

David League R. Edison
North Brunswick

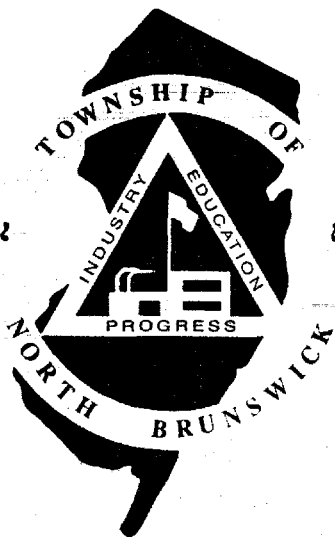
20 April 1990

Letter w/ summary report attached

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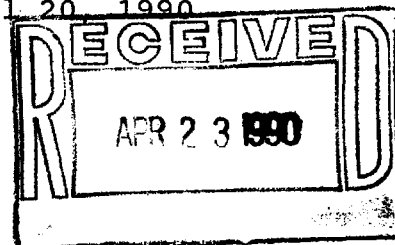
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*Township of North Brunswick*

NEW JERSEY

711 HERMANN ROAD
POST OFFICE BOX 182
NORTH BRUNSWICK, N. J. 08902
TEL. (201) 247-0922

April 20, 1990



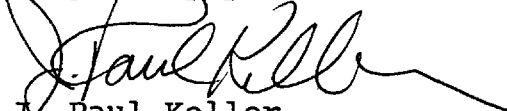
Mr. Roy Epps
Civic League of Greater New Brunswick
47 Throop Ave.
New Brunswick, New Jersey 08902

Dear Mr. Epps:

Enclosed please find a summary report regarding proposed changes to the September 10, 1984 Consent Order for North Brunswick Township's affordable housing obligations.

After you have had an opportunity to review this report I suggest that a meeting be held to discuss this matter. Please contact Mayor Maticera's office at 418-2240 to arrange for a meeting date.

Very truly yours,


J. Paul Keller
Business Administrator

JPK:fw
enclosure

**SUMMARY REPORT ON THE APPROPRIATENESS OF RENEGOTIATING
THE CONSENT ORDER IN THE CIVIC LEAGUE CASE**

**Prepared by:
Landplan Associates, Inc.**

Introduction

The purpose of this summary report is twofold: 1) to highlight significant factors impacting upon the appropriateness of amending the existing Consent Order, and 2) to provide recommendations to be utilized as a basis for renegotiation

Chronology of Important Dates

September 10, 1984 - Consent Order signed

May 12, 1986 - Release of municipal housing need figures by COAH

July 1, 1988 - Effective date of Freshwater Wetlands Protection Act

Highlights of Consent Order

The Township's fair share housing need was established at 1250 units. A credit for 264 units which were built or rehabilitated since 1980 resulted in a post-credit need of 986 units. All 986 units were to be constructed in the Township.

The Manor Realty tract was designated for 2950 housing units on 220 acres (13.4 units/acre) and 3 million square feet of non-residential development on 184 acres (16,304 square feet per acre). The non-residential development would have to be constructed at a very high Floor Area Ratio (FAR) of .37 in order to be accommodated on the site.

38 acres of the 45 acre Kast Realty tract were designated for 380 housing units, and the remaining seven acres were designated for non-residential development.

100 acres of the Hamelsky tract were designated for 1000 housing units, with 672,000 square feet of non-residential development to be constructed on the remainder of the tract.

Comparison of Consent Order and COAH Allocation of Housing Need

Consent Order	COAH Allocation Figure
pre-credit housing need 1250 units	519 units
post-credit housing need 986 units	255 units

The post-credit housing need established by the Consent Order is 3.8 times higher than the post-credit need established by COAH.

Changes Impacting the Appropriateness of the Consent Order

As a result of the Freshwater Wetlands Protection Act, the 7 acres designated for non-residential development on the Kast Realty tract are now unbuildable.

As a result of the Freshwater Wetlands Protection Act, 89.1 acres of the Manor Realty tract are now unbuildable. This amounts to 22% of the tract acreage.

The Manor Realty tract is located in the Route 130 corridor, where market studies indicate that warehousing/flexspace is the only non-residential construction for which there is any demand. A very permissive Floor Area Ratio (FAR) for this building type is .2, significantly less than the .37 FAR required of the developer by the Consent Order.

Since residential construction is tied to the extent of non-residential construction, future residential construction will be severely curtailed unless the Zoning Ordinance is changed to permit the warehousing/flexspace which is in demand.

If the development intensity of the Manor Realty tract is not reduced to account for the 22% reduction in buildable acreage resulting from wetlands regulations, then the residential density would increase to 17.2 units/acre, and the required non-residential FAR would increase to .48. This residential density represents a 28% increase above the density established by the Consent Order, and is totally out of place in a suburban municipality. In addition, the .48 FAR is 2 1/2 times the density which is feasible for the warehousing/flexspace which is in demand in the Route 130 corridor.

Recommended Adjustments to Consent Order Necessitated by Changing Conditions

Reduce the required non-residential development on the Manor Realty tract from 3 million to 1.5 million square feet, and allow the developer to construct the warehousing/flexspace for which there is a demand in the Route 130 corridor. Construction at a permissive, but achievable, FAR of .2 will require 172 buildable acres to accommodate this non-residential development.

143 acres of buildable land would remain on the Manor Realty tract for residential development. While maintaining the same density, the required number of residential units on the Manor Realty tract should be reduced from 2950 to 1975.

This 975 unit reduction would actually result in a slight increase in residential density above the density established by the Consent Order, as the residential density would increase from 13.4 to 13.8 units/acre.

Eliminate the requirement that 20% of the Kast Realty tract land area be developed for non-residential purposes, as this requirement would require that a previously approved site plan for 380 housing units be redesigned at substantially less units.

Establish the Township's post-credit housing need number at 510 units as opposed to the 986 established in the Consent Order. This figure of 510 units is still 2 times higher than the 255 units which results from applying credits to the COAH number.

Require the Township to construct 50% of the total housing need and to transfer the other 50% of the units through regional contribution agreements in accordance with COAH regulations. This would result in the construction of 255 units in the Township. 200 of these units have already been constructed on the Hamelsky tract.

The remaining 55 units could either be constructed as lower income senior citizen units on the Township-owned site, or as lower income units constructed as part of an inclusionary development on the 40 acre site located adjacent to the Deerbrook Mobile Home Park on Route 130.

All housing units to be constructed on the Manor Realty tract and the Kast Realty tract should be designated as market priced units in order to help offset the heavy infrastructure costs associated with providing water and sewer to these sites.

In return for increasing the number of market units to offset off-site infrastructure costs, the 255 units to be transferred to receiving municipalities should be funded by the developers of the Manor Realty tract and the Kast Realty tract.

Construction schedules for the construction of lower income units in inclusionary developments and timetables for the transfer of monies which are a component part of proposed regional contribution agreements shall be subject to negotiation at a later date, but shall be incorporated into a revised Consent Order.

Alternative to Recommended Adjustments

The 510 unit housing need in the recommended herein as an adjustment to the Consent Order represents a compromise between COAH's figure and the Consent Order's figure.

The 255 unit post-credit housing need calculated by COAH is both reasonable and achievable, while the extent of development incorporated in the Consent Order is clearly both unreasonable and unachievable due to new wetlands regulations and realities of the marketplace.

If the compromise discussed herein cannot be achieved, it would appear to be in both the Township's interest and the interest of all developers who were parties to the litigation to petition to overturn the Consent Order and be transferred to COAH.