

RESOLUTION
SCOTCH PLAINS TOWNSHIP, UNION COUNTY

WHEREAS, Scotch Plains Township, Union County filed a petition with the Council on Affordable Housing (COAH) to amend its housing element and fair share plan prior to that plan receiving substantive certification; and

WHEREAS, the Public Advocate and John Garibaldi filed objections to Scotch Plains Township's petition for amendment; and

WHEREAS, as a result of the filing of objections, mediation was conducted in an attempt to resolve all objections; and

WHEREAS, an agreement was reached with the Public Advocate in July, 1989 that resolved all of the Public Advocate's objections to the proposed amendment except for one; and

WHEREAS, the one objection was to the bedroom mix in the proposed senior citizen development that was inconsistent with N.J.A.C. 5:92-14.1; and

WHEREAS, COAH has determined that a waiver to the bedroom distribution rule for senior citizen housing is appropriate because as a rule, elderly households consist of only one or two persons; and

WHEREAS, John J. Garibaldi filed objections to the Woodland Estates site during the amendment mediation that resulted in no resolution of his objections; and

WHEREAS, one of the objections raised by Mr. Garibaldi related to the impact of the "Fanwood" bill on the Woodland Estates site; and

WHEREAS, Scotch Plains Township has indicated that both the governing body and planning board of the Township endorse and support the inclusion of the Woodland Estates site as a component of the Scotch Plains housing element and thus the "Fanwood" bill is not applicable; and

WHEREAS, Mr. Garibaldi also objected to the alleged "binding" of the original mediation agreement between Woodland Estates and Scotch Plains Township; and

WHEREAS, COAH addressed the "binding" of mediation agreements in its Anderson, et. al., vs. Saugatuck Associates, Inc., et. al. opinion of September 18, 1989; and

WHEREAS, Scotch Plains engaged in an initial mediation in July 1987 that concluded on February 1, 1988 with all objections resolved except for five objections of the Public Advocate; and

WHEREAS, the five objections concerned filtering, residential preference, crediting, low/moderate income unit split and the perpetuating of exclusionary zoning; and

WHEREAS, the five unresolved objections of the Public Advocate were objections to COAH's rules and not to the Scotch Plains plan; and

WHEREAS, COAH considered the information filed by those objectors regarding unresolved objections, including the original objections and the comments to the mediation report; and

WHEREAS, after consideration of all information submitted by the parties, COAH determined at its public meeting on October 10, 1989, that there was one outstanding objection which constituted a contested case for which an evidentiary hearing was necessary; and

WHEREAS, the issue which requires an evidentiary hearing is the suitability of the Woodland Estates site for inclusionary development and its capacity to yield 51 units.

NOW THEREFORE BE IT RESOLVED that, as discussed and decided at its public

meeting on October 10, 1989, COAH hereby transfers the issue of the suitability of the Woodland Estates site for inclusionary development to the Office of Administrative Law for a hearing as a contested case.

I hereby certify that this Resolution was duly adopted by the Council on Affordable Housing at its public meeting on *October 30, 1989*



Renee Reiss, Administrative Secretary
Council on Affordable Housing

D0196r