

TOWNSHIP OF UPPER DEERFIELD

RESOLUTION 18-237

**AUTHORIZING EXECUTION OF AN AGREEMENT WITH
LAND PARTNERS OF NJ, LLC, FOR THE PROVISION OF AFFORDABLE HOUSING
AS PART OF THE DEVELOPMENT OF BLOCK 818, LOTS 1-6, BLOCK 819, LOTS 1-7,
BLOCK 820, LOTS 1-31 BLOCK 821, LOTS 1-25,
ALSO KNOWN AS “SEABROOK EAST”**

WHEREAS, Land Partners Of NJ, LLC (“Land Partners”) is the owner of real property designated on the Upper Deerfield Township Tax Map as Block 818, Lots 1-6, Block 819, Lots 1-7, Block 820, Lots 1-31 Block 821, Lots 1-25 on the Upper Deerfield Township Tax Map, and is also known as the Seabrook East development. (“Subject Property”), and

WHEREAS, The Subject Property currently consists of 67 lots, each for the development of single-family homes and the Subject Property was originally approved for 69 lots which lots were established of record pursuant to a map filed in the Cumberland County Recorder of Deeds on November 8, 1972 as Instrument Number 002493 (the “Subdivision”). , and

WHEREAS Land Partners made application to the Zoning Board of Adjustment in 2004 for variance relief concerning lots established by the 1972 Approval to obtain setback variances and related variances for the construction of single-family homes on each of the lots within the Subdivision, and it also agreed to consolidate several of the lots to reduce the total number of lots from 69 to 67, (the “2005 Approval”), and

WHEREAS The Township has taken the position that the 2005 Approval and the generally applied “Mount Laurel Doctrine” requires Land Partners to set aside of seven (7) residential units to be deed restricted and reserved for low and moderate income housing based on Township Ordinance §98-7.1 (now known as §405-9.) which was in effect at the time of the 2005 Approval and which was referenced therein, and Land Partners disputes this requirement and has taken the position that the lots in question were created in 1972 well before the “Mount Laurel Doctrine” became law in the State of New Jersey, and

WHEREAS In lieu of disputing this affordable housing issue through litigation, the Parties have decided to amicably resolve the issue through the execution of a Developer’s Agreement which will obligate the Land Partners to construct a minimum number of low and moderate income housing units (“affordable units”) either within the Subdivision or off-site from the Subdivision, and

WHEREAS the proposed agreement provides that if affordable units are built within the development of 67 lots, Land Partners will provide 7 of those units as described in the agreement, and furthermore provides that if the affordable units are built off-site from the development, Land Partners will build a minimum of 8 affordable units within the area known as Seabrook Village by purchasing, rehabilitating and deed restricting such properties in order to have them qualify as affordable units, and

WHEREAS, Township is in the process of proceeding with the identification, study and designation of the properties within Seabrook Village as an Area in Need of Redevelopment

pursuant to N.J.S.A. 40A:12A-1 et seq., and the agreement further provides that in the event that the Township adopts the appropriate ordinances and plans to designate it as Redevelopment Area, and Land Partners chooses to construct the affordable units within Seabrook Village, Township will agree to grant a Long Term Tax Exemption and execute a Financial Agreement with Land Partners pursuant to N.J.S.A. 40A:20-1, et seq. with regard to those affordable units, and

WHEREAS the Township and Land Partners, in order to proceed further to finalize the agreement, require that the Township adopt a resolution authorizing execution of the agreement which has been negotiated that reflects the above terms, and

WHEREAS, the Township Committee has reviewed the proposed agreement, has obtained advice from counsel regarding its contents and effect, and determined that the aforementioned proposed agreement is fair and reasonable under the circumstances and is in the best interests of the Township because it provides affordable housing within the Township in accordance with state law.

NOW THEREFORE BE IT RESOLVED as follows:

1. The terms of the aforementioned proposed agreement negotiated by and between counsel for the Township and the Land Partners with respect to Land Partner’s affordable housing obligation with respect to the Subject Property are acceptable to the Township and approved based on the facts as stated above and in the agreement, and
2. The Mayor is hereby authorized to execute the detailed agreement with Land Partners based on the above referenced terms.

Moved By: Bruce Peterson

Seconded By: John Daddario

VOTING

James P. Crilley
 John L. Daddario
 John T. O’Neill, Sr
 Bruce T. Peterson
 Scott Smith

| <u>In Favor</u> | <u>Against</u> | <u>Abstain</u> | <u>Absent</u> |
|-----------------|----------------|----------------|---------------|
| X | | | |
| X | | | |
| X | | | |
| X | | | |
| X | | | |

CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution adopted by the Township Committee of the Township of Upper Deerfield, in the County of Cumberland, at a meeting thereof held December 6, 2018.

Roy J. Spoltore, Township Clerk