

RESOLUTION OF TRANSFER
TO THE OFFICE OF
ADMINISTRATIVE LAW

WHEREAS, Clinton Township, Hunterdon County, filed with the Council on Affordable Housing the (Council) a resolution of participation dated September 28, 1987, and a final housing element and fair share plan dated December 31, 1986; and

WHEREAS, Bi-County Development of Clinton, Inc. (Bi-County) instituted exclusionary zoning litigation against Clinton on July 26, 1987; and

WHEREAS, the institution of such litigation and request for review and mediation constituted a petition for substantive certification, as a result of which Clinton published notice of the petition on October 8, 1987; and

WHEREAS, as the result of the filing of timely objections to Clinton's petition, the Council initiated mediation on November 23, 1987; and

WHEREAS, mediation concluded on August 15, 1988, and a mediator's report was issued on August 15, 1988, to which responses were filed by several parties; and

WHEREAS, the Council has considered the mediator's report and all papers filed in response, including the Township's request that the issue of site suitability of the Annandale site be transferred to the Office of Administrative Law (OAL); and

WHEREAS, at its public meeting of November 28, 1988, the Council determined to transfer four issues to the OAL for resolution and issuance of an Initial Decision;

NOW, THEREFORE BE IT RESOLVED that the Council transfers the following four issues to the OAL:

1) Whether the Bi-County site (Block 68, Lot 2 and portion of Lot 9) can obtain sufficient water and sewer capacity for the proposed inclusionary development, and, if so, the time frame in which such capacity can be obtained.


2) Whether, given the ground recharge capabilities of the Bi-County site, the proposed inclusionary development is feasible.

3) Whether the Bi-County site has, at the present time, adequate access for the proposed inclusionary development, and, if not, whether such access can be provided.

4) Whether the existence of limestone on the Bi-County site renders the proposed inclusionary development economically unfeasible.

COUNCIL ON AFFORDABLE HOUSING

By


James E. Logue, III
Chairman

Dated: *January 9, 1989.*