

## RESOLUTION MEMORIALIZING COAH DECISION

WHEREAS the Borough of Kinnelon ("Kinnelon") received substantive certification from the New Jersey Council on Affordable Housing ("COAH") on May 1, 1996; and

WHEREAS Gabrellian Associates ("Gabrellian") is the owner of a site in Kinnelon zoned for inclusionary development to address Kinnelon's 72-unit new construction obligation through a development of 295 units of housing, 54 of which will be affordable units, 36 for-sale units and 18 family rental units, which with 18 rental bonus credits for the family rental units will fully address Kinnelon's 72-unit new construction obligation; and

WHEREAS on July 31, 1998 Kinnelon submitted a motion to COAH seeking a waiver of N.J.A.C. 5:93-7.3(a), which, inter alia, requires that at least 20 percent of all low and moderate income units in an inclusionary development be built as three-bedroom units; and

WHEREAS Kinnelon in its motion sought a waiver to eliminate the three-bedroom unit requirement of N.J.A.C. 5:93-7.3(a) with regard to Gabrellian's inclusionary development because Kinnelon claimed that there was no realistic demand for three-bedroom units in Morris County; and

WHEREAS there was no opposition to Kinnelon's motion for a waiver of N.J.A.C. 5:93-7.3(a); and

WHEREAS oral argument was held on the motion on November 4, 1998; and

WHEREAS at oral argument representatives from Kinnelon, with the agreement of Gabrellian, proposed that Kinnelon's waiver motion be modified to permit four three-bedroom low income family rental units to be constructed on the Gabrellian site, in lieu of the requirements of N.J.A.C. 5:93-7.3(a); and

WHEREAS four three-bedroom low-income rental units are 20 percent of the number of rental units to be provided on the Gabrellian site; and

WHEREAS three-bedroom rental units are a scarce housing resource within Morris County; and

WHEREAS at its November 4, 1998 meeting COAH voted to grant Kinnelon's motion to waive the requirements of N.J.A.C. 5:93-7.3(a) with regard to three-bedroom units, as modified at oral argument, and to allow four of the 54 affordable units to be provided on the Gabrellian site to be three-bedroom low-income family rental units and the remainder of the units to comply with the requirements of N.J.A.C. 5:93-7.3(a).

NOW THEREFORE BE IT RESOLVED that the New Jersey Council on Affordable Housing hereby memorializes its decision of November 4, 1998 granting the motion of Kinnelon Borough, as modified at oral argument, to waive the requirements of N.J.A.C. 5:93-7.3(a) with regard to the provision of three-bedroom affordable units on the Gabrellian Associates' site in that of the 54 affordable units to be built on the Garellian site, four of the units will be built as three-bedroom low-income family rental units.

I hereby certify that this resolution was duly adopted by the Council on Affordable Housing on *January 5, 1999*

  
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Renee Reiss, Secretary  
Council on Affordable Housing