

Order from Council on Affordable Housing In the Matter of the Petition of Howell Twp in Monmouth County for Substantive Certification of its Housing Element and Fair Share Plan.

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IN THE MATTER OF THE PETITION OF )  
 HOWELL TOWNSHIP IN MONMOUTH )  
 COUNTY FOR SUBSTANTIVE )  
 CERTIFICATION OF ITS HOUSING )  
 ELEMENT AND FAIR SHARE PLAN )

COUNCIL ON AFFORDABLE HOUSING  
 DOCKET NO. COAH 95-711(a)

ORDER

HOVBILT, INC., a New Jersey )  
 Corporation )  
 Interested Party: )

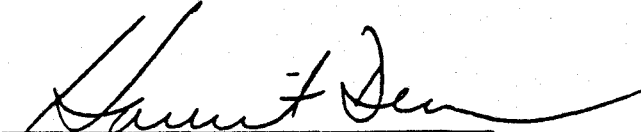
Whereas, on December 6, 1995 at its regularly scheduled monthly meeting the New Jersey Council on Affordable Housing (COAH) heard oral argument on a motion filed on an emergent basis by Hovbilt, Inc. ("Hovbilt"), a developer included in the fair share plan of Howell Township ("township"), for an order (a) granting accelerated denial of the township's petition for substantive certification; (b) restraining the township from rezoning the property now owned by Hovbilt and designated in the township's fair share plan and housing element as site No. 1; (c) ordering the township to maintain the present zoning on the Hovbilt site for 372 dwelling units and to continue the inclusion of the site in the township's fair share plan and housing element, (d) directing mediation on an emergent basis pursuant to N.J.A.C. 5:93-10.4(c); and alternatively, (e) granting a builder's remedy against the township in favor of Hovbilt for zoning on the site, allowing 16 dwelling units per acre with no set aside; and

WHEREAS, Howell Township responded to the Hovbilt motion, appeared before COAH and argued that (a) COAH does not have jurisdiction to order the relief sought by Hovbilt and (b) that COAH should reject Hovbilt's request for accelerated denial of the township's petition for substantive certification; and

WHEREAS, COAH heard oral argument on the motion and considered the arguments of the parties, the papers filed in this matter and for other good reason:

The New Jersey Council on Affordable Housing HEREBY ORDERS that the attorneys for Hovbilt and Howell Township file with COAH by 12 noon on December 13, 1995 briefs and certifications with regard to (a) the jurisdictional issues raised by the Hovbilt motion and the relief sought therein, (b) the relationship of the Permit Extension Act to this matter and (c) Hovbilt's contention that the development of its property was delayed because of a proposed county road rextension and that the delay in the alignment of the road constitutes "external circumstances" within the meaning of Paragraph 11 of the Stipulation and Developer's Agreement signed by Hovbilt and Howell and dated April 17, 1989 which would extend the six year period of vesting providing in Paragraph 11 of this document; and

COAH FURTHER ORDERS that Howell Township continue to comply with COAH's grant of substantive certification dated October 30, 1989.

  
Harriet Derman, Chairperson

DATED: December 6, 1995

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