

RESOLUTION

WHEREAS, Scotch Plains Township is presently before the Council on Affordable Housing (COAH) for review of its housing element and fair share plan, following the filing of a petition for substantive certification; and

WHEREAS, following the conclusion of mediation, and the expiration of the period for public comment on the mediator's report, Scotch Plains filed with COAH a motion to amend its plan by deleting one site and replacing it with the Broadway Avenue site; and

WHEREAS, pursuant to COAH's direction, Scotch Plains published notice of its request, as the result of which objections were filed to the proposed amendment; and

WHEREAS, COAH initiated a mediation period as to the proposed amendment; and

WHEREAS, during the course of said mediation, issues were raised by Mr. and Mrs. John Garibaldi as to the suitability of the Woodland Estates site included as a component of Scotch Plains' housing plan; and

WHEREAS, at its public meeting of October 10, 1989 COAH determined to transfer to the Office of Administrative Law (OAL) the issue of the suitability of the Woodland Estates site; and

WHEREAS, at said October 10, 1989 public meeting the City of Plainfield requested that COAH permit it to participate in the review process in order to address the inclusion of the Woodland Estates site; and

WHEREAS, this request was denied by COAH at the October 10, 1989 public meeting, on the ground that Plainfield had not filed timely objections to either the Scotch Plains housing plan or request for amendment; and

WHEREAS, following transfer of the Woodland Estates issue to the OAL, Plainfield filed with the OAL a motion, dated December 29, 1989 seeking to intervene in the OAL proceedings; and

WHEREAS, in a pre-hearing order dated January 18, 1990, Administrative Law Judge James A. Ospensen determined that Plainfield's motion represented in actuality a request for reconsideration of COAH's prior decision denying Plainfield the right to participate, and that, as such, the motion must be heard by COAH; and

WHEREAS, Plainfield filed with COAH a letter request for reconsideration dated January 24, 1990 requesting permission to intervene in the ongoing OAL proceeding; and

WHEREAS, all other parties to the case have communicated to COAH that they do not object to Plainfield's request (Woodland Estates by letter dated January 16, 1990; Scotch Plains by letter dated January 24, 1990; Saugatuck Associates by letter dated January 25, 1990; and Mr. and Mrs. John Garibaldi by telephone call of counsel dated January 24, 1990); and

WHEREAS, COAH held a discussion of Plainfield's request at its public meeting of January 29, 1990, and determined that the request should be granted, in light of the concurrence by all parties, and in order to expedite an already lengthy proceeding,

NOW THEREFORE BE IT RESOLVED that the City of Plainfield's request to participate in the OAL proceeding, solely as to those issues previously transferred, is hereby granted.

COUNCIL ON AFFORDABLE HOUSING

By: *Gene' Davis*

February 26, 1990