

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

Pequannock Township, Morris County

COAH DOCKET #09-2189

WHEREAS, Pequannock Township (“Pequannock” 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 6, 1997; and

WHEREAS, the Township received approval of a development fee ordinance from COAH on January 11, 2006; and

WHEREAS, Pequannock Township is a Highlands community and, per the Highlands Memorandum of Understanding (MOU), the deadline for submitting a third round petition has been extended by COAH to June 8, 2010; and

WHEREAS, on November 16, 2009, Pequannock 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, Pequannock 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 5, 9 and 21 Evans Place, an 11-unit permanent supportive housing project for individuals recovering from mental illness; and

WHEREAS, NewBridge Services Inc. owns the property in question and has secured funding commitments for the project from United Way of Morris County, Morris County HOME

funds, Pequannock Township Senior Citizens and the New Jersey Housing and Mortgage Finance Agency (HMFA); and

WHEREAS, the Township proposes to spend \$102,535 from its Affordable Housing Trust fund for this project; and

WHEREAS, according to Pequannock Township, as of December 30, 2009, Pequannock Township's Affordable Housing Trust Fund Account had a balance of \$167,739.33; and

WHEREAS, the waivers requested are necessary because Pequannock is a Highlands community and has not yet submitted its third round housing element and fair share plan or a spending plan to COAH and the Township wishes to spend affordable housing trust funds on an emergent affordable housing opportunity; and

WHEREAS, pursuant to N.J.A.C. 5:96-15.2, COAH may grant a waiver from specific provisions of its rules if it is demonstrated that strict application of the rules would impose an unnecessary financial, environmental or other hardship; or 1) The waiver would foster the production of affordable housing; 2) The waiver would foster the intent, if not the letter of COAH's rules; and 3) The Housing Element and Fair Share Plan provide a mix of housing options; and

WHEREAS, granting the waivers requested would foster the production of affordable housing and would serve the intent of COAH's rules by enabling Pequannock to take advantage of an emergent affordable housing opportunity and would contribute to a variety of affordable housing options through the creation of supportive and special needs housing; and

WHEREAS, based on a preliminary review, COAH staff finds that the project presents a realistic opportunity to create 11 affordable housing units in Pequannock; and

WHEREAS, COAH received no opposition papers to the Township's waiver request; and

WHEREAS, Pequannock's waiver request was considered by a COAH task force on January 5, 2010; and

WHEREAS, the task force recommends that Pequannock's waiver request be granted, finding that the Township has met the waiver requirements 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

Pequannock to take advantage of an emergent affordable housing opportunity and that the proposed supportive and special needs housing would present a new affordable housing type that will complement the existing family and age-restricted affordable housing in the Township.

NOW THEREFORE BE IT RESOLVED that COAH grants the waivers from N.J.A.C. 5:97-8.1(d) and N.J.A.C. 5:97-8.7(a), permitting the expenditure of \$102,535 by Pequannock Township from its affordable housing trust fund for the 11-unit NewBridge Services affordable housing project located at Evans Place in Pequannock Township; and

BE IT FURTHER RESOLVED that, as a condition of being granted these waivers, Pequannock shall be required to include the NewBridge Services Evans 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.

I hereby certify that this Resolution was
Duly adopted by the Council on Affordable
Housing at its meeting on January 13, 2010.

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 signatory.

Renee Reiss, Council Secretary