

**RESOLUTION GRANTING 110 ELLIS STREET, LLC'S REQUEST FOR A
WAIVER FROM THE EXISTING SCARCE RESOURCE RESTRAINT
IMPOSED UPON THE BOROUGH OF HADDONFIELD
COAH DOCKET •#OH -1 q 14**

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 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, Donald C. Cofsky, Esq. submitted a motion on behalf of 110 Ellis St. Investments (110 Ellis St.) dated April 10, 2007 requesting a waiver of the scarce resource restraint in effect in Haddonfield; and

WHEREAS, 110 Ellis St. requests the waiver so that it may demolish an existing building containing two residential units located at 20-22 Ellis St., a 0.14 acre lot located in Haddonfield's Central Business District Zone and build two new attached townhomes with condominium ownership; and

WHEREAS, 110 Ellis St. states that in order to move forward with its proposed project it needs a use variance from the Haddonfield Zoning Board and that bulk variances may also be required; and

WHEREAS, 110 Ellis maintains that the development of affordable housing in Haddonfield would not be affected by a waiver being granted because the plan results in two units replacing two existing units and that as a private owner, and given the acquisition cost of the property, the carrying costs, and estimated construction costs, it would be financially impossible to include or provide low or moderate income units in this project regardless of how it is developed; and

WHEREAS, 110 Ellis St. states it will pay a developers fee under Haddonfield's Development Fee Ordinance; and

WHEREAS, Kevin Walsh, Esq., on behalf of Fair Share Housing Center (FSHC), submitted opposition dated May 22, 2007 to 110 Ellis St.'s motion; and

WHEREAS, FSHC states that the scarce resource restraint that CO AH issued on November 22, 2004 stated that, "... if CO AH does not act to restrain further development, the ability of the Borough to provide any affordable housing will be lost," and that the only exception to COAH's restraint is on minor improvements to single and two family homes; and

WHEREAS, FSHC points to COAH's March 9, 2005 Commerce Bank decision, in which CO AH ruled that it would be inappropriate to release the parcel of land in question from restraints to allow the expansion of a parking lot until the Borough prepares and receives approval of its Housing Element and Fair Share Plan; and

WHEREAS, FSHC argues that 110 Ellis Street's motion runs counter to the reasoning in COAH's Commerce Bank Decision, stating that the ability of the parcel to contribute to the development of affordable housing cannot be determined definitively until Haddonfield's Housing Element and Fair Share Plan is reviewed and approved by CO AH; and

WHEREAS, FSHC further states that the units that 110 Ellis St wishes to build are very large and that it could develop smaller units to allow for the inclusion of an affordable unit while still remaining consistent with the character of the community; and

WHEREAS, 110 Ellis St. submitted a reply to FSHC's opposition dated May 29, 2007; and

WHEREAS, in its reply 110 Ellis St. argues that its site has a two unit residential structure currently located on it, and that if it were to simply rehabilitate the existing units, there would not be a requirement to include affordable housing and the scarce resource restraint would not apply; and

WHEREAS, 110 Ellis St. further states that prior to submitting its motion, the owners analyzed the site to see how many more units could be built on the property, which was determined to be three units, maximum, using the maximum allowed height of 40 feet; and

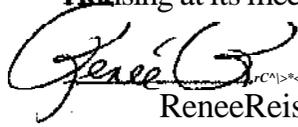
WHEREAS, 110 Ellis St. argues that building three residential units with one dedicated to low or moderate income housing is not financially feasible and that further, a reduction in the square footage of the units, which would be necessary in to put in a third unit, would require a reduction in the on site parking, even though with three units more parking would be required, and that the end product would be three units of 1500 to 1600 square feet, each with one parking space where six parking spaces are required; and

WHEREAS, this matter was referred to a task force that convened on July 12, 2007, which recommended the motion be granted with conditions, as set forth below.

NOW, THEREFORE, BE IT RESOLVED THAT COAH hereby grants a waiver of the scarce resource restraint for the sole purpose of demolishing the existing building located 20-22 Ellis St and the construction of new townhomes with the condition that 110 Ellis St. uses the site to provide one unit of affordable housing that contributes to Haddonfield's affordable housing obligation; and

BE IT FURTHER RESOLVED THAT 110 Ellis St. may use its own discretion in creating the site plan, but prior to it being brought before Haddonfield for approval, 110 Ellis St. must submit the plans to CO AH 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 *\[z^Cf]


Renee Reiss
Council Secretary