

**Resolution Granting Lakeland Marine Base LLC an Exemption from the Highlands
Scarce Resource Restraint for the Construction of a Miniature Golf Course in
Jefferson Township, Sussex County
COAH DOCKET #09-2150**

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” (Restraint); and

WHEREAS, pursuant to the Restraint, Jefferson Township (Jefferson or Township), 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, as a result of submitting the required documents, Jefferson received an extension of the December 31, 2008 third round petition deadline and 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, on August 12, 2009, COAH adopted a Resolution granting Highlands municipalities an extension of time, until June 8, 2010, to file third round petitions as well as a Resolution waiving 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; and

WHEREAS, Lakeland Marine Base, LLC (LMB) submitted a waiver request on July 30, 2009, requesting relief from the Scarce Resource Restraint imposed on Highlands Municipalities to permit the development of a marina and miniature golf course; and

WHEREAS, the subject property is comprised of two parcels, Block 196, Lots 17 & 18 (“lakeside parcel”) which abuts the waters of Lake Hopatcong and is 46,586 sq. ft. in size. The second parcel is Block 195, Lots 8.01, 8.02 & 9 (“southern parcel”), located south and directly across Nolan’s Point Park Road from the lakeside property. This lot is 20,593 sq. ft in size. Both parcels are located within the C-1 Commercial Zone District in Jefferson Township and are owned by LMB; and

WHEREAS, the lakeside parcel, which has historically been used as a commercial marina, slopes towards Lake Hoptacong and currently contains various dilapidated concrete slabs, scrub brush/trees, miscellaneous debris, and concrete pilings and piers that extend into the waters of Lake Hopatcong; and

WHEREAS, the southern parcel, also used commercially, contains a dilapidated concrete slab, scrub brush and trees and construction debris; and

WHEREAS, the properties are bordered by commercial uses, including restaurants, marinas, and a single family dwelling to the west; and

WHEREAS, the subject property is not serviced by public water or sanitary sewers; and

WHEREAS, the Jefferson Township’s Zoning Board of Adjustment has approved the application to develop the lakeside parcel with a standard miniature golf course tiered to the slope of the property, rehabilitate the existing docks and piers for boat slip rental, and include a 3,014 sq. ft. building to house office space relating to the boat slip and miniature golf uses; and

WHEREAS, no opposition was received by the Council; and

WHEREAS, a task force, which convened on January 28, 2010, recommends that the motion for a waiver be granted.

NOW THEREFORE BE IT RESOLVED that LMB's request for a waiver from the Highlands Scarce Resource Restraint is hereby granted as it is not suitable for the construction of affordable housing as it is served by an individual septic system and a private well, is an environmentally sensitive site that would make residential development difficult and costly, and has already been approved by the Jefferson Zoning Board; and

BE IT FURTHER RESOLVED that Jefferson Township will be responsible for any non-residential affordable housing obligation which results from the development of the miniature golf course pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) and COAH's regulations.

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 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