

RESOLUTION MEMORIALIZING THE DECEMBER 6, 1995 DECISIONS OF THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING CONCERNING AN EMERGENT MOTION FILED BY HOVBILT, INC. WITH REGARD TO THE STATUS OF ITS SITE IN THE FAIR SHARE PLAN OF HOWELL TOWNSHIP

WHEREAS, Hovbilt, Inc. is the owner of a 36 acre site which is included in Howell Township's certified fair share plan to meet its first round affordable housing obligation and is zoned as the result of a mediated agreement to yield 372 multi-family residential units, of which 75 are zoned as low and moderate income age restricted units; and

WHEREAS, on November 27, 1995 Howell Township introduced on first reading an ordinance to rezone the Hovbilt property from inclusionary multi-family zoning of 10 units per acre to an ARE-1 zone of single family detached homes on 40,000 square foot lots (1 acre lots); and

WHEREAS, on Friday December 1, 1995, Hovbilt, Inc. filed an emergent motion returnable on December 6, 1995 seeking an order from the Council on Affordable Housing (COAH) barring the township from rezoning the Hovbilt property; requesting accelerated denial of Howell's request for substantive certification of its second round fair share plan or, alternatively, granting a builder's remedy permitting a density of 16 units per acre with a 20% set-aside on the Hovbilt property; and appointing a COAH mediator for the dispute between Hovbilt and Howell Township; and

WHEREAS, on December 5, 1995 the Township of Howell through its attorney filed papers in opposition to the Hovbilt motion; and

WHEREAS, on December 6, 1995 the Council heard oral argument on the emergent motion from the attorneys for Hovbilt and Howell; and

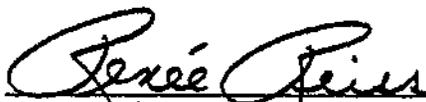
WHEREAS, based upon that oral argument it was determined by the Council that further briefing on various issues pertaining to the emergent motion was needed; and

WHEREAS, the Council further determined that the appointment of a mediator by the Council could aid in resolving the dispute between Hovbilt and Howell; and

WHEREAS, the Council also determined that pending further action by COAH, Howell Township should continue to comply with the terms of its fair share plan granted substantive certification by COAH, including those terms pertaining to the Hovbilt site.

NOW THEREFORE BE IT RESOLVED that the Council on Affordable Housing hereby memorializes its orders of December 6, 1995: (A) directing the parties to file legal briefs and certifications with COAH by noon on December 13, 1995 with regard to the following issues: 1) the applicability of the Permit Extension Act, N.J.S.A. 40:55D-131 et seq. to this matter, 2) the jurisdiction of the Council with regard to the application before it, and 3) the factual and legal support for and against Hovbilt's contention that county road alignment issues have prevented Hovbilt from developing its site; (B) empowering Shirley Bishop, Executive Director of the Council on Affordable Housing, to appoint a mediator to mediate this dispute and for the mediation to begin immediately; and (C) directing Howell Township to continue to comply with the terms of the Council's grant of substantive certification.

I hereby certify that the resolution was duly adopted by the Council on Affordable Housing at its public meeting on February 7, 1996.

  
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Renee Reiss, Secretary  
Council on Affordable Housing