

Monroe (1985)

10/2/85

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October 2, 1985

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OF COUNSEL

JEROME C. EISENBERG

Via Federal Express

Ms. Carla L. Lerman
413 W. Englewood Avenue
Teaneck, New Jersey 07666

Re: Monroe Township
Compliance Plan

Dear Ms. Lerman:

As you know, we represent Lori Associates and HABD Associates. We have received a copy of a letter dated September 30, 1985 from Messrs. Payne and Neisser (on behalf of the Urban League) to you. Recognizing that the date for submission of your report is fast approaching, we will confine our comments to two points which particularly require response.

1. The Lori site should not be further reduced.

Messrs. Payne and Neisser contend that the Lori site "should be limited on its eastern flank to prevent undue intrusion into the farmland area, although . . . the Township did not give this factor any weight" (Emphasis added).
We find it strange that the Urban League gives so much deference to the Township's view concerning Monroe Development, but chooses to disregard the Township on this issue.

It is obvious that the Township did not give the farmland issue any weight because it properly recognized that

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the Lori site can no longer be viewed as farmland. The Compliance Program prepared for the Township by Carl Hintz expressly recognized that "the existence of the Concordia and Clearbrook retirement villages have essentially moved the growth area east, with this property south of those developments." (p. 28) Similarly, your own report (which approved the Lori site) pointed out that "its relationship to Clearbrook and to the proposed Monroe Development Associates and Ballantrae sites makes it consistent with a pattern of higher density development which has already been started, and indeed sanctioned, in Monroe Township." (pp. 24-25).

More importantly, given the smaller size of the Monroe Development tract and the numerous questions about Ballantrae's proposal, Lori is clearly the prime location for meeting Monroe's fair share. Our client has presented a proposal at a density of 10.8 units per acre, which would produce 312 Mt. Laurel units. Your July report recommended a reduction to 8 units per acre, consequently reducing the number of Mt. Laurel units by 85. Any further reduction in density may jeopardize the economic viability of the entire project. If anything, the proposed density of the Lori tract should be increased to ensure that Mt. Laurel housing finally becomes a reality in Monroe.

2. The proposed financial contribution in lieu of set-aside should apply to the HABD property.

The Payne-Neisser letter refers to a proposal by Mr. Hutt that his client's property be developed with a financial contribution in lieu of a set-aside. We were not previously aware of this proposal and cannot assess its feasibility.

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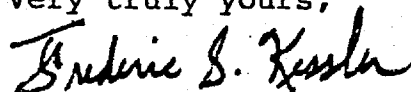
However, if it is deemed feasible, it should be applied to additional sites, including our client's HABD property.

The HABD site was not previously included for rezoning because of a determination that new development should be concentrated on the western side of the Township. If this is no longer the view, then HABD should be reconsidered. As you noted in your July report: "Evaluated by itself as a site, it is suitable for higher density residential development." (p. 25). Mr. Hintz ranked it higher than either of the Monroe Greens parcels, and it does not pose any environmental problems.

Although we have not seen the details of the proposal, our client has already indicated its approval of the general concept and its willingness to proceed under that concept. Accordingly, we ask that the HABD site be included for development subject to a financial contribution in lieu of a set-aside.

Thank you for your consideration.

Very truly yours,



Frederic S. Kessler

FSK:mtp

cc: All Counsel