

**RESOLUTION GRANTING MICHAEL FISHER'S REQUEST FOR A WAIVER
FROM THE EXISTING SCARCE RESOURCE RESTRAINT IMPOSED UPON
THE BOROUGH OF HADDONFIELD
COAH DOCKET 06-1810**

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 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 NJ.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, CO AH staff issued a Report Requesting Additional Information on October 4, 2006; and

WHEREAS, on July 28, 2006 Teresa Lentini, Esq., submitted a motion to COAH on behalf of Michael Fisher requesting a waiver of the scarce resource restraint so that Mr. Fisher could subdivide a .43 acre property located at 420 East Cottage Ave., Lot 8, Block 56 into two separate building lots, to subsidize the building of a single family home for himself; and

WHEREAS, COAH received two replies in opposition to Mr. Fisher's motion; and

WHEREAS, Fair Share Housing Center (FSHC) submitted opposition on August 21, 2006, stating that Mr. Fisher's motion is contrary to COAH's prior decisions, and that whether or not the parcel can contribute towards Haddonfield's affordable housing obligation cannot be determined at this point; and

WHEREAS, Hise Feitshans submitted opposition on September 1, 2006, stating that the scarce resource restraint should not have an impact on the plans of a single family home and proposes the construction of an affordable unit to offset luxury unit development; and

WHEREAS, Mr. Fisher submitted a reply dated September 1, 2006, arguing that COAH's intention regarding the imposition of scarce resources was to compel Haddonfield to meet its affordable housing obligation, not to prevent individual residents of Haddonfield from utilizing their own land; and

WHEREAS, the motion was scheduled to be heard by COAH on two separate meetings, both of which were adjourned by request of Mr. Fisher; and

WHEREAS, Ms. Lentini, on behalf of Mr. Fisher, submitted a revised motion on May 10, 2007, which was sent to the service list on May 23, 2007; and

WHEREAS, Mr. Fisher amends his motion to allow for the subdivision so that he may build one single family dwelling to be occupied by himself and his children and on the other lot build a duplex of which one unit would be affordable; and

WHEREAS, Mr. Fisher states that in order to do this he would have to relocate a sewer line and he is requesting that money from Haddonfield's Affordable Housing Trust Fund be allocated in an equitable fashion towards the expense of relocating the sewer line and towards any other necessary building accommodations; and

WHEREAS, Mr. Fisher further states that the lot is currently zoned R-7 which does not accommodate the construction of duplex units, and as he will have to apply for a use variance from Haddonfield Borough, he would like to have a waiver of the scarce resource restraint in hand when he makes his application; and

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

NOW, THEREFORE, BE IT RESOLVED THAT Mr. Fisher's motion as amended on May 10, 2007 to request a waiver of the scarce resource restraint in Haddonfield so that he may subdivide a property to allow for the construction of one single family and one duplex which will contain two rental units, one of which will be affordable, is hereby granted; and

BE IT FURTHER RESOLVED THAT COAH directs Haddonfield to use funds from its affordable housing trust fund to assist Mr. Fisher in paying for one half the cost of relocating the sewer line.

I hereby certify that this
Resolution was duly adopted
by the Council on Affordable
Housing at its meeting on CjQ/yuL 13,2-W]



Renee Reiss
Council Secretary