

RESOLUTION GRANTING WAYNE TOWNSHIP'S REQUEST REGARDING THE 1991 CONSENT ORDER AS PART OF ITS FIRST ROUND JUDGMENT OF COMPLIANCE

COAH DOCKET # 09-2133

WHEREAS, Wayne Township was the subject of a builder's remedy lawsuit in the First Round which was resolved pursuant to a Judgment of Compliance dated September 10, 1993 which included a consent order pertaining to payments to the Township and the development of a commercial site known as the Weinmann Tract, Block 3207, Lots 18; and

WHEREAS the Township received Second Round Substantive Certification on July 10, 1996 and submitted a Petition for Third Round Substantive Certification on December 30, 2008; and

WHEREAS, the Township's motion seeks to amend the terms and parties to the Consent Order to facilitate development of the Weinmann Tract (hereinafter referred to as the site) which has consistently been made a part of the Township's Fair Share Plans; and

WHEREAS, the Consent Order provides for enhanced commercial development rights for the owner of the site pursuant to a sketch exhibit, and the developer of the Weinmann tract was to make payments into the Township's Affordable Housing Trust Fund totaling \$400,000; and

WHEREAS the site has never been developed and funds have not been paid into the Township's Trust Fund; and

WHEREAS, Waynebridge Crossing, LLC, now seeks to develop the site and seeks modification of the original sketch to make the site commercially and financially viable, as a result of current commercial design standards and financial considerations in obtaining tenants for the planned commercial development; and

WHEREAS, the developer agrees to make payments into the Township's Affordable Housing Trust Fund totaling \$500,000; and

WHEREAS, the Township cites the increase in payment to the Township from \$400,000 to \$500,000 due to the ten-year delay in the development of the site resulting in the loss of funds that were anticipated to offset First Round RCA obligations, and the loss of tax revenue and an increase in administrative costs over the eighteen years since the consent order was entered; and

WHEREAS, the Township Municipal Council on May 20, 2009 passed a resolution approving the amendment to the consent order and instructing the Township Attorney to file a motion seeking COAH approval of the increased payment to the Township by the developer; and

WHEREAS, pursuant to N.J.A.C. 5:96-1.2(a)(1), COAH has jurisdiction to decide this matter because a municipality shall fall within the jurisdiction of the Council if the Township has filed a Petition for Third Round Substantive Certification; and

WHEREAS, the development will create a Third Round growth share obligation; and

WHEREAS, no replies in opposition to the Township's motion request were received by COAH; and

WHEREAS, a Task Force discussed the motion request on August 24, 2009 and recommended acceptance of the terms of the agreement.

NOW THEREFORE BE IT RESOLVED that the Council finds that the terms and parties to the Consent Order, to be made part of the Township's Third Round Fair Share Plan, will generate revenues for the Township's Affordable Housing Trust Fund and thus foster the production of affordable housing; and

BE IT FURTHER RESOLVED the terms of the agreement follows the intent and purpose of the original Consent Order agreement which was part of the First Round Substantive Certification process and fosters the intent and purpose of the Fair Housing Act and COAH's regulations; and

BE IT FURTHER RESOLVED COAH accepts the terms and parties to the Consent Order as part of the Township's Third Round Fair Share Plan.

I hereby certify that this Resolution was
duly adopted by the Council on Affordable
Housing at its meeting on September 9, 2009

A handwritten signature in cursive script that reads "Renee Reiss". The signature is written in black ink and is positioned above the printed name and title.

Renee Reiss
Council Secretary