

RESOLUTION DENYING SUBSTANTIVE CERTIFICATION No. 4D

WHEREAS, on January 5, 1987, Cherry Hill Township, Camden County submitted an adopted housing element and fair share plan dated January 5, 1987 and prepared by Cherry Hill Township, to the Council on Affordable Housing (COAH); and

WHEREAS, since Cherry Hill Township is a court transferred matter, the submission of its adopted housing element and fair share plan was deemed to be a petition for substantive certification pursuant to N.J.A.C. 5:91-4.2; and

WHEREAS, Cherry Hill Township published notice of its petition for substantive certification in the Courier Post, which is a newspaper of general circulation within the municipality and county, on January 5, 1987, pursuant to N.J.S.A. 52:27D-313 and N.J.A.C. 5:91-4.3; and

WHEREAS, COAH deemed the notice of petition for substantive certification incomplete since it did not state that the housing element and fair share plan were available for review, where they were available, and when they were available; and

WHEREAS, Cherry Hill Township was required to republish notice of the petition for substantive certification due to the lack of information as set forth above; and

WHEREAS, Cherry Hill Township republished notice of its petition for substantive certification in the Courier Post, which is a newspaper of general circulation within the municipality and county, on February 3, 1987, pursuant to N.J.S.A. 52:27D-313 and N.J.A.C. 5:91-4.3; and

WHEREAS, on March 2, 1987, COAH declared that Cherry Hill's housing element and fair share plan were incomplete or deficient so as to render COAH review or mediation and review impractical, and further, required revision and resubmittal to COAH by Cherry Hill Township on or before May 7, 1987; and

WHEREAS, COAH adopted rule N.J.A.C. 5:92-7.1(b) on June 6, 1987, granting a 1000 unit cap to all municipalities with obligations in excess of 1000 units after credits and adjustments subsequent to Cherry Hill's submission of its revised plan; and

WHEREAS, Cherry Hill Township had an obligation in excess of 1,000 units; and

WHEREAS, COAH granted an extension to July 3, 1987 so that Cherry Hill Township would have adequate time to revise its housing element and fair share plan; and

WHEREAS, on July 1, 1987, Cherry Hill Township submitted a revised adopted housing element and fair share plan dated June 15, 1987 and prepared by Cherry Hill Township to COAH; and

WHEREAS, Cherry Hill Township published notice of its petition for substantive certification of its amended housing element and fair share plan in the Courier Post, which is a newspaper of general circulation within the municipality and county, on July 13, 1987 pursuant to N.J.S.A. 52:27D-313 and N.J.A.C. 5:91-4.3; and

WHEREAS, valid objections were filed to Cherry Hill Township's petition for substantive certification within 45 days of the publication of notice of Cherry Hill Township's petition for substantive certification, pursuant to N.J.S.A. 52:27D-314 and N.J.A.C. 5:91-5.1 et. seq; and

WHEREAS, as a result of the filing of valid objections, COAH engaged in mediation with the objectors and Cherry Hill Township pursuant to N.J.S.A. 52:27D-315 and N.J.A.C. 5:91-7.1 et. seq; and

WHEREAS, mediation resulted in the resolution of certain objections and in agreements between the parties as detailed in the mediator's report which is attached to this resolution as Appendix A and is incorporated herein; and

WHEREAS, the only issues not resolved by mediation to the satisfaction of all parties were objections to COAH rules and not to Cherry Hill's housing element and fair share plan; and

WHEREAS, COAH having considered the mediator's report, and the COAH review report which is attached hereto as Appendix B and is incorporated herein, and having determined that the unresolved issues do not constitute a contested case, as defined in the Administrative Procedures Act, N.J.S.A. 52:14B-1 et. seq.; and

WHEREAS, COAH has determined that Cherry Hill Township's precredited need is 2295 units: 2104 inclusionary units and 191 indigenous units need; and

WHEREAS, credits reduced Cherry Hill Township's obligation to 2085 units: 1904 inclusionary units and 181 indigenous units; and

WHEREAS, Cherry Hill Township was eligible for a 1000 unit drastic alteration cap as per N.J.A.C. 5:92-7.1(b); and

WHEREAS, Cherry Hill Township's final obligation became 1000 units: 819 inclusionary units and 181 indigenous units; and

WHEREAS, Cherry Hill Township has a rental component obligation of 164 units; and

WHEREAS, COAH issued an Order, dated April 20, 1987, imposing a scarce resource restraint upon all vacant land in excess of two acres; and

WHEREAS, by its terms, the Order expires upon COAH's grant or denial of Cherry Hill Township's petition for substantive certification; and

WHEREAS, COAH has permitted property owners to petition for relief from the restraints by motion to COAH; and

WHEREAS, COAH has granted or denied each individual motion for relief based on the individual merits of each request; and

WHEREAS, COAH granted Cherry Hill Township conditional certification on July 25, 1988; and

WHEREAS, Cherry Hill Township had until 5:00 p.m., September 23, 1988 to meet the following conditions:

1. The housing element and fair share plan shall be revised to reflect the agreements achieved in mediation and to correct any deficiencies previously noted by COAH in the pre-mediation report and subsequent correspondence as set forth in Appendix C. The housing element shall be re-adopted by the Planning Board, and be submitted to COAH as one complete document.

2. Cherry Hill shall provide documentation that the land necessary for the development of the project known as St. Mary's Village has been conveyed from the Diocese of Camden to Cherry Hill so that Cherry Hill Township can construct or cause to be constructed 350 low and moderate income units, of which 250 senior citizen rental units will be managed by the Diocese and 100 family units will be sold or managed by Cherry Hill Township.

3. Cherry Hill Township shall adopt and file with COAH a resolution committing bonding to cover any short fall in funding the development and administration of the 350 low and moderate income units at St. Mary's Village, if necessary.

4. Cherry Hill Township shall provide COAH with the proposed zoning ordinances for the Sergi Farm Tract so that 194 low/moderate income units are provided on 97 acres, including 97 rental units.

5. Cherry Hill Township shall prepare and file with COAH affirmative marketing procedures in conformance with COAH regulations.

6. Cherry Hill Township shall provide COAH with all ordinances and resolutions necessary to implement and administer the housing element and fair share plan; and

WHEREAS, Cherry Hill Township satisfied condition #3 in a previously submitted draft implementation ordinance; and

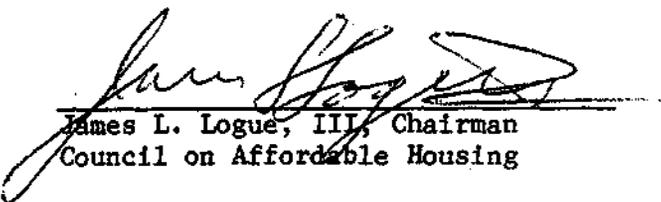
WHEREAS, Cherry Hill Township failed to meet conditions number 1, 2, 4, 5 and 6 by failing to provide any information or documentation necessary to meet any of the above referenced conditions; and

NOW THEREFORE BE IT RESOLVED that Cherry Hill Township's petition for substantive certification is denied due to Cherry Hill Township's failure to satisfy the conditions as described above pursuant to N.J.S.A. 52:27D-314(b); and

BE IT FURTHER RESOLVED that since Cherry Hill Township was transferred to COAH by the Superior Court, Law Division and Cherry Hill Township has failed to satisfy the conditions as described above within 60 days, Cherry Hill Township is hereby returned to the jurisdiction of the courts; and

BE IT FURTHER RESOLVED that the vacant land development constraints imposed by COAH shall remain in force for a period of one month from the date of this resolution, unless otherwise modified by the court, in order to enable the court to rule on the vacant land issue if it so chooses.

I hereby certify that this resolution was duly adopted by the Council on Affordable Housing at its public meeting on *September 26, 1988.*


James L. Logue, III, Chairman
Council on Affordable Housing

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