

**RESOLUTION GRANTING A MINOR TECHNICAL AMENDMENT TO THIRD ROUND
SUBSTANTIVE CERTIFICATION**

COAH Docket #09-2188

West Amwell Township, Hunterdon County

WHEREAS, West Amwell Township, Hunterdon County, was granted third round substantive certification from COAH on May 14, 2009; and

WHEREAS, West Amwell Township's certified fair share plan addresses its rehabilitation obligation of four units, a 16-unit prior round obligation, and a 52-unit projected growth share obligation; and

WHEREAS, West Amwell Township has a six-unit very-low income obligation; and

WHEREAS, West Amwell Township's plan proposed to address the very-low income unit obligation with 14 proposed group home bedrooms and no family units; and

WHEREAS, on June 29, 2009, Fair Share Housing Center (FSHC) appealed West Amwell's grant of substantive certification (In re Substantive Certification of West Amwell Township [Docket No. A-5285-08T3]) on the basis that FSHC claimed that the Township must address half of its very-low income obligation with family housing, pursuant to a letter that COAH issued to municipalities on October 30, 2008; and

WHEREAS, on November 12, 2009, West Amwell Township and FSHC entered into an settlement agreement, which states that the Township will provide two very-low income units through its existing accessory apartments; and

WHEREAS, West Amwell has 10 existing accessory apartments; and

WHEREAS, the two very-low income family accessory apartments will be provided as the next two existing low-income accessory apartments become available for occupancy; and

WHEREAS, as a result of the agreement, the Appellate Division entered a Conditional Order of Dismissal, pending a motion for a minor technical amendment to West Amwell's certified third round Housing Element and Fair Share Plan being approved by COAH; and

WHEREAS, on November 24, 2009, Mr. Phillip J. Faherty, III, Esq., on behalf of West Amwell Township, submitted a motion for a minor technical amendment to West Amwell Township's third round substantive certification in accordance with N.J.A.C. 5:96-14.1(c) and 5:96-14.3, to include two-very low income family accessory apartments as addressing a portion of its very-low income obligation; and

WHEREAS, no reply briefs in opposition to the motion were received; and

WHEREAS, West Amwell Township has complied with the provisions of N.J.A.C. 5:96-5:96-14.1(c) and 5:96-14.3 regarding a minor technical amendment to substantive certification.

NOW THEREFORE BE IT RESOLVED that West Amwell Township's motion for a minor, technical amendment to include two very-low income family units through existing accessory apartments be approved; and

BE IT FURTHER RESOLVED that all other conditions and approvals of COAH's original grant of substantive certification shall remain in place.

I hereby certify that this resolution was
duly adopted by the Council on Affordable
Housing at its public meeting on March 10, 2010.

A handwritten signature in cursive script that reads "René Reiss".

René Reiss, Secretary
Council on Affordable Housing