

RESOLUTION

WHEREAS, mediation involving the housing plan filed by the Borough of Fanwood concluded on January 9, 19~~89~~<sup>89</sup>; and

WHEREAS, in a subsequent decision dated January 19, 1989, COAH determined that issues raised by Fanwood as to the suitability of the objectors' sites as possible locations for Mt. Laurel inclusionary developments constituted a contested case necessitating transfer to the Office of Administrative Law (OAL); and

WHEREAS, as a result of that decision COAH transferred to the OAL the issue of the site suitability of the Terrill Road, Midway Avenue and North Avenue properties, and also transferred to the OAL the issue of the appropriate density for a Mt. Laurel development as to the LaGrande Avenue, Terrill Road, Midway Avenue and North Avenue properties; and

WHEREAS, following said transfer, but prior to any OAL hearing on the transferred issue, Fanwood filed with COAH several motions seeking to exclude from the COAH process, for various reasons, all four objector properties; and

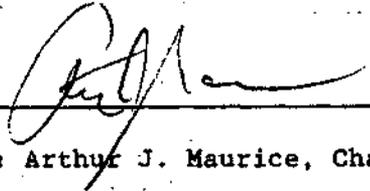
WHEREAS, as the result of the filing of said motions, COAH withdrew the issues previously transferred to the OAL, pending a decision on the motions; and

WHEREAS, in an Opinion dated December 11, 1989, COAH denied Fanwood's motions and determined not to exclude any of the properties from consideration as sites for Mt. Laurel housing; and

WHEREAS, in that Opinion COAH also determined to transfer to the OAL the additional issue of the status of the ownership of the Terrill Road site; and thus its availability under COAH's regulations;

NOW THEREFORE BE IT RESOLVED that COAH shall retransmit to the OAL the issues previously transferred and set forth above, and shall also transfer to the OAL at the same time the additional issue of the status of the ownership of the Terrill Road site, and its availability under COAH's regulations.

COUNCIL ON AFFORDABLE HOUSING



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By: Arthur J. Maurice, Chairman