

**RESOLUTION REQUIRING WANAQUE BOROUGH, PASSAIC COUNTY,
TO SUBMIT A PETITION FOR THIRD ROUND SUBSTANTIVE CERTIFICATION
TO COAH ON AN EXPEDITED BASIS**

WHEREAS Wanaque Borough, Passaic County, petitioned COAH for second round substantive certification on December 16, 1996; and

WHEREAS Wanaque's cumulative 1987-1999 fair share obligation was 369 units comprised of a new construction obligation of 332 units and a rehabilitation obligation of 37 units; and

WHEREAS Wanaque requested an adjustment of its cumulative fair share due to a lack of developable vacant land; and

WHEREAS a Report Requesting Additional Information (RRAI) dated January 8, 2001, in response to Wanaque's request, determined Wanaque's realistic development potential (RDP) to be 275 units; and

WHEREAS on April 4, 2001, COAH conditionally denied Wanaque's petition and listed six conditions that the Borough had to meet in order to receive substantive certification pursuant to N.J.S.A. 52:27D-314(b); and

WHEREAS after Wanaque addressed the conditions noted in COAH's April 4, 2001 denial, COAH passed a resolution on October 3, 2001, which granted Wanaque substantive certification with conditions; and

WHEREAS by way of motion dated October 26, 2005, RSK Development, the owner of Site 36 in the Borough's certified fair share plan, sought a scarce resource restraint and other relief from COAH; and

WHEREAS RSK's site is now located in the Highlands Preservation Area; and

WHEREAS on April 12, 2006, COAH voted to deny the relief requested by RSK, but ordered Wanaque to provide a status update by May 15, 2006 setting forth how the Borough's certified plan continued to provide a realistic opportunity for the creation of affordable housing, how Wanaque intended to support the RSK development as a component of its certified plan and further ordered Wanaque to collaboratively work with RSK toward a solution within the confines of applicable statutes and regulations; and

WHEREAS on June 7, 2006, Wanaque submitted a status update to COAH indicating the following:

1. Site 39 was sold to a garden center after COAH staff's site visit, but prior to COAH's grant of substantive certification, and the center continues to operate.
2. Wanaque has committed to support RSK's applications for water and sewer service, but this commitment precedes COAH's order, and no additional steps have been taken by Wanaque to support the RSK development.
3. Wanaque permitted Pulte to develop its "inclusionary development" by providing 10 affordable units on site, financing a 30-unit RCA without an identified receiver, and financing 20 rehabilitation units.
4. Site 53/54 in Wanaque's Housing Element and Fair Share Plan is undeveloped, and although Wanaque surmised that the reason was due to steep slopes, Wanaque noted a developer has recently shown interest in building on the site; and

WHEREAS, at COAH's June 14, 2006 meeting, COAH staff provided a report to the Council which noted several deficiencies in Wanaque's certified plan, including:

1. Site 39 no longer appears to present a realistic opportunity for the development of affordable housing due to its continuing operation as a garden center.
2. Wanaque is not working proactively with RSK toward the development of

Site 36, in direct violation of COAH's April 12, 2006 order.

3. Without amending its Housing Element and Fair Share Plan, Wanaque substituted rehabilitation units for new construction units in the RDP calculation, which is not permissible under COAH rules.
4. If Site 53/54 continues to present a realistic opportunity for affordable housing, Wanaque must work collaboratively with the interested developer and eliminate any cost generative mechanisms; and

WHEREAS COAH ordered Wanaque Borough to appear before COAH on August 9, 2006 to show cause why COAH should not revoke its substantive certification; and

WHEREAS representatives from Wanaque Borough, RSK, the Coalition for Affordable Housing and the Environment, and Skylands CLEAN appeared at COAH's August 9, 2006 meeting to address the issue of whether Wanaque's substantive certification should be revoked; and

WHEREAS Wanaque has advised of its intention to submit a third round plan which will address the Borough's entire affordable housing obligation by May 15, 2007; and

WHEREAS Wanaque further advised that a development proposal for sites 53 and 54 in the Borough's plan were scheduled for review in September; and

WHEREAS Wanaque also advised that it intends to replace the 30 rehabilitation units currently being financed with a payment in lieu from the Pulte site with a Regional Contribution Agreement with Jersey City in order to further address the Borough's new construction obligation; and

WHEREAS RSK asserts that the Borough has not been cooperative in its attempt to obtain sewer and water for its site and renews its previously denied request that COAH order the Borough to seek relief for the RSK site from the Highlands Preservation Act.

NOW THEREFORE BE IT RESOLVED that COAH finds that although Wanaque has a potential shortfall of affordable units in its second round certified plan, that the Borough has begun to make an effort to remedy this shortfall by way of a submission of a third round plan and other actions noted above; and

BE IT FURTHER RESOLVED that COAH seeks to further the creation of affordable housing in the Borough of Wanaque and throughout the State; and

BE IT FURTHER RESOLVED that COAH finds the best way to foster the creation of affordable housing in Wanaque at this time is to require that Wanaque submit a comprehensive fair share plan for the third round on an expedited basis so that the Borough's third round growth share obligation and remaining prior round obligation can be addressed in a timely and complete manner; and

BE IT FURTHER RESOLVED that Wanaque Borough is hereby ORDERED to submit a third round petition to COAH for review within 120 days of this order.

I hereby certify that this resolution was duly adopted by the Council on Affordable Housing at its meeting on *September 13, 2006.*


Renee Reiss
Council Secretary