

**RESOLUTION DENYING THE MOTION TO PARTICIPATE IN MEDIATION  
MADE BY THE HOMEOWNERS OF WALDEN WOODS, WEST WINDSOR  
TOWNSHIP, MERCER COUNTY, PURSUANT TO N.J.A.C. 5:96-4.1**

**COAH DOCKET # 09-2159**

**WHEREAS**, on December 23, 2008, West Windsor, Mercer County, petitioned COAH for third round substantive certification; and

**WHEREAS**, on January 30, 2009, West Windsor's petition for substantive certification was deemed complete by the Council on Affordable Housing (COAH); and

**WHEREAS**, on March 16, 2009, the objection period terminated pursuant to N.J.A.C. 5:96-4.1; and

**WHEREAS**, a motion was subsequently filed by Voytek and Caryn Trela (Trela), asserting that a timely objection was filed on behalf of the Homeowners of Walden Woods, West Windsor (Homeowners) and that COAH improperly reviewed the objection as a public comment denying the Homeowners of Walden Woods the opportunity to participate in mediation; and

**WHEREAS**, on March 17, 2009 COAH received correspondence from the Homeowners which was deemed by COAH staff to be a public comment; and

**WHEREAS**, the correspondence was in the form of a petition, signed by twenty-three residents in the Walden Woods neighborhood, stating that the affordability controls on their homes, which were recorded between 1998 and 2000, had either expired or were about to expire, and therefore sixteen homes in the Walden Woods neighborhood may not be affordable housing for the entirety of the third round period; and

**WHEREAS**, COAH did not include the Homeowners as an objector in the mediation process; and

**WHEREAS**, on October 15, 2009 COAH held a meeting with the Homeowners and West Windsor representatives to discuss the issue of the extension of expiring controls on the Walden Woods residences in an attempt to resolve the issues; and

**WHEREAS**, COAH, the Homeowners and the Township are anticipating additional meetings in the future to discuss the time length of the affordability controls, the extent of the recapture provisions and the amount of credit that West Windsor should receive for the units in question; and

**WHEREAS**, West Windsor opposes the motion filed by the Homeowners; and

**WHEREAS**, West Windsor notes the Homeowners correspondence was received by COAH after close of the objection period; and

**WHEREAS**, West Windsor maintains that the Homeowners exclusive remedy is an appeal to the New Jersey Superior Court Appellate Division since final Agency action cannot be appealed to the Agency itself; and

**WHEREAS**, the Homeowners maintain the motion is properly venued before COAH because this is not a final decision matter and the Homeowners seek to exhaust all administrative remedy before seeking New Jersey Superior Court intervention in this matter; and

**WHEREAS**, on November 23, 2009, a Council task force convened and discussed the Homeowners motion and recommends to the Council that the Homeowner's correspondence was not a valid objection pursuant to N.J.A.C. 5:96-4.1; and

**WHEREAS**, in making its decision, the Council task force noted that the COAH staff did not deem the correspondence to be an objection, the Homeowners, West Windsor representatives and COAH staff have met and will continue to meet in an effort to find a resolution to the issues pertaining to the extension of expiring controls on certain units at Walden Woods, West Windsor; and

**WHEREAS**, the Council determines that the meetings with the Homeowners affords the Homeowners a due process opportunity to discuss the issue raised in their correspondence in a meaningful forum that does affect COAH's review of West Windsor's Fair Share Plan for the creation of affordable housing; and

**WHEREAS**, the Council task force recommends for the reasons noted that the Homeowner's motion be denied.

**NOW THEREFORE BE IT RESOLVED** that the motion filed by Voytek and Caryn Trela on behalf of Homeowners at Walden Woods, West Windsor Township, Mercer County, seeking inclusion in the mediation process pursuant to N.J.A.C. 5:96-4.1 is hereby denied.

I hereby certify that this Resolution was  
Duly adopted by the Council on Affordable  
Housing at its meeting on December 9, 2009

A handwritten signature in black ink that reads "Renee Reiss". The signature is written in a cursive, flowing style.

Renee Reiss, Council Secretary