

**RESOLUTION DENYING REFUND OF NON-RESIDENTIAL COAH FEES
GFA DEVELOPMENT COMPANY, LLC – 70 SCHOOLHOUSE ROAD – BLOCK 514, LOT 4.02**

WHEREAS, pursuant to the New Jersey Economic Stimulus Act of 2009 (“Act”), the State has suspended the 2.5% affordable housing (“COAH”) fee for non-residential developments until July 1, 2010; and

WHEREAS, the non-residential developments that have paid the 2.5% fee are entitled to a refund from the municipality in an amount equivalent to the difference between what was paid and what would have been paid under the 2.0% fee that was in place before July 17, 2008; and

WHEREAS, these refunds are to be paid from the Township’s Housing Trust Fund and will be reimbursed by the State; and

WHEREAS, the applicant requested a refund of the affordable housing development fee; and

WHEREAS, the applicant made an initial payment of \$81,813 at the time of the building permit and \$49,087 at the time of the certificate of occupancy and said applicant has requested reimbursement of their entire amount of \$130,900; and

WHEREAS, in August, the applicant requested reimbursement of the \$81,813 paid at the time of the building permit but was informed via an August 25, 2009 memorandum from the Planning Office that they were not entitled to a refund as per the Act and would, in fact, owe an additional \$49,087 at the time of the certificate of occupancy; and

WHEREAS, the applicant has paid the \$49,087 due at the time of the certificate of occupancy and they have again requested reimbursement of affordable housing development fees paid and the applicant is still not entitled to reimbursement under the recent amendments to the Non-Residential Development Fee Act;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Franklin, County of Somerset, State of New Jersey that it hereby denies the request for refund of Non-Residential COAH Fees by GFA Development Company, LLC for 70 Schoolhouse Road, Block 514, Lot 4.02.

Resolution #09-598
December 8, 2009

CERTIFICATION

I, Ann Marie McCarthy, Clerk of the Township of Franklin, in the County of Somerset, do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Township Council at a regular meeting held on the day of December 2009.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of said Township this day of December 2009.

Ann Marie McCarthy
Township Clerk