

RESOLUTION MEMORIALIZING COAH DECISION OF JULY 10, 2001 DENYING
THE TOWNSHIP OF SPRINGFIELD'S MOTION FOR A WAIVER THE REQUIREMENTS
OF N.J.A.C. 5:93-5.9

WHEREAS, Springfield Township, Burlington County, ("Springfield" or "the Township") received first round substantive certification from the Council on Affordable Housing ("the Council" or "COAH") on October 8, 1992; and

WHEREAS, Springfield petitioned COAH on October 6, 1998 to address it's second round obligation of 68 units (15 rehabilitation units and 53 new construction units) and thereafter repetedioned with an amended plan on October 23, 1999; and

WHEREAS, the Council received one objection to Springfield's repetitions' from Sod Farm Associates ("Sod Farm"), which initiated a mediation pursuant to N.J.S.A. 52:27D-3.15 which began on April 14, 2000; and

WHEREAS, on April 12, 2001 the Township filed a motion by letter seeking a waiver of the requirement of N.J.A.C. 5:93-5.9 that up to ten accessory apartments may be used to address a municipal housing obligation to permit Springfield to propose an eleven unit accessory apartment program as a part of its Fair Share Plan for which it sought substantive certification from the Council; and

WHEREAS, Springfield's motion was supported by a letter dated April 6, 2001 from Maureen Fullaway of Housing Services, Inc.; and

WHEREAS, Sod Farm opposed Springfield's waiver request because Sod Farm claimed the Township's application did not meet the standards set out for such waivers in N.J.A.C. 5:93-15.1(b); and

WHEREAS, oral argument was held on Springfield's motion on June 6, 2001 at COAH's monthly meeting; and

WHEREAS, after oral argument a motion was introduced by Peter Reinhart and seconded by Gerard Velazquez to deny the waiver request, but the Council tabled the motion and requested that additional information be submitted from Springfield and carried the motion to next meeting; and

WHEREAS, on June 8, 2001 Shirley M. Bishop, PP, Executive Director of COAH, sent a letter to Springfield stating that the Township must provide to COAH within 14 days "...documentation on the viability of the proposed accessory apartment program utilizing septic systems. Specifically, the township must present an analysis of applicable local, county and state regulations governing septic systems and if those regulations will permit two housing units to utilize one septic unit. If not, Springfield must address if the accessory apartment program is financially feasible utilizing two septic systems on one lot. Springfield must further address the minimum lot size required by the regulations for two housing units to utilize one septic system and whether the township's proposed area for accessory apartments is suitable based on the analysis of the septic system regulations."; and

WHEREAS, on June 18, 2001 Springfield Township in response to COAH's request provided a letter from the township engineer dated June 13, 2001 and a letter from the Burlington County Health Department dated June 18, 2001; and

WHEREAS, on July 2, 2001 Sod Farm filed a letter in which it continued to oppose Springfield's motion and stated that Springfield's June 18, 2001 response to the COAH board's requests was inadequate and failed to provide the requested information; and

WHEREAS, on July 10, 2001 at its monthly meeting the COAH board considered once again Springfield's motion, along with Springfield's responses to COAH's requests as set out in the June 8, 2001 Bishop letter and the responses of Sod Farm; and

WHEREAS, at its July 10 meeting the COAH board acknowledged that Springfield did not fully respond to the Council's requests contained in Bishop's June 8, 2001 letter, voted to return the June 6, 2001 motion to deny the waiver back to the table and voted to deny the waiver requested by Springfield because the request did not meet the standards set out for such waivers at N.J.A.C. 5:93-15.1(b) in that Springfield in its submissions to the Council did not establish that the waiver fostered the production of low and moderate income housing or complied with the intent but not the letter of COAH's rules or that a strict application of N.J.A.C. 5:93-5.9 would create unnecessary hardship for Springfield.

NOW THEREFORE BE IT RESOLVED, that the New Jersey Council on Affordable Housing hereby memorializes its decision of July 10,

2001 denying the Township of Springfield's request for a waiver of the requirements of N.J.A.C. 5:93-5.9 to allow Springfield to use more than ten accessory apartments to address its municipal housing obligation because the Township failed to substantiate that its waiver request complied with the requirements of N.J.A.C. 5:93-15.1(b).

A handwritten signature in cursive script, reading "Felix Peris", is written over a horizontal line.

August 1, 2001.