

CA

Piscataway

12-15-83

Letter to Geller re: Twp response
to settlement proposal

Pgs. 5

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December 15, 1983

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Bruce S. Gelber, Esq.
National Conference Against
Discrimination in Housing, Inc.
1425 H Street N.W.
Washington, D. C. 20005

Re: Urban League of Greater New Brunswick
vs. Carteret

Dear Bruce:

I have discussed your letter dated September 27, 1983 with appropriate municipal officials. This letter should be deemed our response to your proposals for settlement of this matter, and is considered to be submitted without prejudice to any position which the Township of Piscataway may assert during the course of the litigation.

With respect to the question of mandatory set-asides, the position of the Township is that the mandatory nature of the requirement will have a negative effect upon the eventual construction of housing to serve low and moderate income families. If the thrust of Plaintiff's position in this matter is that it wishes to facilitate the construction of dwelling units for low and moderate income people, Plaintiff should be equally concerned that the provision of mandatory requirements may negate any motivation to construct such housing, purely and simply from an economic point of view.

With respect to Plaintiff's position that Piscataway's zoning ordinance should contain no provision whereby residential development at comparable density may be constructed without mandatory-set asides, our position regarding mandatory set-asides makes this point academic.

With respect to Plaintiff's third point, regarding phasing in of the construction of low and moderate income housing units, the zoning ordinance adopted by Piscataway on December 6, 1983, to become effective twenty (20) days from that date, requires staging which I believe meets the earlier objections raised by the Plaintiffs.

Plaintiff's fourth issue pertains to Piscataway's fair share. We are pleased to see that Plaintiff's expert has concluded that the original projections reflected in your September 27, 1983 letter were somewhat higher than the facts and figures justify; we are convinced that our new zoning ordinance, permitting construction of approximately 2,130 units, will demonstrably satisfy Piscataway's obligation pursuant to Mt. Laurel II. We would point out, with respect to Plaintiff's original proposal, that a density of ten units per acre with a 20% mandatory set-aside, as Plaintiff proposed, would require the inclusion of 1,830 acres of land zoned for planned residential development; extrapolating, this would require 18,300 additional dwelling units in the Township, whose housing stock at the present time approximates 12,300, according to Ms. Lerman's report. The 1980 census indicated that the number of dwelling units in the municipality was 12,683.

Further, generally, on the subject of fair share, Plaintiffs have given no credit to the Township for students of Rutgers, the State University, housed within Piscataway's borders, or for past performance in endeavoring to comply with then-existing court imposed requirements. Piscataway respectfully submits these factors a further weight to its position that its current zoning ordinance fully complies with the mandates imposed by the Supreme Court of New Jersey.

With respect to the series of suggestions regarding Piscataway's PRD ordinance, as the following subparagraphs demonstrate, we have complied with a number of suggestions raised in your letter. For the record, you should be aware that the PRD ordinance to which your letter refers was repealed in its entirety on December 6, 1983, and new PRD provisions were incorporated within our zoning ordinance, adopted on the same date.

Addressing your substantive concerns with respect to PRD provisions, I point out the following:

(1) The 30-acre minimum track-size requirement formerly contained within Piscataway's PRD requirement has been removed by the adoption of the zoning ordinance dated December 6, 1983.

(2) The new ordinance removes the requirement for an educational impact statement. Piscataway will not accede to a requirement that the environmental impact statement be deleted; the environmental impact statement provides a valuable and useful tool as part of the planning process and permits the same environmental safeguards to be employed in the planning of low and moderate income housing as is employed in other types of dwelling units.

(3) Piscataway contends that the figure of two (2) parking spaces per dwelling unit is reasonable and should not be reduced, from a traffic safety viewpoint. Piscataway has no objection to a minimum parking-stall size of nine feet in width by eighteen feet in depth.

(4) The thrust of Piscataway's new ordinance, with respect to matters of housing style, is that the number of housing styles available to a developer to a particular area has been reduced. Other planning tools to modify a possibly resultant "tract" housing appearance have been employed, such as variations in the permissible set-back, as well as other non-cost producing factors. Piscataway believes that this is a meaningful and significant response to your point, but also feels that it has a responsibility to insure decent, livable, and attractive housing for all citizens of the Township.

(5) Piscataway takes vigorous exception to the proposition that 26-foot pavement widths are not necessary. If cars are to be parked on the street, the average width of a car being eight feet, and cars are parked on both sides of the street, the channel for passage of vehicular traffic, under the existing ordinance, is reduced to ten feet. A further reduction in that width may present substantial traffic hazards and is not in conformity with proper traffic safety practices.

(6) With respect to means of ingress and egress, Piscataway, as are all other municipalities within the State of New Jersey, is governed by the BOCA Code, which generally requires two means of ingress and egress. The variation of this requirement is not within municipal authority.

(7) Piscataway's new zoning ordinance deletes the 200 foot maximum length of buildings for multi-family structures, in accordance with your request.

(8) Piscataway objects to a deletion of the requirement that a buffer or screen be placed along the perimeter of a PRD. It is standard planning practice for such buffers to be employed between areas of different housing density; the buffers provide an attractive transition from one zone to another in accordance with established planning principles. Buffers serve as delineations of neighborhood and, particularly when located adjacent to industrial or commercial areas, provide a measure of visual and aural protection for residents. For these reasons, Piscataway believes that the buffers are appropriate and objects to their deletion.

(9) Piscataway's new zoning ordinance imposes the same requirements pertaining to solid waste pick-up and disposal for all residential areas of the Township.

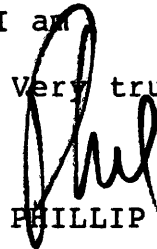
With respect to the next point, apparently Plaintiffs are unaware of the efforts made by the Township of Piscataway to accommodate areas of existing low and moderate income housing. For example, one of the four tracts zoned for higher density housing (Ethel Road) is owned by the Township; this area has been zoned for planned residential development since 1978. In addition, Piscataway Township has always utilized available CDBG funds to benefit low and moderate income households. In Middlesex County, for example, we are among the leaders in the number of "Section 8" rental subsidies granted by the Federal Department of Housing and Urban Development through the Middlesex County Housing and Community Development Program. We have received grants to construct a senior citizens center, available to all of the citizens of the Township, and a library, constructed in a target area of low and moderate income households (the Westergard Library on Stelton Road, in the New Market section of the Township). Piscataway has taken advantage of all opportunities available to it to utilize available funding sources direct to low and moderate income groups.

(10) Piscataway objects to the proposition that it should be compelled to provide mobile home housing, although it respectfully contends that its zoning ordinance provides for prefabricated housing to be constructed in all residential zones of the Township, not merely planned residential development. In this respect, Piscataway feels that it meets its Court-imposed obligation to provide alternative forms of housing.

In summary, on behalf of the Township of Piscataway, I respectfully contend that we have fairly endeavored throughout the past ten years to meet our Court-imposed obligation and have demonstrated affirmatively a commitment to persons of low and moderate income in all respects. Upon your detailed review of our new zoning ordinance, we sincerely expect that you will agree, and we look forward to your prompt favorable response in that vein.

With warm regards, I am

Very truly yours,



PHILLIP LEWIS PALEY

PLP:pmm

cc: Honorable Robert G. Smith
Mr. Lester Nebenzahl
Mr. Paul A. Abati