

CA - ~~A~~ Metuchen 13-Aug - ~~74~~ 75

Affidavit of Goodenough, President  
of Metuchen Senior Citizen Housing Corp.

pgs = 5

~~CAC01508V~~ 13

MARTIN A. SPRITZER, ESQ.  
~~SPRITZER & BRESSLER, ESQS~~

414 MAIN STREET  
METUCHEN, NEW JERSEY 08840  
(201) 548-6455

ATTORNEYS FOR Defendant, Mayor and  
Council of the Borough of Metuchen

*Plaintiff*

URBAN LEAGUE OF GREATER NEW BRUNSWICK,  
a non-profit corporation of the State  
of New Jersey, et als

vs.

*Defendant*

MAYOR AND COUNCIL OF THE BOROUGH OF  
CARTERET, et als

SUPERIOR COURT OF NEW  
JERSEY: CHANCERY DIVISION  
MIDDLESEX COUNTY

*Docket No. C-4122-73*

*CIVIL ACTION*

AFFIDAVIT

STATE OF NEW JERSEY)  
COUNTY OF MIDDLESEX) SS:

HOWARD GOODENOUGH, residing at 21 Cliffwood Place, Metuchen,  
New Jersey, being duly sworn upon my oath, depose and say:

1. I am President of the Metuchen Senior Citizen Housing  
Corporation, a non-profit corporation of the State of New Jersey.  
The corporation was formed by persons appointed by the Mayor and  
Council of the Borough of Metuchen, by Council resolution dated  
November 16th, 1970. The corporation was formed to attempt to

select a site and obtain financing in response to a demand for senior citizen housing in the Borough of Metuchen.

2. Because of the lack of vacant land other available land in the Borough, the corporation was not able to locate a suitable site until 1972. This consisted of a 2.3 acre site partially vacant on Lincoln Avenue. The corporation was planning to finance the project under N.J.S.A. 55:14 et seq. and N.J.S.A. 55:16 et seq. through the New Jersey Housing Finance Agency, and under the federal auspices popularly known as the Federal 236 Program.

3. The corporation was informed that no application could be made to the New Jersey Housing Finance Agency or any commitment obtained, unless the Borough zoning regulations permitted the housing use on the site. The corporation obtained options on the four lots involved, and requested the Borough to amend its zoning ordinance to remove the site from an R-2 single family residence to an R-5 zone and to make additional modifications in R-5 zones to accommodate this specific type of housing.

4. Since 162 unit building was being considered, based on the size of the site and the amenities required by senior citizen moderate income housing, as distinguished from other types, an 8 story height limitation was required, as well as relaxing other

requirements such as parking, minimum yard and density. The Borough Council acceded to the request of the Metuchen Senior Citizen Housing Corporation, and amended the zoning ordinance accordingly on December 18th, 1972.

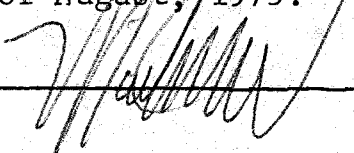
5. Because of a moratorium on the Federal 236 Program, acquisition of the 2.3 acre site for the senior citizen housing project was delayed. It was not until May of 1974 that the site was acquired, not with any federal money, but under a 100% mortgage of the New Jersey Housing Finance Agency. However, between the time of the adoption of the December 18, 1972 ordinance and the acquisition of the property in May 1974, the Borough had reduced the height limitation in the R-5 zone, applicable to all multi-housing including senior citizen housing, to 3 stories. Since all applications before the N.H.F.A. were inactive because of the federal moratorium, this had no immediate impact on the project. However, a condition of the 100% mortgage from the N.H.F.A. as contained in a resolution of the Mayor and Council adopted February 25, 1974 was "that at the appropriate time, the Borough Council and other Borough Boards will take steps necessary to accommodate any zoning changes or requirements as determined by the Metuchen Senior Citizen's Housing Corporation and New Jersey Housing Finance Agency and the Mayor and Council of the

Borough of Metuchen."

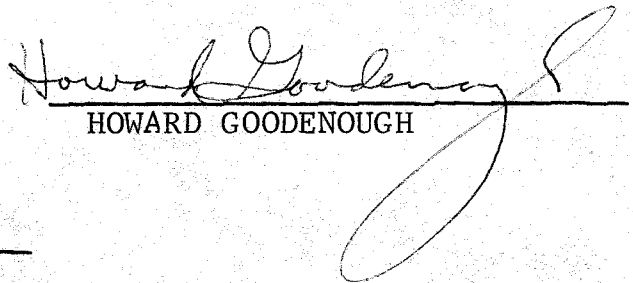
6. After the acquisition of the property in May 1974, the Metuchen Senior Citizen Housing Corporation, through its consultants, made every effort to develop a project consistent with the new zoning restrictions as contained in the December 17, 1973 amendment, including the 3 story height limitations. Based on financial estimates submitted by the corporation, the New Jersey Housing Finance Agency determined in December 1974, that to have the project financially feasible under the new Section 8 provision of the Housing and Community Development Act of 1974 (replacing the old Federal 236 Program), 120 units were preferable and to be approved in contrast to a 90 unit possibility, to conform to a lower height limitation. The consultant for the Metuchen Senior Citizen Housing Corporation at first believed that only a 6 story building could house the 120 units and afford the proper amenities for senior citizen housing within the limitations of the site. However, the intense desire of the governing body, as expressed through the 1973 amendment and the populace of the Borough of Metuchen, as expressed in a non-binding referendum held in November 1973, were persuasive in having the consultant present a preliminary plan for a 4 story or 48 foot height limitation. Thereupon, the corporation requested the Council to make another

zoning change increasing the height only for moderate income senior citizen housing projects developed pursuant to N.J.S.A. 55:14 et seq. and N.J.S.A. 55:16 et seq. as well as relaxing minimum yard requirements in order that the project could be accommodated on the site. As a result of this zoning change adopted June 16th, 1975, which was a prerequisite for further progress on the senior citizen housing development, rapid progress is now being made through the New Jersey State Housing Finance Agency to finalize the plans and acquire a commitment under the Section 8 Program of the Housing and Community Development Act of 1974.

Sworn to and subscribed  
to before me this <sup>1346</sup>  
day of August, 1975.



MARTIN A. SWITZER  
ATTORNEY AT LAW OF N. J.



HOWARD GOODENOUGH