

New Jersey Council On Affordable  
Housing  
Docket No. 88-102

IN RE HOLMDEL TOWNSHIP )  
PETITION FOR SUBSTANTIVE )  
CERTIFICATION/SCARCE )  
RESOURCES RESTRAINTS )

CIVIL ACTION  
ORDER MODIFYING  
COUNCIL ON AFFORDABLE  
HOUSING RESOLUTION NO. 38

Holmdel Township having submitted to the Council on Affordable Housing a final housing element and fair share plan dated January 5, 1987, which acted as a petition for substantive certification pursuant to N.J.A.C. 5:91-4.2; and

The Council having determined that water capacity constituted a scarce resource in Holmdel Township, and having issued an order dated December 1, 1986, and amended January 5, 1987 restraining further allocations of water capacity within the franchise area of the Shorelands Water Company, Inc., which order stated that it would expire upon the Council's final action granting or denying Holmdel's petition for substantive certification; and

At its public meeting of May 16, 1988 the Council having adopted a resolution, No. 38, granting final substantive certification to Holmdel Township, and having determined at that time that water capacity continues to be a scarce resource in Holmdel Township, and that it is thus necessary to reserve sufficient capacity in order to enable Holmdel to meet its fair share obligation;

IT IS on this sixth day of June, 1988

ORDERED that:

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 water capacity to any applicant within Shorelands' franchise area within Holmdel Township, unless said applicant has already received preliminary or final approval, or a commitment or contract for water capacity;

2. Shorelands Water Company, Inc., and its officers, agents and employees, are hereby restrained from approving any new commitments of water capacity within Holmdel Township until the applicant obtains preliminary approval from the Holmdel Township Planning Board;

3. Holmdel Township, the Holmdel Township Planning Board, and their officers, agents and employees are hereby restrained from granting any approvals for water capacity within the franchise area of the Shorelands Water Company, Inc., unless the applicant has previously received a commitment or contract for such capacity from Shorelands Water Company, Inc.;

4. The restraints contained in this Order do not apply to applications proposing to utilize two or less units of single family equivalent service of water capacity; to applications related to the school, first aid building and Bayshore Health Care Center, Inc., as set forth in the Council's prior scarce resource orders; and to those applications for projects that form part of Holmdel Township's housing element and fair share plan, as certified by the Council;

5. At the time the Council on Affordable Housing makes a final determination on whether Holmdel Township may implement its proposed Regional Contribution Agreements as part of its housing element and fair share plan, or whether, in the alternative, it must implement a portion or all of its alternate plan, the Council shall also issue a decision detailing whether the present restraints on water allocation must remain in force and effect, and if so, to what extent;

6. At any time subsequent to this Order, any party may move before the Council on Affordable Housing for a specific exemption from the present restraint. Further, any party may petition the Council to rescind this order and lift the restraints, in the event it can be demonstrated that water capacity no longer constitutes a scarce resource in Holmdel Township;

7. Holmdel Township shall comply with the terms of this Order as a condition of its receipt of substantive certification;

8. This Order modifies and supplements Council Resolution No. 38, dated May 16, 1988, granting substantive certification to Holmdel Township; and to the extent that this Order and Resolution No. 38 may be deemed inconsistent, this Order shall control.

Council On Affordable Housing

By: 

Dated: *JUNE 6, 1988*

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