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Sept. 30 1985

Certification of Harlan K. Welsh.
in opposition to motion for partial
Summary Judgment + in support
of motion for transfer to the court
on affordable housing

pgs 7.

ML 000766V

GEBHARDT & KIEFER
 Attorneys for Defendant, Township of
 Tewksbury
 21 Main Street
 Clinton, New Jersey 08809
 Tele. (201)735-5161

<hr/>		SUPERIOR COURT OF NEW
		JERSEY
		LAW DIVISION
		HUNTERDON COUNTY/MIDDLESEX
		COUNTY
ROBERT E. RIVELL	:	MOUNT LAUREL
	:	DOCKET NO. L-040993-84PW
Plaintiff	:	
vs.	:	CIVIL ACTION
TOWNSHIP OF TEWKSBURY	:	
	:	CERTIFICATION OF HARLAN
	:	K. WELSH IN OPPOSITION
	:	TO MOTION FOR PARTIAL
Defendant	:	SUMMARY JUDGMENT AND
	:	IN SUPPORT OF MOTION FOR
	:	TRANSFER TO THE COUNCIL
	:	ON AFFORDABLE HOUSING
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HARLAN K. WELSH, hereby certifies as follows:

1. I am Clerk of the Township of Tewksbury, and Secretary of the Planning Board of the Township. I have served in both such capacities since the late 1950s.

2. Tewksbury Township Planning Board completed a general re-examination of the Master Plan of the Township and prepared and adopted a report of its findings of such re-examination, as is stated in N.J.S.A. 40:55D-89, in 1982. Attached to this Certification is a true copy of a Resolution of the Tewksbury Township Planning Board

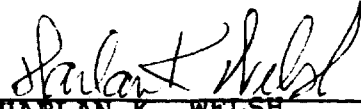
adopting a report on the findings of this re-examination. Also, attached to this Certification is a true copy of the report adopted by this Resolution. This Resolution and report were adopted by the Tewksbury Planning Board at its August 4, 1982 meeting.

3. On August 5, 1982 I mailed by Certified Mail, return receipt requested, a copy of this Resolution and the report adopted by it, to the Hunterdon County Planning Board, and to the Clerks of Readington Township, Lebanon Township, Califon Borough, Clinton Township, Washington Township, Bedminster Township and Chester Township, which are all of the municipalities adjoining the Township of Tewksbury.

4. Also attached to this certification is a true copy of a Resolution of the Tewksbury Township Committee adopted at its meeting held on September 30, 1985. I mailed certified copies of this Resolution by registered mail, return receipt requested, to the parties mentioned in subparagraphs (a) and (b) of the paragraph numbered 2 in this Resolution.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: September 30, 1985


HARLAN K. WELSH

RESOLUTION

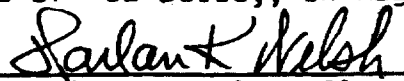
WHEREAS, N.J.S.A. 40:55D-89 requires a general re-examination of the master plan and development regulations by the Planning Board; and

WHEREAS, the Planning Board has reviewed the master plan and development regulations and made findings relative thereto.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Tewksbury, County of Hunterdon and State of New Jersey that the attached memorandum of Queale & Lynch, Inc., professional planners, dated March 30, 1982 is hereby adopted as the report on the findings of the Planning Board resulting from a general re-examination of the Tewksbury Township Master Plan and Development Regulations in accordance with N.J.S.A. 40:55D-89.

BE IT FURTHER RESOLVED that a copy of said report be forwarded to the Township Committee, County Planning Board and Municipal Clerks of each adjoining municipality as required by law.

I hereby certify the above to be a true copy of a Resolution adopted by the Planning Board of the Township of Tewksbury, County of Hunterdon, State of New Jersey, on August 4, 1982.


Harlan K. Welsh, Clerk

TO: Tewksbury Planning Board

FROM: Queale & Lynch, Inc./wq

SUBJECT: Report on Reexamination of the Master Plan and Development Regulations Ordinance

In compliance with the requirements of the Municipal Land Use Law (40:55D-89), the following is a general reexamination of the Master Plan and the Development Regulations Ordinance. This report should be forwarded to the Township Committee upon its acceptance by the planning board. Action should be taken before August, 1982. The present Master Plan was adopted February 7, 1979 based on detailed background studies. The Development Regulations Ordinance was adopted in 1976, with revisions adopted June, 1980.

1. The problems and objectives confronting the township at the time of the 1979 Master Plan and subsequent Development Regulations Ordinance revisions, included a general awareness that the plan and ordinance should have more environmental support as well as an evaluation of whether or not the township should anticipate development of higher intensities, such as multi-family housing.
2. The problems and objectives confronting the township in 1979 have neither been reduced nor increased since that time. The potential for increased development due to Interstate Route 78 was recognized in the Master Plan as were the limitations imposed by the rugged terrain and on-site septic systems, limited water resources, and the country road system.
3. There have been no significant changes in the assumptions, policies and objectives which formed the basis for the 1979 Master Plan and the Development Regulations Ordinance as amended in 1980. In particular, the density and distribution of the population has remained as anticipated. The land use patterns have not changed much due primarily to the mountainous terrain, restricted road access, limited water supply and problems associated with on-site septic systems. These conditions have resulted in a major portion of the township remaining either undeveloped or in agricultural use. Housing conditions were not a problem in 1979 and are still no problem. There have been no significant changes in traffic circulation. The road system still has serious limitations as it meanders through the mountains. Likewise there have been no changes in the issues surrounding the conservation of natural resources and the conservation of energy. With regard to other planning programs, there have been no changes in State, County or other municipal policies and objectives warranting significant changes in the assumptions, policies and objectives of the township's Master Plan and Development Regulations Ordinance. These regional plans were incorporated in the 1979 Master Plan.
4. The Planning Board recommends the Governing Body anticipate the appropriation of sufficient funds to undertake updating some of the background studies in the 1979 Master Plan. In this manner, more current data such as the 1980 Census and updated surveys will be available on which to form conclusions on whether or not changes in the Master Plan should be considered. Should changes occur as a result of this data, the Governing Body should anticipate the appropriation of funds to undertake a review of the Development Regulations Ordinance in order to incorporate any changes in the Municipal Land Use Law and/or appropriate revisions to reflect the modifications in the Master Plan.
5. In compliance with the Municipal Land Use Law, a copy of this report is to be forwarded to the Township Committee, County Planning Board, and the Municipal Clerk's of each adjoining municipality in accordance with 40:55D-89.
6. It is recommended the attorney review this report as to its compliance with 40:55D-89.

Walter Queale, Jr.

TOWNSHIP COMMITTEE
RESOLUTION

WHEREAS the newly-enacted Fair Housing Act states that municipalities intending to submit to the Council on Affordable Housing their fair share housing plan shall notify the Council of such intent within four months after the effective date of the Act; and

WHEREAS this Township has determined to submit its fair share housing plan and housing element to the Council and to petition the Council for substantive certification of its plan element and ordinances promptly on their being filed with the Council in accordance with rules and procedures to be established by the Council; and

WHEREAS, although the Council has not yet been organized, the Township Committee has just been advised of an interim means of forwarding resolutions of participation to the Council for its notification;

RESOLVED, by the Township Committee of the Township of Tewksbury, in the County of Hunterdon and State of New Jersey, that:

(1) This Township chooses to prepare a fair share plan and housing element pursuant to the Fair Housing Act (L. 1985, c. 222), and intends to file the same, together with any other documents, including fair share and any other appropriate ordinances, required by law and by rules and procedures to be adopted by the Council, and determines to take all steps necessary and appropriate to obtain substantive certification of its housing plan, element and appropriate ordinances from the Council.

(2) The Township Clerk is directed forthwith to send a certified copy of this Resolution by registered mail, return receipt requested, to the following:

(a) The Council on Affordable Housing
c/o Arthur R. Kondrup
Municipal Plaza
Freehold Township, NJ 07728

(b) The Council on Affordable Housing
c/o Commissioner, New Jersey
Department of Community Affairs
363 West State Street
Trenton, NJ 08625
Attn: Mr. Sidney Willis,
Deputy Commissioner

and the Tewksbury Clerk is also directed promptly upon the organization of the Council on Affordable Housing to cause to be made any additional filings of this Resolution with the Council, necessary to notify it of the foregoing election and determination of this Township.

GEBHARDT & KIEFER
Attorneys for Defendant, Township of
Tewksbury
21 Main Street
Clinton, New Jersey 08809
Tele. (201)735-5161

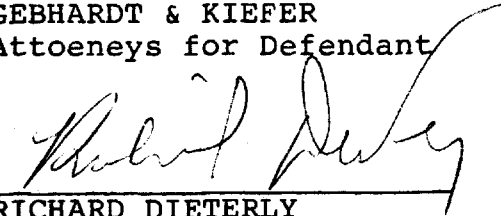
ROBERT E. RIVELL . :
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MOUNT LAUREL
DOCKET NO. L-040993-84PW
CIVIL ACTION
CERTIFICATION OF SERVICE
AND FILING

I certify that the original of Certification of Harlan K. Welsh, dated September 30, 1985, in the above-entitled matter has been sent to be filed with the Superior Court Clerk and a copy of the same sent to be filed with the Hunterdon County Clerk and Middlesex County Clerk, and a copy served on all counsel.

GEBHARDT & KIEFER
Attorneys for Defendant

Dated: September 30, 1985

By 
RICHARD DIETERLY

GEBHARDT & KIEFER

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WILLIAM C. GEBHARDT
1884-1929
W. READING GEBHARDT
1919-1980

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GEORGE H. HOERRNER
JAMES H. KNOX
RICHARD P. CUSHING

WALTER N. WILSON
WILLIAM W. GOODWIN, JR.
SHARON HANDROCK MOORE

September 30, 1985

John M. Mayson, Esq.
Superior Court Clerk
CN971
Hughes Justice Complex
Trenton, NJ 08625

Re: Rivell v. Township of Tewksbury
Mt. Laurel
Docket No. L-040993-84 P.W.

Dear Mr. Mayson:

Enclosed for filing in the above matter is original Certification of Harlan K. Welsh dated September 30, 1985.

By copy of this letter, I am filing with the Hunterdon and Middlesex County Clerks copies of the above.

By copy of this letter, the above Certification and a letter of September 30, 1985 are also served on Plaintiff's attorney and sent directly to Judge Skillman.

Yours very truly,


RICHARD DIETERLY

RD/del

Enclosure

cc: Hunterdon County Clerk
Middlesex County Clerk
The Honorable Stephen Skillman
Thomas J. Beetel, Esq.