

RESOLUTION MEMORIALIZING COAH DECISION OF MAY 1, 2002 DENYING SOD FARM'S MOTION FOR RECONSIDERATION OF COAH'S MARCH 6, 2002 DECISION WHICH DENIED SOD FARM'S MOTION TO DISMISS THE DECEMBER 1999 PETITION OF SPRINGFIELD TOWNSHIP COAH # 02-1404

WHEREAS, Springfield Township, Burlington County, ("Springfield") received first round substantive certification from the Council on Affordable Housing ("COAH" or the "Council") on October 8, 1992, and,

WHEREAS, Springfield petitioned COAH on October 6, 1998 to address its second round obligation of 68 units (15 rehabilitation units and 53 new construction units) and thereafter repitioned COAH on December 23, 1999; and,

WHEREAS, Sod Farm Associates, L.L.C. ("Sod Farm") filed an objection to Springfield's repetition with COAH, which initiated mediation pursuant to N.J.S.A. 52:27D-3.15, and filed a motion for dismissal or accelerated denial on January 24, 2000; and,

WHEREAS, mediation began on April 14, 2000, and was extended to December 4, 2000, and later renewed on October 1, 2001, and a mediation report issued on October 11, 2001; and,

WHEREAS, Springfield filed a cross-motion seeking dismissal of Sod Farm's motion; and,

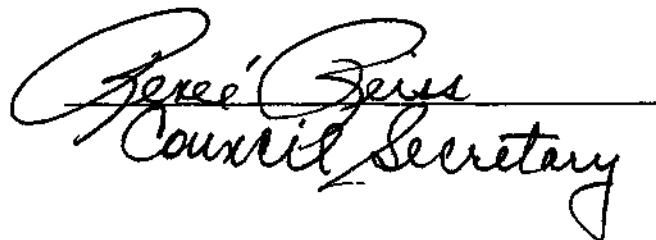
WHEREAS, the Council considered both Sod Farm's motion and Springfield's cross-motion at its regularly scheduled meeting of April 5, 2000; and,

WHEREAS, the Council denied both Sod Farm's motion and Springfield's cross-motion, and set forth its reasons by opinion dated March 6, 2002; and,

WHEREAS, Sod Farm filed a motion for reconsideration of COAH's March 6, 2002 decision on or about March 18, 2002, and Springfield filed a response opposing Sod Farm's motion on or about April 8, 2002, and Sod Farm filed a reply to Springfield's opposition on or about April 18, 2002; and

WHEREAS, COAH heard oral argument on the motion for reconsideration at its May 1, 2002 meeting, and voted to deny the motion for reconsideration because Sod Farm did not establish that the Council's March 6, 2002 decision was arbitrary and/or capricious because it did not consider dispositive factual matters and/or controlling decisions of law.

NOW THEREFORE BE IT RESOLVED, that the New Jersey Council on Affordable Housing hereby memorializes its decision of May 1, 2002, denying Sod Farm's motion for reconsideration of the Council's March 6, 2002 decision because Sod Farm failed to establish that the decision of the Council was arbitrary or capricious or that the Council did not consider facts or law previously submitted to it in association with that motion decision.


Council Secretary

June 5, 2002