

**RESOLUTION AMENDING THE MARCH 8, 2006 DECISION OF
THE COUNCIL ON AFFORDABLE HOUSING IMPOSING A
SCARCE RESOURCE RESTRAINT ON THE
BOROUGH OF ATLANTIC HIGHLANDS**

WHEREAS, this matter comes before the Council on Affordable Housing ("COAH") on the motion of K. Hovnanian, which seeks emergent relief restraining the Borough of Atlantic Highlands from condemning or taking any further steps towards the condemnation of property known as the "McConnell tract," and further restraining the Borough from granting any development approvals on property within the Borough; and

WHEREAS, the matter was heard by COAH at its January 19, 2006 meeting at which COAH voted to grant the motion in part and deny the motion in part; and

WHEREAS, COAH voted to restrain the Borough from condemning, purchasing, or taking any other irreversible steps toward the condemnation of the McConnell tract, and further ordered that neither party take any adverse action with regard to the application currently pending before the Borough's Board of Adjustment; and

WHEREAS, an opinion memorializing COAH's January 19, 2006 decision was approved by COAH on March 8, 2006; and

WHEREAS, COAH had received correspondence from both the Borough and K. Hovnanian seeking clarification of COAH's January 19, 2006 decision and March 8, 2006 opinion; and

WHEREAS, at COAH's April 12, 2006 board meeting, COAH received a status update from COAH staff regarding the on-going review of the Borough's Third Round Petition for Substantive Certification; and

WHEREAS, COAH also heard from counsel for both K. Hovnanian and the Borough at its April 12, 2006 meeting; and

WHEREAS, at the April 12, 2006 COAH meeting, both K. Hovnanian and the Borough indicated a desire to proceed with and take action upon K. Hovnanian's pending Board of Adjustment application.

NOW THEREFORE BE IT RESOLVED THAT on April 12, 2006 COAH voted to amend and clarify its previous decision in this matter as follows:

1. The Borough of Atlantic Highlands may proceed and take action on the K. Hovnanian application; and
2. The Borough shall remain restrained from taking any further steps toward condemnation of the McConnell tract; and
3. The COAH staff is directed to expedite the review of the Atlantic Highlands' petition including: a) issuance of a Report Requesting Additional Information (RRAI); and b) Mediation is ordered to begin immediately upon receipt of requested information from Atlantic Highlands.

BE IT FURTHER RESOLVED THAT COAH's actions as noted above were not taken in response to any arguments that COAH did not have jurisdiction to enter the orders previously entered in this matter.



Renee Reiss, Council Secretary

Dated: July 14, 2006
(June 14, 2006)