

NEW JERSEY COUNCIL ON  
AFFORDABLE HOUSING  
DOCKET NO. 86-1

REAL ESTATE EQUITIES, INC., )  
et al., )

Plaintiffs, )

v. )

HOLMDEL TOWNSHIP, et al., )

Defendants. )

Civil Action

ORDER

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FRANK DIMISA AND RONALD )  
AQUAVIVA, t/a PALMER SQUARE )  
LTD., )

Plaintiffs, )

v. )

HOLMDEL TOWNSHIP, et al., )

Defendants. )

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NEW BRUNSWICK HAMPTON, INC., )

Plaintiffs, )

v. )

HOLMDEL TOWNSHIP, et al., )

Defendants. )

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This matter having been heard on October 20, 1986,  
in the presence of counsel for plaintiffs Palmer Square, Ltd.  
and Real Estate Equities, Inc., and defendant Holmdel Township,  
on application by plaintiff Palmer Square, Ltd. for imposition

of restraints upon resources in Holmdel Township; and

The Council having considered the briefs and exhibits submitted by the various parties and the arguments of counsel; and for the reasons set forth at length in the Council's written opinion

IT IS on this 5<sup>TH</sup> day of January, 1987, ORDERED:

1. Holmdel Township, the Holmdel Township Planning Board, and Shorelands Water Company, Inc., and their officers, agents, and employees, are hereby restrained from committing any further allocation of water capacity to any applicant within Shoreland's franchise area in Holmdel Township, unless said applicant has already received preliminary or final approval, or has already received a contract for water capacity.

2. Shorelands Water Company, Inc., and its officers, agents and employees, are hereby restrained from granting any new commitments or contracts for water capacity in its franchise area in Holmdel Township, unless the applicant has prior approval by the Holmdel Township Planning Board.

3. The Holmdel Township Planning Board, Holmdel Township, and their officers, agents and employees are hereby restrained from granting any new approvals, either preliminary or final, for water capacity in Shoreland's franchise area, to any applicant who has not already received a commitment or contract for such water capacity, unless:

- a) the application provides for an inclusionary development with a 20% mandatory Mt. Laurel set aside. or

b) the application is for two or less units of single family residential equivalent service.


4. Nothing in this order is intended to limit Holmdel Township and/or the Holmdel Township Planning Board from engaging in any planning concerning the allocation of water capacity; or receiving and processing, but not approving, applications for water capacity in Shoreland's franchise area.

5) Those specific allocations described in Judge Serpentelli's orders: relating to a school and first aid building and the Bayshore Health Care Center, Inc., are exempt from the coverage of this Order.

6. Unless otherwise modified, or unless an exemption is granted by the Council, this Order shall remain in effect until the Council acts upon Holmdel Township's petition for substantive certification, and either grants or denies said petition.

COUNCIL ON AFFORDABLE HOUSING

By:

  
Arthur R. Kondrup  
Chairman

DATED: 1/5/87