

HOUSING ELEMENT/FAIR SHARE PLAN

Substantive Certification Granted May 6, 1992

RESOLUTION GRANTING SUBSTANTIVE CERTIFICATION NO. 137

WHEREAS, on March 29, 1990, the Mount Laurel action entitled Homestead at Metuchen, Inc. vs. Borough of Metuchen, Borough Council and Borough Planning Board was transferred to the Council on Affordable Housing (COAH) by the Superior Court, Law Division; and

WHEREAS, on May 18, 1990, the Borough of Metuchen published notice of submission of its adopted housing element/fair share plan to COAH for substantive certification in The Home News, which is a newspaper of general circulation within the municipality and county pursuant to N.J.S.A. 52:27D-313 and N.J.A.C. 5:91-4.3; and

WHEREAS, objections were filed to the Borough of Metuchen's housing element/fair share plan within 45 days of the publication of the notice of submission to COAH pursuant to N.J.S.A. 52:27D-314 and N.J.A.C. 5:91-5.1 et seq.; and

WHEREAS, mediation commenced August 6, 1990 and concluded February 6, 1991; and

WHEREAS, COAH has considered the Mediation Report dated June 5, 1991, which is attached hereto as Appendix A and is incorporated herein; and

WHEREAS, only objections, which were determined not to be issues for mediation or were not substantiated by fact, were not resolved; and

WHEREAS, COAH has considered the COAH Review Report dated April 1, 1992, which is attached hereto as Appendix B and is incorporated herein; and

WHEREAS, the Borough of Metuchen proposes to rehabilitate 15 indigenous need units; and

WHEREAS, the Borough of Metuchen proposes to zone eight sites for inclusionary zoning totaling 82 low and moderate income units; and

WHEREAS, COAH has reviewed the proposed zoning as detailed in the COAH Review Report; and

WHEREAS, the Borough of Metuchen has included every available vacant site in its fair share plan; and

WHEREAS, the Borough of Metuchen as zoned four developed sites totalling 51.3 acres for redevelopment with set-asides for low and moderate income housing, demonstrating a commitment to affordable housing beyond COAH requirements; and

WHEREAS, the Borough of Metuchen will be required to amend its plan should the allegedly contaminated soil on the Lawler Tract, the GULTON Tract, and the Hampton Tract make any of these sites undevelopable and

WHEREAS, a waiver from the Federal National Mortgage Association's (FNMA) regulation restricting set-asides to no more than 30% is required for the Lawler Tract to yield 25 low income units instead of 23 units; and

WHEREAS, COAH may waive the amendment requirement to reduce the fair share obligation in municipalities where sites which are included in the certified plan prove undevelopable as per the proposed fair share plan and the low and moderate units lost cannot be replaced due to a lack of vacant land; and

WHEREAS, COAH having reviewed the Borough of Metuchen's petition for substantive certification of its housing element and fair share plan and having determined that, subject to the Borough's compliance with the conditions set forth in this Resolution, it is consistent with the rules and criteria adopted by COAH and the achievement of low and moderate income housing needs of the region for reasons set forth in Appendix B; and

WHEREAS, COAH further having reviewed the Borough of Metuchen's petition for substantive certification and having determined that,

subject to the Borough's compliance with the conditions set forth in this Resolution, the combination of the elimination of unnecessary housing cost generating features from the land use ordinance and affirmative measures in the housing element and implementation plan make the achievement of the municipality's fair share of low and moderate income housing realistically possible for reasons set forth in Appendix B; and

WHEREAS, COAH has determined that the Borough of Metuchen's precredited need is 118 units, 36 of which are indigenous units and 82 of which are inclusionary; and

WHEREAS, the Borough of Metuchen has requested credit for 24 units of rehabilitation and one affordable unit constructed since April 1980; and

WHEREAS, the Borough of Metuchen has provided crediting documentation for the one unit of new construction in accordance with N.J.A.C. 5:92-6.1(a)(1) and as detailed in the COAH Review Report; and

WHEREAS, the Borough of Metuchen has provided crediting documentation for 20 units of rehabilitation, in accordance with N.J.A.C. 5:92-6.1(a) and as detailed in the COAH Review Report.

NOW THEREFORE BE IT RESOLVED that COAH hereby finds that the Borough of Metuchen is entitled to 21 units of credit of the 24 requested in accordance with N.J.A.C. 5:92-6.1 et al. and as detailed in the COAH Review Report; and

BE IT FURTHER RESOLVED that the Borough of Metuchen's final fair share number is 97 units; and

BE IT FURTHER RESOLVED, that the Borough of Metuchen shall address its fair share obligation through the zoning of eight sites that could yield a total of 82 units and the rehabilitation of 15 units of indigenous need; and

BE IT FURTHER RESOLVED that there are no contested issues of fact that resulted from the mediation process that require an evidentiary hearing; and

BE IT FURTHER RESOLVED that the Borough of Metuchen will be required to amend the Borough's housing element and fair share plan in the event that one or more inclusionary development sites prove unsuitable for construction due to environmental constraints; and

BE IT FURTHER RESOLVED that COAH hereby waives the requirement that the Borough of Metuchen petition COAH to amend the Borough's housing element and fair share plan in the event that FNMA does not grant a waiver from its 30% maximum set-aside regulation, reducing the development of low income units from 25 to 23 on the Lawler Tract since no vacant land remains in the Borough; and

BE IT FURTHER RESOLVED that after having reviewed and considered all of the above and for the reasons detailed in the COAH Review Report, COAH HEREBY GRANTS the Borough of Metuchen substantive certification; and

BE IT FURTHER RESOLVED that the Borough of Metuchen shall adopt its fair share ordinance and all necessary amendments to the current zoning ordinances within 45 days of the date of granting of substantive certification with the following addressed in the ordinances:

1. That bedroom mix requirements be addressed, as per N.J.A.C. 5:92-14.1;
2. That price stratification requirements be addressed as per N.J.A.C. 5:92-14.2;
3. That a method for continued affordability control of the units and an affirmative marketing plan be submitted as per N.J.A.C. 5:92-12 and N.J.A.C. 5:92-15 respectively; and

BE IT FURTHER RESOLVED that the Borough of Metuchen shall submit all ordinances to COAH within seven days of adoption; and

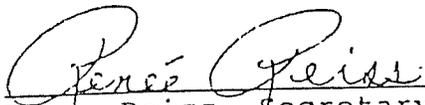
BE IT FURTHER RESOLVED that failure of the Borough of Metuchen to adopt its fair share ordinance and amend the applicable existing ordinances within 45 days of the date of this grant of substantive

certification shall render this grant of substantive certification null and void; and

BE IT FURTHER RESOLVED that the Borough of Metuchen shall designate the sites necessary to implement its housing element and fair share plan in a manner consistent with the State Development/Redevelopment Plan, when adopted; and

BE IT FURTHER RESOLVED that any changes in the facts upon which this certification is based, or any deviation from the terms and conditions of this certification, which affects the Borough of Metuchen's ability to provide for the realistic opportunity for its fair share of low and moderate income housing and which the Borough of Metuchen fails to remedy, may render this certification null and void.

I hereby certify that this resolution was duly adopted by the Council on Affordable Housing at its public meeting on 5/6/92.



Renee Reiss, Secretary
Council on Affordable Housing

d0274v
5/6/92

PLANNING BOARD
BOROUGH OF METUCHEN, NEW JERSEY

RESOLUTION

WHEREAS, the Council on Affordable Housing on May 6, 1992, granted substantive approval to the development of the Lawler tract which incorporates an Agreement entered into between the Borough and developer Homestead at Metuchen; and

WHEREAS, amendment to the Housing Element/Fair Share Plan of the Master Plan is required to effectuate the proposed development of the Lawler tract; and

WHEREAS, the Board held a public hearing on June 4, 1992, having filed proper proof of publication in compliance with statutory and ordinance requirements;

NOW THEREFORE, be it

RESOLVED, by the Planning Board of the Borough of Metuchen, County of Middlesex and State of New Jersey, that the Housing Element/Fair Share Plan of the Master Plan is hereby amended to effectuate the development of the Lawler tract.

I hereby certify that the foregoing is a true copy of a Resolution prepared to reflect the action taken by the Planning Board of the Borough of Metuchen, on June 4, 1992.

Sharon Hollis

SHARON HOLLIS, Secretary

SOUTHWEST GATEWAY PLAN

ADOPTED JUNE 20, 1991