

**RESOLUTION GRANTING DELANCO TOWNSHIP, BURLINGTON COUNTY
WAIVERS FROM N.J.A.C. 5:97-8.1(c) and N.J.A.C. 5:97-8.1(d)**

Docket #09-2173

WHEREAS, Delanco Township (Township) was under the Council on Affordable Housing's (COAH) jurisdiction for the second round and was permitted by COAH to adopt a Development Fee Ordinance; and

WHEREAS, Second Round certification was granted on October 7, 1998; and

WHEREAS, the Township filed a declaratory judgment action in September 2004 in the Superior Court of the State of New Jersey for Third Round certification; and

WHEREAS, the Township adopted an amendment to their third round plan which was submitted to the Court on December 31, 2008 and the Court is scheduled to hold a compliance hearing on December 22, 2009; and

WHEREAS, the compliance plan includes two affordable housing projects, the first to be developed by Zurbrugg Partnership LLC (Zurbrugg) and the second project to be developed by Abundant Life Community Development Corporation (Abundant Life); and

WHEREAS, a Court Order dated September 29, 2009 grants expenditures by the Township from the Township's Affordable Housing Trust Account for both projects, subject to COAH approval, in the amount of \$110,000 for Zurbrugg and \$60,5000 for Abundant Life; and

WHEREAS, the current balance in the Township's Affordable Housing Trust Account is \$290,026; and

WHEREAS, the Zurbrugg Mansion Project is a required affordable housing project pursuant to a 2008 redevelopment agreement between the Township and Zurbrugg to produce a minimum of 21 affordable housing units, on Block 1202, Lots 1.01, 1.02 and 1.03; and

WHEREAS, the Zurbrugg Mansion Project will fulfill a COAH second round obligation related to an inclusionary project named Rivers Edge; and

WHEREAS, the 2008 Redevelopment Agreement allocates \$110,000 from the Township's Affordable Housing Trust Account for the construction of three affordable housing units at the Zurbrugg Mansion project; and

WHEREAS, Abundant Life received preliminary approval on March 24, 2009 on Block 2200, Lots 2.01 and 3, to construct three multi-family residential structures; and

WHEREAS, Abundant Life received final site plan and subdivision approval for Phase I of the development which is a 100-unit building with 20 units of special needs housing; and

WHEREAS, the Township requests \$60,500 for the Abundant Life project from the Township Affordable Housing Trust Account, pursuant to the Court Order, which funds are designated to pay expenses to get the site shovel ready; and

WHEREAS, the Township will be submitting to COAH an updated Spending Plan to reflect the proposed expenditures being requested herein for Zurbrugg and Abundant Life; and

WHEREAS, a waiver may be granted pursuant to N.J.A.C. 5:96-15.2, if the Council finds that granting the waiver will foster the production of affordable housing, that the intent, if not the letter of the Council's rules will be met and that the Housing Element and Fair Share plan provides a mix of housing options; and

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

WHEREAS, a Task Force from the Council discussed the waiver motion on October 21, 2009 and recommends that the Council grant the waiver from N.J.A.C. 5:97-8.1(c) and N.J.A.C. 5:97-8.1(d); and

WHEREAS, regarding the waiver criteria, the task force notes that the Township's third round affordable housing plan is subject to the jurisdiction of the Superior Court of the State of New Jersey, and is not before COAH, and COAH therefore is unable to evaluate whether there is a mix of housing options in the Township's Plan.

NOW THEREFORE BE IT RESOLVED that pursuant to N.J.A.C. 5:96-15.2, the Council may grant a waiver from specific provisions of its rules if it determines that strict application of the rules would: (a) create an unnecessary financial, environmental or other hardship; or 1) The waiver fosters the production of affordable housing; 2) The waiver fosters the intent of, if not the letter of, the Council's rules; and 3) The Housing Element and Fair Share Plan provide a mix of housing options; and

BE IT FURTHER RESOLVED that granting the waiver requested for the expenditures on the Zurbrugg and the Abundant Life projects in the amounts of \$110,000 and \$60,500, respectively from the Township's Affordable Housing Trust Account, fosters the production of affordable housing and serves the intent of, if not the letter of,

the Council's rules by ensuring that the Township addresses a portion of its fare share obligation; and

BE IT FURTHER RESOLVED the Superior Court of the State of New Jersey still maintains jurisdiction over the Township's Third Round Housing Element and Fair Share Plan which dictates the mix of housing options in the Township's Plan; and

BE IT FURTHER RESOLVED that Delanco has confirmed that the mix of housing options in the Housing Element and Fair Share Plan is 50 family rental units, 33 family sale units, 44 senior rental units and 15 special needs units; and

BE IT FURTHER RESOLVED that as a condition of this waiver the Township shall include these expenditures to Zurbrugg and Abundant Life in the Township's Third Round Spending Plan and include these two projects in the Township's Third Round Fair Share Plan; and

BE IT FURTHER RESOLVED that the Township of Delanco's motion seeking waiver pursuant to N.J.A.C. 5:96-15.2 from the requirements of N.J.A.C. 5:97-8.1(c) and N.J.A.C. 5:97-8.1(d), to make expenditures on the Zurbrugg and the Abundant Life projects in the amounts of \$110,000 and \$60,500, respectively from the Township's Affordable Housing Trust Account is hereby granted.

I hereby certify that this Resolution was
Duly adopted by the council on affordable
Housing at its meeting on October 26, 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