres of Planning Area land, representing 124 acres of land that is developed and/or not able to be

developed due to environmental constraints or preservation, 26 acres of developable land associated with existing developed lots and 31 acres of developable vacant land (see Figure 1). This figure includes a minor proposed revision from the originally submitted delineation, provided by Byram, which appears in Figure 2. The revision would only slightly alter the area summations indicated, and does not affect the findings of the remainder of this review. Most of the vacant developable land in the proposed Center is associated with the "Village Center Zone" (Block 365 Lot 2 and Lot 5) component of the Center.....

While most of the Highlands Center consists of developed areas, which are slated for infill and redevelopment, the Smart Growth Plan also envisions a "Village Center Zone" (see Figure 3 and 4) component of mixed-use development occupying approximately 55 acres, to be centered upon a village green (Block 365 Lot 2 and Lot 5). The Village Center includes civic uses, public parks, commercial space, and residential units that include apartments over retail spaces in the Village Core, townhomes, 2- to 4- family units, and single family homes. The Village Center Zone Plan requires both active and passive open space set-asides and integrates the municipality's Prior Round affordable housing obligation throughout the project area. The Highlands Center also identifies Highlands Environmental Resources that are to be protected from future disturbance (such as the Lubbers Run Greenway area), Low Impact Development guidelines, and requirements pertaining to related aspects of development and redevelopment.

Rationale for Approval of Highlands Center Designation

1. Highlands Center designation directly addresses the goals of the Highlands Act Planning Area and RMP Future Land Use Programs associated with the identification of suitable locations within the Planning Area of the Highlands Region in which to permit and encourage appropriate, sustainable growth and development.
2. The Byram Center addresses the center designation requirements of the State Development and Redevelopment Plan, which are supported by RMP Policy 6F6 and Objective 6C1a. The plans incorporate the results of an extensive community visioning process that engaged residents in the process, ensured

on-going citizen involvement in development/redevelopment projects, and garnered the support of residents and public officials. The plans provide for concentrated development of a community core that does not otherwise exist in Byram; ensure protection of the surrounding environs, including the lake districts of the community; call for infill and redevelopment in appropriate locations that optimize the use of existing infrastructure; provide for streetscape enhancements and pedestrian-friendly development initiatives; protect and enhance environmental and historic features within the area; and importantly, focus development outside of the Highlands Preservation Area, which occupies over 98% of the community.

3. The proposed Highlands Center would protect significant areas of high integrity forest and critical habitat; areas which may not otherwise remain as contiguous. In total, the Highlands Center provides for preservation of approximately 49 acres of land containing Highlands Environmental Resources.
4. The Highlands Center incorporates a "Village Center Zone" area that provides protection of approximately 25 acres as Open Space (in addition to the Village Green area and Highlands Open Waters and associated buffers) representing high integrity forest, Prime Ground Water Recharge Area and Critical Habitat in the Planning Area. While portions of these areas would have been reserved under prior plans, the contiguous nature of the protected areas and resources in the current proposal would not have been achieved without the collaboration undertaken between Byram elected officials and the Highlands Council, the end result of which ensures greater protection through Planning Area Plan Conformance.
5. The delineation of the Lubbers Run Greenway Area in the Village Center maps, the protections to be added into the Highlands Area Land Use Ordinance, and the future municipal-wide Stream Corridor Protection and Restoration Plan, will serve to restore and enhance the overall condition of the Highlands Open Waters and Riparian Area of the subwatershed. Implementation of these resource protection measures will ensure that resources are protected at the subwatershed level, resulting in a significant

overall improvement in the protection of Highlands Region Planning Area resources.

6. Incorporation of a Water Use and Conservation Management Plan (WUCMP) provides opportunity for enhanced water resource protections in a key location of the Highlands Region. The purpose of the WUCMP is to avoid creation of a deficit in Net Water Availability for the source HUC14 subwatershed through measures for conservation and recharge protection and augmentation.
7. The modified Village Center Zone component of the Highlands Center allows for approximately 20 acres of additional development and protects 25 acres as open space and a village green area as well as 7 acres of Highlands Open Water buffer areas. The modified arrangement allows for the municipally-proposed development plan to proceed in a more compact form. These changes ensure that protected lands constitute contiguous forest resource lands, eliminating what would otherwise have been fragmented areas of open space, likely requiring significant areas of forest disturbance.
8. The Highlands Center incorporates a Village Center Zone Area that embodies the Smart Growth principles espoused by the RMP Future Land Use Programs and incorporates the Fair Share Plan affordable housing obligations for the municipality in accordance with the RMP. To support these goals, Byram is using form-based code, which will be integrated into the Village Center provisions of the Highlands Area Land Use Ordinance.
9. The Highlands Center is appropriately situated with ready access to infrastructure and multi-modal transportation opportunities. The plan incorporates pedestrian and bicycle access and trails, and provides connections to community facilities, stream corridor greenway areas, and historic sites.
10. The Highlands Center aligns with the Department of Transportation (DOT) Route 206 Corridor enhancement project and increases pedestrian access and safety using context sensitive design measures.

11. The proposed plans for the Highlands Center incorporate the Low Impact Development principles espoused by the RMP Low Impact Development Program. The plans foresee LEED-certified construction and LEED-based site planning.
12. The Highlands Center offers opportunity for sustainable economic development and eco-tourism, providing needed retail goods and services to the community and surrounding areas, taking advantage of existing transportation links and infrastructure services, and answering to local shopping, social, and recreational needs at an appropriate scale, within proximate distances.
13. The Highlands Center aligns with the Board of Education Long Range Facilities Plan student and facility capacity conditions and supports local educational development plans.

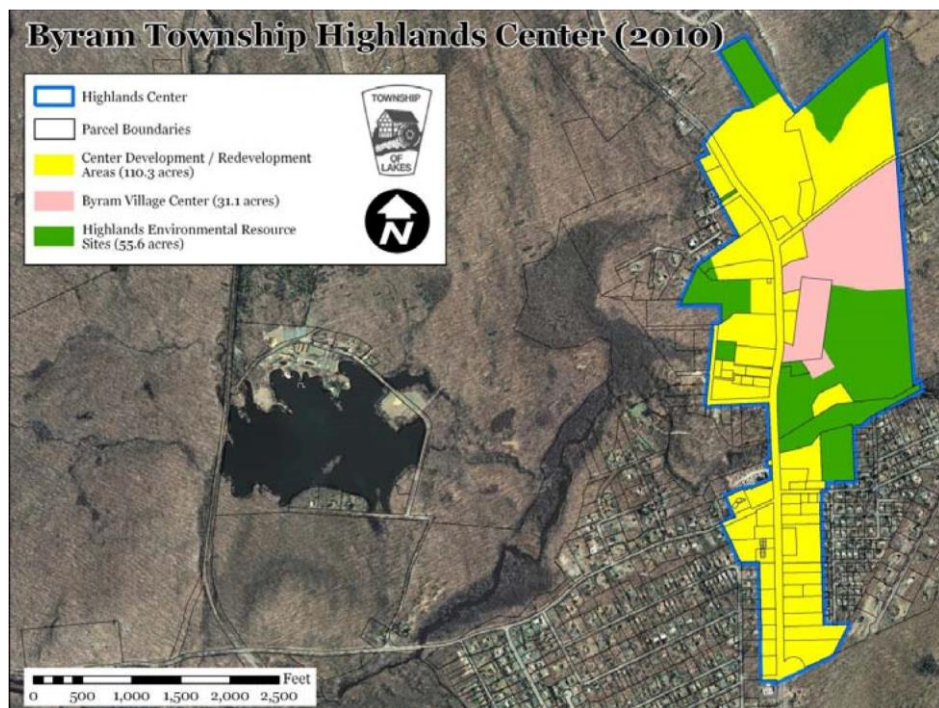


Figure 1.

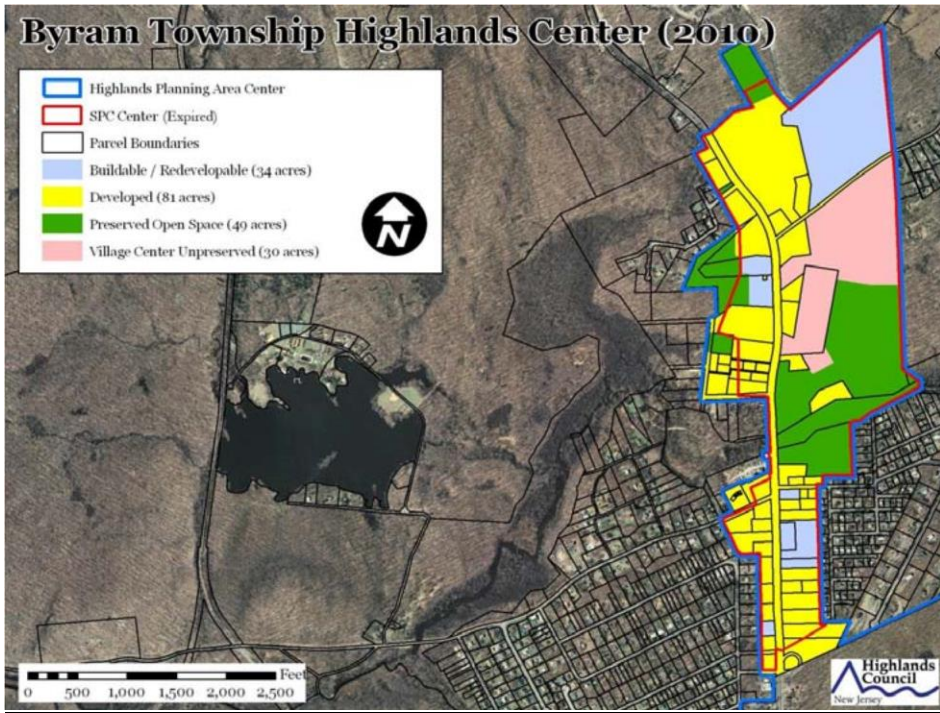
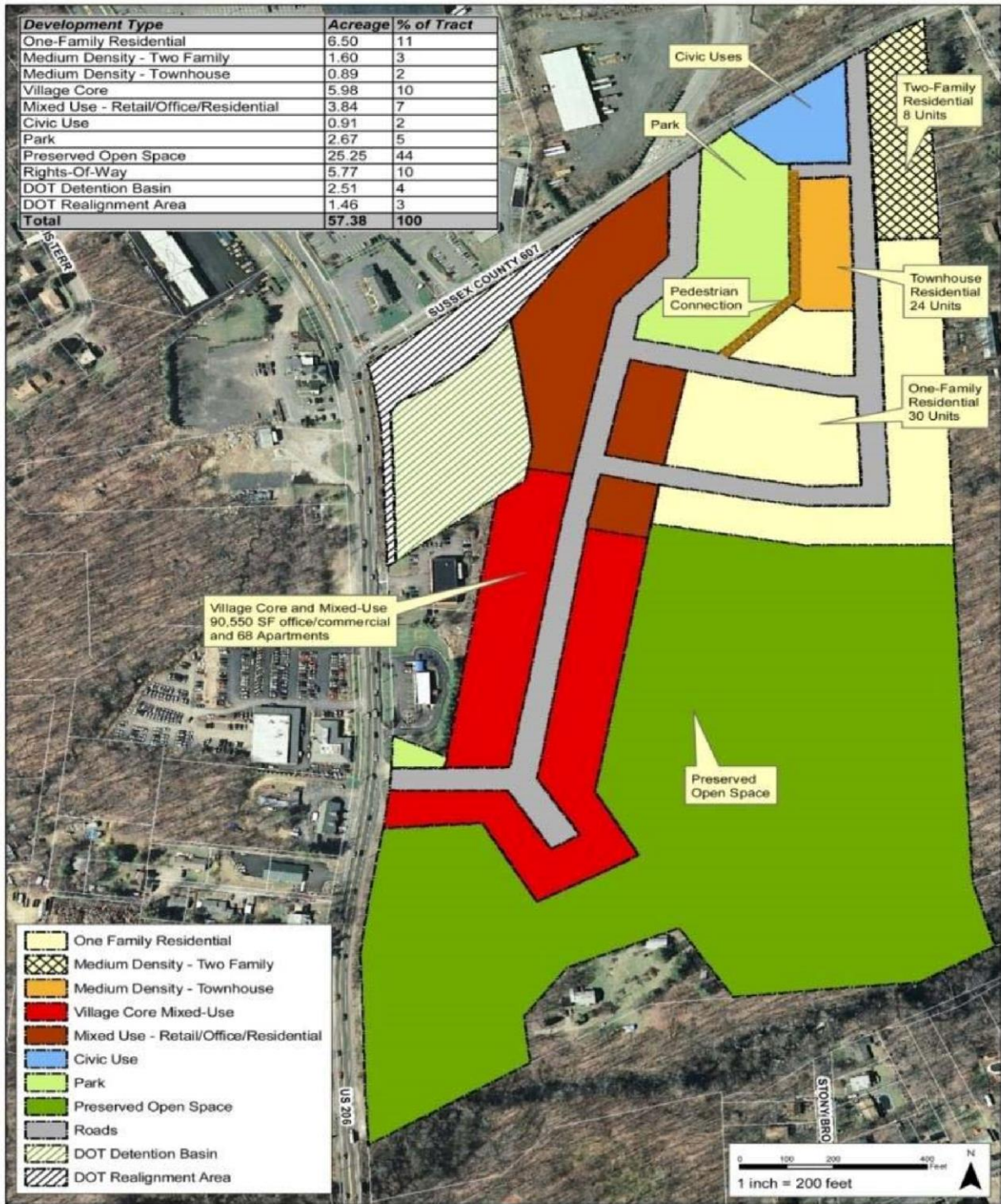


Figure 2.



**Village Center Form Based Code
Revised Zone Map**

Byram Township, Sussex County, New Jersey



Heyer, Gruel & Associates

March 2010

Figure 3.

Byram Township Village Center (2010)

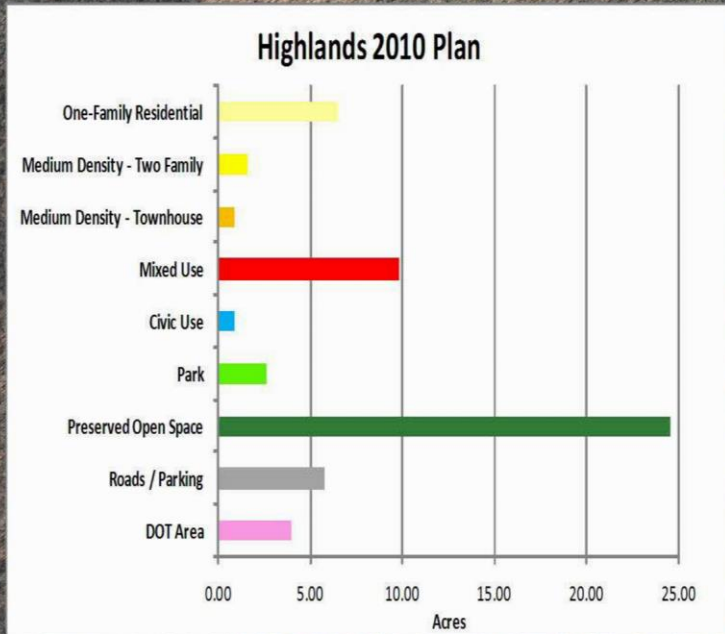


Figure 4.

Village Center Development – Prior Round Obligation				
Block/Lot	Address	Acreage	Ownership Information	Zoning (Adopted March 6, 2006)
1. Block 365, Lot 2	54 Rt. 206	7.26	HRS Drilling Company, Inc.	Village Center Mixed-Use
2. Block 365, Lot 5	Rt. 206	47.2	Western World, Inc.	Village Center Mixed-Use

Based on the available 40,000 gallons per day sewer capacity in the Village Center, approximately 130 residential units and 90,550 square feet of non-residential development can be accommodated at this capacity (based on DEP daily sewage estimates and the affordable housing unit bedroom distribution). It is estimated that this proposed development, to address the Prior Round and a portion of the Third Round in the Village Center, will deplete the 40,000 gallons per day sewer reservation. Therefore, the Township will only permit construction of the proposed number of affordable (26 units) and market rate residential (104 units) and non-residential floor area that can be served by the limited sewer capacity. No additional development will ensue until supplementary sewer capacity is acquired for the site. Sufficient water capacity will be provided to the Village Center development, as well. Water will either be provided on-site or through a public utility in neighboring Mount Olive Township.

The affordable component of the development will consist of 6 two-bedroom Age Restricted for sale units; 3 one-bedroom family rental units; 9 two-bedroom family rental units; 6 three-bedroom family rental units; and 9 associated rental bonuses. Therefore, the entire Prior Round obligation of 33 has been addressed in the Village Center, with a yield of 2 surplus credits to be applied to the Third Round. According to NJAC 5:97-6.4(b)ii, "Inclusionary zoning in Planning Area 2 and designated centers shall permit residential development in a presumptive minimum gross density of 6 units/acre and a presumptive maximum affordable housing set-aside of 25% of the total number of units in the development." The Village Center is a designated center; therefore, this regulation applies to the site.

As part of continued Highlands Plan Conformance requirements, the Township will include a Form Based Code for the Village Center in the Highlands Land Use Ordinance, which will depict the development within the Village Center and identifies preferred locations of building uses, public spaces, and preserved open space.

Based on the number of total residential units proposed (130) on approximately 18.8 acres of the site devoted to residential/commercial development, the proposed density is 6.9 dwelling units per acre. The calculation of 130 units is based on the sewer capacity currently available for the site. COAH regulations anticipate a 6 dwelling units/acre to be the presumptive minimum gross density requirement for inclusionary zoning.

It is planned that the Village Center will be constructed and funded by a private developer. A potential developer has not committed to the property to date, however, the promotion of the Village Center and interested parties in its development is widely known throughout the Township and surrounding areas. Byram has designated the New Jersey Housing Affordability Service (HAS), with the responsibility of ensuring the affordability of sales and rental units over time. The HAS will be responsible for those activities detailed in NJAC 5:93-9.1(a).

As an incentive to a potential developer, a density bonus has already been included through the proposed 6.9 dwelling units/acre presumptive density requirement. Prior to 2004, the zoning for the Village Center had a lower required density. Since that time, the density on this site has been increased to 6.9 dwelling units /acre to provide for affordable housing. This density bonus incentive has already been built into the zoning.

Present & Prospective Need

In compliance with the above requirements, the Township proposes to address its present and prospective need through Inclusionary Zoning in the Village Center, Group Homes, Assisted Living Facilities and Inclusionary Zoning in the Village Business and Multi-Family Residential Zones.

Group Homes

1. 8 Francis Terrace: The Township partnered with New Bridge Services, Inc to develop a Special Needs group home at 8 Francis Terrace (Block 69, Lot 11). The non-age restricted project was built through a gut rehab/ new construction funded through HMFA Special Needs and Municipal Development Fees. Ownership was transferred from New Bridge Inc. to Advancing Opportunities Inc. in 2015. The group home rents 4 rooms in the home to special needs very low income (30% or below median income) individuals. The project qualifies for four (4) credits and four (4) bonus for special need rentals/alternative living rentals.

Allamuchy Township

Green Township

Andover Township

Sparta Township

Mount Olive Township

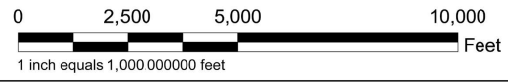
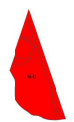
Hopatcong Borough

Stanhope Borough

Hopatcong Borough



Byram Township
 January 6, 2014
 Zoning



Zoning Districts

	R-1 10 Acres
	R-2 5 Acres
	R-3 1 Acre
	R-4 1/2 Acre
	R-5 1/4 Acre
	MF Multifamily
	N-C
	V-C 60 Acres
	V-B
	IPR
	G-C
	C-R 20 Acres
	F-P 80 Acres
	OS