

COUNCIL ON AFFORDABLE HOUSING  
COAH DOCKET NO. (COAH 88(87-1296A))

JACK NEUGARTEN, )  
 )  
 Plaintiff, ) Civil Action  
 )  
 v. ) ORDER  
 )  
 BOROUGH OF WEST PATERSON )  
 )  
 Defendants. )

This matter having come before the Council on Affordable Housing (COAH) upon the application of the Borough of West Paterson for an Order transferring all issues in this matter, including but not limited to the adequacy of the Borough's housing element and fair share plan, to the Office of Administrative Law (OAL) as a contested case and reconsideration of COAH's statement that the burden of proof should be placed upon the municipality to show that the objector's site was not suitable for development with low and moderate income housing; with Lewis Goldshore, Esq. of Goldshore, Wolf & Lewis, Esqs. on behalf of the Borough of West Paterson and Douglas K. Wolfson, Esq. of Greenbaum, Rose, Smith, Ravin, Davis & Bergstein, Esqs. on behalf of objector Jack Neugarten; and all parties having been notified and given an opportunity to be heard; and the Council on Affordable Housing having considered all papers

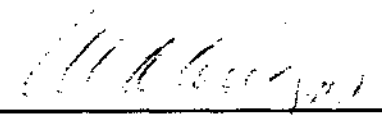
filed; and for the reasons set forth in the Council on Affordable Housing Opinion of even date; and for further good cause shown;

IT IS on this 26<sup>th</sup> day of June, 1989

ORDERED that Borough of West Paterson's motion seeking to have all issues in this matter, including but not limited to the adequacy of the Borough's housing element and fair share plan, transferred to the Office of Administrative Law as a contested case; and seeking COAH's reconsideration of the statement that the burden of proof should be placed on the municipality to show that the objector's site was not suitable for development with low and moderate income housing should be reconsidered, is hereby denied.

NEW JERSEY COUNCIL ON AFFORDABLE HOUSING

By

  
William Angus, Acting Chairman