

**RESOLUTION GRANTING WAIVER FROM**  
**N.J.A.C. 5:97 8.1(d) and N.J.A.C. 5:97-8.7(a)**

**Hanover Township, Morris County**

**COAH Docket Number 09-2158**

WHEREAS, Hanover Township (“Hanover” or “the Township”), Morris County, received second round substantive certification of its Housing Element and Fair Share Plan from the Council on Affordable Housing (COAH) on August 4, 1999 and extended second round substantive certification on September 14, 2005; and

WHEREAS, the Township received approval of a development fee ordinance from COAH on January 23, 1998 and subsequently, on July 7, 2005, the Township amended its development fee ordinance to increase fee percentages as permitted under COAH’s regulations at the time; and

WHEREAS, Hanover Township is a Highlands community and, per the Highlands Memorandum of Understanding (MOU), the deadline for plan submission has subsequently been extended by COAH to June 8, 2010; and

WHEREAS, on August 26, 2009, Hanover Township submitted to COAH a request for a waiver from the requirements of N.J.A.C. 5:97-8.1(d) and N.J.A.C. 5:97-8.7(a); and

WHEREAS, N.J.A.C. 5:97-8.1(d) mandates that a municipality may not spend development fees until such time as the municipality obtains approval of its spending plan from COAH; and

WHEREAS, N.J.A.C. 5:97-8.7(a) provides that funds generated by the collection of development fees may only be applied toward housing activity identified in a COAH approved spending plan; and

WHEREAS, Hanover Township’s latest COAH approved spending plan was submitted with the township’s petition for second round substantive certification on August 4, 1999; and

WHEREAS, the Township proposes to utilize funds that are currently on deposit in the Township's Affordable Housing Trust Fund to partially fund a supportive and special needs project to be located at 18 Elm Place, a six-bedroom community residence for autistic adults; and

WHEREAS, the municipality owns the property which is currently under construction pursuant to a developer's agreement between the Township and Sterling at Cedar Glen, L.L.C; and

WHEREAS, the Township proposes to spend \$257,412.80 from its affordable housing trust fund for this project; and

WHEREAS, the waiver request states that, as of August 2009, Hanover Township's Affordable Housing Trust Fund Account had a balance of approximately \$3,700,000 and COAH's monitoring records indicate that the Township had a balance of \$4,069,726.67 as of September 2009; and

WHEREAS, Hanover's motion request was considered by a COAH Task Force on September 30, 2009; and

WHEREAS, the Task Force recommended that Hanover's waiver request be granted, finding that the Township met the waiver requirement of N.J.A.C. 5:96-15.2 by demonstrating that granting the waiver of N.J.A.C. 5:97 8.1(d) and N.J.A.C. 5:97-8.7(a) would foster the production of affordable housing and serve the intent of the COAH rules by enabling Hanover to take advantage of an emergent affordable housing opportunity (Exhibit A); and

WHEREAS, the Task Force also noted as a condition of being granted these waivers, Hanover shall be required to include the 18 Elm Place supportive and special needs project in its third round Fair Share Plan and spending plan and, in addition, the Township will be expected to provide a mix of housing options in its Fair Share Plan.

NOW THEREFORE BE IT RESOLVED that Hanover Township has demonstrated that granting the waiver would foster the production of affordable housing and serve the intent of the COAH rules; and

BE IT FURTHER RESOLVED that the Council Task Force hereby recommends granting a waiver to Hanover Township from N.J.A.C. 5:97 8.1(d) and N.J.A.C. 5:97-8.7(a)

BE IT FURTHER RESOLVED that the Council hereby grants a waiver to Hanover Township from N.J.A.C. 5:97 8.1(d) and N.J.A.C. 5:97-8.7(a).

I hereby certify that this Resolution was duly adopted by the Council on Affordable Housing at its meeting on October 14, 2009

A handwritten signature in black ink that reads "Renee Reiss". The signature is written in a cursive style with a large, looping initial "R".

Renee Reiss  
Council Secretary