

RESOLUTION NO 88-108 (d)

WHEREAS, Holmdel Township submitted a final housing element and fair share plan to the Council on Affordable (COAH) on January 5, 1989, which filing acted as a petition for substantive certification pursuant to N.J.A.C. 5:91-4.2; and

WHEREAS, a motion was filed with COAH seeking the imposition of scarce resource restraints in Holmdel, on the grounds that water capacity constituted a scarce resource; and

WHEREAS, following oral argument COAH issued an Order and Opinion dated December 1, 1986 and amended January 5, 1987 in response to said motion; and

WHEREAS, said Order and Opinion indicated that Holmdel's precredited need (minus indigenous need) equalled 626 low and moderate income housing units (not including set-aside market units), and that Holmdel had at that time a maximum water capacity sufficient for 300 residential single family units; and

WHEREAS, COAH thus imposed a scarce resource restraint, restraining further allocations of water capacity within that portion of the franchise area of Shorelands Water Company, Inc., within Holmdel Township, said restraint to expire at the time of COAH's final action on Holmdel's petition for substantive certification; and

WHEREAS, in a Resolution dated May 16, 1988 and amended June 6, 1988 COAH granted substantive certification of Holmdel's housing element and fair share plan, which plan provided for creation of 1,565 units, of which 313 will be low and moderate income units; and

WHEREAS, the terms of the certification, as amended, required that restraints on allocation of water capacity be continued; and

WHEREAS, by motion dated March 20, 1989 Garden Park Mobile Homes (GPMH) requested an exemption from the restraint, for the purpose of obtaining water capacity for a mobile home park development to be located on the boundary of Holmdel and Hazlet Township, which project would contain 39 units in Holmdel and 87 units in Hazlet, and which GPMH estimates would require approximately 430,000 gallons of water capacity per year; and

WHEREAS, by affidavit dated March 14, 1989 Michael P. Walsh, President of Shorelands, stated that of the units to be provided as part of Holmdel's certified plan, 545 townhouse units had been allocated water capacity; and

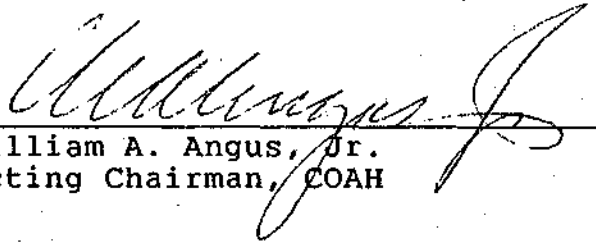
WHEREAS, the Walsh affidavit states that between 555 and 666 equivalent units of water capacity will be required in order to provide for the remainder of Holmdel's certified plan; and

WHEREAS, the Walsh affidavit further states that Shorelands has, at the present time, sufficient water capacity for approximately 653 equivalent units; and

WHEREAS, COAH held a discussion of GPMH's request at its May 15, 1989 public meeting, at which time COAH determined that water capacity continues to be a scarce resource within Holmdel, and that the remaining water capacity held by Shorelands may not be sufficient to provide for all units contained in Holmdel's certified plan; and

WHEREAS, as the result of the above, COAH determined at its May 15, 1989 public meeting that the motion for an exemption should be denied.

NOW THEREFORE BE IT RESOLVED that the motion for an exemption from the terms of COAH's Resolution granting substantive certification to Holmdel Township, dated May 16, 1988 and amended June 6, 1988, filed by Garden Park Mobile Homes, is hereby denied for the reasons set forth in this Resolution and at COAH's public meeting of May 15, 1989.

  
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William A. Angus, Jr.  
Acting Chairman, COAH

DATED: *June 5, 1989.*

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