

CA

South Brunswick

1-10-84

Notice from Joseph J. Benedict
to Janet E. Labella regarding an
attempt to arrive at a settlement

PS:4

CA 002521N



TOWNSHIP OF SOUTH BRUNSWICK

Phone

201 329-4000

Municipal Building

Monmouth Junction, N. J. 08852

AH 'd 1/20

January 10, 1984

National Committee Against
Discrimination in Housing
1425 H Street, N.W.
Washington, D.C. 20005

Attention: Janet E. LaBella, Esq.

Re: Urban League of Greater New Brunswick, et al.
v. Mayor and Council of Borough of Carteret, et al.
Docket No. C-4122-73

Dear Ms. LaBella:

The South Brunswick Township Committee has reviewed your position paper of November 15, 1983 and has authorized me to advise you that we are willing to sit down and discuss specific ordinance amendments which may result in settlement of the pending litigation. For your guidance as to the Committee's position in regard to your letter of the 15th, I am authorized to make the following statements.

Mandatory Set-asides

1. The Township is willing to establish mandatory set-asides in the high density residential development with 20% as the set-aside, divided proportionately between low and moderate income based on need. The Township believes, however, that no more than 7 units per acre are required to meet Mt. Laurel goals since the present owner is desirous of developing at that density with the mandatory set-asides. The ordinance had required the developer at the 7 unit per acre density to construct a portion of Route 522 as part of his development, which would have been a major expenditure. The funds for this road infrastructure are now being provided by the public sector. Moreover, the water and sewer infrastructure is already on site. Since the owner is desirous of developing with the set-asides, further density does not seem necessary as an incentive.

2. This does not presently apply to the Township zoning ordinance

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since there are no other high density PRDs which have not already been constructed.

3. The Township is willing to amend the ordinance along the lines suggested. It would be useful if you could provide us with proposed language for an appropriate phasing plan for review prior to a settlement conference.

4. The Township is still in the process of calculating its fair share and will comment on Plaintiff's numbers in the very near future.

5. The Township is willing to consider amending the ordinance along these lines and would request that Plaintiff provide us with a proposed provision, along with an approved form of restrictive covenant for sales.

Elimination of cost generating features

1. The; minimum tract requirements under the ordinance have already been met through accumulated land holding by developers. The Township believes that maintaining the minimum tract requirements actually Results in the encouragement of developments which are financially able to support low and moderate income housing. This rationale is supported by the facts that the land is already assembled and on-site density and utilities can be developed on an ecoriomy-of-scale basis. Moreover, by aggregating, community services are more readily deliverable.

2. The Township is willing to amend the ordinance as suggested.

3. The Township is willing to consider an increase in density, but notes that the present landowner-developer is interested in developing the manufactured housing zone. Discussions can take place directly with the developer to the end that a density acceptable to the developer and the Township can be agreed upon while fair share needs are also met.

4. The Township is willing to amend the ordinance as suggested.

5. The Township presently provides for rental of mobile homes in its mobile home parks and those parks can be expanded under the present ordinance. Indeed, one mobile home park owner has already acquired additional land for that purpose. The Township felt it desirous to also provide for mobile home ownership for young starter families and empty-nesters with limited financial resources. Nevertheless, the Township will consider deleting the restriction in the manufactures housing zone if Plaintiffs are convincing that

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the Township's position is not justified.

6. The Township believes that the open space requirements allow preservation of environmentally sensitive portions of properties while at the same time concentrating the infrastructure with reduction of costs in construction and maintenance of the infrastructure. Moreover, the open space requirements allow access to that space for residents of the higher density developments. With present densities allowed by the Township, net densities of 8 to 15 units per acre result in exchange for the open space. This type of clustering is an accepted land use practice by the planning profession and has been endorsed by the Urban Land Institute and the American Planning Association. Nevertheless, as part of a total settlement package, the Township would be willing to consider some modification of the open space requirements.

7. The Township is willing to consider modification of its ordinance along the lines suggested by Plaintiff as part of an overall settlement.

8. The Township is willing to amend the ordinance as suggested.

9. The housing mix requirements were intended to promote heterogeneous, integrated, balanced PRDs. As part of an overall settlement the Township would be willing to modify its position and amend the ordinance as suggested by Plaintiff.

10. The Township is willing to limit the requirement for traffic circulation impact statements to poor circulation areas as specified in the South Brunswick Master Plan.

11. The Township is willing to amend the ordinance to delete school impact statements.

12. The Township is willing to limit the requirement for environmental impact statements to those areas which have been determined to be environmentally [sensitive as specified in the South Brunswick Master Plan.

Affirmative Municipal Action

The Township is willing to consider adopting a resolution of need and requests that Plaintiff provide the Township with an approved or proposed form for their consideration. The Township notes that it does not own any land of sufficient area for development that is not either park land, flood plain or swamp land.

The Township notes that its Housing and Community Development

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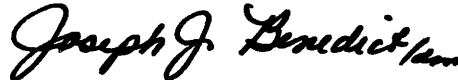
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money has previously been used to upgrade a targeted low income area and is further planned to be used for a low interest loan program to upgrade low income housing throughout the Township.

Finally, the Township advises that it is willing to consider an agreement in lieu of taxes with a developer if same is necessary to effect guarantee provisions for low and moderate income housing.

I trust that the above gives you an adequate indication of the Township's willingness to modify its present zone plan to effect Mt. Laurel objectives. We would look forward to the opportunity to discuss a specific proposal that would end in resolution of the present litigation. Please advise if you wish to discuss the matter further and a mutually convenient time, date and place can be agreed upon.

Cordially,



Joseph J. Benedict
Township Attorney

JJB:dm