

**RESOLUTION DENYING ESTAUGH COMMONS' REQUEST FOR INCLUSION IN
THE BOROUGH OF HADDONFIELD'S HOUSING ELEMENT AND FAIR SHARE
PLAN**

COAH DOCKET #10-2221

WHEREAS, on March 11, 1997, the Borough of Haddonfield (Borough or Haddonfield), Camden County, petitioned the Council on Affordable Housing (COAH) for second round substantive certification, with a housing element and fair share plan addressing its 12-year cumulative obligation of 255 units, consisting of 63 rehabilitation units and 192 new construction units; and

WHEREAS, Haddonfield received a vacant land adjustment (VLA) that reduced its new construction obligation to zero; and

WHEREAS, on July 7, 1999, Haddonfield received second round substantive certification, validating its zero-unit realistic development potential (RDP); and

WHEREAS, on May 31, 2004 and October 25, 2004, respectively, the Fair Share Housing Center (FSHC) filed motions asking COAH to impose scarce resource restraints and temporary restraints on Haddonfield from granting any development approvals; and

WHEREAS, on November 22, 2004, a scarce resource restraint was issued by COAH, restraining Haddonfield from issuing any further development approvals until Haddonfield receives substantive certification of its Third Round Plan; and

WHEREAS, the restraint exempts improvements made to single and two-family homes; and

WHEREAS, changing conditions within the Borough, the unmet terms of the Borough's second round substantive certification and the scarce resource restraint imposed by COAH on November 22, 2004 warranted a reconsideration of the VLA previously granted to the Borough; and

WHEREAS, subsequently, Haddonfield's VLA was reconsidered resulting in a 37-unit RDP and an unmet need of 155, which was incorporated in a COAH report dated October 4, 2006; and

WHEREAS, Haddonfield petitioned COAH for third round substantive certification on December 31, 2008; and

WHEREAS, one objection was received during the 45-day objection period from FSHC and mediation was conducted on June 28, 2009 and October 13, 2009, and did not result in an agreement; and

WHEREAS, on March 10, 2010, the COAH granted Haddonfield Third Round Substantive Certification, and the scarce resource restraint was lifted pursuant to the November 2004 order; and

WHEREAS, Haddonfield's plan addresses its cumulative affordable housing obligation, which consists of a rehabilitation obligation of 29 units, a prior round fair share obligation 192 consisting of a RDP of 37 units and an unmet need of 155 and a projected growth share obligation of 15 affordable units which, after subtracting the allowable exclusions itemized in Worksheet A, is reduced to 0 units; and

WHEREAS, Haddonfield proposes to address its rehabilitation obligation through the Camden County Community Development program and will provide funding from its affordable housing trust fund, if necessary, to supplement the County's CDBG or HOME program funds; and

WHEREAS, Haddonfield addresses its 37-unit RDP with 26 post-1986-credits (Kings Court, Lincoln Commons and Bancroft NeuroHealth), 10 proposed family sale units at the Bancroft Redevelopment site, 10 proposed family rental units at the Bancroft/CIS development and nine rental bonuses; and

WHEREAS, Haddonfield's plan addresses its 155-unit unmet need through 39 surplus credits, 10 proposed units from the Acme redevelopment area, 35 proposed units from the PATCO redevelopment area and five proposed units from the PNC Bank redevelopment area (total of 89 units toward unmet need of 155); and

WHEREAS, on November 9, 2009, the Health Resource of NJ LLC and Estaugh Commons, LLC ("Estaugh Commons") submitted a motion to COAH requesting a waiver of the scarce resource restraint and for inclusion of its property Block 11, Lot 3, approximately 1.7 acres, in Haddonfield (the site) in Haddonfield's Housing Element and Fair Share Plan (HE&FSP); and

WHEREAS, on January 13, 2010, the COAH lifted the scarce resource restraint as to the site and denied without prejudice the request for the site to be including in Haddonfield's Housing Element and Fair Share Plan ; and

WHEREAS, on March 16, 2010, Estaugh Commons appeared before the Haddonfield Zoning Board of Adjustment seeking variance relief to develop its site with a proposed inclusionary project; and

WHEREAS, on April 20, 2010 the Haddonfield Zoning Board of Adjustment issued a resolution denying Estaugh Commons' application; and

WHEREAS, Estaugh Commons reasserts this motion maintaining that COAH should require Haddonfield to include its site in the Borough's Housing Element and Fair Share Plan; and

WHEREAS, COAH received a reply from Haddonfield in opposition to the motion filed by Estaugh Commons; and

WHEREAS, COAH received a letter brief in support of Estaugh Commons motion from FSHC; and

WHEREAS, COAH also received a reply from John Nicholson, Borough resident, through Counsel, in opposition to the motion filed by Estaugh Commons; and

WHEREAS, the COAH Task Force met on May 26, 2010 and recommends that the motion be denied.

NOW THEREFORE BE IT RESOLVED the Council finds pursuant to the Fair Housing Act, N.J.S.A. 52:27D-317, there is a presumption of validity pertaining to the Borough's Housing Element and Fair Share Plan because Haddonfield received substantive certification of that Plan on March 10, 2010; and

BE IT FURTHER RESOLVED, the Council finds that it does not have jurisdiction to overturn the decision of the Haddonfield Zoning Board of Adjustment's denial of Estaugh Commons' variance request for its site; and

NOW THEREFORE BE IT RESOLVED for the reasons set forth above, the Council hereby denies Estaugh Commons motion request for its site located at Block 11, Lot 3, Borough of Haddonfield, County of Camden, be included in the Borough's Housing Element and Fair Share Plan.

I hereby certify that this Resolution was
Duly adopted by the Council on Affordable
Housing at its meeting on June 9, 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.

Renee Reiss, Council Secretary