

RANDOLPH MOUNTAIN)	
INDUSTRIAL COMPLEX,)	
)	COUNCIL ON AFFORDABLE HOUSING
Petitioner,)	
)	
v.)	OAL DOCKET NO. 7169-95
)	COAH DOCKET NO. 00-1207
TOWNSHIP of RANDOLPH and)	
PLANNING BOARD of the)	
TOWNSHIP of RANDOLPH,)	FINAL DECISION
)	
Respondents.)	

On June 30, 2000, Administrative Law Judge Arnold Samuels issued an Initial Decision in this dispute between Randolph Mountain Industrial Complex ("Randolph Mountain") and the Township of Randolph ("the Township" or "Randolph") and the Randolph Township Planning Board. The Initial Decision concluded: (1) that the Randolph Mountain site is suitable "...for at least 48 units of low and moderate income housing under COAH's standards and Randolph Township's land use ordinance in effect in 1989." and (2) that Randolph Mountain would be "...permitted to build above the 600 feet contour line to achieve the 48 units of affordable housing." Exceptions to the Initial Decision were filed by Randolph. After careful consideration of ALJ Samuels' Initial Decision and the hearing record, as well as the Township's exceptions filed to the Initial Decision, the Council accepts the Initial Decision without modification as its Final Decision.

The exceptions filed by Randolph Township generally reiterate arguments presented to ALJ Samuels that are discussed in the Initial Decision. The Initial Decision did not commit error, as alleged by the Township, in considering a concept plan for the development of Randolph Mountain site, rather than 1993 plan for the site that initially gave rise to this action. Such an approach was contemplated by the Council's opinion of 1995 when it directed the parties into mediation prior to sending the matter to the Office of Administrative Law for a site suitability hearing with regard to the Randolph Mountain site. A determination of site suitability need not address site planning issues with the

specificity or detail required in the planning board approval process, as urged by Randolph Township. Therefore, it was perfectly appropriate for ALJ Samuels to base his decision on expert testimony with regard to the concept plan provided by Randolph Mountain.

With regard to the 600 feet contour line, the exceptions submitted by the Township were presented to ALJ Samuels and considered by him in his Initial Decision. Moreover, the Township's exceptions to the Initial Decision do not provide any convincing rationale by which the Council may reject or modify the Initial Decision. Therefore, the Initial Decision will be the Council's Final Decision in this matter.

Now that the Council has determined that the Initial Decision dated June 30, 2000 is its Final Decision, the Council's staff must analyze Randolph Township's filed fair share plan, which will include the Randolph Mountain site as an inclusionary site for at least 48 low and moderate income housing units. Therefore, COAH staff will within the next few months issue a COAH Compliance Report with regard to the Randolph fair share plan, consistent with this Final Decision.

For all the reasons set out above, the New Jersey Council on Affordable Housing accepts ALJ Samuels' Initial Decision of June 30, 2000 as its Final Decision.


NEW JERSEY COUNCIL ON
AFFORDABLE HOUSING

DATE: *September 6, 2000*