

RESOLUTION MEMORIALIZING DECISION OF COUNCIL ON AFFORDABLE

HOUSING

WHEREAS, in 1989 Greenwich Township, Warren County ("Greenwich"), entered into a settlement agreement with Toll Brothers, Inc. ("Toll Brothers") by which Toll Brothers may construct an inclusionary development of 570 residential units within Greenwich, 70 of which are to be affordable to low and moderate income households; and

WHEREAS, the settlement agreement states that "Toll Brothers shall phase the construction of the 70 low and moderate income housing units in accordance with COAH requirements."; and

WHEREAS, a disagreement arose between Greenwich and Toll Brothers with regard to the proper interpretation of N.J.A.C. 5:93-5.6(d), the COAH regulation which sets out the phasing schedule for the construction of low and moderate income units as a percentage of market units completed within an inclusionary development; and

WHEREAS, Toll Brothers filed a motion with COAH to seek an interpretation of N.J.A.C. 5:93-5.6(d) and/or a waiver of the requirements of the regulation; and

WHEREAS, that motion was opposed by Greenwich Township; and

WHEREAS, oral argument on the motion was held before the New Jersey Council on Affordable Housing ("COAH") at its regularly scheduled meeting of March 4, 1998; and

WHEREAS, during the course of the oral argument and subsequent colloquy, Greenwich and Toll Brothers, through their

representatives, agreed to resolve their dispute in the following manner: (1) Greenwich would do all things required by COAH to receive substantive certification of its housing element and fair share plan at COAH's April 1, 1998 meeting; (2) that the phasing schedule set out at N.J.A.C. 5:93-5.6(d) would be waived to the extent that Toll Brothers would receive from Greenwich building permits for up to 250 market units and within six months of March 4, 1998, which is September 4, 1998, Toll Brothers would complete 20 percent of the 70 affordable units zoned for its property; and (3) no building permits beyond the 250 permits would be issued by Greenwich to Toll Brothers for market units until the phasing schedule set out at a N.J.A.C. 5:93-5.6(d) was complied with; and

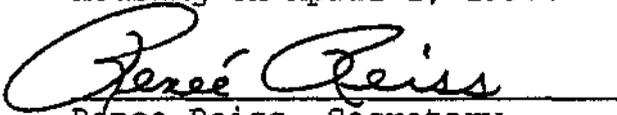
WHEREAS, COAH, at its meeting of March 4 voted to approve the settlement agreed to by both Greenwich and Toll Brothers as COAH's decision in the Toll Brothers' motion; and

WHEREAS, COAH wishes to memorialize its decision of March 4, 1997 approving the settlement entered into by Greenwich and Toll Brothers.

NOW THEREFORE BE IT RESOLVED that the New Jersey Council on Affordable Housing hereby memorializes its decision of March 4, 1998 approving a settlement entered into by Greenwich Township, Warren County and Toll Brothers, Inc. that: (1) Greenwich would comply with all COAH requirements such that the Township would receive substantive certification of its housing element and fair share plan at COAH's April 1, 1998 meeting; (2) the phasing schedule set out at N.J.A.C. 5:93-5.6(d) would be waived for Toll Brothers' inclusionary development to the extent that Greenwich

would issue up to 250 building permits for market rate units and that Toll Brothers will complete by September 4, 1998 twenty percent of the 70 affordable units (14 units) to be built by Toll Brothers; and (3) thereafter, no further building permits would be issued by Greenwich to Toll Brothers for market rate units until the phasing requirements set out at N.J.A.C. 5:93-5.6(d) for the completion of low and moderate income units are met.

I hereby certify that this resolution was duly adopted by the Council on Affordable Housing on April 1, 1998.


Renee Reiss, Secretary
Council on Affordable Housing