

**RESOLUTION TRANSFERRING CONTESTED CASE TO THE OFFICE OF
ADMINISTRATIVE LAW - HARMONY TOWNSHIP, WARREN COUNTY**

WHEREAS, Harmony Township filed its housing element and fair share plan with the Council on Affordable Housing (COAH) on January 5, 1987; and

WHEREAS, Dowel Associates filed an exclusionary zoning lawsuit against Harmony Township and filed a request for review and mediation with COAH pursuant to N.J.S.A. 52:27D-316(b) on September 9, 1988; and

WHEREAS, the filing of the request for review and mediation triggered the COAH administrative process; and

WHEREAS, Harmony Township published notice of its petition for substantive certification in the Phillipsburg Free Press on September 15, 1988; and

WHEREAS, Dowel Associates filed objections to Harmony Township's petition for substantive certification within 45 days of publication of the notice; and

WHEREAS, as a result of the filing of valid objections, COAH conducted mediation in an effort to resolve the objections; and

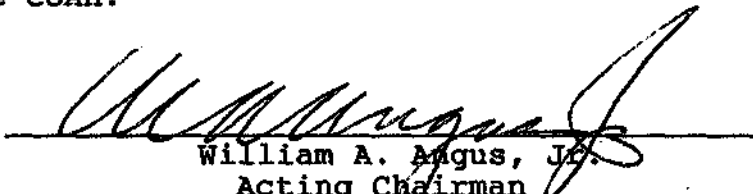
WHEREAS, mediation began on November 23, 1988 and ended on May 15, 1989 without resolution of all of Dowel Associates' objections; and

WHEREAS, COAH has reviewed the unresolved objections and determined that the following unresolved objections raise factual issues which require an evidentiary hearing and should be transferred to the Office of Administrative Law for said hearing;


1. Whether the residential inclusionary cluster development provision of the Harmony Township Zoning Ordinance provides a realistic opportunity for the creation of low and moderate income housing in Harmony Township.
2. Whether the Wastewater Management Plan proposed by Harmony Township provides a practical and reasonable means for providing infrastructure to service the Township's proposed housing plan before COAH.

NOW THEREFORE BE IT RESOLVED that COAH hereby transfers the following issues to the OAL as contested cases:

1. Whether the residential inclusionary cluster development provision of the Harmony Township Zoning Ordinance provides a realistic opportunity for the creation of low and moderate income housing in Harmony Township.
2. Whether the Wastewater Management Plan proposed by Harmony Township provides a practical and reasonable means for providing infrastructure to service the Township's proposed housing plan before COAH.


William A. Angus, Jr.
Acting Chairman
New Jersey Council on Affordable Housing

I hereby certify that the above Resolution was duly adopted by the Council on Affordable Housing at its public meeting on 8/7/89.


Renee Reiss
Administrative Secretary
New Jersey Council
on Affordable Housing