

MEETING AT MUNICIPAL BUILDING, 9508 SECOND AVENUE
PRELIMINARY AGENDA FOR COUNCILMEMBERS

REGULAR MEETING

TUESDAY

September 18, 2018

4:30 p.m.

Ordinance – 1530 Amend Bulkhead Ordinance Amend Chapter 199 INTRO (1) Parzych

Ordinance – 1531 Amend Bulkhead Ordinance Amend Ordinance 1525 INTRO (2) Krafczek

Ordinance – 1532 Lot Grading – INTRO (3) Krafczek

Ordinance – 1533 Affordable Housing Ordinance INTRO (4) Lane

Ordinance - 1534 Accessory Apartment INTRO (5) Rich

Ordinance – 1535 Overlay INTRO (6) Gallagher

Resolution – Approve Contract Triad (7) Kramar

Resolution – Summer Officer Matthew Cooper (8) Parzych

Resolution – Change Order #2 Final – 105th & 107th First Avenue (9) Lane

Resolution – Authorize Shared Services Agreement CMC MUA (10) Kramar

Motion - to approve Special Events (11) Gallagher

Stone Harbor Fitness Retreat October 20, 2018

Savor September Festival September 22, 2018

Motion- Out to Bid Open Space Bikeway Initiative (12) Gallagher

Out to Bid New Sewer Pump Station (13) Parzych

Motion- Bonfire – Friday, October 12th (14) Rich

(1)

BOROUGH OF STONE HARBOR
COUNTY OF CAPE MAY, NEW JERSEY
ORDINANCE 1530

CHAPTER 199. BULKHEAD AND DOCK CONSTRUCTION

Chapter 199-1 Permit for bulkhead, pier, dock, wharf, boat piling or float; fee; enforcement.

A. No person or association of persons shall construct, reconstruct, extend, enlarge, repair (except for ordinary repairs), locate, move or change the size, shape, configuration or location of any bulkhead, pier, dock, wharf, boat piling or float without first obtaining a building permit therefor from the Construction Official. The fee for such permit shall be \$16 per \$1,000 or any part thereof, with a minimum of \$100.

[Amended 2-17-2009 by Ord. No. 1330]

B. The Construction Official is empowered and charged with the duty of enforcement of this chapter. A permit shall not be required when the nature of the work to be performed consists of ordinary repairs to an existing structure. Ordinary repairs, for the purpose of this subsection, shall be deemed to be any repairs or replacements to a portion of the railing or the deck boards of any pier, dock, wharf, or float. The complete replacement of railings or deck boards on any pier, dock, wharf or float, and any and all repairs to a bulkhead or boat piling shall not, however, be deemed ordinary repairs and shall require a permit.

C. Except as provided in N.J.S.A. 12:5-1 et seq. any such work, including ordinary repairs, requires application to the New Jersey Department of Environmental Protection as a prior approval, if said work, or any portion thereof, is conducted on the water side (as opposed to the land side) of the bulkhead.

§ 199-2 Bulkheads. (REPLACED BY ORDINANCE 1525)

~~A. Applications for permits to construct or reconstruct bulkheads shall be accompanied by a plan of construction together with specifications sufficient in detail to show the size, shape, configuration and location of such bulkhead, the material to be used in such construction and the manner in which such material shall be incorporated into the bulkhead.~~

~~B. The location of any reconstruction or replacement of bulkheads shall be along the existing bulkhead line. The location of any new bulkhead shall be as determined by state permit. The finished elevation of the bulkhead shall be 7.5 feet above mean sea level, provided that in case of a dispute as to the location, height, or construction requirements, the same shall be determined by the construction official.~~

~~C. The minimum specifications covering the construction and reconstruction of bulkheads shall be as follows:~~

~~(1)~~

~~All piles shall have a butt diameter of not less than 10 inches and a tip diameter of not less than five inches and shall have a length at least four feet greater than the~~

~~sheet piles. All piles shall be of southern pine and shall have 13 pounds full cell process with No. 1 grade creosote oil, AREA specifications and treatment according to the latest AWWA specifications.~~

~~(2)~~

~~All timber sheet piles, wales and caps shall be creosote treated No. 1 common fir or North Carolina pine and shall contain not more than 15% of No. 2 and shall have 12 pounds full cell process with No. 1 grade creosote oil, AREA specifications and treatment according to the latest AWWA specifications. Sheet piles shall be two inches by eight inches or two inches by 10 inches and shall have a penetration of at least 40% of the actual length or sheathing. Wales shall be four inches by six inches. At least two wales shall be required. A third wale shall be used where the finished top of bulkhead extends more than seven feet six inches above the existing bottom. All wale joints shall be staggered at pilings.~~

~~(3)~~

~~All bolts, tie rods and spikes shall be of genuine galvanized steel of first quality. Each bolt and tie rod shall be fitted with two galvanized steel washers. Bolts and tie rods shall be galvanized after threading and shall have sufficient length of thread so that no blocking will be required. No rethreading or thread extension shall be permitted. Bolts shall be five eighths inches in diameter and of sufficient length to comply with the above requirements. Wales to be bolted to all piles. Tie rods shall be at least five eighths inches in diameter and shall have a minimum length of 14 feet. One tie rod will be required for each main pile. Galvanized nails or spikes shall be not less than 20 penny and each sheet pile shall receive not less than two nails or spikes per wale.~~

~~(4)~~

~~All timbers shall be set by the water jet method. Piles shall be set on not more than five feet two inch centers, and shall be tied to anchor piles with tie rods previously specified. Anchor piles shall be treated, creosoted (or equivalent) pilings and shall have a butt diameter of not less than six inches, and shall be not less than 12 feet in length and the top of same shall be set at least 18 inches below the elevation of the bulkhead cap. Two rows of two inch sheet piles shall be used throughout with joints staggered.~~

§ 199-3 Construction of piers, docks, wharfs, boat pilings and floats; permit application.

A. Applications for permits to construct, reconstruct, extend, enlarge, locate, move or change the size, shape, configuration or location of any pier, dock, wharf, boat piling or float shall be accompanied by a plan of construction together with specifications sufficient in detail to show the size, shape, configuration and location of such structures and the material to be used in such construction and the manner in which such material shall be incorporated into the structure.

B. No pier, dock, wharf, boat piling or float to be constructed within any lagoon shall extend beyond the exterior property line as shown on the official tax map, and as also established by the reservations, covenants and conditions of the deeds of conveyance to lands bordering along the waters of the lagoons. Provided, however, that relief may be granted from the terms of this subsection upon application made to Borough Council pursuant to § 199-4 in situations where the enforcement of this subsection would be discriminatory or cause a hardship to an applicant.

C. No pier, dock, wharf, boat piling or float to be constructed in waters classified officially as navigable waters, or waters over which the United States of America, the State of New Jersey, or either of them, exercise or claim jurisdiction and control, shall extend beyond the line established by the riparian commissioners of the State of New Jersey or beyond the line established by any deed restriction. In such cases the Construction Official shall not issue a permit until the applicant has first obtained written permission to construct from the proper department of the United States and/or from the proper department of the State of New Jersey, as may from time to time be required. These conditions shall be in addition to the conditions set forth in Subsection B.[1]

[1]

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 199-4 Procedure and appeals.

A. If for any reason strict compliance with the provisions hereof are impossible of performance, or in cases where appeals are taken from any determination made by the Construction Official, the Borough Council may after a hearing held thereon, modify, alter or change the requirements or any determination made by the Construction Official. Ten days prior to the hearing, the applicant shall deliver to the Borough Clerk eight copies of a survey or plot plan which accurately portrays the applicant's property, the buildings located thereon, and all existing decks, docks, ramps or floats, together with any proposed decks, docks, ramps or floats.

B. Additionally, such survey or plot plan shall show the location of any decks, docks, ramps or floats of the contiguous neighbor on each side of applicant's property and the distances between the decks, docks, ramps and floats of each neighbor and those of the applicant. The applicant shall give at least 10 days' written notice of the hearing by personal service or certified mail, return receipt requested, to all persons owning property within 200 feet of the property to be affected by the application. Such notice shall advise the date, time and place of the hearing, and the applicant shall supply an affidavit of service of this notice prior to the hearing. No limit of time shall be imposed against the taking of such appeal or making application to the Borough Council, and written notice filed with the Borough Clerk shall be deemed sufficient as to form and manner of the appeal.

§ 199-5 Construal of provisions.

The provisions of this chapter referring to persons or associations of persons shall be read to include an owner, lessee, contractor and the agents, servants or employees of them or any of them.

(2)

BOROUGH OF STONE HARBOR
COUNTY OF CAPE MAY
STATE OF NEW JERSEY

ORDINANCE NO. 1531

AN ORDINANCE AMENDING ORDINANCE 1525 OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF STONE HARBOR

(ADDING THE FOLLOWING LANGUAGE UNDER EXISTING NON-CONFORMING BULKHEADS)

BE IT ORDINANCE BY THE BOROUGH COUNCIL OF THE BOROUGH OF STONE HARBOR, COUNTY
OF CAPE MAY, STATE OF NEW JERSEY, AS FOLLOWS:

Existing non-conforming bulkheads.

Every bulkhead within the Borough of Stone Harbor shall be constructed to a minimum elevation of 8.00 feet NAVD 1988 no later than January 2050.

All existing non-conforming bulkheads will be required to be replaced or repaired per the duty to repair. An elevation survey was completed by the Stockton University Costal Research Center to determine bulkhead heights and will be used as a basis for bringing the non-conforming bulkheads into compliance. All bulkheads below elevation 5.5' NAVD 88 pose a significant threat to the flood frequency of the Borough and will be required to be structurally extended to elevation 6.2' NAVD 88, where possible, or replaced in accordance with the standards set forth in this chapter. Bulkheads requiring replacement will be completed in accordance with the following timetable (all elevations are in NAVD 88):

4.0' and below	2 years
4.1' to 4.5'	4 years
4.6' to 5.0'	6 years
5.1' to 5.5'	8 years

Violations and Penalties.

Any person violating any provision of this chapter, upon conviction thereof, shall be punished by a fine not exceeding \$1,250 or by imprisonment for a term not exceeding 90 days, or both. A separate offense shall be deemed to be committed on each and every day during or on which a violation occurs or continues.

Section 2. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 3. This ordinance shall take effect after final adoption and publication as required by law.

APPROVED:

Judith M. Davies-Dunhour, Mayor

ATTEST:

Suzanne C. Stanford, Borough Clerk

(3)

BOROUGH OF STONE HARBOR
COUNTY OF CAPE MAY
STATE OF NEW JERSEY

ORDINANCE NO.

AN ORDINANCE OF THE BOROUGH OF STONE HARBOR, COUNTY OF CAPE MAY, NEW JERSEY
ESTABLISHING UNIFORM REGULATIONS FOR THE GRADING OF BUILDING LOTS
WITHIN THE BOROUGH OF STONE HARBOR

BE IT ORDINATED BY THE BOROUGH COUNCIL OF THE BOROUGH OF STONE HARBOR,
COUNTY OF CAPE MAY, STATE OF NEW JERSEY, AS FOLLOWS:

Section 1a. Section 560-62 is amended as follows:

§ 560-62 **Zoning permits.**

No zoning permit shall be issued with respect to any property for which the payment of real estate taxes is in arrears. A zoning permit shall be required prior to the erection, construction or alteration of any building or structure or portion thereof. Application for permits shall be made in duplicate to the Zoning Officer in writing by the owner of the premises or his authorized agent. Included with the application shall be two complete sets of plans, drawn to scale, showing the proposed structure or alteration and all existing structures on the lot, their relation to each other and to bounding streets, and the use or intended use of all buildings and land. For applications which are subject to <insert lot grading ordinance>, two sets of grading plans prepared by a licensed engineer or surveyor, showing all existing and proposed grading within 50 feet of the subject site and conforming to the requirements of §560-___ shall also be provided. All lots shall be surveyed and marked out on the ground prior to the erection or construction of any building. Permits shall be granted or refused within 10 days of the date of application. Zoning permits shall terminate on the occurrence of any of the following events:

- A. If no building permit is issued in connection therewith within six months after issuance of the zoning permit.
- B. Upon the expiration or other termination of a building permit issued in connection therewith.
- C. Upon the enactment of any amendment to the Zoning Chapter which is inconsistent with the zoning permit in cases where no building permit has been issued in connection therewith.

Section 1b. Section 345-24 A. is amended as follows:

§ 345-24 **Fees.**

A. Fees for applications or for the rendering of any service by the Planning Board or Zoning Board of Adjustment or any of the professionals so designated by the Boards or any of the professionals hired by the Borough for the purpose of covering technical, investigative and administrative expenses involved in processing the application shall be as follows:

[Amended 7-5-2005 by Ord. No. 1237; 2-19-2008 by Ord. No. 1302; 2-17-2009 by Ord. No. 1330; 6-2-2009 by Ord. No. 1339; 6-4-2013 by Ord. No. 1424; 6-20-2017 by Ord. No. 1500; 9-5-2017 by Ord. No. 1503]

Category	Application Fee	Escrow Fee
Subdivision, minor	\$550	\$1,000 per lot
Subdivision, major	\$550	\$1,000 per lot
Site plan, major (preliminary)	\$550	\$2,000
Site plan, major (final)	\$550	\$2,000
Informal review	\$550	\$1,000
Variances	\$550 per variance	\$500 if no site plan required; \$2,000 if site plan required
Request for extension of time	\$100	
Subdivision or site plan amendments	50% of original fees	
Zoning permit	0.0035 of project cost (but not less than \$100)	<u>\$350*</u>
Certified list of property owners	\$10	
Tax Map changes resulting from subdivisions and other applications creating new lots	\$300	
Copy of minutes, proceedings and Notice of decision	Refer to Chapter 92, Article I, of the Borough of Stone Harbor Code	

* For applications involving grading plans only.

Section 1c. Section 560-__ is added to the code as follows:

§ 560- **Lot Grading.**

This Section 560-__ shall not apply to any application for development which undergoes site plan review pursuant to Chapter 345.

All lots shall be graded to prevent the accumulation of storm water. Topsoil shall be provided and/or redistributed on the surface as cover and shall be stabilized with stones, seeding or planting. Grading plans shall be submitted with all zoning permit applications involving (i) new construction; (ii) any alterations which increase the total impervious coverage by five (5%) percent or more of the total lot area and result in total impervious coverage that is eighty (80%) percent or more of the maximum permitted

impervious coverage; (iii) installation of any impervious improvements of within four (4') feet of a side or rear property line; (iv) any change in grade which alters the course of stormwater; or (v) construction of any retention wall; for review and approval by the Borough's engineer. The plan shall conform to the following requirements:

- A. Wherever possible, the land shall be graded to maintain all existing drainage paths while directing storm water to the street. In the event directing stormwater to the street will interfere with existing drainage paths involving adjacent properties, stormwater shall be directed to an existing drainage path or interior yard collection system designed in accordance with this chapter. Storm water will not be permitted to run directly onto an adjacent property unless a pre-existing drainage path is present; provided that in no event shall any construction result in an increase in runoff to adjacent properties.
- B. The minimum slope for lawns and disturbed areas shall be 1 ½% and for smooth, hard-finished surfaces shall be 4/10 of 1%.
- C. The maximum grade for lawns and disturbed areas within five feet of a building shall be 10%, and for lawns and disturbed areas more than five feet from a building, 25%; except that, for the driveway the maximum grade shall be 15%.
- D. Retaining walls installed in slope-controlled areas shall be constructed of reinforced concrete or other reinforced masonry, or of another construction acceptable to the Borough Engineer and shall be adequately designed by a New Jersey licensed professional engineer and detailed in the plan to carry all earth pressures, including any surcharges. The heights of retaining walls shall not exceed 1/3 of the horizontal distance from the foundation wall of any building to the face of the retaining wall.
- E. All new construction and substantial improvements as defined in Chapter 300 will be required to furnish and install an underground storm water recharge system to limit the amount of runoff generated by the construction. The system shall conform to the following requirements:
 - (1) The applicant shall install five linear feet of underground storage (Detail S-1) for every five-hundred square feet of impervious coverage or provide and install a system equivalent to the recommended design as approved by the borough's engineer.
 - (2) The system shall be designed to collect storm water runoff from the roof leaders or an equivalent amount of runoff through inlets or yard drains.
 - ~~(1)(3) The system will be designed to convey the excess storm water to the street~~

Section 1d. Section 560-33 E. is amended as follows:

- E. Proof of compliance with height restrictions required during construction. At specific intervals during the construction of all new construction and/or the renovation/alteration of any structure where such renovation/alteration may potentially change the height of the structure, a site survey prepared by a New Jersey Professional Land Surveyor shall be provided to the Zoning Officer for review and approval as follows:

- (1) Upon completion of the foundation, a survey indicating the elevation to the top of the block, top of the freeboard and finished grade in relation to the top-of-curb height applicable to the property. In addition, all setbacks from property lines shall be indicated.
- (2) Upon completion of the roof framing and sheathing, a survey of the elevation to the highest peak of the roof from the top of the block, top of the freeboard and finished grade in relation to the top-of-curb height applicable to the property. In addition, all setbacks from the property line shall be indicated. This shall include the height and location of any accessory structures on the lot. No framing inspection shall be performed on the property unless and until this provision is complied with.
- (3) Upon application for the final certificate of occupancy, a survey showing the elevation to the highest roof peak from the top of the block, top of the freeboard and finished grade in relation to the top-of-curb height applicable to the property. In addition, the height and location of all structures on the lot, both in size and setbacks from the property lines. Where applicable, grade throughout the property shall also be shown to indicate conformance with the approved grading plan and shall indicate all impervious surfaces along with any underground storage provided in conformance with the code.

Section 2. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 3. This ordinance shall take effect after final adoption and publication as required by law.

APPROVED:

Judith Davies-Dunhour, Mayor

ATTEST:

Suzanne C. Stanford, Borough Clerk

(4)

**BOROUGH OF STONE HARBOR
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE _____

AN ORDINANCE OF THE BOROUGH OF STONE HARBOR TO IMPLEMENT THE BOROUGH'S THIRD ROUND HOUSING PLAN ELEMENT AND FAIR SHARE PLAN CONSISTENT WITH THE TERMS OF A SETTLEMENT AGREEMENT REACHED BETWEEN THE BOROUGH OF STONE HARBOR AND THE FAIR SHARE HOUSING CENTER REGARDING COMPLIANCE WITH THE BOROUGH'S THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS IN ACCORDANCE WITH IN RE: N.J.A.C. 5:96 AND 5:97, 221 N.J. 1 (2015), THE NEW JERSEY FAIR HOUSING ACT, AND RELEVANT REGULATIONS AND POLICIES ADOPTED BY THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING.

Section 1. Affordable Housing Obligation

- (a) This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.
- (b) The Borough of Stone Harbor Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been adopted by the Planning Board and endorsed by the governing body. The Fair Share Plan describes how Stone Harbor Borough shall address its fair share for low- and moderate-income housing as documented in the Housing Element and outlined in the terms of the settlement agreement between the Borough and Fair Share Housing Center (FSHC).
- (c) This Ordinance implements the Borough's Fair Share Plan, addresses the requirements of the Court and the terms of the settlement agreement, and also implements a Borough wide requirement that all new multi-family residential development of five (5) or more units shall have a mandatory affordable housing set aside for low- and moderate-income units, subject to certain enumerated conditions.
- (d) The Borough of Stone Harbor shall track the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan shall be available to the public at Borough Hall located on 9508 Second Avenue, Stone Harbor, NJ 08247.

Section 2. Definitions

The following terms when used in this Ordinance shall have the meanings given in this Section:

"Accessory apartment" means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

"Act" means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

"Adaptable" means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

"Administrative agent" means the entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.

"Affirmative marketing" means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

"Affordability average" means the average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

"Affordable" means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and

supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable development” means a housing development all or a portion of which consists of restricted units.

“Affordable housing development” means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80 percent of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Assisted living residence” means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“The Department” means the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

“Inclusionary development” means a development containing both affordable units and market rate units. Inclusionary developments must have a twenty percent set aside of affordable units if the development has five or more units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the median household income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable county, as adopted annually by the Department.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by the Department’s adopted Regional Income Limits published annually by the Department.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

“Very low-income household” means a household with a total gross annual household income equal to 30 percent or less of the median household income.

“Very low-income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

Section 3. Affordable Housing Programs

The Borough of Stone Harbor will use the following mechanisms to satisfy its affordable housing obligations:

- (a) A Rehabilitation program.
 1. The Borough of Stone Harbor and Fair Share Housing Center have agreed upon a rehabilitation program of three (3) units. To satisfy this obligation, the Borough shall either (i) participate in the Cape May County Affordable Housing Program; or (ii) establish and implement its own Rehabilitation Program.
 2. The Borough of Stone Harbor shall dedicate an average of \$8,000 hard costs and \$2,000 administrative costs, totally \$10,000 on average for each unit to be rehabilitated through this program.
 3. If the Borough chooses to establish and implement its own Rehabilitation Program, it shall designate an Administrative Agent to administer said program in accordance with N.J.A.C. 5:91 and N.J.A.C. 5:93. The Administrative Agent shall provide a rehabilitation manual for the owner-occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of the Court. Said rehabilitation manual shall be available for public inspection in the Office of the Municipal Clerk and in the office of the Administrative Agent.
- (b) Percentage of Mandatory Set Asides for All Future Residential Developments.

If the Borough permits the construction of multi-family or single-family attached residential development that is “approvable” and “developable,” as defined at N.J.A.C. 5:93-1.3, at a gross residential density of 6 units to the acre or more, the Borough shall require that an appropriate percentage of the residential units be set aside for low and moderate income households. This requirement shall apply to any multi-family or single-family attached residential development, including the residential portion of a mixed-use project, which consists of five (5) or more new residential units, whether permitted by a zoning amendment, a variance granted by the Borough’s Land Use Board, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation. For any such development for which the Borough’s land use ordinances (e.g. zoning or an adopted Redevelopment Plan) already permitted residential development as of the effective date of this Agreement, this requirement shall only apply if the Borough permits an increase in approvable and developable gross residential density to at least twice the permitted approvable and developable gross residential density as of the effective date of this Agreement. Nothing in this paragraph precludes the Borough from imposing an affordable housing set aside in a development not required to have a set-aside pursuant to this paragraph consistent with N.J.S.A. 52:27D-311(h) and other applicable law. For inclusionary projects in which the low and moderate income units are to be offered for sale, the appropriate set-aside percentage is 20 percent; for projects in which the low and moderate income units are to be offered for rent, the appropriate set-aside percentage is 15 percent. This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project. This requirement does not apply to any sites or specific zones otherwise identified in the Settlement Agreement or Fair Share Plan, for which density and set-aside standards shall be governed by the specific standards set forth therein.

Furthermore, this section shall not apply to developments containing four (4) or less dwelling units. All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section. Where a developer demolishes existing dwelling units and builds new dwelling units on the same site, the provisions of this section shall apply only if the net number of dwelling units is five (5) or more.

- (c) Phasing. Inclusionary developments shall be subject to the following schedule, except where an alternate phasing schedule has been incorporated into a development or redevelopment agreement:

Minimum Percentage of Low- and Moderate-Income Units Completed	Maximum Percentage of Market-Rate Units Completed
0	25
10	25 + 1 Unit
75	75
100	90

- (d) Fractional Units. If 20 percent of the total number of units in a development results in a fraction or decimal, the developer shall be required to provide an additional affordable unit on site.

Example: an 8-unit development requiring an affordable housing set-aside of 1.6 units is proposed. The developer is required to provide two on-site affordable units.

- (e) Design. In inclusionary developments, low- and moderate-income units shall be integrated with the market units.

- (f) Payments-in-lieu and off-site construction. The standards for the collection of Payments-in-Lieu of constructing affordable units or standards for constructing affordable units off-site, shall be in accordance with N.J.A.C. 5:93-8 and the Borough’s Affordable Housing Development Fee ordinance.

- (g) Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.

Section 4. New Construction

The following general guidelines apply to all newly constructed developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

(a) Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.
2. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units. If there is only one affordable unit it must be a low income unit.
3. Thirteen percent (13%) of all affordable units in the Borough shall be designated as very-low income households at 30% of the median income, with at least fifty percent (50%) of all very-low income units being available to families. If an inclusionary development proposes less than 10 total units, a payment in lieu of a very low income unit shall be deposited into the Borough's Affordable Housing Trust Fund based on the difference in cost between providing a very low income unit and the region's affordability average. Inclusionary developments of 10 or more total units shall be required to provide a minimum of one very low income unit (10%). Very-low income units shall be considered low-income units for the purposes of evaluating compliance with the required low/moderate income unit splits, bedroom distribution, and phasing requirements of this ordinance.
4. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - i. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - ii. At least 30 percent of all low- and moderate-income units shall be two bedroom units;
 - iii. At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
 - iv. The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
5. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

(b) Accessibility Requirements:

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.
2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - i. An adaptable toilet and bathing facility on the first floor;
 - ii. An adaptable kitchen on the first floor;
 - iii. An interior accessible route of travel on the first floor;
 - iv. An interior accessible route of travel shall not be required between stories within an individual unit;
 - v. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 - vi. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the Borough of Stone Harbor has collected funds from the developer sufficient to make ten percent (10%) of the adaptable entrances in the development accessible:

- a. Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
- b. To this end, the builder of restricted units shall deposit funds within the Borough's Affordable Housing Trust Fund sufficient to install accessible entrances in ten percent (10%) of the affordable units that have been constructed with adaptable entrances.
- c. The funds deposited under paragraph B. above shall be used by the Borough of Stone Harbor for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
- d. The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Borough.
- e. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's affordable housing trust fund where the funds shall be deposited into the affordable housing trust fund and appropriately earmarked.
- f. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

(c) Maximum Rents and Sales Prices

1. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC utilizing the regional income limits established by the New Jersey Department of Community Affairs (DCA) or other agency as required by the Court.
2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.
3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
 - a. At least thirteen percent (13%) of all low- and moderate-income dwelling units shall be affordable to households earning no more than 30 percent of median income.
4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
 - a. A studio shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household;
 - c. A two-bedroom unit shall be affordable to a three-person household;
 - d. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - e. A four-bedroom unit shall be affordable to a six-person household.

6. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
 - a. A studio shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household; and
 - c. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
9. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
10. The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.
11. Utilities. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

Section 5. Affirmative Marketing Requirements

- (a) The Borough of Stone Harbor shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (b) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 4 and covers the period of deed restriction.
- (c) The affirmative marketing plan shall provide a regional preference for all households that live and/or work in Housing Region 4.
- (d) The Administrative Agent designated by the Borough of Stone Harbor shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- (e) In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (f) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.

(g) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Borough.

Section 6. Occupancy Standards

(a) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:

1. Provide an occupant for each bedroom;
2. Provide children of different sex with separate bedrooms; and
3. Prevent more than two persons from occupying a single bedroom.

(b) Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

Section 7. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

(a) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance until the Borough of Stone Harbor elects to release the unit from such requirements however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.

(b) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.

(c) Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.

(d) At the time of the first sale of the unit, the purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the requirements of this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

(e) The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.

(f) A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

Section 8. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

(a) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.

(b) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.

(c) The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.

(d) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

Section 9. Buyer Income Eligibility

(a) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median

income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.

(b) The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's certified monthly income.

Section 10. Limitations on indebtedness secured by ownership unit; subordination

(a) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.

(b) With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C.5:80-26.6(b).

Section 11. Control Periods for Restricted Rental Units

(a) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance until the Borough of Stone Harbor elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.

(b) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Cape May. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

(c) A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:

1. Sublease or assignment of the lease of the unit;
2. Sale or other voluntary transfer of the ownership of the unit; or
3. The entry and enforcement of any judgment of foreclosure.

Section 12. Price Restrictions for Rental Units; Leases

(a) A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.

(b) No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.

(c) Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

Section 13. Tenant Income Eligibility

(a) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:

1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.

(b) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
3. The household is currently in substandard or overcrowded living conditions;
4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
5. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

(c) The applicant shall file documentation sufficient to establish the existence of the circumstances in (b) 1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

Section 14. Administration

(a) The position of Municipal Housing Liaison (MHL) for the Borough of Stone Harbor is established by this ordinance. The Borough shall make the actual appointment of the MHL by means of a resolution.

1. The MHL must be either a full-time or part-time employee of Stone Harbor.
2. The person appointed as the MHL must be reported to the Court and thereafter posted on the Borough's website.
3. The MHL must meet all the requirements for qualifications, including initial and periodic training.
4. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of Stone Harbor, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - i. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - ii. The implementation of the Affirmative Marketing Plan and affordability controls.
 - iii. When applicable, supervising any contracting Administrative Agent.
 - iv. Monitoring the status of all restricted units in the Borough's Fair Share Plan;
 - v. Compiling, verifying and submitting annual reports as required;
 - vi. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
 - vii. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Affordable Housing Professionals of New Jersey (AHPNJ).

(b) The Borough of Stone Harbor shall designate by resolution of the Borough Council, subject to the approval of the Court, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:91, N.J.A.C. 5:93 and UHAC.

(c) An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).

(d) The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:

1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Affordable Housing Professionals of New Jersey (AHPNJ).;
2. Affirmative Marketing;
2. Household Certification;
3. Affordability Controls;
4. Records retention;
5. Resale and re-rental;
6. Processing requests from unit owners; and
7. Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
8. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

(e) The fees of the Administrative Agent shall be paid by the owners for the affordable units for which the services of the Administrative Agent are required.

Section 15. Enforcement of Affordable Housing Regulations

(a) Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

(b) After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:
 - i. A fine of not more than \$10,000.00 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
 - ii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Stone Harbor Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - iii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
2. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.

(c) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's

fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.

(d) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

(e) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

(f) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

(g) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.

(h) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

Section 16. Appeals

Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed with the Superior Court of New Jersey, Cape May County.

Section 17. Repealer

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

Section 18. Inconsistent Ordinances

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

Section 19. Severability

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

Section 20. Effective Date

This Ordinance shall take effect upon its passage and publication according to law.

Judith M. Davies-Dunhour, Mayor

This is to certify that the foregoing Ordinance was adopted by the Borough Council at a regular meeting of the Borough of Stone Harbor held on _____, 2018.

Suzanne C. Stanford, R.M.C., Borough Clerk

(3)

BOROUGH OF STONE HARBOR
CAPE MAY COUNTY
ORDINANCE 1534

AN ORDINANCE AMENDING SECTION 560-16(H) OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF STONE HARBOR 2018
REGARDING THE REQUIREMENTS FOR ACCESSORY APARTMENT
UNITS IN THE BOROUGH OF STONE HARBOR.

PURPOSE

The purpose of this Ordinance is to establish regulations and standards governing the development of low and moderate income accessory apartment units throughout the Borough. The Ordinance is designed to regulate low and moderate-income accessory apartment units in a manner consistent with the Fair Housing Act, N.J.S.A. 52:27D-301; et. seq. ("FHA"), Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC"); and New Jersey Council on Affordable Housing (COAH) Prior Round regulations, N.J.A.C. 5:93-1 et seq.

BE IT ORDAINED by the Mayor and Council of the Borough of Stone Harbor, in the County of Cape May, that it does hereby supplement and amend Section 560-16(H) of the Code of the Borough of Stone Harbor as follows:

Section 4(g). Rents of accessory apartments shall be affordable to low and moderate income households as per COAH regulations. ADD: [Of the ten (10) units, 5 shall be affordable to moderate-income households, 4 shall be affordable to low-income households, and 1 shall be affordable to a very-low-income household.]

Introduced: _____.

Passed and Approved:
_____.

This Ordinance shall take effect upon its passage and publication according to law.

Judith M. Davies-Dunhour, Mayor

This is to certify that the foregoing Ordinance was adopted by the Borough Council at a regular meeting of the Borough of Stone Harbor held on _____, 2018.

Suzanne C. Stanford, R.M.C., Borough Clerk

(6)

BOROUGH OF STONE HARBOR
CAPE MAY COUNTY
ORDINANCE 1535

AN ORDINANCE AMENDING THE MOUNT LAUREL OVERLAY PROVISIONS IN SECTION 560-2(G) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF STONE HARBOR 2018 PURSUANT TO THE AGREEMENT BETWEEN THE BOROUGH AND FAIR SHARE HOUSING CENTER, DATED DECEMBER 5, 2017 AND APPROVED BY THE COURT ON JANUARY 23, 2018

BE IT ORDAINED by the Mayor and Council of the Borough of Stone Harbor, in the County of Cape May, that it does hereby supplement and amend Section 560-2(G) of the Code of the Borough of Stone Harbor as follows:

Section 2(G): repealed and replaced with:

Conditions:

- a) The Affordable Housing Overlay District shall consist of all properties that are located within the Business District between 93rd Street and 99th Street.
- b) Development in the Affordable Housing Overlay District can be accomplished either through (i) the demolition and redevelopment of existing buildings or (ii) improvements to existing buildings within the Business District between 93rd Street and 99th Street.
- c) Affordable housing units shall be permitted in the District as second (2nd) and third (3rd) floor residential accessory apartments, subject to the following regulations:
 - 1. Construction in excess of the story and height limitations set forth in Section 560-18 (as permitted by this Section 560-48(C)) shall require a twenty percent (20%) set aside for fee simple ("for sale") units and a fifteen percent (15%) setaside for rental units.
 - 2. The first floor of any building in which affordable housing units exist on the second and third floor shall be operated as a commercial use in accordance with Section 560-18.
- d) Structures housing Affordable Housing Units shall be subject to the following supplemental bulk regulations which shall control in the event of a conflict with Section 560-18:
 - 1. Maximum stories: three (3) stories;
 - 2. Maximum building height: forty-two (42') feet from top of curb;
 - 3. Minimum lot area: 4,000;
 - 4. Minimum front yard setback;
 - 5. First and Second Floors: as per §560-18;
 - 6. Third Floor: Ten (10') feet, provided that a railing measuring up to forty-two (42") inches above a third-floor exterior deck shall be subject the minimum front yard setback set forth in §560-18;
 - 7. Minimum side yard setback: zero (0');
 - 8. Minimum rear yard setback: zero (0');
 - 9. Affordable housing unit gross floor area (min): 650 sq. ft.; and
 - 10. Affordable housing unit parking: zero (0) spaces.

Introduced: _____

Passed and Approved: _____

This Ordinance shall take effect upon its passage and publication according to law.

Judith M. Davies-Dunhour, Mayor

This is to certify that the foregoing Ordinance was adopted by the Borough Council at a regular meeting of the Borough of Stone Harbor held on _____, 2018.

Suzanne C. Stanford, R.M.C., Borough Clerk

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

(1)

RESOLUTION

Approve Proposal for Accessory Apartment and Housing Rehabilitation Implementation Services – Borough of Stone Harbor

WHEREAS, Triad Associates 1301 W. Forest Grove Road, Vineland, N.J. 08360 has prepared a Proposal (copy attached) to provide accessory apartment and housing rehabilitation Implementation services to the Borough in accordance with the provisions of the Fair Housing Act and Uniform Housing Affordability Control Regulations ; and

WHEREAS, tasks include but are not limited to Administrative Agent services, Market to Affordable Program Management and Implementation, preparation of Affirmative Action Plans, prepare monitoring reports and Certification of housing credits.

WHEREAS, the complete proposal was presented to Council on September 18, 2018 was approved, all of which are key components to the process, and all of which are attached hereto; and

WHEREAS, it is the intention of Council to approve this proposal as presented, upon final approval of Borough Solicitor and Borough Administrator.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stone Harbor in the County of Cape May and State of New Jersey that the Borough Council approves the attached Proposal as presented on this 18th day of September, 2018.

Offered by Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on theday of, 2018

.....
Borough Clerk

The above resolution approved this day of....., 2018

.....
Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

(8)

BE IT RESOLVED by the Mayor and Council of the Borough of Stone Harbor in the County of Cape May and State of New Jersey on this 18th day of September, 2018 that the following SLEO II Officer has had his employment with the Stone Harbor Police Department extended from October 1, 2018 to November 30, 2018.

SLEO II Matthew J. Cooper

Offered by Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on theday of, 2018

.....
Borough Clerk

The above resolution approved this day of....., 2018

.....
Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

(9)

RESOLUTION

WHEREAS, the Borough of Stone Harbor is currently under contract with Arawak Paving Co. Inc., 7503 Weymouth Road, Hammonton, N.J. 08037 for Resurfacing of First Avenue, 105th and 107th Street: 05-10-U-080; and

WHEREAS, it is the recommendation of Remington, Vernick & Walberg Engineers, to authorize Change Order No. 2 – reason for change – Final As-built quantity adjustments, decrease in contract value of \$ 634.93.

Decrease in Contract Amount	\$ 634.93
Original Contract Amount	\$ 143,400.00
Amended Contract Amount	\$ 133,249.94
Final amended Contract Amount	\$ 132,615.01

NOW, THEREFORE, BE IT RESOLVED, this 18th day of September, 2018 by the Borough Council of the Borough of Stone Harbor, in the County of Cape May, and the State of New Jersey, that the preamble of this Resolution is hereby incorporated by reference and that the aforementioned Change Order No. 2 – Final be and hereby is authorized;

BE IT FURTHER RESOLVED that the Mayor and the Borough Clerk be and hereby are authorized to execute Change Order No. 2 to decrease the contract value by \$ 634.93 for an final amended contract amount of \$ 132,615.01.

Offered by Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on theday of, 2018

.....
Borough Clerk

The above resolution approved this day of....., 2018

.....
Mayor

(10)

RESOLUTION AUTHORIZING A SHARE SERVICES AGREEMENT WITH THE CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY FOR SOLID WASTE DISPOSAL AND RECYCLING SERVICES.

WHEREAS, the Cape May County Municipal Utilities Authority (“CMCMUA”/”Authority”) owns and operates a solid waste system (“System”) which presently serves the entire County of Cape May in the State of New Jersey, for the disposal, transfer, and recycling of solid waste; and

WHEREAS, the CMCMUA’s System is comprised of the CMCMUA’s Secure Sanitary Landfill, Solid Waste Transfer Station, and Intermediate Processing Facility, as well as several recycling operations and programs; and

WHEREAS, the Borough of Stone Harbor has utilized and desires to continue to utilize the services of the CMCMUA’s System; and

WHEREAS, there presently exists a contract between the Borough of Stone Harbor and the Authority for the use of the CMCMUA’s System for disposal, transfer, and recycling of solid waste which will expire on December 31, 2018 entitled “Shared Services Agreement for Solid Waste Disposal (the “Existing Agreement”) ; and

WHEREAS, there also presently exists, as an integral component of the Existing Agreement, a supplemental contract between the Borough of Stone Harbor and the Authority entitled “Shared Services Agreement on Source Separation and Recycling (the “Recycling Agreement”) which also expires on December 31, 2018; and

WHEREAS, the Borough of Stone Harbor and the Authority desires to enter into a new agreement which has combined the Existing Agreement and the Recycling Agreement into one agreement entitled “Shared Services Agreement for Solid Waste Disposal and Recycling Services” and to fix the expiration date of said Agreements to occur on December 31, 2019; and

WHEREAS, the Authority has offered the “Shared Services Agreement for Solid Waste Disposal and Recycling Services” to the Borough of Stone Harbor in order to more efficiently provide and continue to offer municipalities within Cape May County the use of the CMCMUA’s Solid Waste System from January 1, 2019 through December 31, 2019; and

WHEREAS, the Authority has submitted the same proposed form of Agreement to all Cape May County Municipalities which will provide for both solid waste disposal and certain recycling services through December 31, 2019; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. authorizes a municipality to enter into a contract with any other local unit for the sharing of governmental services.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Stone Harbor, County of Cape May, and State of New Jersey, that the Borough of Stone Harbor shall enter into a contract with the Authority entitled “Shared Services Agreement for Solid Waste Disposal and Recycling Services”, effective January 1, 2019, in the form to be maintained on file in the office of the Borough of Stone Harbor Clerk, and that the appropriate Borough of Stone Harbor officials are hereby authorized and directed to execute said Agreement .

(111)

Date of Application 7/27/18



Borough of Stone Harbor 2018 Special Events Application

Name of Event: STONE HARBOR FITNESS RETREAT 8 MB

Date of Event: OCT. 20th, 2018 Time of Event: 7 AM - 2 PM

Type of Event: Festival 1K / 5K / Athletic / Bike Race / Marathon Other _____

The Borough of Stone Harbor requires all organizations, corporations, and/or individuals planning to stage an event to file an official application with the Clerk's Office. No Person shall conduct a special event on public lands owned or leased by the Borough of Stone Harbor unless authorized to do so by the Borough of Stone Harbor Municipal Code: Chapter 275. A non-refundable application review fee shall be paid to the Borough Clerk when the application is filed. There shall be a fee charged to each organization operating a special event. A contract will then be executed stating the terms and conditions in which both parties will adhere to. Sanction of the event is contingent upon approval from the Borough and its officials. Special events sponsored solely by the Borough of Stone Harbor are exempt from the payment of the fee for special event permit. Such special events shall be governed by applicable Borough polices. Borough Council retain the discretion to waive any provision of this chapter where deemed appropriate in the sole discretion of the Borough Council.

APPLICATION REVIEW FEES

- \$50 if filed prior to 60 Days of event
- \$75 if filed prior to 30 Days of event
- \$125 if filed prior to 15 Days of event

Organization is responsible for the non-refundable application review fee. If organization paid the non-refundable deposit with their *Letter of Commitment*, it will be reflected in the event contract following Borough Council approval. Additional event and public land fees may apply. You will be notified of any applicable fees following the review of your application.

2018 EVENT FEES

5k: (Designated Route Only)	\$150 (0-250 Participants) \$250 (250-500 Participants) \$500 (500 Participants or More)	10k or Triathlons	\$500
Event Fees.....	\$250 Per Day (1000 Participants and Under) / \$500 Per Day (1000 Participants and Over)		
Seasonal use of facilities by Local Schools (No Application Review Fee is required)	\$1500 per season / \$750 per season for each additional sport		
Use of 80th St. Fields	\$250 per day (Before Friday of Memorial Day and after Labor Day)		
Use of 80th St. Fields	\$500 per day (first two days) / \$250 per each additional day (Memorial Weekend-Labor Day Weekend)		
Use of Recreation Support Building (82 nd & Second Avenue).....	\$300		

(12)

NOTICE TO BIDDERS

PUBLIC NOTICE IS HEREBY GIVEN that sealed bids will be received by the **Borough of Stone Harbor** for the **Cape May County Open Space Bikeway Initiative** in the **Borough of Stone Harbor, Cape May County, New Jersey**.

Bid forms, contracts and specifications are on file at the office of Remington, Vernick and Walberg Engineers, 4907 New Jersey Avenue, Wildwood, New Jersey 08260.

Said Bids will be received, opened and read aloud in public at the **Borough of Stone Harbor Municipal Building, 9508 Second Avenue, Stone Harbor, NJ 08247** on **October 17, 2017 at 10:00 AM** prevailing time.

Copies of the bid forms, contracts and specifications may be obtained from said Remington, Vernick and Walberg Engineers, by prospective bidders upon request, upon payment of the sum of \$50.00 for each set.

PAYMENT MUST BE RECEIVED PRIOR TO OBTAINING SAID SPECIFICATIONS, EITHER BY MAIL OR IN PERSON.

NO BIDS ARE TO BE DROPPED OFF AT THE ENGINEER'S OFFICE.

The **Borough of Stone Harbor** reserves the right to consider the bids for sixty (60) days after the receipt thereof, and further reserves the right to reject any or all bids, either in whole or in part and also to waive any informality in any and make such awards or take action as may be in the best interest of the **Borough of Stone Harbor**.

Bids must be on the bid form prepared by Remington, Vernick and Walberg Engineers, in the manner designated therein and required by the specifications, must be enclosed in sealed envelopes bearing the name and address of the bidder on the outside and also bearing on the outside reference to the particular work bid upon. Said bids shall be addressed to **Ms. Suzanne Stanford, Clerk, Borough of Stone Harbor Municipal Building, 9508 Second Avenue, Stone Harbor, New Jersey 08247**.

Each bid shall be accompanied by a certified check, cashier's check or bid bond duly executed by the bidder as principal and having as surety thereon a surety company approved by the **Borough of Stone Harbor** in an amount not less than ten percent (10%) but in no case in excess of \$20,000.00 of the amount bid. Any such bid bond shall be without endorsement or conditions. Bid shall also be accompanied by a certificate letter from a surety company stating that it will provide the bidder with the completion bond.

The award of the contract shall be made subject to the necessary moneys to do the work being provided by the **Borough of Stone Harbor** in a lawful manner. The contract to be executed by the successful bidder will provide that it shall not become effective until the necessary moneys to do the work have been provided by the **Borough of Stone Harbor** in a lawful manner. The award shall further be subjected to the securing of necessary State, Federal or Local permits governing the work.

Bidders are required to comply with the requirements of N.J.S.A. 10:5-31 et. seq., N.J.A.C. 17:27 (Affirmative Action), P.L. 1963. C150 (New Jersey Prevailing Wage Act), and Americans with Disabilities Act of 1990 (42 U.S.C. 12101, et.seq.).

Suzanne Stanford

From: Judy Davies
Sent: Wednesday, September 12, 2018 12:18 PM
To: Jill Gougher; Suzanne Stanford
Cc: Joan Kramar; Raymond Parzych
Subject: bonfire

(14)

Jill,
Forgot about this for the agenda meeting....

As you know Kim Park and Tom Troy have again expressed interest in having a bonfire on the beach. We are thinking Friday, October 12. It will be just a tad warmer at that time. I asked Joan to bring it up at the PW meeting tomorrow. Logistics would be the same as last year. Tom Troy would procure the wood from George Reichert and deliver it Friday afternoon to the beach. We would need DPW to dig the hole and set up the fence. Doug and I will stay til the end. Like last year there is no need to involve any Borough employees and pay overtime.

Ray is cc'd on this email so it can be discussed at Public Safety as well. I think that covers everyone effected.

If it is possible we could do a motion authorizing it at this next meeting.

Sincerely,

Judith M. Davies-Dunhour, Mayor
Borough of Stone Harbor
9508 Second Avenue
Stone Harbor, New Jersey 08247
609-368-5102 x131
daviesj@shnj.org
www.stoneharbor.org