

RESOLUTION GRANTING WAIVER FROM THE HIGHLANDS SCARCE RESOURCE RESTRAINT FOR A MAJOR RESIDENTIAL SUBDIVISION LOCATED AT BLOCK 2201, LOTS 7 AND 7.01, HANOVER TOWNSHIP, MORRIS COUNTY

COAH DOCKET #10-2224

WHEREAS, on November 12, 2008, the Council on Affordable Housing (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, accordingly, Hanover 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, Hanover 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

WHEREAS, pursuant to N.J.A.C. 5:97, Hanover Township has a third round rehabilitation share of 17 units, a prior round obligation of 356 units, and total projected growth share obligation for the third round of 310 units, comprised of a residential growth projection 265 units and an employment projection of is 4,108 jobs; 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, the Highlands Council issued a build-out report for Hanover Township pursuant to the Highlands Council/COAH MOU in November 2009; and

WHEREAS, pursuant to the build-out report, the non-residential build-out capacity is projected to be 1,193 jobs and the residential projection is 99 units; and

WHEREAS, both Highlands projections are significantly lower than the figures projected by COAH; and

WHEREAS, the Highlands build-out results demonstrate that under the RMP the Township will have a reduced projected growth share obligation, from 310 to 184 affordable units; and

WHEREAS, Pasquale Petti (Petti) requests a waiver from the Highlands Scarce Resource Restraint in order to subdivide Block 2201, Lots 7 and 7.01 (the site), Hanover Township, Morris County; and

WHEREAS, on February 19, 2008 Petti obtained a Final Major Subdivision Approval from the Hanover Township Planning Board to subdivide the site which is 2.7 acres; and

WHEREAS, the site presently is improved with a house, free standing garage and in-ground swimming pool; and

WHEREAS, the subdivision will create four residential houses on a cul-de-sac; and

WHEREAS, the site is situated in a R-25 zone and is in State Planning area PA1; and

WHEREAS, on April 20, 2010 the Hanover Township Planning Board granted Petti a one year extension of the Final Major Subdivision Approval; and

WHEREAS, the existing house on the site is serviced by Township water and sewer; and

WHEREAS, the proposed four house cul-de-sac development will also be serviced by Township water and sewer; and

WHEREAS, the applicant has provided correspondence from the Southeast Morris County Municipal Utilities Authority and the Hanover Sewer Authority demonstrating acceptable water and sewer flow capacity for the site; and

WHEREAS, the Council finds that the proposed development will have minimal impact on the Township's scarce resources; and

WHEREAS, the proposed development is for less than five units of housing and therefore is not subject to the twenty percent affordable housing set aside mandated in N.J.S.A. 52:27D-329.9; 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 May 26, 2010, and recommends that the waiver be granted to permit the Major Subdivision of Block 2201, Lots 7 and 7.01, subject to the Hanover Township Planning Board's resolutions of approval and extension.

NOW THEREFORE BE IT RESOLVED that the Council grants Petti a waiver from the Highlands Scarce Resource Restraint for the Major Residential Subdivision of Block 2201 Lots 7 and 7.01, Hanover Township, Morris County, (or any other future Block and Lot designation provided for this site by the Township Planning Board), for the creation of a four lot residential subdivision on a cul-de-sac in conformance with the Hanover Township Planning Board's prior approval by resolution dated February 19, 2008 and subsequent extension dated April 20, 2010; and

BE IT FURTHER RESOLVED this resolution does not authorize any allocation of sewer or water usage as to any location other than Block 2201, Lots 7 and 7.01, and the proposed successor lots thereto, 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 June 9, 2010.

A handwritten signature in black ink that reads "Renee Reiss". The signature is written in a cursive, flowing style.

Renee Reiss
Council Secretary