

RESOLUTION GRANTING WAIVER FROM THE HIGHLANDS SCARCE RESOURCE RESTRAINT FOR A COMMERCIAL DEVELOPMENT LOCATED AT BLOCK 18, LOTS 1.01 AND 1.02, RANDOLPH TOWNSHIP, MORRIS COUNTY

COAH DOCKET #10-2222

WHEREAS, on March 7, 1988 Randolph Township received first round substantive certification from the Council on Affordable Housing (COAH); and

WHEREAS, on March 6, 1995, Randolph Township petitioned for second round certification, but did not receive second round substantive certification; and

WHEREAS, on December 6, 2005, Randolph Township submitted a Petition under 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, Randolph 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, 2009¹; and

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

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

¹ 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, pursuant N.J.A.C. 5:97, Randolph Township has a third round rehabilitation share of 34 units, a prior round obligation of 261 units, and total projected growth share obligation of 371 units, calculated from a total residential growth projection of 1,175 units and an employment projection of 2,170 jobs; and

WHEREAS, the Highlands Council issued a build-out report for Randolph Township pursuant to the COAH and Highlands Council October 30, 2008 Memorandum of Understanding (MOU) ; and

WHEREAS, pursuant to the build-out report, the non-residential build-out capacity of the Township is projected to be 1,015 jobs and the residential growth is projected to be 142 units, resulting in a growth share obligation of 92 affordable units; and

WHEREAS, the Highlands build-out results demonstrate that under the Highlands Regional Master Plan Randolph Township will have a decreased projected growth share obligation, from 371 to 92 affordable units, if the Township chooses to be part of the Highlands Regional Master Plan; and

WHEREAS, on April 3, 2009, 1.01 Aspen Drive, LLC (Aspen Drive) obtained preliminary and final site plan approval from the Randolph Township Planning Board to construct a 40,180 square foot building to be utilized as a warehouse and office space on Block 18, Lots 1.01 and 1.02, Randolph Township, Morris County (the site); and

WHEREAS, the site is 6.185 acres; and

WHEREAS, the site is situated in Randolph Township's Industrial District Zone, Canfield Business Park, along Aspen Drive; and

WHEREAS, as a condition of the Randolph Township Planning Board's April 3, 2009 resolution of approval, Aspen Drive must obtain the removal or waiver of the Highlands Scarce Resource Restraint; and

WHEREAS, the proposed commercial development will utilize public water and a septic system reviewed and approved by the Randolph Township Health Department; and

WHEREAS, Randolph Township has submitted a draft Housing Element and Fair Share Plan (HEFSP) dated March 15, 2010 to the Highlands Council; and

WHEREAS, Aspen Drive maintains that it is continuing to incur unnecessary financial hardship until such time that it may obtain a building permit and the commercial site becomes operational; and

WHEREAS, no opposition was filed as to Aspen Drive's waiver request; and

WHEREAS, a task force reviewed this waiver request on May 26, 2010, and recommends that a waiver from the Highlands Scarce Resource Restraint be granted for the proposed commercial development on Block 18, Lots 1.01 and 1.02, Randolph Township, Morris County, consistent with the Randolph Township Planning Board's resolution of preliminary and final site plan approval dated April 3, 2009.

NOW THEREFORE BE IT RESOLVED that the Council grants Aspen Drive a waiver from the Highlands Scarce Resource Restraint for the commercial warehouse and office space, one building development, of Block 18, Lots 1.01 and 1.02, Randolph Township, Morris County, consistent with the Randolph Township Planning Board's resolution for preliminary and final site plan approval dated April 3, 2009; and

BE IT FURTHER RESOLVED the Council finds the imposition of the Highlands Scarce Resource Restraint on this site is not germane to the creation of affordable housing; and

BE IT FURTHER RESOLVED this resolution does not authorize any allocation of water usage as to any location other than Block 18, Lots 1.01 and 1.02, Randolph Township, Morris County, 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 June 9, 2010.

A handwritten signature in cursive script, reading "Renee Reiss". The signature is written in dark ink and is positioned above the printed name and title.

Renee Reiss

Council Secretary