

**RESOLUTION ADOPTING THE INITIAL DECISION
AS THE COUNCIL ON AFFORDABLE HOUSING'S FINAL
DECISION IN HOLMDEL TOWNSHIP, V. HOLMDEL PLAZA
SHOPPING CENTER, ROBERT C. BAKER, LOOMIS J. GROSSMAN
AND RICHARD GROSSMAN, TRUSTEES, GBR HOLMDEL, L.L.C.,
HOLMDEL PLAZA HOLDINGS, L.P. AND HOLMDEL GT L.P.**

WHEREAS, as a result of objections filed to Holmdel Township's petition to retain development fees, the Council on Affordable Housing (COAH) transferred the retention issue to the Office of Administrative Law (OAL) as a contested case; and

WHEREAS, in September 1996, the case was assigned to the Honorable John R. Tassini, ALJ, for discovery; and

WHEREAS, on May 12 and July 27, 1998, the township's papers in support of its motion for summary decision were filed with OAL; and

WHEREAS, on June 26 and July 16, 1998, respondents' papers in support of their cross motion were filed with OAL; and

WHEREAS, on August 25, 1998, the motions were the subject of a telephone conference where the parties engaged in settlement negotiations; and

WHEREAS, on December 17, 1998, ALJ Tassini received a "Settlement Agreement and Mutual Release;" and

WHEREAS, the parties have voluntarily entered into a settlement agreement; and

WHEREAS, ALJ Tassini, recommended approval of the Settlement Agreement in his Initial Decision; and

WHEREAS, this Initial Decision was filed with COAH on December 21, 1998; and

WHEREAS, the parties agree as follows:

1. For and in consideration of the township's retaining from Holmdel Plaza the amount of \$184,552.00, plus interest, the township agrees to return \$20,000.00 to GBR Holmdel, L.L.C., Holmdel GT L.P. and Holmdel Plaza Holdings, L.P. and hereby releases Holmdel Plaza from the payment of any further development fees and

2. For and in consideration of the township's refunding \$20,000 to Holmdel Plaza said Holmdel Plaza does hereby release the township from any and all claims Holmdel Plaza may have against the township in connection with the collection and/or retention by the township of \$184,552.00 previously collected from the Holmdel Plaza project, plus interest.

NOW THEREFORE BE IT RESOLVED that COAH adopted the Initial Decision on January 5, 1999, in this matter as its Final Decision, thereby approving the Settlement Agreement of the parties and resolving the issues transferred to OAL and

BE IT FURTHER RESOLVED that by this Resolution, COAH memorializes its January 5, 1999 decision.

I hereby certify that this Resolution was duly adopted by the Council on Affordable Housing at its public meeting on February 3, 1999.


Renee Reiss, Council Secretary