

RESOLUTION AMENDING SUBSTANTIVE CERTIFICATION NO. 44-97

WHEREAS, Wayne Township, Passaic County, received substantive certification on July 10, 1996 from the Council on Affordable Housing (COAH) for its housing element and fair share plan addressing the township's 1987-1999 cumulative fair share obligation; and

WHEREAS, the Wayne Township Planning Board adopted an amendment to the township's fair share plan on January 26, 1998; and

WHEREAS, Wayne Township petitioned COAH on February 18, 1998 to approve the amendment; and

WHEREAS, Wayne Township published notice of its petition in the North Jersey Herald and News on February 26, 1998; and

WHEREAS, Wayne Township noticed all parties on the township's service list; and

WHEREAS, COAH received no objections to Wayne Township's petition; and

WHEREAS, the grant of substantive certification established a fair share obligation of 952 units that Wayne Township met through new construction credits, housing rehabilitation credits, a regional contribution agreement, a municipal construction project, inclusionary zoning on two sites and a housing rehabilitation program; and

WHEREAS, Wayne Township's plan yielded a 163-unit surplus; and

WHEREAS, the owners of one of the zoned sites, the Greenberg tract, requested that the site be removed from Wayne Township's plan because the site contains unmapped wetlands that the owners claimed are so extensive as to make the development of affordable housing on the site infeasible; and

WHEREAS, the Greenberg Tract was zoned to yield 22 affordable units; and

WHEREAS, Wayne Township's planning and engineering departments reviewed the information submitted by the owners and concurred with the owners' findings; and

WHEREAS, Wayne Township's certified plan stated that the township would address 37 units of its 59-unit rehabilitation component through the rehabilitation of those units; and

WHEREAS, Wayne Township now will address its entire rehabilitation component of 59 units; and

WHEREAS, the 22 additional rehabilitation units will address the 22-unit loss of new construction units from the Greenberg tract yielding no net change in the township's surplus; and

WHEREAS, COAH staff has reviewed the information and documentation provided by Wayne Township and concurs that the Greenberg tract should be removed from the township's plan as stated in the COAH Report which is attached hereto as Exhibit A; and

WHEREAS, the COAH Report was forwarded to all parties included on the township's service list for a 14-day comment period and there were no comments.

NOW THEREFORE BE IT RESOLVED that COAH hereby grants an amendment to the substantive certification of Wayne Township reflecting the removal of the Greenberg Tract from the plan; and

BE IT FURTHER RESOLVED that the 22-unit reduction in Wayne Township's plan shall be addressed with the substitution of 22 units of rehabilitation; and

BE IT FURTHER RESOLVED that all other conditions and approvals of COAH Resolution #44-99 Dated July 10, 1996 shall remain in effect.

I hereby certify that this resolution
was duly adopted by the Council on
Affordable Housing at its public meeting
on May 6, 1998.



Reriee R. Reiss, Secretary
Council on Affordable Housing

COAH SUMMARY FACT SHEET - 1987-1999: AMENDMENT

<p>1. Municipality <u>Wayne Township</u> County <u>Passaic</u> Region <u>#1</u> Planning Areas <u>1 & 5</u></p>	<p>2. Dates of: Court Transfer <u>2/21/96</u> Certification Petition <u>3/4/96</u> COAH Review <u>7/10/96</u> COAH Certification <u>7/10/96</u> Amendment <u>5/6/98</u></p>
<p>3. Staff Reviewer <u>James E. Cordingley</u></p>	
<p>4. Precredited Need Adjustment: <u>1,217</u> Vacant Land <u>265</u> Adjusted Need <u>952</u> New Construction Component <u>893</u> Rehabilitation Component <u>59</u></p>	
<p>5. Fair Share Plan: Amended Regional Contribution Agreement (RCA) <u>476</u> Credits: For Sale <u>20</u> For Rent <u>240</u> Zoning: For Sale <u>12</u> For Rent <u>94</u> Rental Bonus <u>214</u> Rehabilitation <u>59*</u> Total Units Addressed <u>1,115</u> Surplus <u>163</u></p>	

RECOMMENDATION

Grant Amendment to Substantive Certification

* Originally, Wayne Township was addressing only 37 units through its rehabilitation program. Now, the township will address all of its rehabilitation component to replace the 22 new construction units that will not be built on the Greenberg Tract.

**COAH REPORT
 AMENDMENT TO SUBSTANTIVE CERTIFICATION
 WAYNE TOWNSHIP / PASSAIC COUNTY
 REGION #1
 PREPARED BY: JAMES E. CORDINGLEY, PRINCIPAL PLANNER
 APRIL 3, 1998**

I. BACKGROUND

Wayne Township, Passaic County, received substantive certification on July 10, 1996 from the Council on Affordable Housing (COAH) for the township's housing element and fair share plan addressing its 952-unit second round (1987-1999) cumulative obligation. This obligation had been reduced from 1,217 units under a judgment of repose due to a lack of developable vacant land. Wayne Township's plan addressed a total of 1,115 units yielding a 163-unit surplus over its adjusted obligation. By resolution dated February 18, 1998, the township petitioned COAH to approve an amendment to the plan that will remove one of the sites zoned for inclusionary development due to extensive wetlands. COAH received no objections to Wayne Township's petition.

II. AMENDMENT REQUESTED

A 16-acre site known in Wayne Township's plan as the Greenberg Tract (B1616/L13 and 49) was zoned as AH-3 at six units per acre with a 20 percent setback for low and moderate income units. The expected yield on this site was 109 total units with 22 low and moderate income units.

The current owners of the site, Steven and Jeffrey Greenberg, approached the township in anticipation of developing the site. The Greenbergs advised Wayne Township that only three to four noncontiguous acres of the site were buildable due to wetlands. The planning and engineering departments of the township reviewed the information presented and confirmed that the wetlands are as extensive as the Greenbergs indicated. Thus, the potential yield on the site would be reduced to 18 to 20 total units scattered over the noncontiguous buildable areas. Both the township and the developer agreed that inclusionary development on this site was not appropriate.

The Greenbergs have requested that the site be rezoned for nonresidential development. The planning board has endorsed this request. As Wayne Township has a development fee ordinance in place, the site will yield fees for eligible affordable housing activities.

According to Wayne Township's most recent monitoring report to COAH, the five remaining sites in the township which were to provide affordable units have been completed or are under way as of January 1998, representing 343 affordable units and rental bonus credits totaling 191 units. Additionally, the township identified four group homes representing 23 units and 23 rental bonus credits. All but the final payment of \$1,540,000 has been transferred to Paterson City for the 476-unit \$8,330,000 regional contribution agreement. Wayne Township had completed 57 of its 59-unit rehabilitation component.

The township originally proposed to address 37 units of its 59-unit rehabilitation component through rehabilitation and the balance of 22 units through new construction ($59 - 37 = 22$). However, the municipality's rehabilitation program has rehabilitated 57 units to date with more than two additional units under review in the program. The 22-unit reduction in new construction represented by the removal of the Greenberg Tract is therefore offset by the 22 additional rehabilitation units. Consequently, there is no change in Wayne Township's surplus of 163 units.

III. RECOMMENDATION

Based on the information and documentation presented by Wayne Township, the township's continued surplus of 163 units and its performance in providing affordable housing, COAH staff recommends that COAH grant Wayne Township's request for an amendment to delete the Greenberg Tract from its fair share plan.