



MATRIX PROPERTY PROPOSED LAND USE

**Block 6 Lot 15.02 &
Block 11 Lots 13.01 & 15.02**

LEGEND

LAND USE

-  GENERAL INDUSTRIAL
-  GENERAL RETAIL CENTER
-  GOVERNMENT/PARK/OPEN SPACE
-  MEDIUM DENSITY SINGLE AND MULTIFAMILY
-  NEIGHBORHOOD COMMERCIAL
-  PLANNED ADULT COMMUNITIES
-  RURAL RESIDENTIAL

-  MATRIX PROPERTY

MAP GLU-3

This map was prepared by South Brunswick
Department of Planning using GIS system.

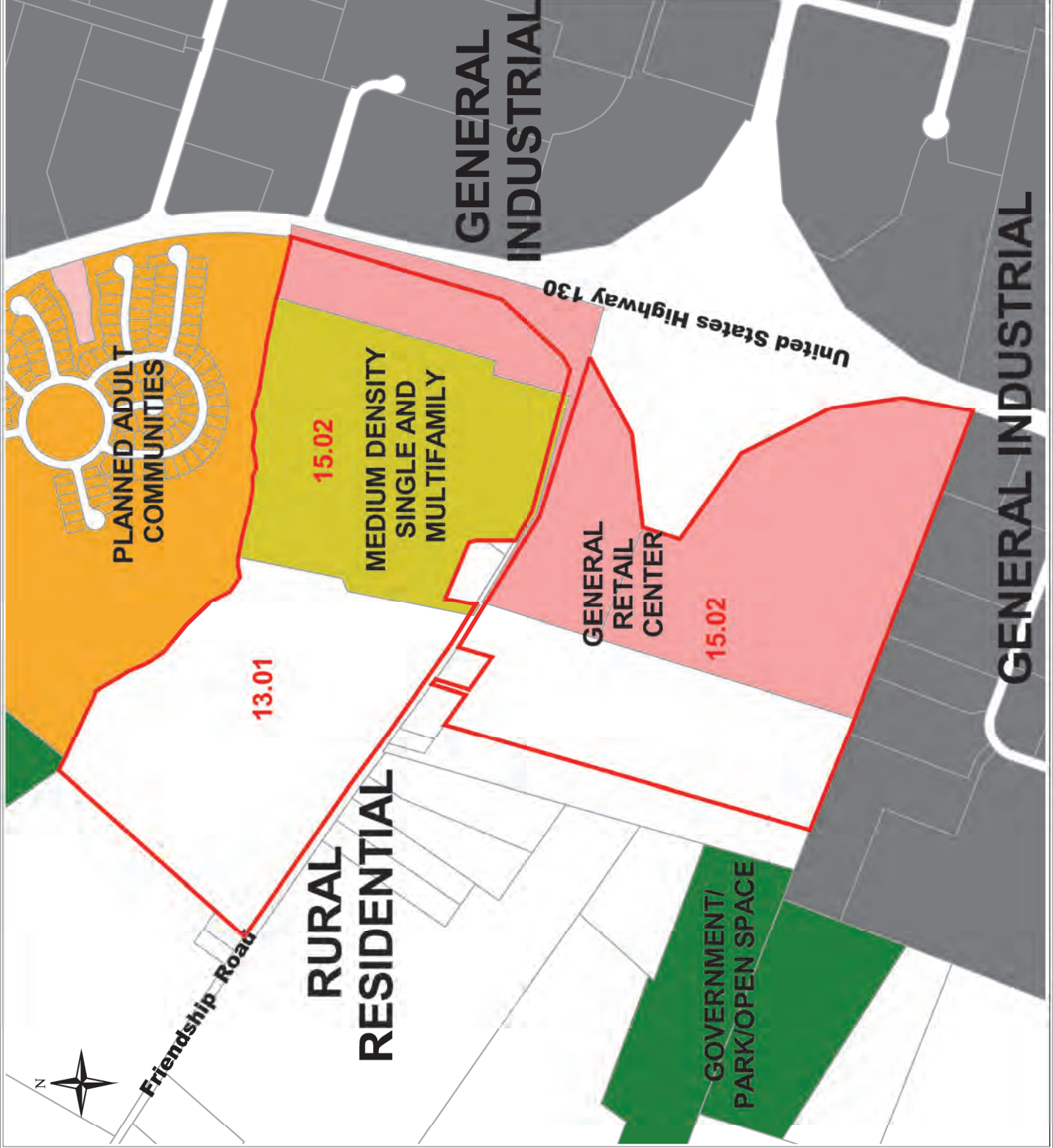
The map shown here is for illustration purposes
only and is not suitable for site-specific decision
making. Information found here should not be
used for making financial or any other
commitments.

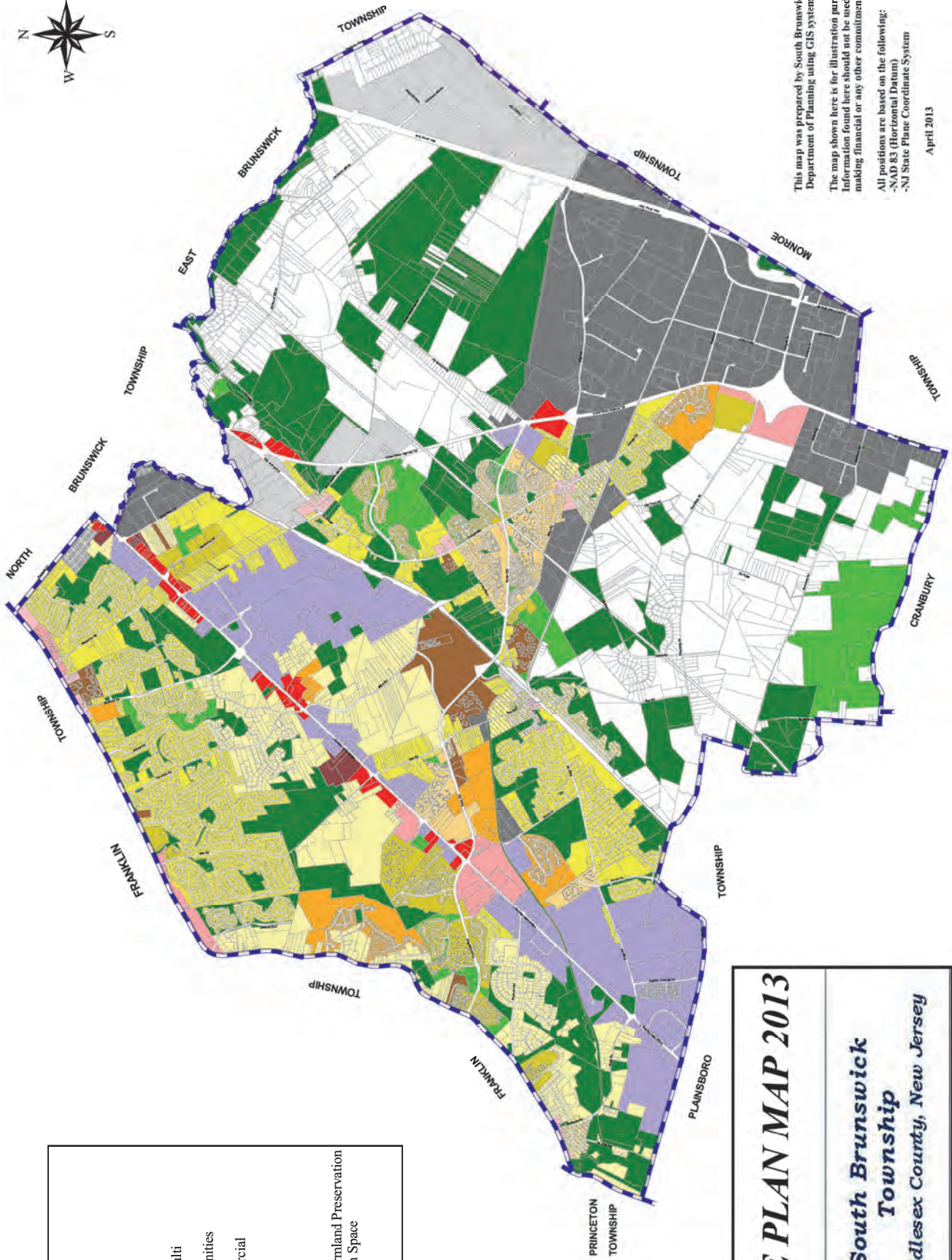
All positions are based on the following:
-NAD 83 (Horizontal Datum)
-NJ State Plane Coordinates System

February 2013



**South Brunswick
Township**
Middlesex County, New Jersey





Legend

- Rural Residential
- Low Density
- Medium Density
- Village Residential
- Medium Single and Multi
- Planned Residential
- Planned Adult Communities
- Affordable Housing
- Neighborhood Commercial
- General Retail Center
- Highway Commercial
- Office Park
- Limited Industrial
- General Industrial
- Private Open Space/Farmland Preservation
- Government/Park/Open Space
- Mobile Home Park

LAND USE PLAN MAP 2013



South Brunswick Township
Middlesex County, New Jersey

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All positions are based on the following:
-NAD 83 (Horizontal Datum)
-NJ State Plane Coordinate System

April 2013

EXHIBIT C



South Brunswick Township
540 Ridge Road
Monmouth Junction, NJ 08852

ORDINANCE _____

Amending and Supplementing Chapter 62, Land Use, Creating the PRD V, Planned Residential Development District

WHEREAS, the Township Code of the Township of South Brunswick contains a Land Use section in Chapter 62 which, among other things, defines and outlines various zone districts in the Township; and

WHEREAS, it is in the best interests of the health, safety and welfare of the residents of the Township to establish a new zone district that will permit a mix of residential and commercial development that includes an affordable housing component; and

WHEREAS, the Township Council has reviewed the proposed PRD V, Planned Residential Development District, and believes that it is in the best interests of the health, safety and welfare of the residents of the Township to create such a zone district pursuant to sound planning principles and in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.) and the Land Use Element of the South Brunswick Master Plan;

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, that:

I. Chapter 62, Land Use, shall be and is hereby amended and supplemented as follows, with additions in underline and deletions in strikethrough:

Secs. 62-1116 - 62-~~1145~~ -1126. Reserved.

Subdivision XXII. PRD V - Planned Residential Development District

Sec. 62-1127. Purpose.

The intent of the PRD V, Planned Residential Development District, is to initiate a planned unit development, as permitted by N.J.S.A. 40:55D-1 et seq., for certain non-contiguous acreage within the Township, to be developed according to a plan as a single entity containing both residential and commercial uses, which promotes the efficient delivery of municipal services, the construction of affordable housing and the provision of open space.

Sec. 62-1128. Uses permitted.

The following uses are permitted in the PRD V, Planned Residential Development District:

- (1) Townhouse attached dwellings.

- (2) Retail commercial uses and facilities as permitted under the C-2 General Retail Commercial zoning district, excluding fast food restaurants.
- (3) Open space.

Sec. 62-1129. Uses permitted as conditional uses.

The following uses shall be permitted in the PRD V, Planned Residential Development District, as conditional uses subject to Planning Board approval under N.J.S.A. 40:55D-67 and as regulated by the provisions in this chapter:

- (1) Public institutions, but not including correctional institutions or hospitals exclusively for the isolation of contagious diseases or for the insane.
- (2) Public, parochial and private schools.
- (3) Places of worship.
- (4) Community centers.
- (5) Social and fraternal clubs.
- (6) Public utilities.

Sec. 62-1130. Accessory uses and structures permitted.

The following accessory uses and structures are permitted in the PRD V, Planned Residential Development District:

- (1) Home occupations and home professional offices, as defined and regulated by the provisions in this chapter.
- (2) Signs, as regulated in this chapter.
- (3) Fences, as regulated in this chapter.
- (4) Patios and decks, as regulated in this chapter.

Sec. 62-1131. Minimum tract size and open space requirements.

- (1) The minimum tract size for a development in the PRD V, Planned Residential Development District, shall be 40 acres. A public street shall not be construed to divide lands for purposes of this section.
- (2) A minimum of 30 percent of the total tract area shall be reserved as open space and may be devoted to passive, active or recreational uses. At least 25 percent of the open space shall include lands that are not classified as wetlands based on a Letter of Interpretation (LOI) from the New Jersey Department of Environmental Protection (NJDEP).

- (3) The property owner shall provide for the establishment of an organization for the ownership and maintenance of any common open space and such organization shall be established and regulated by all applicable State and local standards and conditions.

Sec. 62-1132. Area, yard, density and locational requirements for residential development.

- (1) For the purpose of determining gross residential density, the total tract of land shall be considered, excluding any portions to be developed for commercial use.
- (2) The gross residential density shall not exceed 2.5 units per acre.
- (3) A total of 10 percent of the units produced shall be set aside for low- and moderate-income housing and shall comply with all other applicable federal, State and local provisions governing the development and sale of low- and moderate-income housing, including but not limited to, provisions of N.J.A.C. 5:97 and the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26-1 et seq.).
- (4) A “townhouse attached dwelling” shall be a residential structure with common walls, without common ceilings or floors, consisting of three or more dwellings.
- (5) If townhouse dwellings are to be constructed and sold on fee-simple lots, the following area and dimensional requirements shall apply:

Market-Rate Units

- | | |
|-------------------------------|--------------------------|
| (a) <u>Minimum Lot Area:</u> | <u>2,280 square feet</u> |
| (b) <u>Minimum Lot Width:</u> | <u>24 feet</u> |
| (c) <u>Minimum Lot Depth:</u> | <u>95 feet</u> |

Low- and Moderate-Income Units

- | | |
|-------------------------------|--------------------------|
| (a) <u>Minimum Lot Area:</u> | <u>1,330 square feet</u> |
| (b) <u>Minimum Lot Width:</u> | <u>14 feet</u> |
| (c) <u>Minimum Lot Depth:</u> | <u>95 feet</u> |

- (6) Setback and additional requirements for residential use:

- (a) Minimum building separation:
- | | |
|--|----------------|
| <u>Front to Front:</u> | <u>60 feet</u> |
| <u>All other building to building:</u> | <u>25 feet</u> |
- (b) Minimum Setbacks:
- | | |
|-----------------------------|----------------|
| <u>From a street line:</u> | <u>15 feet</u> |
| <u>From a parking area:</u> | <u>10 feet</u> |

01-way of any public roadway.

- (9) No building intended for residential occupancy shall be located within 50 feet of any other tract boundary line.
- (10) No residential building or structure shall exceed 40 feet or two and one-half stories in height, except as regulated by the height exception provisions of this chapter.
Notwithstanding the above, to encourage less disturbance to existing topography, where appropriate, townhouse dwellings may be constructed with a walk-out condition on the downslope side, but in no case shall such structure exceed 45 feet or three stories in height.
- (11) Parking for residential use shall comply with the requirements of the Residential Site Improvement Standards (RSIS).

Sec. 62-1133. Area, yard and locational requirements for commercial use.

- (1) At least ten percent, but not more than twenty-five percent of the total tract area shall be reserved for commercial development, which shall not exceed a total of 28,000 square feet of building area.
- (2) No portion of the tract area reserved for commercial development shall have a depth of more than 500 feet as measured from the right-of-way of a State highway, and access to such area shall be exclusively from said State highway and no other public roadways.
- (3) One or more commercial buildings are permitted on a lot if designed as part of integrated development.
- (4) The minimum lot size shall be one and one-half (1.5) acres.
- (5) The minimum frontage shall be along a State highway and shall be 100 feet.
- (6) The minimum front yard shall be 50 feet.
- (7) The minimum side yard shall be 75 feet.
- (8) The minimum rear yard shall be 50 feet.
- (9) The maximum principal building coverage shall not exceed 25 percent.
- (10) The maximum coverage by buildings and impervious surfaces shall not exceed 70 percent.
- (11) No building or structure shall exceed 40 feet in height, except as provided for in this chapter.

- (12) A minimum buffer of 25 feet shall be provided to any adjacent property line zoned for residential use, and said buffer shall be comprised of existing vegetation and/or shall be landscaped/ supplemented with plantings so as to provide an effective visual screen between uses.
- (13) No parking areas shall be located within the required front yard setback.
- (14) Off-street parking and loading shall comply with the standards set forth in this chapter.
- (15) Signs shall comply with the standards set forth in this chapter.

Sec. 62-1134. Findings for planned unit development.

Prior to approving a development within the PRD V, Planned Residential Development District, the Planning Board shall render the following findings and conclusions pursuant to N.J.S.A. 40:55D-45:

- (1) That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning ordinance standards pursuant to N.J.S.A. 40:55D-65;
- (2) That the proposals for maintenance and conservation of the common open space are reliable, and the amount, location and purpose of such open space are adequate;
- (3) That provision through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate;
- (4) That the proposed planned unit development will not have an unreasonably adverse impact upon the area in which it is proposed to be established;
- (5) In the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

Secs. 62-1135 - 62-1145. Reserved.

- II. Existing Chapter 62, Article IV, Division 3, Subdivisions XXII (C-1 Neighborhood Commercial/Professional Office/Local Services District) through XXXVIII (ARRC Age Restricted Residential Communities) shall be renumbered as Subdivisions XXIII (C-1 Neighborhood Commercial/Professional Office/Local Services District) through XXXIX (ARRC Age Restricted Residential Communities) respectively.

Township Council of the Township of South Brunswick held on _____, 2013 and will be considered on second and final reading and final passage at a regular meeting of the Township Council of the Township of South Brunswick to be held at the Municipal Building, Monmouth Junction, New Jersey, at 7:30 p.m. on _____, 2013, at which time and place any person having an interest therein will be given an opportunity to be heard.



13. PRIOR ROUND: EAST MEADOWS ESTATE

Affordable Housing Compliance List

One Sample Deed Restriction

(The remaining deed restrictions are located within the
Township's files and can be reviewed at the Municipal Building.)

EAST MEADOW ESTATES AH COMPLIANCE MECHANISM

ADDRESS	BR	PRICE	TWP PURCHASE PRICE	DATE of TWP PURCHASE	AH SALE PRICE	CLOSING DATE	SUBSIDY
5051 Beech Ct. (Whispering Woods)	1	\$169,900	\$157,000	5/17/2016	\$128,062	10/25/2016	\$38,850.72
2151 Ash Ct. (Whispering Woods)	2	\$204,500	\$202,000	5/3/2016	\$167,521	9/19/2016	\$42,425.13
M-7 Quincy Cr. (Dayton Square)	3	\$239,900	\$225,000	5/23/2016	\$200,000	Pending	
43 Beechwood Ct. (Wynwood)	3	\$224,900	\$205,000	5/3/2016	\$182,900	2/16/2018	\$39,563.45
7482 Elm Ct. (Whispering Woods)	2	\$208,000	\$200,900	5/24/2016	\$167,370	2/15/2017	\$41,365.32
4231 Bayberry Ct. (Whispering Woods)	2	\$205,000	\$202,000	6/1/2016	\$165,000	12/22/2017	\$49,380.60



MIDDLESEX COUNTY CLERK

Return To:

FIRST AMERICAN TITLE
2 RESEARCH WAY
PRINCETON, NJ, 08540

SOUTH BRUNSWICK TOWNSHIP OF

Index DEED BOOK
Book 06902 Page 0021
No. Pages 0009
Instrument DEED EXEMPT
Date : 12/08/2016
Time : 9:23:38
Control # 201612080121
INST# DE 2016 017350
Employee ID MALTBS

RECORDING	\$	65.00
EXEMPT	\$.00
DARM	\$	24.00
NJPRPA	\$	16.00
DARM 3.00	\$	3.00
NJPRPA	\$	2.00
GRANTEE TX	\$.00
- - - - -	\$.00
- - - - -	\$.00
All Other	\$	3.00
Total:	\$	113.00

STATE OF NEW JERSEY
MIDDLESEX COUNTY CLERK

PLEASE NOTE
DO NOT REMOVE THIS COVERSHEET
IT CONTAINS ALL RECORDING INFORMATION

ELAINE FLYNN
COUNTY CLERK



201612080121



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Retain this page for future reference
Not part of the original submitted document

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TO ACCESS THE IMAGE OF
THE DOCUMENT RECORDED
HEREUNDER BY BOOK AND
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2354163 Acct# 880

Record and Return to:
Township of South Brunswick
P.O. Box 190
Monmouth Junction, NJ 08852
Attn: Township Attorney

Record and return: Prepared by
FIRST AMERICAN TITLE
2 RESEARCH WAY
PRINCETON, NJ 08540

Anthony M. Campisano, Esq.

Deed

**DEED-RESTRICTED AFFORDABLE HOUSING UNIT WITH
RESTRICTIONS ON RESALE AND REFINANCING**

To State Regulated Property
With Covenants Restricting Conveyance
And Mortgage Debt

THIS DEED is made on this the 25 day of October, 2016, by and between

TOWNSHIP OF SOUTH BRUNSWICK, a municipal corporation of New Jersey,
with offices at 540 Ridge Road, Monmouth Junction, NJ 08852 (Grantor) and

REGINA M. LOCANDRO (Grantee).

Whose address is about to be: 5051 Beech Court, Monmouth Junction, NJ 08852

BOOK #
PAGE #
2016 DEC -8 AM 9:30
RECORDED
ELAINE M. FLYNN
MIDDLESEX CITY CLERK

Article 1. Consideration and Conveyance

In return for payment to the Grantor by the Grantee of ONE HUNDRED TWENTY-EIGHT THOUSAND, SIXTY-TWO and 00/100 Dollars (\$128,062.00), the receipt of which is hereby acknowledged by the Grantor, the Grantor hereby grants and conveys to the Grantee all of the land and improvements thereon as is more specifically described in Article 2, hereof (the Property).

Article 2. Description of Property

The Property consists of all of the land, and improvements thereon, that is located in the Township of South Brunswick, County of Middlesex, State of New Jersey, and described more specifically as Block No. 84.03 Tax Lot No. 5051, and known by the street address:

5051 Beech Court
Monmouth Junction, NJ 08852

As more particularly described in Schedule A, attached hereto and being the same premises conveyed to Township of South Brunswick, a Municipal Entity, by Deed from Debra DeLuca, married, to Township of South Brunswick, a Municipal Corporation of the State of New Jersey, dated 5/17/2016, and recorded 5/20/2016, in the Middlesex County Clerk's/Register's Office in Deed Book 6822, Page 188.

BEING subject to all conditions, restrictions, covenants and easements of record, if any.

DEB

SCHEDULE *EA*
LEGAL DESCRIPTION

Commitment No.: 3471-2354163-PRC

Real property in the Township of South Brunswick, County of Middlesex, State of New Jersey:

BEING known and designated as Unit 5051 in Building No. 18 in "Whispering Woods," together with an undivided .1837 percentage interest in and to the common elements appurtenant thereto, in accordance with, and subject to the terms, conditions, provisions, covenants, restrictions, easements, and other matters contained in the Master Deed for said "Whispering Woods, which Master Deed was recorded on January 20, 1984, in the Clerk's Office of the County of Middlesex, in Book 3332, Page 45, as amended by First Amendment to Master Deed recorded in Deed Book 3362 Page 67, further amended by Second Amendment to Master Deed recorded in Deed Book 3382 Page 187, further amended by Third Amendment to Master Deed recorded in Deed Book 3424 Page 558, further amended by Fourth amendment to Master Deed recorded in Deed Book 3428 Page 555, further amended by Fifth Amendment to Master Deed recorded in Deed Book 3428 Page 571, further amended by Sixth Amendment to Master Deed recorded in Deed Book 3466 Page 475, as the same may hereafter be lawfully amended.

* NOTE FOR INFORMATION ONLY: Being Lot(s) 5051, Block 84.03 Tax Map of the Township of South Brunswick, County of Middlesex

Article 3. Grantor's Covenant

The Grantor hereby covenants and affirms that Grantor has taken no action to encumber the Property.

Article 4. Affordable Housing Covenants

Sale and use of the Property is governed by regulations known as the Uniform Housing Affordability Controls, which are found in New Jersey Administrative Code at Title 5, chapter 80, subchapter 26 (N.J.A.C. 5:80-26.1, *et seq*, the "Regulations"). Consistent with the Regulations, the following covenants (the "Covenants") shall run with the land for the period of time commencing upon the earlier of (a) the date hereof or (b) the prior commencement of the "Control Period", as that term is defined in the Regulations, and terminating upon the expiration of the Control Period as provided in the Regulations.

In accordance with N.J.A.C. 5:80-26.5, each restricted unit shall remain subject to the requirements of this subchapter, the "Control Period," until the municipality in which the unit is located elects to release the unit from such requirements. Prior to such a municipal election, a restricted unit must remain subject to the requirements of this subchapter so long as provided by law;

- A. The Property may be conveyed only to a household who has been approved in advance and in writing by the South Brunswick Affordable Housing Office, an administrative agent appointed under the Regulations (hereinafter, collectively, the "Administrative Agent").
- B. No sale of the Property shall be lawful, unless approved in advance and in writing by the Administrative Agent, and no sale shall be for a consideration greater than the maximum permitted price ("Maximum Resale Price", or "MRP") as determined by the Administrative Agent.
- C. No refinancing, equity loan, secured letter of credit, or any other mortgage obligation or other debt (collectively, "Debt") secured by the Property, may be incurred except as approved in advance and in writing by the Administrative Agent. At no time shall the Administrative Agent approve any such Debt, if incurring the Debt would make the total of all such Debt exceed Ninety-Five Percent (95%) of the applicable MRP.
- D. The owner of the Property shall at all times maintain the Property as his or her principal place of residence.
- E. Except as set forth in F, below, at no time shall the owner of the Property lease or rent the Property to any person or persons, except on a short-term hardship basis as approved in advance and in writing by the Administrative Agent.
- F. If the Property is a two-family home, the owner shall lease the rental unit only to income-certified low-income households approved in writing by the Administrative Agent, shall charge rent no greater than the maximum permitted rent as determined by the Administrative Agent, and shall submit for written approval of the Administrative Agent copies of all proposed leases prior to having them signed by any proposed tenant.
- G. No improvements may be made to the Property that would affect its bedroom configuration, and in any event, no improvement made to the Property will be taken into consideration to increase the MRP, except for improvements approved in advance and in writing by the Administrative Agent.

- H. The owner shall notify the Administrative Agent of any foreclosure actions filed with respect to the Property within five (5) business days of service upon the owner.
- I. The owner shall notify the Administrative Agent within three (3) business days of the filing of any petition for protection from creditors, bankruptcy or reorganization filed by or on behalf of the owner.
- J. This Deed Restriction shall have priority over all mortgages and encumbrances on the Property. The Property shall remain subject to the Covenants contained herein and the affordability controls set forth in the Uniform Controls despite the occurrence of any of the following events:
 - a. a sublease or assignment of any lease;
 - b. a sale or voluntary transfer of the ownership of the Property; or
 - c. the entry and enforcement of any judgment of foreclosure or other involuntary transfer of the ownership.
- K. Being further subject to all conditions, restrictions, easements and covenants, if any.

Article 5. Remedies for Breach of Affordable Housing Covenants

A breach of the Covenants will cause irreparable harm to the Administrative Agent and to the public, in light of the public policies set forth in the New Jersey Fair Housing Act, the Uniform Housing Affordability Control rules found at N.J.A.C. 5:80-26, and the obligation for the provision of low and moderate-income housing. Accordingly, and as set forth in N.J.A.C. 5:80-26.10A(b):

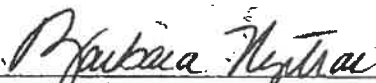
- A. In the event of a threatened breach of any of the Covenants by the Grantee, or any successor in interest or other owner of the Property, the Administrative Agent shall have all remedies provided at law or equity, including the right to seek injunctive relief or specific performance.
- B. Upon the occurrence of a breach of any Covenants by the Grantee, or any successor in interest or other owner of the Property, the Administrative Agent shall have all remedies provided at law or equity including but not limited to forfeiture, foreclosure, acceleration of all sums due under any mortgage, recouping of any funds from a sale in violation of the Covenants, diverting of rent proceeds from illegal rentals, injunctive relief to prevent further violation of said Covenants, entry on the premises, those provided under Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code and specific performance.

EXECUTION BY GRANTOR

Signed by the Grantor on the date hereof. This Deed is signed by a corporate officer who has authority to (a) convey all interests of the corporation that are conveyed by this Deed, and (b) to bind the corporation with respect to all matters dealt with herein.

Attest:

TOWNSHIP OF SOUTH BRUNSWICK


Barbara Nyitrai, Clerk


FRANK GAMBATESE, Mayor

STATE OF NEW JERSEY:

SS

COUNTY OF MIDDLESEX:

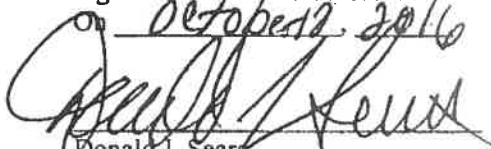
I CERTIFY that on Oct 12, 2016 BARBARA NYITRAI personally came before me and she acknowledged under oath, to my satisfaction, that:

- (a) she is the Township Clerk of the Township of South Brunswick, the municipal corporation named in this document;
- (b) she is the attesting witness to the signing of this document by Frank Gambatese who is the Mayor of the Township of South Brunswick;
- (c) this document was signed and delivered by the Township of South Brunswick as its voluntary act duly authorized by a proper resolution of the Township Council;
- (d) she knows the proper seal of the Township of South Brunswick which was affixed to this document; and
- (e) she signed this proof to attest to the truth of these facts.

The Witness also acknowledges that the full and actual consideration paid or to be paid for the transfer of title to realty evidenced by this Deed, as such consideration is defined in P.L. 1968, c. 49, sec. 1(c), is \$128,062.00.

Signed and sworn to before me

On October 12, 2016


Donald J. Sears

An Attorney at Law
In the State of New Jersey


Barbara Nyitrai, Township Clerk