

RESOLUTION GRANTING WAIVER FROM THE HIGHLANDS SCARCE RESOURCE RESTRAINT FOR A MIXED USE DEVELOPMENT AT BLOCK 41, LOTS 90.01, 90.02 AND 94, BYRAM TOWNSHIP, SUSSEX COUNTY

COAH DOCKET #09-2122

WHEREAS, on December 16, 2008, Byram Township (Byram) petitioned the Council on Affordable Housing (COAH) for substantive certification submitting a third round housing element and fair share plan (HE/FSP); and

WHEREAS, Byram requests a durational adjustment due to scarcity of sewer capacity necessary to meet its third round obligation; and

WHEREAS, Byram maintains that the Township has reserved sufficient sewer capacity to meet its prior round obligation of 33 units, to be utilized in the Phase One of the proposed Village Center, an inclusionary zoning mechanism; and

WHEREAS, Byram states that the Township will not have sufficient sewer capacity reserved for its third round growth share obligation; and

WHEREAS, Byram is a municipality in the Highlands Region; and

WHEREAS, on October 30, 2008 COAH and the Highlands Council entered into a Memorandum of Understanding (MOU); and

WHEREAS, the MOU provides that COAH shall issue a scarce resource order for all municipalities in the Highlands Region under COAH's jurisdiction in order to preserve scarce land, water and sewer resources and to dedicate these resources on a priority basis for the production of affordable housing until such time as the municipality receives substantive certification from COAH or demonstrates that appropriate measures have been taken to reserve such resources; 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, the Olde Forge at Byram (Olde Forge) project is a joint venture between WGB Properties LLC and James Weichert Realty to develop 4.4 acres located on Route 206 North at Block 41, Lots 90.01, 90.02 and 94, Byram Township, Sussex County; and

WHEREAS, Olde Forge is located in Byram's Village Business District and is in the Highlands Planning Area; and

WHEREAS, Olde Forge will be a mixed use development consisting of three buildings totaling approximately 46,150 square feet; and

WHEREAS, Olde Forge will be comprised of commercial retail and office space with the possibility of two rental apartment units; and

WHEREAS, on February 1, 2007 the Byram Township Planning Board granted Olde Forge final site plan approval, variance relief and approval of waiver requests to permit the construction of two commercial/office structures; and

WHEREAS, the Byram Township Planning Board approvals allow Olde Forge to construct a temporary septic system for building 1 until sewer capacity allocations with the Musconetcong Sewerage Authority are reconciled, including a proposed sewer allocation purchase agreement between Byram and the Township of Stanhope regarding several commercial properties in Byram, including Olde Forge; and

WHEREAS, the Byram Township Planning Board approval also permits the use of a temporary septic system for building 2 based on Olde Forge obtaining a Township Water Allocation from the New Jersey Department of Environmental Protection; and

WHEREAS, all temporary septic approvals for Olde Forge are subject to Sussex County Board of Health approvals; and

WHEREAS, Olde Forge maintains that there is sufficient sewer allocation from Byram for the proposed 8,500 square foot, Phase One commercial building 1; and

WHEREAS, Olde Forge maintains that there is insufficient sewer allocation for the proposed 8,000 square foot, Phase One commercial building 2, which will be temporarily addressed by an on site septic system as permitted by the Planning Board's site plan approval; 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 January 28, 2010, and recommended that the waiver be granted.

NOW THEREFORE BE IT RESOLVED that COAH hereby grants a waiver from the Highlands Scarce Resource Restraint for the Olde Forge at Byram project located on Route 206 North at Block 41, Lots 90.01, 90.02 and 94, Byram Township, Sussex County; and

BE IT FURTHER RESOLVED that this approval authorizes Byram Township to permit Olde Forge at Byram to proceed with Phase One of the mixed use development, but does not authorize any allocation of sewer or water usage as to any location other than Block 41, Lots 90.01, 90.02 and 94 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 April 21, 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".

Renee Reiss
Council Secretary