

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

Parsippany-Troy Hills Township, Morris County
COAH DOCKET #10-2201

WHEREAS, Parsippany-Troy Hills Township (“Parsippany-Troy Hills” or “the Township”), Morris County, received first round substantive certification of its Housing Element and Fair Share Plan from the Council on Affordable Housing (COAH) on June 5, 1991, second round substantive certification on August 7, 1996, and extended substantive certification on July 27, 2005; and

WHEREAS, the Township received approval of the original development fee ordinance from COAH on May 5, 1993, and on December 15, 2008, COAH approved an amended development fee ordinance for the Township; and

WHEREAS, the initial municipal affordable housing trust fund spending plan was approved by COAH on April 30, 1996.

WHEREAS, Parsippany-Troy Hills 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 December 29, 2009, Parsippany-Troy Hills Township submitted to COAH a request for waivers 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, Parsippany-Troy Hills proposes to utilize funds that are currently on deposit in the Township’s Affordable Housing Trust Fund to fund the reconstruction of three

houses located at 24, 29 and 32 Ruth Davis Drive, to be used as group homes for individuals with severe and persistent mental illness; and

WHEREAS, Comprehensive Behavioral Healthcare (CBH) has a 30-year lease with Morris County, who which the properties in question; and

WHEREAS, Morris County has indicated that it will provide 30-year affordable housing deed restrictions on the properties; and

WHEREAS, CBH has made an application to the Division of Mental Health Services to expand their existing CHAMP program located on Ruth Davis Drive by 15 supportive housing beds; and

WHEREAS, the Township proposes to spend \$591,000 from its Affordable Housing Trust fund for this project; and

WHEREAS, according to COAH's monitoring records, as of December 31, 2008, Parsippany-Troy Hills Township's Affordable Housing Trust Fund Account had a balance of \$4,362,234.39; and

WHEREAS, the waivers requested are necessary because Parsippany-Troy Hills is a Highlands community and has not yet submitted its third round housing element and fair share plan or a new 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 Parsippany-Troy Hills to take advantage of an emergent affordable housing opportunity; and

WHEREAS, based on a preliminary review, COAH staff finds that the project presents a realistic opportunity to create 15 affordable housing units in Parsippany-Troy Hills; and

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

WHEREAS, the Parsippany-Troy Hills waiver requests were considered by a COAH task force on March 30, 2010; and

WHEREAS, the task force suggested that it would be desirable if the units were accessible and equipped with fire suppression systems if CBH deems it appropriate and the Township is willing to expend the additional money from the affordable housing trust fund; and

WHEREAS, CBH has indicated that these particular units will not be handicapped accessible because the clients they serve do not have mobility issues and they have one-story buildings in the program that are better suited to handicapped accessibility than the proposed two-story buildings; and

WHEREAS, CBH further indicated that fire protection issues have been addressed with the Notifier Systems that were recommended by the Morris County Assistant Fire Marshal; and

WHEREAS, the task force recommends that the waiver requests by Parsippany-Troy Hills 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 waivers 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 Parsippany-Troy Hills to take advantage of an emergent affordable housing opportunity 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 \$591,000 by Parsippany-Troy Hills Township from its affordable housing trust fund for the 15-unit CBH affordable group home project expansion located at Ruth Davis Drive in Parsippany-Troy Hills Township; and

BE IT FURTHER RESOLVED that, as a condition of being granted these waivers, Parsippany-Troy Hills shall be required to include the CBH supportive and special needs project at Ruth Davis Drive in its third round fair share plan and spending plan, and that the sites at 24, 29 and 32 Ruth Davis Drive also have 30-year deed restrictions in place prior to the expenditure of funds from the municipal trust account. In addition, the Township will be expected to provide a mix of housing options in its third round fair share plan.

I hereby certify that this Resolution was
Duly adopted by the Council on Affordable
Housing at its meeting on April 21, 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
Council on Affordable Housing