

RESOLUTION GRANTING WAIVER TO BEDROOM DISTRIBUTION
KNICKERBOCKER VILLAGE IN OLD TAPPAN

WHEREAS, the housing element and fair share plan of the Borough of Old Tappan, Bergen County, (Borough) was granted substantive certification by the Council on Affordable Housing (COAH) on January 9, 1991; and

WHEREAS, the fair share plan contained an inclusionary site identified as Knickerbocker Village, which is comprised of tax lots 2.01, 2.02, 2.03 and 7 in Block 1302; and

WHEREAS, this project was to provide 60 housing units, which included six low income units and seven moderate income units; and

WHEREAS, the original developer of Knickerbocker Village defaulted on loans from the Citizen First National Bank of New Jersey (Citizens); and

WHEREAS, Citizens foreclosed on Knickerbocker Village; and

WHEREAS, Citizens decided to become the developer of the property; and

WHEREAS, Citizens petitioned the Borough to be relieved of the construction of six low income units and one moderate income unit due to the depressed state of economic conditions; and

WHEREAS, Citizens has agreed to provide the Borough with \$154,000 in lieu of constructing the seven units subject to the approval of COAH; and

WHEREAS, the Borough intends to implement a regional contribution agreement with another municipality in Region 1; and

WHEREAS, the regional contribution agreement will transfer six low income units and one moderate income unit to the receiving municipality; and

WHEREAS, the proposed regional contribution agreement is not in conflict with N.J.A.C. 5:92-11.1(a) which permits a municipality to transfer up to 50 percent of its fair share obligation to another municipality; and

WHEREAS, at the time of foreclosure, the original developer had constructed two buildings, each containing 2 one bedroom units; and

WHEREAS, the bedroom distribution is required by the Old Tappan fair share plan ordinance to conform to N.J.A.C. 5:92-14.1, Bedroom Distribution, which states in part:

1. At least 35 percent in each income category are to be two bedroom units; and
2. At least 15 percent in each income category are to be three bedroom units; and
3. No more than 20 percent of the total of each may be efficiency units; and

WHEREAS, this requirement would result in part in the following bedroom distribution of the six remaining moderate income units:

2 two bedroom units; and
1 three bedroom unit; and

WHEREAS, it will impose considerable hardship if Citizens is required to provide 2 two bedroom units due to the advanced state of construction of the two buildings containing 4 one bedroom units; and

WHEREAS, Citizens has requested a waiver from the requirement to provide 2 two bedroom units and, instead, is requesting permission to provide:


4 one bedroom units; and
1 two bedroom unit; and
1 three bedroom unit.

NOW THEREFORE BE IT RESOLVED that COAH hereby grants a waiver to the requirement that Citizens provide 2 two bedroom units, and

BE IT FURTHER RESOLVED that this waiver is granted with the understanding that Old Tappan will consummate a regional contribution agreement to transfer six low income units and one moderate income unit to a receiving municipality prior to the expiration of the six year period of substantive certification granted by COAH; and

BE IT FURTHER RESOLVED that the requirements of the Old Tappan fair share plan and zoning ordinance which stipulate that 13 low and moderate income units shall be provided on the Citizens site, as well as the phasing schedule of these 13 units, shall remain in effect until the regional contribution agreement is approved by COAH.

I hereby certify that this resolution was duly adopted by the Council on Affordable Housing at its public meeting on *March 11, 1993*


Renee Reiss, Secretary
Council on Affordable Housing

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