

RESOLUTION GRANTING A DURATIONAL ADJUSTMENT

WHEREAS, the Borough of South Plainfield received substantive certification on October 19, 1987; and

WHEREAS, the Borough of South Plainfield's fair share plan designated seven inclusionary sites in its housing plan to satisfy its inclusionary component of 375; and

WHEREAS, the entire Borough of South Plainfield has subsequently been placed under a sewer moratorium by the Department of Environmental Protection (DEP); and

WHEREAS, said sewer moratorium prevents the timely development of the selected inclusionary sites; and

WHEREAS, the Council on Affordable Housing (COAH) may upon request by the subject municipality and/or at its discretion grant a durational adjustment to a municipality as per N.J.A.C. 5:92-8.5; and

WHEREAS, COAH in its discretion has determined that a durational adjustment should be granted to the Borough of South Plainfield, since sanitary sewer service is not available to the inclusionary sites due to the DEP imposed sewer moratorium.

NOW THEREFORE BE IT RESOLVED that COAH hereby grants a durational adjustment to the Borough of South Plainfield; and

BE IT FURTHER RESOLVED that the Borough of South Plainfield shall reserve and set-aside new sewer capacity when it becomes available for low and moderate income housing sites, on a priority basis as per N.J.A.C. 5:92-8.5(c); and

BE IT FURTHER RESOLVED that the Borough of South Plainfield shall endorse all applications to the DEP or its agents to provide infrastructure to any of the seven sites designated for affordable housing, with such endorsements being simultaneously submitted to COAH as per N.J.A.C. 5:92-8.5(d); and

BE IT FURTHER RESOLVED that when the DEP or its designated agent approves a proposal to provide infrastructure to a site for the development of low and moderate income housing identified in the fair share plan, the Borough of South Plainfield shall permit such development as per N.J.A.C. 5:92-8.5(e); and

BE IT FURTHER RESOLVED that should the DEP or its designated agent approve a proposal to provide infrastructure to a site other than those designated for the development of low and moderate income housing in the housing element, the municipality shall amend its housing element and fair share housing ordinance to permit development of such site for low and moderate income housing with the amended housing element and fair share housing ordinance being submitted to COAH within 90 days of the site's approval by the DEP or its agent as per N.J.A.C. 5:92-8.5(f); and

BE IT FURTHER RESOLVED than any failure of the Borough of South Plainfield to comply with the provisions of this Resolution granting this durational

adjustment may render the Borough of South Plainfield's substantive certification null and void. Such failure to comply shall include but not be limited to failure to set-aside available sewer capacity, failure to support applications to DEP or its agents, failure to permit development of low and moderate income housing sites which gain access to sewer service, failure to re-zone sites for low and moderate income housing when sewer becomes available to such sites and not to inclusionary sites designated in the Borough of South Plainfield's fair share plan, and failure to pursue the lifting of the sewer moratorium.

I hereby certify that this resolution  
was duly adopted by the Council on  
Affordable Housing at its public meeting  
on *July 11, 1990.*

*Renee Reiss*

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Renee Reiss, Secretary  
Council on Affordable Housing