

RESOLUTION MEMORIALIZING THE DECISION OF THE
NEW JERSEY COUNCIL ON AFFORDABLE HOUSING DATED
JANUARY 10, 1996 CONCERNING AN APPLICATION
BY HOLMDEL TOWNSHIP TO RETAIN DEVELOPMENT FEES

WHEREAS, on April 16, 1992 Holmdel Township ("Holmdel"), Monmouth County, submitted a request to the Council on Affordable Housing ("COAH") to retain development fees collected or imposed pursuant to Holmdel Ordinance 84-7 and Ordinance 86-28 prior to December 13, 1990, pursuant to N.J.A.C. 5:91-15 et seq., N.J.A.C. 5:92-8.8 et seq.; and

WHEREAS, on April 16, 1992 Holmdel also filed with COAH a four-count petition requesting various forms of relief in conjunction with its request to retain collected development fees collected pursuant to Ordinances 84-7 and 86-28 in both residential and non-residential developments, a request for a waiver from all COAH rules necessary for Holmdel's retention of all collected fees, a request for a waiver from the application of N.J.A.C. 5:92-18.12(c) and N.J.A.C. 5:93-8.12(c), a request for a waiver from the application of N.J.A.C. 5:92-18.11 and N.J.A.C. 5:93-8.11, and a request for the approval of all Mt. Laurel developer agreements entered into between Holmdel and various developers, as listed in the petition; and

WHEREAS, Holmdel's request for the retention of its collected development fees and its request that COAH waive particular provisions of its regulations were commented upon by the following developers: Beauridge, Holmdel Plaza Shopping Center, Acquaviva Limited, Dominick J. Ortolani, Frank DiMisa, McCampbell Development, Inc., and Greentree Associates; and

WHEREAS, on August 31, 1995 COAH issued a COAH Report addressing Holmdel's retention requests as well as the comments of the developers pertaining to Holmdel's requests; and

WHEREAS, a 14-day comment period was established for all parties affected by the COAH Report to submit their responses to the COAH Report; and

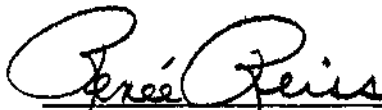
WHEREAS, Holmdel and the following developers submitted comments to the COAH Report: Greentree Associates, Dominick J. Ortolani, the Acquaviva Companies, Frank DiMisa, McCampbell Development, Highlander Associates and Holmdel Plaza Shopping Center; and

WHEREAS, on January 10, 1996 COAH Report II was submitted to COAH relative to the comments submitted to the initial COAH Report; and

WHEREAS, on January 10, 1996 at its regularly scheduled meeting COAH adopted the reasoning and conclusions of the COAH Report and the COAH Report II as its decision relative to Holmdel Township's April 16, 1992 applications to retain development fees.

NOW THEREFORE BE IT RESOLVED that COAH memorializes its decision of January 10, 1996 adopting conclusions of the two staff reports dated August 31, 1995 and January 10, 1996 in their entirety as its decision with regard to the requests of Holmdel Township dated April 16, 1992 relative to the retention of development fees collected and imposed prior to December 13, 1990 pursuant to Holmdel Ordinance 84-7 and Ordinance 86-28.

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



Renee Reiss, Secretary
Council on Affordable Housing

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