

RESOLUTION GRANTING LACEY TOWNSHIP, OCEAN COUNTY, A WAIVER FROM N.J.A.C. 5:97-8.1(c)&(d) ALLOWING FOR EXPENDITURE FROM THE TOWNSHIP'S AFFORDABLE HOUSING TRUST FUND

COAH Docket #09-2172

WHEREAS, Lacey Township (Township) did not petition the Council on Affordable Housing (Council) for first round substantive certification; and

WHEREAS, the Township petitioned with its second round Housing Element and Fair Share Plan on June 6, 2000, however, pursuant to N.J.A.C. 5:95-15.1(a), which became effective December 20, 2004, Lacey was not able to receive second round substantive certification; and

WHEREAS, Lacey petitioned for third round substantive certification pursuant to N.J.A.C. 5:96 and N.J.A.C. 5:97 on December 29, 2008; and

WHEREAS, the Township's third round Fair Share Plan addresses a total 1987-2018 affordable housing obligation of 1,112 units, consisting of a 25-unit rehabilitation share, a 580-unit prior round obligation and a 507-unit projected growth share obligation pursuant to N.J.A.C. 5:97; and

WHEREAS, the Township seeks to utilize \$214,540 from the municipal affordable housing trust fund to demolish an existing structure on the site designated as the Lacey Nursing Home site (site), Block 1837, Lots 8.01 & 8.02 and Block 1837.01, Lots 3 & 4, and to fund half of the cost to subdivide the site; and

WHEREAS, the Township's Spending Plan was originally approved by the Council on September 30, 2002, and the municipal affordable housing trust fund shows a balance of \$1,149,681 as of December 30, 2008; and

WHEREAS, the Township's Spending Plan was amended in October 2009 to note the costs for the demolition of the Lacey Nursing Home and the subdivision expenditures which is the subject of this resolution; and

WHEREAS, the Township Spending Plan submitted in October 2009 did not meet COAH's requirements pursuant to N.J.A.C. 5:97-8.10; and

WHEREAS, Robert DeForest Demolition provided an estimate for the demolition work at \$195,000, and the engineering firm O'Donnell, Stanton & Associates, Inc. provided an estimate for the engineering work related to the demolition in the amount of \$12,430; and

WHEREAS, the engineering firm O'Donnell, Stanton & Associates, Inc. provided a second estimate for the subdivision work in the amount of \$14,220; and

WHEREAS, the cost of the subdivision work for the site will be paid for equally from the Township's affordable housing trust account and the municipal budget general engineering account; and

WHEREAS, the total sum requested from the Township's affordable housing trust account is \$214,540; and

WHEREAS, the site is approximately 13.7 acres in size and identified as an affordable housing site in the Township's third round Fair Share Plan; and

WHEREAS, approximately 7 acres of the site will be used to build a 100-unit affordable housing family rental project as described in the Township's third round Fair Share Plan; and

WHEREAS, the Nursing Home building to be demolished is located on the 7 acres to be used to build a 100-unit affordable housing family rental project; and

WHEREAS, the remaining approximately 6.7 acres will remain commercially zoned; and

WHEREAS, the building on the site to be demolished, is abandoned, boarded up, vacant and contaminated with mold; and

WHEREAS, the Township is willing to pay for the demolition and does not expect to be reimbursed by the developer; and

WHEREAS, the strict application of N.J.A.C. 5:97-8.1(c)&(d), will create an unnecessary hardship on the Township because the building on the site needs to be demolished; and

WHEREAS, granting the waiver fosters the production of affordable housing since the development of the site will accommodate a 100-unit affordable housing family rental project; and

WHEREAS, granting the waiver fosters the intent of, if not the letter of, the Council's rules through the realistic creation of affordable housing, and the Township's Housing Element and Fair Share Plan provides a mix of housing options; and

WHEREAS, COAH did not receive any opposition to the Township's waiver motion; and

WHEREAS, as a condition to granting the Township's waiver, COAH requires the Township to deed restrict the 7-acre portion of the site where the Lacey Nursing Home is situated for the sole purpose of creating a 100-unit affordable housing family rental project, with the construction to begin within two years from the date of substantive certification; and

WHEREAS, expenditures from the Township's affordable housing trust fund shall not be made until the Township submits a revised Spending Plan in conformance with N.J.A.C. 5:97; and

WHEREAS, a Task Force from the Council discussed the waiver motion on October 26, 2009 and recommended that the Council grant the waiver from N.J.A.C. 5:97-8.1(c)&(d) subject to the above noted conditions.

NOW THEREFORE BE IT RESOLVED that the Council finds that the strict application of N.J.A.C. 5:97-8.1(c)&(d) creates an unnecessary financial and environmental hardship on the Township; and

BE IT FURTHER RESOLVED that the granting of the waiver fosters the production of affordable housing, fosters the intent, if not the letter of, the Council's rules and the Township's Housing Element and Fair Share Plan provides a mix of housing options; and

BE IT FURTHER RESOLVED that the Township's motion to expend \$214,540 from the municipal affordable housing trust fund for demolition and subdivision work on the Lacey Nursing Home site, is hereby granted subject to the conditions stated below; and

BE IT FURTHER RESOLVED the Township shall deed restrict the 7-acre portion of the site where the Lacey Nursing Home is situated for the sole purpose of constructing a 100-unit affordable housing family rental project, to begin construction within two years from the date of substantive certification; and

BE IT FURTHER RESOLVED that the requested expenditure from the Township's affordable housing trust fund shall not be made until the Township submits a revised Spending Plan in conformance with N.J.A.C. 5:97.

I hereby certify that this Resolution was
Duly adopted by the Council on Affordable
Housing at its meeting on November 12, 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 of the Council Secretary.

Renee Reiss, Council Secretary