

**RESOLUTION GRANTING FRANKLIN CLAPP CONSTRUCTION'S REQUEST  
FOR A WAIVER FROM THE EXISTING SCARCE RESOURCE RESTRAINT  
IMPOSED UPON THE BOROUGH OF HADDONFIELD  
COAH DOCKET 07-1903**

WHEREAS, The Borough of Haddonfield (Haddonfield), Camden County, petitioned CO AH 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 its 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 on Haddonfield restraining 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, CO AH staff issued a Report Requesting Additional Information on October 4, 2006; and

WHEREAS, Lawrence Luongo, Esq. submitted a motion on behalf of Franklin Clapp Construction (Clapp) dated February 7, 2007 requesting a waiver of the scarce resource restraint in effect in Haddonfield; and

WHEREAS, Clapp requests the waiver so that he may subdivide a parcel located at 680 Maple Avenue, Block 5, Lot 1, currently containing a house into two separate building lots with each containing a new single family home; and

WHEREAS, Clapp contends that the subdivision will not affect the development of affordable housing in Haddonfield, nor will any housing opportunities be lost as a result of the proposal; and

WHEREAS, Kevin Walsh, Esq., submitted opposition dated March 19, 2007 to Clapp's motion on behalf of Fair Share Housing Center (FSHC); and

WHEREAS, FSHC submits that in seeking a waiver for its .54 acre (23,488 square foot) lot, Clapp's motion runs contrary to COAH's prior decisions, and that the ability of Clapp's parcel to contribute to development of affordable housing cannot be determined definitively until the housing plans are reviewed by CO AH; and

WHEREAS, in light of the existing densities in Haddonfield, and in the surrounding area, and in light of the nearby park, FSHC argues that Clapp seeks to exempt a parcel of land that could contribute toward affordable housing and Clapp could develop the parcel with units that are consistent with the character of the community but also provide at least one affordable unit; and

WHEREAS, Clapp submitted a reply dated March 20, 2007, stating that FSHC's argument that every parcel in Haddonfield should be used for affordable housing infers no waiver is justified; and

WHEREAS, Clapp also argues that there are significant wetlands on the site, which, when added to the wetlands buffer reduces the overall developable land by nearly 50%; and

WHEREAS, COAH staff issued correspondence to Clapp dated May 11, 2007 requesting evidence (such as a Letter Of Interpretation (LOI) issued by DEP) in support of the assertion that the site is not suitable for the production of affordable housing due to the stated environmental constraints; and

WHEREAS, a reply was received on May 22, 2007 from Clapp including the requested LOI and associated map approved by DEP setting forth the wetland buffer areas; and

WHEREAS, this matter was referred to a task force that convened on May 24, 2007, and recommended the motion be granted with conditions, as set forth below.

NOW, THEREFORE, BE IT RESOLVED COAH hereby grants a waiver of the scarce resource restraint for the sole purpose of subdividing the property at 680 Maple Avenue, Block 5, Lot 1 with the condition that one of the subdivided lots contains at least one affordable housing unit that contributes to Haddonfield's affordable housing obligation; and

BE IT FURTHER RESOLVED THAT Clapp may use its own discretion in creating the site plan, but prior to it being brought before Haddonfield for approval, Clapp must submit the plans to COAH to ensure that the affordable housing required by this resolution will in fact be built.

I hereby certify that this  
Resolution was duly adopted  
by the Council on Affordable  
Housing at its meeting on <sup>^U</sup>/i& \3~2 oon



Renee Reiss  
Council Secretary