
MEADOWVIEW AT MILLINGTON, INC.	:	NEW JERSEY COUNCIL ON
	:	AFFORDABLE HOUSING
Plaintiff,	:	DOCKET NO. COAH 87-11
v.	:	
	:	Civil Action
	:	
TOWNSHIP OF PASSAIC,	:	CONSENT ORDER EXEMPTING
	:	LOTS 1 and 3, BLOCK 110
Defendant.	:	FROM THE "SCARCE RESOURCE"
	:	DEVELOPMENT RESTRAINTS TO
	:	PERMIT THE SECURING OF ANY
	:	CONDITIONAL APPROVALS FOR
	:	DEVELOPMENT

This matter having come before the Council on Affordable Housing ("COAH") by joint application of McDonough, Murray & Korn, P.A. (Jonathan E. Drill, Esq., appearing), attorney for plaintiff, and Pidgeon & Pidgeon, Esqs. (John R. Pidgeon, Esq., appearing) attorney for defendant, for entry of a Consent Order exempting Block 110, Lots 1 and 3 (the "Meadowview" property) in the Township of Passaic, Morris County, from the "scarce resource" development restraints (which restraints plaintiff had previously sought and obtained from COAH) to allow for the processing and granting of any conditional approvals for development of the Meadowview property in accordance with N.J.S.A. 40:55D-22; and the parties seeking the exemption so

that Meadowview may secure any and all necessary permits and approvals to proceed with construction of 42 townhouse residences on the Meadowview site, none of which will be low and moderate income units; and whereby Meadowview has entered into a written agreement with Passaic whereby Meadowview, in lieu of constructing low and moderate income units, will contribute \$630,000 to Passaic for Passaic's use towards satisfaction of its fair share obligation; and the parties representing that the property will be developed in accordance with the terms of an Affordable Housing Agreement (the "Agreement") between Meadowview and the Township (a copy of which Agreement is attached hereto as Exhibit "A"); and the parties stipulating that any conditional approval granted pursuant to N.J.S.A. 40:55D-22 shall be subject to COAH's certification of a plan in Passaic that does not utilize the Meadowview property as a site for construction of low and moderate income housing; and COAH determining that development of the Meadowview property in accordance with the Agreement is not likely to have a substantial adverse impact on the ability of the Township to provide lower income housing in the future

and that, in fact, it appears that development of the Meadowview property in accordance with the Agreement will help provide the realistic opportunity for lower income housing because, while the property itself will not be developed for low and moderate income housing, the contribution of \$630,000 by Meadowview will be applied toward the construction of fifty-two (52) units of low and moderate income senior citizen and handicapped rental units by Passaic Township; and COAH determining that, while it could not grant a wholesale release from the restraints as the Meadowview property might have to be used for the construction of low and moderate income housing units should the proposed RCA agreement Passaic and Newark not be approved, it would be appropriate for the Meadowview property to be granted an exemption from the restraints to permit the securing of any conditional approvals for development pursuant to N.J.S.A. 40:55D-22, subject to COAH's certification of a plan in Passaic that does not utilize the Meadowview property as a site for low and moderate income housing; and for good cause otherwise shown;

It is on this _____ day of _____, 1988,

ORDERED, that, the Meadowview property is hereby granted an exemption from the development restraints previously entered against all vacant land in Passaic to permit Meadowview to secure any and all conditional approvals for development of the Meadowview property in accordance with N.J.S.A. 40:55D-22, subject to COAH's certification of a plan in Passaic that does not utilize the Meadowview property as a site for the actual construction of low and moderate income housing.

COUNCIL ON AFFORDABLE HOUSING

By: Arthur R. Kondrup

Arthur R. Kondrup, Chairman

CONSENT TO THE FORM AND SUBSTANCE
OF THE WITHIN ORDER IS HEREBY GIVEN:

MCDONOUGH, MURRAY & KORN, P.A.

By: Jonathan E. Drill

Jonathan E. Drill, Attorney
for plaintiff Meadowview at Millington, Inc.

PIDGEON & PIDGEON

By: John R. Pidgeon

John R. Pidgeon
Attorney for defendant Township of Passaic