

COUNCIL ON AFFORDABLE HOUSING
DOCKET NO. COAH #88/89/90-108(f)

IN RE HOLMDEL TOWNSHIP/)
MOTION TO OBTAIN WATER)
CAPACITY)

By resolution dated June 6, 1988 COAH restrained the allocation of water capacity within the Shorelands Water Company's franchise area within Holmdel Township. This decision followed a prior COAH determination that water capacity constituted a scarce resource within the Township. By letter dated February 14, 1990 E.P.C. Real Estate Equities (EPC) sought an exemption from this restraint for its proposed Holmdel Towne Center project.

It is COAH's determination that the request must be denied, until there is adequate assurance that there is sufficient water available. COAH has continued to restrain allocation of water capacity in Holmdel because it constitutes a scarce resource potentially necessary for the provision of Holmdel's Mt. Laurel obligation (the restraint replaced a similar restraint imposed by the Superior Court prior to transfer of the case to COAH). Nothing in the papers submitted by EPC to COAH demonstrates that this situation has changed as of the present date, so as to warrant a general lifting of the restraint.

EPC argues that it was agreed during mediation that the Towne Center would receive water capacity, as a component of the

Township's Mt. Laurel plan. However, such an agreement is not contained in the signed mediation agreements entered into during the COAH process. EPC also argues that it has contracted to purchase water capacity provided by the New Jersey American Water Company. However, such an agreement still falls within the terms of the restraint, due to the location of the project within Shoreland's franchise area.

Finally, COAH notes that the question will hopefully be moot within the near future. It is COAH's understanding that additional water capacity will become available to Shorelands as of July 1, 1990. If that capacity does become available, COAH will be in a position to lift all restraints at that time.

For all of the above reasons, the request for an exemption is hereby denied.

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By: Reece Ferris

Dated: June 13, 1990