

**RESOLUTION MEMORIALIZING COAH'S DECISION OF NOVEMBER 1,
2006 APPROVING THE SINCLAIRS' REQUEST FOR A WAIVER FROM THE
EXISTING SCARCE RESOURCE RESTRAINT IMPOSED UPON THE
BOROUGH OF HADDONFIELD
COAH DOCKET 06-1811**

WHEREAS, The Borough of Haddonfield (Haddonfield), Camden County, petitioned COAH for second round substantive certification on March 11, 1997, with a housing element and fair share plan addressing its 12-year cumulative obligation of 255 units, consisting of 63 rehabilitation units and 192 new construction units; and

WHEREAS, Haddonfield received a vacant land adjustment that reduced its new construction obligation to zero; and

WHEREAS, Haddonfield received substantive certification on July 7, 1999, validating their zero-unit RDP; and

WHEREAS, COAH required the Borough to conduct follow-up studies to determine the viability of mechanisms to address unmet need pursuant to N.J.A.C. 5:93-4.1(b); and

WHEREAS, Haddonfield failed to propose such mechanisms; and

WHEREAS, on May 31, 2004 and October 25, 2004, respectively, the Fair Share Housing Center (FSHC) filed motions asking COAH to impose scarce resource restraints and temporary restraints on Haddonfield from granting any development approvals; and

WHEREAS, FSHC further asked COAH to direct Haddonfield to amend its substantive certification and/or to void the current substantive certification; and

WHEREAS, on November 22, 2004, a scarce resource restraint was issued by COAH, restraining Haddonfield from issuing any further development approvals; and

WHEREAS, the restraint exempts improvements made to single and two-family homes; and

WHEREAS, COAH required Haddonfield to submit an amended plan within 60 days identifying how the Borough intended to address new development and how to address the Borough's unmet need of 192 units; and

WHEREAS, on January 21, 2005, Haddonfield re-petitioned COAH with an amended Housing Element and Fair Share Plan; and

WHEREAS, one objection was received during the 45-day objection period from FSHC and mediation was conducted on April 22, 2005; and

WHEREAS, in response to issues raised during mediation, Haddonfield submitted an amended plan on July 6, 2005; and

WHEREAS, on September 6, 2005, a Report Requesting Additional Information was issued; and

WHEREAS, on December 16, 2005, Haddonfield filed its 1987-2014 Housing Element and Fair Share Plan to address its cumulative affordable housing obligation; and

WHEREAS, the scarce resource restraint order remains in effect until Haddonfield receives third round substantive certification; and

WHEREAS, COAH staff issued a Report Requesting Additional Information on October 4, 2006 and unless otherwise noted, all required information and documentation requested in COAH's report must be submitted to COAH no later than January 2, 2007 pursuant to N.J.A.C. 5:95-5.2(b); and

WHEREAS, on October 24, 2006 Martin and Maria Sinclair (the Sinclairs) submitted a motion to COAH requesting a waiver of the scarce resource restraint currently in effect in Haddonfield; and

WHEREAS, the Sinclairs submitted an application to the Haddonfield Planning Board requesting approval for professional office use in the single family dwelling located at 101 Windsor Ave, Haddonfield, NJ, Lot 1 Block 11.03 on January 5, 2006; and

WHEREAS, the application was not scheduled to be heard by the planning board, which instead requested that COAH's opinion be sought on whether the use was considered to be exempt from the scarce resource restraint; and

WHEREAS, the Sinclairs' property is located in a single family residential zone with an Office Overlay feature, which allows for the first floor of the building to be used for professional uses, with the second and third floors to be used for residential as a conditional use; and

WHEREAS, prior to the Sinclair's purchasing the building it was used as a single family home, and prior to that as a combined doctor's office and residence; and

WHEREAS, Martin Sinclair is a certified public accountant and he intends to occupy a portion of the first floor as a professional accounting office; and

WHEREAS, the Sinclairs seek a waiver from the restraints imposed on Haddonfield so that they may proceed with their development application before the planning board; and

WHEREAS, in support of their application, the Sinclairs argue that the Scarce Resource Restraint in Haddonfield specifically exempts single and two family homes and that no public purpose would be achieved by denying their ability to make the proposed applications, and that no resource related to the provision of affordable housing would be diminished by their proceeding with their application; and

WHEREAS, no replies were received in response to the Sinclairs' motion; and

WHEREAS, the Council on Affordable Housing unanimously approved the Sinclairs' request for a waiver from the scarce resource restraint at its November 1, 2006 meeting.

NOW, THEREFORE, BE IT RESOLVED COAH hereby memorializes its decision of November 1, 2006, and grants the Sinclairs' request for a waiver of the scarce resource restraint currently in effect in Haddonfield.

I hereby certify that this
Resolution was duly adopted
by the Council on Affordable
Housing at its meeting on 12/13/06


Renee Reiss
Council Secretary