

**RESOLUTION GRANTING WAIVER FROM THE HIGHLANDS SCARCE RESOURCE RESTRAINT FOR A RESIDENTIAL SUBDIVISION LOCATED AT BLOCK 46, LOTS 33 AND 33.01, CLINTON TOWNSHIP, HUNTERDON COUNTY**

**COAH DOCKET #10-2211**

**WHEREAS**, on February 3, 1993 Clinton Township received first round substantive certification from the Council on Affordable Housing (COAH); and

**WHEREAS**, on November 8, 2000, Clinton Township received second round substantive certification; and

**WHEREAS**, on February 6, 2007 Clinton Township filed for third round substantive certification pursuant to the prior third round rules; and

**WHEREAS**, on November 12, 2008, 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**, Clinton 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**, the December 8, 2009 deadline was extended until June 8, 2010 by the Council on August 12, 2009<sup>1</sup>; and

**WHEREAS**, as a condition of the extension of time to submit its third round petition to COAH, Clinton Township 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

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<sup>1</sup>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**, 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 N.J.A.C. 5:97, Clinton Township has a third round rehabilitation share of 16 units, a prior round obligation of 335 units, and total projected growth share obligation of 247 units, calculated from a total residential growth projection of 722 units and an employment projection of 1,644 jobs; and

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

**WHEREAS**, pursuant to the build-out report, the non-residential build-out capacity of the Township is projected to be 714 jobs and the residential growth is projected to be 427 units, resulting in a growth share obligation of 130 affordable units; and

**WHEREAS**, the Highlands build-out results demonstrate that under the Highlands Regional Master Plan Clinton Township will have a decreased projected growth share obligation, from 247 to 130 affordable units, if the Township chooses to be part of the Highlands Regional Master Plan; and

**WHEREAS**, CRC Communities at Headley Farm Estates, Inc., (CRC) seeks a waiver from the Highlands Scarce Resource Restraint pertaining to the residential development of Block 46, Lots 33 and 33.01 (Headley site); and

**WHEREAS**, the Headley site is approximately 155.32 acres in size and is located in the Highlands Planning Area in a Highlands Regional Master Plan designated Conservation Zone; and

**WHEREAS**, on February 7, 2005 the Clinton Township Planning Board granted preliminary subdivision approval for the Headley site; and

**WHEREAS**, on May 3, 2005 the Clinton Township Planning Board adopted a resolution memorializing the February 7, 2005 vote to grant preliminary subdivision approval for a cluster subdivision of 21 homes; and

**WHEREAS**, the subdivision approval provides for the preservation of 77 acres as open space; and

**WHEREAS**, the subdivision approved conforms to the Township's applicable R-1 zoning requirements; and

**WHEREAS**, on May 18, 2005 the Clinton Township Planning Board granted an extension of the preliminary approval conditioned upon the off site construction of a five to six bedroom affordable community residence for the developmentally disabled, to be phased into development in conjunction with the 21 market rate homes on the Headley site; and

**WHEREAS**, CRC will also be required to pay a developer's fee; and

**WHEREAS**, on January 11, 2010, CRC filed an application before the Clinton Township Planning Board for final site plan and subdivision approval; and

**WHEREAS**, CRC states that all governmental approvals required for construction with the exception of final subdivision approval and a waiver of the Highlands Scarce Resource Restraint have been obtained; and

**WHEREAS**, CRC maintains that it will suffer unnecessary financial hardship because it has been involved in the Headley site project for a number of years; and

**WHEREAS**, no public sewer or potable water supply is required, the Headley site will utilize on site septic systems and site wells for each individual home; and

**WHEREAS**, no opposition was filed as to CRC's waiver request; and

**WHEREAS**, a task force reviewed this waiver request on May 3, 2010, and recommends that a waiver from the Highlands Scarce Resource Restraint be granted for the proposed 21 home subdivision on Block 46, Lots 33 and 33.01 (Headley site), Clinton Township, Hunterdon County.

**NOW THEREFORE BE IT RESOLVED** that the Council grants CRC a waiver from the Highlands Scarce Resource Restraint for the subdivision of Block 46, Lots 33 and 33.01, Clinton Township, Hunterdon County, for the development of 21 single family homes consistent with the Clinton Township Planning Board's resolution for preliminary approval for this subdivision dated February 7, 2005 and the Planning Board's subsequent extension of the preliminary subdivision approval on May 18, 2005; and

**BE IT FURTHER RESOLVED** this waiver is conditioned on CRC providing proof to COAH prior to the issuance of construction permits for the first market rate

single family home in the proposed subdivision that the New Jersey Division of Developmental Disabilities (DDD) will permit the construction of a community residence with five or six bedrooms and that the community residence will be included as a mechanism in Clinton's HE/FSP to be filed with COAH no later than June 8, 2010; and

**BE IT FURTHER RESOLVED** that the Council has determined that CRC will incur unreasonable financial hardship if the development is not permitted to proceed due to the Highlands Scarce Resource Restraint; granting of the waiver will foster the production of affordable housing since CRC will be paying developer's fees and providing the off site construction of a five to six bedroom affordable community residence for the developmentally disabled in conformance with COAH's regulations at N.J.A.C. 5:97-6.10; granting the waiver fosters the intent, if not the letter of the Council's rules; and the proposed group home does add to the mix of housing options in Clinton Township; and

**BE IT FURTHER RESOLVED** this resolution does not authorize any allocation of sewer or water usage as to any location other than Block 46, Lots 33 and 33.01 (Headley site) Clinton Township, Hunterdon County, the successor Block and Lot designations for this site 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 May 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 and title.

Renee Reiss  
Council Secretary