

RESOLUTION GRANTING JAMES REDDING A WAIVER OF THE
NOVEMBER 12, 2008 SCARCE RESROUCE RESTRAINT
IMPOSED ON THE HIGHLANDS REGION
COAH DOCKET # 09-2102

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, Chester Township 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, Chester received an extension of the December 31, 2008 third round petition deadline; and

WHEREAS, also pursuant to the Scarce Resource Resolution, Chester 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, Mr. Redding's subdivision application does not fall under any of the listed exemptions to the Scarce Resource Restraint and as a result he is requesting a waiver so that he may go forward with his minor subdivision; and

WHEREAS, on December 30, 2008, Mr. James Redding, the owner of a 2.04 acre lot (Property) in Chester Township (Chester or Township), Morris County submitted a waiver request so that he may subdivide his property; and

WHEREAS, on February 10, 2009, the Chester Township Planning Board granted Mr. Redding Minor Subdivision with Variances, conditioned among other things, on him receiving a waiver from the November 12, 2008 Scarce Resource Restraint; and

WHEREAS, the Property is located at Lot 126, Block 26 on the Chester Tax Map, in the R-1 Zone and is located in the Highlands Planning Area; and

WHEREAS, the Property consists of 2.04 acres, is currently developed with a residential dwelling unit and a garage and has 270 feet of frontage on Chester Place, and is accessed via a driveway; and

WHEREAS, the Property is served by well and septic facilities and as a result does not require water allocation or approval of wastewater allocation from NJDEP; and

WHEREAS, Mr. Redding proposes to be subdivide the Property into two equally sized lots of 1.02 acres each, each with 135 feet of road frontage; the newly proposed lot will be designated as 126.02, and the remaining lot, containing the house and garage, will be Lot 126.01; and

WHEREAS, Mr. Redding requests a waiver under N.J.A.C. 5:96-15.2(a), "The Council may grant waivers from specific provisions of its rules if the person demonstrates that the strict application of the rule would create an unnecessary financial, environmental or other hardship..."; and

WHEREAS, Mr. Redding states that his project has been under way since July 2007 and has accumulated significant expenses in connection with the project to date and he includes a 15 item list of the expenses that he has incurred in connection with his subdivision application, including tree removal, attorney fees, survey expenses, engineering fees, planning fees, soil testing, and U.S.G.S. mapping fees; and

WHEREAS, Mr. Redding further states that he will be paying the Township a residential development fee in connection with the construction of a new house on the subdivided lot; and

WHEREAS, in addition, Mr. Redding states that granting the waiver will have no impact on Chester Township's ability to meet its COAH obligation; and

WHEREAS, no opposition was received to Mr. Redding's waiver request; and

WHEREAS, a task force convened on February 27, 2009 to consider Mr. Redding's application; and

WHEREAS, the task force recommended that Mr. Redding's waiver be granted, finding that he will suffer unnecessary financial hardship as a result of COAH's Restraint in Chester Township; and

WHEREAS, the task force further found that the Property is located in the R-1 Zoning district of Chester, which pursuant to the Township's Zoning Code is designated as one acre single family, and is subject to the payment of a development fee, and that the Property is not in a public water or sewer service area and will have an individual septic system and well.

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

BE IT FURHER RESOLVED that Mr. Redding will suffer unnecessary financial hardship as a result of COAH's Restraint in Chester Township and further, the Property is located in the R-1 Zoning district of Chester, which pursuant to the Township's Zoning Code is designated as one acre single family, and is subject to the payment of a development fee; 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 Mr. Redding 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 3/12/09.



Renee Reiss
Council Secretary