

## RESOLUTION

WHEREAS, East Hanover Township, Morris County, was transferred to the Council on Affordable Housing (COAH) by the Superior Court, in order to participate in COAH's administrative mediation and review process; and

WHEREAS, said transfer operated as a petition for substantive certification, and, following filing of a final housing element and fair share plan, East Hanover published notice of said petition pursuant to N.J.S.A. 52:27D-313; and

WHEREAS, COAH received valid objections to East Hanover's petition, and thus initiated the mediation process, which concluded on December 12, 1987; and

WHEREAS, East Hanover's final plan included rezoning of the "Munther Site" for an inclusionary development at six units per acre and containing 210 units, of which 42 were to be low and moderate income units, which was agreed to by the owner of site in question; and

WHEREAS, subsequent to the end of the mediation process, and prior to any final COAH action on East Hanover's petition, or revision of the Township's ordinances, the Munther Site was conveyed to a third party, who filed with the Township Planning Board on June 1, 1988 a complete site plan application to develop the property under the existing zoning of three units per acre, with no low and moderate income housing set-aside; and

WHEREAS, by letter dated July 11, 1988 East Hanover informed COAH of what had occurred, and requested permission to replace the Munther Site with a site designated as the "AMEX Parcel," to be zoned for an inclusionary development at the same density and containing the same number of low and moderate income units as originally intended to be located on the Munther Site; and

WHEREAS, at its public meeting of July 25, 1988 COAH considered East Hanover's request to substitute a new site; and

WHEREAS, at said meeting COAH having determined that, under the present facts, it is appropriate to permit replacement of the Munther Site, as inclusion of said site in the housing element and fair share plan no longer presents a realistic opportunity for provision of the low and moderate income units in question; and

WHEREAS, COAH having further determined that it is appropriate to set a schedule for East Hanover to file with COAH necessary information on the AMEX Parcel, and to provide all parties with a sufficient opportunity to comment on said site prior to any final COAH action on East Hanover's petition;


NOW THEREFORE BE IT RESOLVED that East Hanover's request to amend its final housing element and fair share plan and to replace the Munther Site is hereby granted.

BE IT FURTHER RESOLVED that East Hanover shall comply with the following procedures:

1. Within 30 days of the date of this Resolution, the Township Planning Board shall adopt the amendment at a public meeting, and the governing body shall file with COAH a resolution petitioning for the amendment. Copies of the petition shall be served on all objectors and interested parties, and owners of both the Munther and AMEX sites.
2. Within seven days of the resolution of the Township's governing body, the Township shall publish notice of the adopted amendment in a newspaper of general circulation within the municipality and county indicating that the Township has petitioned for an amendment to its housing element and fair share plan
3. The Township shall make available for public inspection with the municipality, during business hours, copies of the proposal and supporting documentation and shall include in its notice, the times and places within the municipality at which the amendment will be made available for public inspection; and

BE IT FURTHER RESOLVED that COAH shall grant 30 days from the date of publication of the notice of the amendment for any person to file objections with COAH and with the municipality as per N.J.A.C. 5:91-5.1 (a) 1-5.

Council on Affordable Housing

By:   
James L. Logue, III,  
Chairman

August 15, 1988

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