

**RESOLUTION GRANTING THE RIDGE AT RANDOLPH**  
**A WAIVER OF THE NOVEMBER 12, 2008 SCARCE RESOURCE RESTRAINT**  
**ON HIGHLANDS MUNICIPALITIES**  
**COAH DOCKET # 09-2100**

WHEREAS, on November 12, 2008, the Council on Affordable Housing (COAH) passed a "Resolution Granting Extension of Time to File Third Round Petition for Substantive Certification and Imposing Scarce Resources Restraint." (Extension or Scarce Resource Restraint); and

WHEREAS, pursuant to the Extension provisions of the resolution, Randolph Township (Randolph or Township), of which approximately 12,926 acres lie in the Highlands Planning Area and approximately 571 acres lie in the Highlands Preservation Area, submitted to COAH a Notice of Intent to Petition in accordance with the Highlands Council's Plan Conformance Guidelines and a duly adopted resolution notifying COAH of its intent to petition COAH for substantive certification of a housing element and fair share plan no later than December 8, 2009; and

WHEREAS, as a result of submitting the required documents, Randolph received an extension of the December 31, 2008 third round petition deadline; and

WHEREAS, also pursuant to the Scarce Resource Resolution, Randolph Township became subject to a scarce resource restraint that applies to any and all municipal actions associated with development approvals, water allocation and wastewater allocation so that scarce land, water, and sewer resources are reserved for the production of affordable housing; and

WHEREAS, COAH issued correspondence on December 17, 2008 seeking to clarify the scope of the Scarce Resource Restraint, setting forth a list of 36 exemptions; and

WHEREAS, the Ridge at Randolph (Ridge) is identified on the Tax Maps of Randolph Township as Block 146, Lots 7, 23, 25, 58, 72, 73.01, 78, 81, and 85; and

WHEREAS, the residential development project originally involved a total of 157 acres, 78 of which have been conveyed to the Township for Open Space in connection with development of the property and development has also been restricted on an additional 26 acres of the property; and

**WHEREAS**, the remaining 53 acres received Preliminary Major Subdivision Approval, which was granted by the Randolph Township Planning Board on February 6, 2006, creating 25 buildable lots; and

**WHEREAS**, the approval was amended by the Planning Board on September 17, 2007 and memorialized on October 1, 2007, allowing the lots to contain dwellings to be developed in three phases as follows: Phase I – 8 lots, Phase II – 9 lots, Phase III – 8 lots; and

**WHEREAS**, Final Subdivision Approval was granted for Phase I of the project on October 15, 2007; and

**WHEREAS**, as a result of the Restraint, the Ridge submitted a letter to COAH requesting that it be deemed exempt; and

**WHEREAS**, on January 6, 2009, COAH issued correspondence to the Ridge at Randolph (Ridge or Project) stating the first phase of the three phase project is exempt from the Scarce Resource Restraint, and indicating that a waiver would be necessary for the remaining two phases; and

**WHEREAS**, on January 7, 2009 the Ridge submitted a waiver request pursuant to N.J.A.C. 5:96-15.2(a), requesting that Phases II and III be granted a waiver from the Restraint; and

**WHEREAS**, the Ridge states in its waiver request that all permits required for all three phases have been received by the Ridge from NJDEP, and that the lots will be serviced by individual wells and septic systems and will not have any impact on existing public water or sewer systems; and

**WHEREAS**, the Ridge further states that formal septic and well permits have been issued for all of the lots in Phase I but the permits for Phase II and III cannot be obtained until final subdivision is approved; and

**WHEREAS**, the Ridge states that it is unable to move forward towards Final Approval on Phase II and III of the project as a result of the Scarce Resource Restraint issued by COAH on November 12, 2008; and

**WHEREAS**, the Ridge argues that granting the waiver will not negatively impact the provision of affordable housing in Randolph Township since the approved lots will

not rely on public water or sewer and therefore will not be using resources that could otherwise be used by affordable housing; and

**WHEREAS**, the Ridge further argues that the development of each of the approved lots will result in the payment of a development fee to the Township to be used towards the production of affordable housing; and

**WHEREAS**, no opposition was received in response to the Ridge's motion; and

**WHEREAS**, a task force convened on February 27, 2009 to consider the Ridge's application; and

**WHEREAS**, the task force recommended that the Ridge's waiver be granted, finding that the project will suffer unnecessary financial hardship as a result of COAH's Restraint in Randolph Township; and

**WHEREAS**, the task force further found that the Ridge has demonstrated that it will suffer unnecessary financial hardship as a result of COAH's Restraint in Randolph, as it has been involved with the project for a number of years, has acquired necessary permits and approvals and has been permitted to begin Phase I of the project; and

**WHEREAS**, the property is located in an area of Randolph that is not service by sanitary sewer or public water and that is developed with single family homes; and

**WHEREAS**, the task force noted that the 17 units will each be paying a residential development fee to Randolph that will be used towards the production of affordable units.

**NOW THEREFORE BE IT RESOLVED** that that the Council finds that the Ridge has met the waiver criteria set forth at N.J.A.C. 5:96-15.2(a); and

**BE IT FURHER RESOLVED** that the Ridge will suffer unnecessary financial hardship as a result of COAH's Restraint in Randolph Township; and

**BE IT FURHER RESOLVED** that the Ridge has acquired necessary permits and approvals and has been permitted to begin Phase I of the project, and the property is located in an area of Randolph that is not service by sanitary sewer or public water and that is developed with single family homes; and

**BE IT FURHER RESOLVED** that the 17 units will each be paying a residential development fee to Randolph that will be used towards the production of affordable units; and

**BE IT FURHER RESOLVED** that the Property is not in a public water or sewer service area and will have an individual septic system and well; and

**BE IT FURHER RESOLVED** based on the above, the Council hereby grants the Ridge a waiver of the November 12, 2008 Scarce Resource Restraint.

I hereby certify that this Resolution was duly adopted by the Council on Affordable Housing at its meeting on 3/12/2009.



Renee Reiss  
Council Secretary