

RESOLUTION

WHEREAS, Clinton Township is presently before the Council on Affordable Housing (COAH) as the result of petition for substantive certification; and

WHEREAS, subsequent to said petition, a motion was filed with COAH seeking the imposition of scarce resource restraints in Clinton, on the ground that sewer capacity constituted a scarce resource; and

WHEREAS, following oral argument COAH issued an Opinion and Order dated January 19, 1988 in response to said motion; and

WHEREAS, said Order and Opinion indicated that Clinton has no sewage treatment plant, but that it has a contract with the adjacent municipality of Clinton Town (the Town), pursuant to which the Town has agreed to provide Clinton with 150,000 gallons per day (gpd) of capacity for the Annadale section of Clinton; and

WHEREAS, the Opinion and Order further indicated that 130,000 gpd of the capacity had already been allocated by Clinton to existing housing units in the Annadale area in order to replace existing septic systems for health purposes, and that an additional 1,400 gpd had been reserved for the same purpose; and

WHEREAS, the Opinion and Order concluded that the remaining capacity was clearly insufficient to meet Clinton's new construction component of 176 units, and that sewer capacity thus constituted a scarce resource; and

WHEREAS, the Opinion and Order thus imposed a scarce resource restraint in Clinton, restraining any allocation of that portion of the approximately 15,000 gpd of capacity remaining to be allocated; and

WHEREAS, Clinton has now concluded mediation, and is presently before the Office of Administrative Law of resolution of certain unresolved issues unrelated to this motion; and

WHEREAS, COAH has thus not yet acted to grant or deny Clinton's petition for substantive certification; and

WHEREAS, by application dated April 19, 1989 Foxfire-Hummel Homes (Foxfire) requested an exemption from the existing scarce resource restraint, for the purpose of obtaining sewer capacity for a single-family home development, to be built on a site designated as Lot 85, Block 60 on the tax maps of Clinton; and

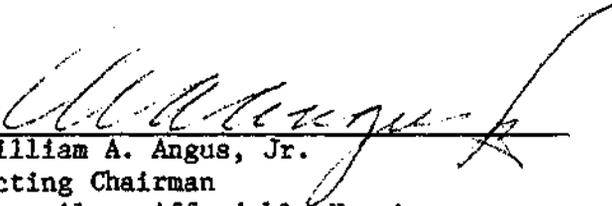
WHEREAS, Foxfire estimated that it would require approximately 10,500 gpd of capacity to service its proposed development; and

WHEREAS, Foxfire indicated that it has received preliminary subdivision approval from the Clinton Township planning board, subject to the lifting of the present scarce resource restraint; and

WHEREAS, COAH has reviewed the request for an exemption, and has determined that sewer capacity continues to be a scarce resource in Clinton, and that Clinton has not yet received substantive certification of its plan for provision of its fair share of low and moderate income housing; and

WHEREAS, COAH has further determined that the amount of sewer capacity presently held pursuant to the scarce resource restraint may not be sufficient to meet Clinton's obligation, and that the exemption requested by Foxfire would further deplete, and perhaps exhaust, that capacity.

NOW THEREFORE BE IT RESOLVED that the application for an exemption from the terms of COAH's scarce resource restraint dated January 19, 1988, filed by Foxfire-Hummel Homes, is hereby denied.



William A. Angus, Jr.
Acting Chairman
Council on Affordable Housing

DATED: *July 17, 1989*