

RESOLUTION MEMORIALIZING THE DECEMBER 15, 1995 DECISIONS OF THE
NEW JERSEY COUNCIL ON AFFORDABLE HOUSING REGARDING A MOTION
FILED BY HILDEGARD AND CARL AMPSSLER AND STONYBROOK CONSTRUCTION

WHEREAS, on December 8, 1995 Carl and Hildegard Ampssler and Stonybrook Construction (hereinafter "Ampssler") filed a motion before the Council on Affordable Housing ("COAH") on an expedited basis seeking the following orders from COAH: (a) enjoining the Borough of Old Tappan ("Old Tappan") from amending or repealing without the prior approval of COAH, a PRD overlay zone that affects the Ampssler property in Old Tappan, (b) deeming a development application filed by Ampssler with the Old Tappan Planning Board complete as of October 18, 1995, and (c) ordering the Old Tappan Planning Board to schedule hearings on an expedited basis so as to complete its consideration of the Ampssler development application as if it commenced on October 18, 1995; and

WHEREAS, Old Tappan filed a brief in opposition to the Ampssler motion for emergent relief; and

WHEREAS, the Planning Board of Old Tappan and two Ampssler neighbors, the Smyths and Arturis, also filed briefs in opposition to the Ampssler motion; and

WHEREAS, COAH held a special meeting on December 15, 1995 to consider the Ampssler motion; and

WHEREAS, the positions of the parties were extensively argued by their attorneys before COAH; and

WHEREAS, COAH considered the oral arguments of the parties as well as the brief and papers filed by all parties; and

WHEREAS, COAH, after due consideration of all issues before it, voted to deny the Ampssler motion to enjoin Old Tappan from adopting an ordinance repealing or amending the borough's overlay zone and to expedite the development application before the Old Tappan Planning Board; and

WHEREAS, COAH also voted to direct Old Tappan to honor the terms of its previously certified plan; and

WHEREAS, the attorneys representing Old Tappan, the Smyths and Arturis, and the Old Tappan Planning Board orally moved before COAH for the reimbursement of fees and costs expended on the emergent motion; and

WHEREAS, COAH in response to these applications directed all parties to file legal briefs one week prior to January 10, 1996 with regard to the motion for fees and costs, as well as with regard to all outstanding legal issues raised by the parties relative to the Old Tappan petition for substantive certification, the Old Tappan July 1995 motion and the mediation.

NOW THEREFORE BE IT RESOLVED that COAH hereby memorializes its decisions of December 15, 1995 denying the Ampssler motion to enjoin Old Tappan from adopting an ordinance repealing or amending Old Tappan's PRD overlay zone and to expedite the Ampssler development application before the planning board, directing Old Tappan to honor the terms of its previously certified fair share plan, and directing all parties to submit legal briefs with regard to applications for fees and costs, as well as with regard to all outstanding legal issues raised by Old Tappan's petition for substantive certification, by Old Tappan's motion of July 1995 and by the mediation and to file said briefs one week prior to January 10, 1996.

I hereby certify that the resolution was duly adopted by the Council on Affordable Housing at its public meeting on February 7, 1996


Rehee Reiss, Secretary
Council on Affordable Housing

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