

**RESOLUTION GRANTING WAIVER FROM THE HIGHLANDS SCARCE
RESOURCE RESTRAINT FOR A RESIDENTIAL SUBDIVISION LOCATED AT
BLOCK 2104, LOTS 3 AND 4.01, HANOVER TOWNSHIP, MORRIS COUNTY
COAH DOCKET #10-2208**

WHEREAS, on November 12, 2008, the Council on Affordable Housing (COAH) passed a “Resolution Granting Extension of Time to File Third Round Petition for Substantive Certification and Imposing Scarce Resources Restraint” (SRR or Restraint); and

WHEREAS, the Restraint extended the deadline to submit a third round petition until December 31, 2009; and

WHEREAS, accordingly, Hanover submitted to COAH a Notice of Intent to Petition in accordance with the Highlands Council’s Plan Conformance Guidelines and a duly adopted resolution notifying COAH of its intent to petition COAH for substantive certification of a housing element and fair share plan no later than December 8, 2009; and

WHEREAS, the December 8, 2009 deadline was extended until June 8, 2010 by the Council on August 12, 2009¹; and

WHEREAS, as a condition of the extension of time to submit its third round petition to COAH, Hanover became subject to a scarce resource restraint that applies to any and all municipal actions associated with development approvals, water allocation and wastewater allocation so that scarce land, water, and sewer resources are reserved for the production of affordable housing; and

WHEREAS, COAH issued correspondence on December 17, 2008 setting forth a list of 36 exemptions from the restraint, which were memorialized by way of resolution dated October 14, 2009; and

WHEREAS, pursuant to N.J.A.C. 5:97, Hanover Township has a third round rehabilitation share of 17 units, a prior round obligation of 356 units, and total projected growth share obligation for the third round of 310 units, comprised of a residential growth projection 265 units and an employment projection of is 4,108 jobs; and

¹ The August 12, 2009 resolution also waived N.J.A.C. 5:97-2.3(a), 5:97-2.4 and Appendix F for Highlands municipalities that conform to the Highlands Regional Master Plan.

WHEREAS, the Highlands Council issued a build-out report for Hanover Township pursuant to the MOU in November 2009; and

WHEREAS, pursuant to the build-out report, the non-residential build-out capacity is projected to be 1,193 jobs and the residential projection is 99 units; and

WHEREAS, both Highlands projections are significantly lower than the figures projected by COAH; and

WHEREAS, the Highlands build-out results demonstrate that under the RMP the Township will have a reduced projected growth share obligation, from 310 to 184 affordable units; and

WHEREAS, Mike Mastellone (Mastellone) requests a waiver from the Highlands Restraint in order to subdivide Block 2104, Lots 3 and 4.01, Hanover Township, Morris County; and

WHEREAS, Lot 3 is located in two zone districts, with frontage on East Frederick Place, with 2.92 acres (127,175 sq. ft.) located I-5 (industrial with a minimum lot size of 60,000 sq. ft.) and .1786 acres (7,781 sq. ft.) located in R-15 (residential with a minimum lot size of 15,000 sq. ft.); and

WHEREAS, Lot 4.01 contains .64 acres (27,922 sq. ft.) located in R-15 with frontage on Townsend Avenue and contains a single family dwelling; and

WHEREAS, the subdivision will merge the portion of Lot 3 located in the R-15 zone with the westerly undeveloped portion of Lot 4.01 to create Lot 3.02, which will consist of .3468 acres (15,106 sq. ft.); and

WHEREAS, Mastellone seeks to build a single family dwelling on the newly created Lot 3.02; and

WHEREAS, the remaining 2.92 acre portion of Lot 3 in the I-5 zone, which currently contains an office building, will be designated as Lot 3.01; and

WHEREAS, the remaining .4729 acre portion of Lot 4.01 which contains a single family home will be designated as Lot 4.02; and

WHEREAS, the Hanover Township Planning Board granted Mastellone's minor subdivision approval on January 12, 2010; and

WHEREAS, the minor subdivision approval is conditioned on the Council granting Mastellone a waiver from the Restraint; and

WHEREAS, the minor subdivision approval states that construction of a new residential dwelling on the newly created Lot 3.02 will result in a growth share obligation to the Township of Hanover of .25 affordable housing units, and that the development is required to pay a mandatory residential development fee equal to one percent of the increased assessed value; and

WHEREAS, Lot 3.02 is located in a sewer service area and is served with public potable water; and

WHEREAS, Mastellone states that pursuant to N.J.A.C. 5:21-5.3 and NJAC 7:14A-23.3, the proposed single family dwelling on proposed Lot 3.02 will require 300 gallons per day of sewer and 395 gallons per day of public potable water; and

WHEREAS, the proposed Lot 3.02 in the R-15 zone will be 15,106 sq. ft. and as such comports with the dimensional requirements of the zone; and

WHEREAS, no replies in opposition to the waiver request have been received by COAH; and

WHEREAS, a Task Force reviewed this waiver request on March 10, 2010, and recommends that the waiver be granted to permit the minor subdivision of Lots 3 and 4.01, as the subdivision will be creating only one new lot which meets the minimum size requirements of the R-15 zone.

NOW THEREFORE BE IT RESOLVED that the Council grants Mastellone a waiver from the Highlands Scarce Resource Restraint for the subdivision of Block 2104 Lots 3 and 4.01, Hanover Township, Morris County, for the creation of Block 2104 Lot 3.02 for the development of a conforming single family residential dwelling consistent with the Hanover Township Planning Board's approval for this subdivision dated January 12, 2010; and

BE IT FURTHER RESOLVED this resolution does not authorize any allocation of sewer or water usage as to any location other than Block 2104, Lots 3.02, and the proposed successor lots thereto, and the subdivision of said site until such time as the COAH Scarce Resource Restraint is lifted as to the entire municipality.

I hereby certify that this Resolution was
Duly adopted by the Council on Affordable
Housing at its meeting on March 10, 2010

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

Renee Reiss
Council Secretary