

RESOLUTION DISMISSING PETITION FOR SUBSTANTIVE CERTIFICATION NO.

WHEREAS, Harrington Park Borough, Bergen County, petitioned the Council on Affordable Housing (COAH) for substantive certification of its housing element and fair share plan on December 12, 1991; and

WHEREAS, the Planning Board of Harrington Park adopted the housing element and fair share plan on November 12, 1991; and

WHEREAS, on November 21, 1991 Harrington Park Borough published notice of its petition for substantive certification in The Press Journal, which is a newspaper of general circulation within the municipality and county, pursuant to N.J.S.A. 52:27D-313 and N.J.A.C. 5:91-3.3; and

WHEREAS, no objections were filed to the Borough of Harrington Park's petition for substantive certification within 45 days from the date that notice was published; and

WHEREAS, Harrington Park Borough's precertified need is 99 units; 0 indigenously and 99 inclusionary; and

WHEREAS, Harrington Park Borough's fair share plan designated only one tract within the Borough for inclusionary development; and

WHEREAS, Harrington Park Borough is seeking a vacant land adjustment for the remaining inclusionary obligation by reason of lack of additional vacant sites pursuant to N.J.A.C. 5:92-8.4; and

WHEREAS, a vacant land inventory and analysis was undertaken by the Borough and reviewed by COAH; and

WHEREAS, it was determined, based upon the vacant land inventory and analysis, that there are no additional lands which are readily suitable and developable for inclusionary development pursuant to N.J.A.C. 5:92-8.4 Vacant Sites; and

WHEREAS, on the said inclusionary site, Harrington Park has proposed a density of 4.5 units per acre with a 20% set-aside, thereby yielding nine affordable units; and

WHEREAS, COAH regulations require a minimum gross density of six units per acre and a 20% set-aside in all instances of vacant land adjustments; and

WHEREAS, Harrington Park Borough's fair share plan is seeking credit for 12 moderate income senior citizen housing units; and

WHEREAS, pursuant to N.J.A.C. 5:92-14.3, Harrington Park Borough may address up to 25% of their fair share obligation after credits and adjustments have been granted; and

WHEREAS, Harrington Park is seeking a vacant land adjustment, the Borough is eligible for only two age-restricted housing credits; and

WHEREAS, COAH issued a COAH Report dated July 1, 1992 outlining all the deficiencies in Harrington Park Borough's housing element and fair share plan; and

WHEREAS, on July 1, 1992 COAH deemed Harrington Park Borough's fair share plan incomplete by Resolution, which is attached hereto as Appendix A and is incorporated herein; and

WHEREAS, the Incomplete Resolution granted Harrington Park Borough 120 days (November 1, 1992 deadline) in which to remedy the deficiencies; and

WHEREAS, on October 28, 1992, Harrington Park Borough requested an extension to the Incomplete Resolution; and

WHEREAS, on November 4, 1992, COAH granted Harrington Park Borough a two month extension (January 4, 1993 deadline) by Resolution which is attached hereto as Appendix B and is incorporated herein; and

WHEREAS, on April 19, 1993 (over 3 months late) Harrington Park Borough repetedioned COAH for substantive certification of its revised housing element and fair share plan; and

WHEREAS, the planning board of Harrington Park Borough adopted the housing element on March 3, 1993; and

WHEREAS, on April 5, 1993 the Borough of Harrington Park published notice of its repetition for substantive certification in The Record, which is a newspaper of general circulation within the municipality and county, pursuant to N.J.S.A. 52:27D-313 and N.J.A.C. 5:91-3.3; and

WHEREAS, no objections were filed to Harrington Park Borough's petition for substantive certification within 45 days from the publication of notice; and

WHEREAS, COAH staff reviewed the revised fair share plan and issued a Compliance Report 2 dated October 13, 1993, which is attached hereto as Appendix C and is incorporated herein; and

WHEREAS, the Compliance Report 2 revealed that Harrington Park Borough's fair share plan continued to be deficient; and

WHEREAS, within the 14-day comment period Harrington Park submitted additional documentation to remedy some of the deficiencies outlined in the Compliance Report 2; and

WHEREAS, Harrington Park Borough's housing element and fair share plan continues to be incomplete and deficient with regard to the following:

1. Harrington Park has designated one tract within the municipality for an inclusionary development at a density of 4.5 units per acre and a 20 percent set-aside. COAH regulation N.J.A.C. 5:92-8.4(c) stipulates that when a municipality is seeking a vacant land adjustment, all developable sites designated for inclusionary development must be zoned at a minimum density of 6 units per acre with a 20 percent set-aside. Harrington Park must provide COAH with zoning at 6 units per acre on the inclusionary tract.

2. Harrington Park Borough must provide COAH with a thorough and acceptable affirmative marketing program as outlined in N.J.A.C. 5:92-15.2 Affirmative Marketing Program.

3. A complete, adoptable affordable housing ordinance must be submitted in conformance with N.J.A.C. 5:92-12 and N.J.A.C. 5:92-14.

4. Harrington Park must provide for the administration of sales and resales of affordable housing. Since the Borough intends to contract with an outside entity to perform the duties, a signed or certified resolution adopted by the governing body must be submitted indicating the entity that will be performing the administrative duties and specifying the Borough's intention to contract with the entity.

A copy of that entity's complete administrative procedures must be submitted to COAH. They must include applicant screening and selection, income qualification, pricing of units, procedures for sales and resales, foreclosure procedures, closings, deed restrictions, etc.

5. Harrington Park is seeking credit for moderate income senior citizen housing units. Before credit can be considered, Harrington Park Borough must submit a copy of the lien and remove any reference to occupancy preference from the municipality's declaration of covenants and restrictions; and


WHEREAS, COAH regulation N.J.A.C. 5:91-5.2(g) specifies that, after two attempts, if COAH finds that the fair share plan continues to require substantial changes, COAH may dismiss or deny the petition.

NOW THEREFORE BE IT RESOLVED that because Harrington Park Borough did not submit the required documentation set forth in the Compliance Report 2 dated October 13, 1993, Harrington Park Borough's petition for substantive certification is HEREBY DISMISSED as per N.J.A.C. 5:91-5.4; and

BE IT FURTHER RESOLVED that Harrington Park Borough shall no longer receive the benefits outlined in COAH regulations N.J.A.C. 5:91-3.6; and

BE IT FURTHER RESOLVED that if Harrington Park Borough submits a revised housing element and fair share plan, Harrington Park must immediately repetition for substantive certification and republish notice as outlined in N.J.A.C. 5:91-3.

I hereby certify that this resolution was duly adopted by the Council on Affordable Housing at its public meeting on January 5, 1994.

  
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Renee Reiss, Secretary  
Council on Affordable Housing

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