

RESOLUTION NO. 88-108

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

WHEREAS, in response to a motion requesting scarce resource restraints, COAH issued an Order and Opinion dated December 1, 1986 and amended February 5, 1987 restraining further allocations of water capacity within that portion of the franchise area of Shorelands Water Company, Inc. within Holmdel Township; which restraint was scheduled 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; and

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

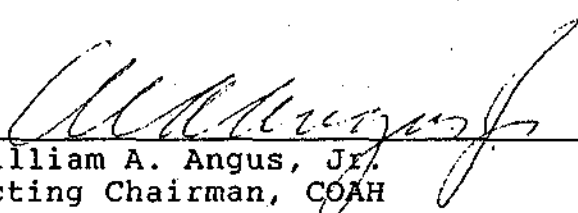
commitment or contract for such capacity from Shorelands Water Company, Inc.; and

WHEREAS, COAH has received several requests for clarification as to what action may appropriately be taken by the Holmdel Planning Board and Board of Adjustment consistent with the terms of the restraint; and

WHEREAS, COAH held a discussion of this matter at its public meeting of Monday, May 15, 1989; and

WHEREAS, at that public meeting, COAH indicated that the certification was not intended to prohibit either the Holmdel Township Planning Board or the Holmdel Township Board of Adjustment from hearing and processing applications, or from granting conditional preliminary approval subject to COAH's lifting of the scarce resource water restraint.

NOW THEREFORE BE IT RESOLVED that for the reasons set forth above and at COAH's public meeting of May 15, 1989, the Holmdel Township Planning Board and Board of Adjustment are permitted to hear and process applications, and to grant conditional preliminary approval of applications, as long as such conditional preliminary approvals are subject to COAH's lifting of the present scarce resource restraint, contained in the Resolution granting substantive certification to Holmdel Township, dated May 16, 1988 and amended June 6, 1988.



William A. Angus, Jr.
Acting Chairman, COAH

DATED: *June 5, 1989*

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