

RESOLUTION NO. 136-15
BOROUGH OF CLAYTON
ENDORING THE FINDINGS OF THE BOROUGH ATTORNEY WITH
REGARD TO THE LACK OF A DENSITY BONUS FOR
CAMP SALUTE

WHEREAS, Conifer Realty, LLC, (hereinafter referred to as the "Sponsor") proposes to construct a multi-family housing development (hereinafter referred to as the "Project") within the BOROUGH of CLAYTON (hereinafter referred to as the "Municipality") on a site described as Lot 13, Block 1601 as shown on the Official Tax Assessment Map of the Municipality located in Gloucester County, New Jersey and commonly known as Camp Salute; and

WHEREAS, all of the units in the Project will qualify as low or moderate income units (excepting the superintendent's apartment) under the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., the regulations of the Council on Affordable Housing ("COAH"), N.J.A.C. 5:94 et seq. and N.J.A.C. 5:95 et seq. and the Uniform Housing Affordability Controls, N.J.A.C 5:94 et seq.; and

WHEREAS, the Sponsor shall be filing an application for low income housing tax credits (the "Tax Credits") with the New Jersey Housing and Mortgage Finance Agency ("NJHMFA") to fund the development of the Project; and

WHEREAS, a project is not eligible for Tax Credits if it has received a density bonus; and

WHEREAS, NJHMFA requires the Sponsor to obtain a letter from a professional with knowledge concerning the approval process and density bonuses stating that the Project has not received a density bonus, which letter must be endorsed by the Borough Council; and

WHEREAS, the Borough Attorney has issued a letter (the "Confirmation of No Density Bonus Letter"), a copy of which is attached, stating that the Project has not received a density bonus; and

WHEREAS, the Borough Council wishes to endorse the Confirmation of No Density Bonus Letter.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council hereby endorses the Confirmation of No Density Bonus Letter.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to sign this endorsement on behalf of the entire Borough Council.

ADOPTED, at a regular meeting of the Mayor and Council of the Borough of Clayton held on July 9, 2015.

BOROUGH OF CLAYTON



THOMAS BIANCO, Mayor

Attest:



CHRISTINE NEWCOMB, Borough Clerk

LAW OFFICE OF TIMOTHY D. SCAFFIDI

Timothy D. Scaffidi*
Shannon M. Cornelius
*Admitted in NJ & PA



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Woodbury, NJ 08096
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July 12, 2015

Anne H. Hamlin, Assistant Director of Tax Credit Services
Director of Tax Credit Services
New Jersey Housing and Mortgage Finance Agency
P.O. Box 18550
637 South Clinton Avenue
Trenton, NJ 08650-2085

RE: My Client: Borough of Clayton
Project: Camp Salute

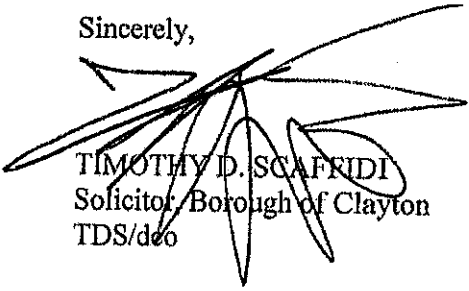
Dear Ms. Hamlin:

I am the Borough Attorney for the Borough of Clayton and in that role have overseen the review on behalf of the municipality of the application for site plan approval filed by Conifer Realty, LLC. This letter shall confirm that the proposed project has been included as a 100% affordable housing development in the Housing Element and Fair Share Plan of the municipality. The Borough of Clayton is a municipality that has voluntarily complied with its third round fair share obligation by petition to the Council on Affordable Housing.

I have reviewed the proposal for construction of the subject property as described in the sponsor's low income housing tax credit application to NJHMFA and have determined that the proposed project HAS NOT received a density bonus subsidy as defined as N.J.A.C. 5:80-33.2. Furthermore, this rule has not been evaded by failing to apply all or any portion of the bonus density to the low-or moderate-income units, by diverting all of any portion of the bonus density to other uses or by utilizing any other device in which all or any portion of the bonus density is not used to subsidize the low-or moderate-income housing.

If you have any questions with regard to this letter, I may be reached at (856) 848-2950.

Sincerely,


TIMOTHY D. SCAFFIDI
Solicitor, Borough of Clayton
TDS/deo

cc: Mayor and Council (*via e-mail only*)
Sue Miller, Borough Administrator (*via e-mail only*)
Christine Newcomb, Borough Clerk (*via e-mail only*)
Donna Nestore, Chief Financial Officer (*via e-mail only*)
John Terruso, Esquire, Redevelopment Counsel (*via e-mail only*)
Sam Leone, Conifer Realty (*via e-mail only*)