

**RESOLUTION MEMORIALIZING COAH'S DECISION OF NOVEMBER 1,
2006 GRANTING 110 ELLIS ST. A WAIVER FROM THE EXISTING COUNCIL
ON AFFORDABLE HOUSING (COAH) ORDER THAT PROHIBITS THE
BOROUGH OF HADDONFIELD FROM ISSUING ANY DEVELOPMENT
APPROVALS
COAH DOCKET 06-1813**

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 September 29, 2006 110 Ellis St. LLC (110 Ellis St.) submitted correspondence to COAH requesting confirmation that the property would not be affected by the scarce resource restraint in effect in Haddonfield, to which COAH responded by letter dated October 6, 2006 advising all parties that 110 Ellis Street's request would be treated as a motion, and setting forth a briefing schedule; and

WHEREAS, 110 Ellis St received approval from the Planning Board approximately 2 ½ years ago, prior to the issuance of the scarce resource restraint order, to renovate an existing structure that included retail stores and to build 12 new market rate residential units in the building; and

WHEREAS, 110 Ellis St received the appropriate approvals at that time, but before construction began, Fair Share Housing Center (FSHC) filed a Complaint in Lieu of Prerogative Writ in the Superior Court; and

WHEREAS, following lengthy negotiations, 110 Ellis St. changed its plans in a manner acceptable to all parties, agreeing to build 10 market rate units and two units dedicated to low and moderate income households and reconfiguring the office space in the building, thereby making the project economically feasible with the affordable units; and

WHEREAS, in order to move forward, 110 Ellis Street must appear before the

zoning board for a use variance for the office space that will be located on the second floor and for a bulk variance for an additional parking space; and

WHEREAS, in support of its application, 110 Ellis Street states that the application should be considered exempt from the scarce resource restraint as the original approvals were received prior to the imposition of the restraints and argues that nothing is to be changed with the footprint of the building, and that the minor changes in the plans are only to the interior of the building; and

WHEREAS, 110 Ellis Street further states that it will be contributing to Haddonfield's affordable housing obligation, as two of the 12 units to be built will be affordable; and

WHEREAS, COAH received reply correspondence from FSHC, dated October 17, 2006, stating that it supports 110 Ellis Street's application for relief and additionally commenting that it believes the agreement reached between the parties is beneficial to low and moderate income families, and urges COAH to grant the motion; and

WHEREAS, COAH granted 110 Ellis St. an exemption 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 110 Ellis St.'s 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