

# - Artvab

to feiuiitf? 4mVkr1c

● CA000586L

THE STATE UNIVERSITY OF NEW JERSEY  
**RUTGERS**  
Campus at Newark

School of Law-Newark . Constitutional Litigation Clinic  
S.I. Newhouse Center For law and Justice  
15 Washington Street. Newark . New Jersey 07102-3192 • 201/648-5687

August 20, 1986

Joseph Benedict, Esq.  
247 Livingston Avenue  
New Brunswick, NJ 08901

Re: Urban League, et al. v. Carteret, et al.

Dear Mr. Benedict;

Enclosed please find copy of a recent article from the Trenton Times regarding the South Brunswick affordable housing trust fund. Has a lawsuit been filed? Please advise as to the status of this matter.

Very truly yours,



encls

# South Brunswick OKs Mt. Laurel developers' fees

By JERRY DeMARCO  
Staff Writer

**SOUTH BRUNSWICK** — Equipping themselves for a threatened court battle, the Township Committee has opted to keep a planning consultant's recommendations for standard fees that developers would pay into an affordable housing trust fund.

Their decision rejects certain fees suggested by township planners.

Township officials are establishing the fund as part of South Brunswick's requirements to provide low- and moderate-income housing under the state Supreme Court's Mount Laurel II ruling.

The fund would subsidize building or renting of some of the 600 units the state's Council on Affordable Housing has established as South Brunswick's quota.

**BUT RATHER** than subscribe to the planners' suggested fees for residential developments, committee members Monday night opted for higher figures originally recommended by Planning Board consultant Carl Hintz of Pennington.

The revised rates will be introduced at Tuesday's council meeting, with a vote expected later in August, committee members said.

"I certainly understand and sympathize with the members of the Planning Board who voted to reduce (Hintz's suggested) fee for the smaller houses," said Mayor George Bolster, who also serves on the Planning Board. "But the committee felt it just wasn't worth the paperwork for that amount."

Yet, Bolster yesterday cited another, perhaps more pressing, concern.

"We're going to be sued," the mayor said. "And it's better to have an expert provide testimony rather than pull something out of the air."

Princeton attorney Henry Hill yesterday confirmed that the National Association of Industrial and Office Park Developers intends to sue the South Brunswick housing trust fund.

**HILL, WHO** is representing the NAIOPD, said he notified township officials that the group would sue if

Bolster yesterday said township officials would invite those representatives to an as-yet unscheduled public hearing. The mayor referred all questions about a possible lawsuit to Township Attorney Joseph Benedict. Benedict did not return three phone calls placed to his office yesterday.

Hill called the proposed trust fund "an obligation that should not be shoved on one industry. This is a tax on one sector of the economy to pay for a community-wide obligation."

He also referred to a state Supreme Court ruling that municipalities must assess an entire community to pay for public education. The housing fund is similar, he said.

In addition, he noted that the state has not yet opened the way for affordable housing trust funds. Such legislation currently is pending in the state Assembly.

Other municipalities statewide have established, or are planning, affordable housing funds. Indeed, Hill is representing the Calton Homes development in its lawsuit against Princeton Township's fund.

**IN DECEMBER**, Plainsboro established a fund to subsidize 120 units, as part of its July court settlement with the Civic League of Greater New Brunswick. Only builders of non-residential developments pay into the fund.

Under the South Brunswick fee schedule, builders of residential units would pay 10 cents per square foot up to 999 feet; \$100 plus 12 cents per square foot for housing units from 1,000 to 1,999 square feet; and \$200 plus 15 cents per square foot for units of more than 2,000 square feet.

The calculations exclude garages, open porches, unfinished basements and attics.

For non-residential developments, the committee members and planners agreed with Hintz on the following: warehouse space at 25 cents per square foot; manufacturing space at 35 cents per square foot; commercial space at 40 cents per square foot; and office space at 50 cents per square foot. All figures are based on usable space.

Under the planners' fee schedule, builders would have paid \$50 for up to 1,600 square feet of residential space