

COUNCIL ON AFFORDABLE HOUSING
DOCKET NO. COAH 87-33

EAST HANOVER ASSOCIATES)
v.)
TOWNSHIP OF EAST HANOVER)

ORDER

This matter having been initiated sua sponte by the Council on Affordable Housing to determine whether water in East Hanover is a scarce resource and, if so, whether the Council on Affordable Housing should impose restraints upon the allocation of said scarce resource; with John Dorsey, Esquire, appearing on behalf of the Township of East Hanover; Fletcher Platt, appearing on behalf of the Township of East Hanover; Brenda Liss, Esquire, appearing on behalf of East Hanover Associates; Harry Sears, Esquire, appearing on behalf of Hartz Mountain; Howard Drescher, Esquire, appearing on behalf of the Munthers; Peter Buchsbaum, Esquire, appearing on behalf of Hanover Estates; Diane Hart, appearing on behalf of the New Jersey Department of Environmental Protection; Ellen Sandrian, appearing on behalf of Tidy Farms and Steven Hansbury, appearing on behalf of Barbara Mial and Mr. & Mrs. Edward Ochs; and all interested parties having been notified and given an opportunity to be heard; and the Council having considered all papers filed; and the Council having heard oral argument on October 19, 1987; and all parties appearing having agreed that water is a scarce resource in East Hanover;

and all parties having agreed that the Council should impose conditions upon the allocation of water in East Hanover; and the Township of East Hanover having represented to the Council that it presently is negotiating with other municipalities to secure water capacity to provide sufficient water capacity to all five sites which will accomodate the Township's fair share obligation; and the Council having determined that water is a scarce resource in East Hanover; and the Council further having determined that it is appropriate to impose conditions upon the allocation of water in East Hanover and for the reasons stated at the hearing on October 19, 1987; and for further good cause shown;

IT IS on this 2nd day of November, 1987

ORDERED that the Township of East Hanover, or any of its officers, agents or employees are hereby restrained from issuing any building permits which will result in the allocation of water capacity or create any rights whatsoever to the allocation of water capacity in East Hanover and all of the above named parties are hereby restrained from otherwise committing any water capacity or creating any rights to water capacity in East Hanover except, however, this Order shall not apply to those individual residents utilizing private wells which are in areas where the State of New Jersey, Department of Environmental Protection has found the underground water system to be contaminated; and it is further

ORDERED that this Order shall remain in full force and effect, unless otherwise modified by the Council, until further Order of the Council.



Arthur R. Kondrup, Chairman