

Monroe 1984

8/7/84

letter: re: Monroe's fair share #

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BISGAIER AND PANCOTTO

ATTORNEYS AT LAW
510 PARK BLVD
CHERRY HILL, N.J. 08034
TEL (609) 665-1911

CARL S. BISGAIER
LINDA PANCOTTO

August 7, 1984

HONORABLE EUGENE D. SERPENTELLI, J.S.C.
Ocean County Court House
118 Washington Street
Toms River, New Jersey 08753

Re: Monroe Development Associates
v. Monroe Tp. (L-076030-83PW)

Dear Judge Serpentelli:

I am in receipt of Mr. Gelber's letter of August 1, 1984, regarding your opinion in the above-referenced matter dated July 27, 1984. I concur in his comments regarding the Monroe fair share number. Unless some consideration is made of Monroe's substantial growth in its non-growth areas, the relative weight given to the variables in the fair share plan will yield an unreasonable fair share number.

This can easily be gleaned from the fact that the Township has experienced explosive growth (several thousand units) while its fair share number is one of the smallest, if not the smallest, of all of the defendants. If just 20% of the more than 6,000 units approved in the non-growth areas were lower income, we would have seen more than 1,200 such units built; whereas, the fair share plan yields less than 800 units through 1990. The Supreme Court has clearly spoken as to providing lower income opportunities where local decisions incorporate opportunities for others.

If the court views this issue as one warranting briefing, then I believe this could be treated as a motion for reconsideration with a briefing schedule and return date to be set by the court. This is an extremely important issue as it affects all "bedroom communities"; that is, those experiencing explosive residential

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growth without a concomitant employment base or employment growth. Thus, it is not simply a SDGP issue (and may not be one at all) but one, as testified to by Mr. Mallach, which requires some modification of the fair share plan to make it reasonable as applied to a township such as Monroe. The issue has also come up in a matter that I have before Judge Skillman (VanDalen v. Washington Tp.).

Respectfully yours,

CARL S. BISGAIER

CSB:emm

cc: all counsel of record