

~~Civ. League of Great New England~~ (Plainboro) (1986)

Draft counterproposal + transmittal letter

5 pgs

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THE STATE UNIVERSITY OF NEW JERSEY
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September 18, 1986

Mr. C. Roy Epps, President
Civic League of Greater New Brunswick
47-49 Throop Avenue
New Brunswick, NJ 08901

Dear Roy:

Enclosed please find for your review,
draft counterproposal and transmittal letter.

Please telephone me with your comments.

Sincerely,

encls



cc/Messrs. Payne, Neisser, Westreich (w/encls)

DRAFT

Proposed Response to Plainsboro's Proposal (additions are underlined, deletions are bracketed).

Current Settlement

- 1) Use AHC Region - Middlesex, Somerset, Warren, Hunterdon
- 2) Use AHC income guidelines for maximum qualifying income
10% reserved for households at 75% of AHC, 10% reserved for households with 65%

11 County Region - including Hudson, Essex, Bergen Co.
90% of 94% of Co. income

	Low	Moderate
1 Person	13,510	21,620
2 Person	15,440	24,700
3 Person	17,370	27,790
4 Person	19,300	30,880

	Low	Moderate
	11,429	18,290
	13,062	20,896
	14,695	23,510
	16,328	26,124

- 3) Income for establishing sales/rental price
Use 90% of AHC;
10% to be affordable to households with 75% of AHC; 10% to be affordable to households with 65% of AHC

Income for establishing sales/rental price
Use 90% of 94%

	Low	Moderate
1 Person	12,159	19,458
2 Person	13,896	22,230
3 Person	15,633	25,011
4 Person	17,370	27,792

	Low	Moderate
	11,429	18,290
	13,062	20,896
	14,695	23,510
	16,328	26,124

(In the alternative, for purposes of 2) and 3), we might suggest using AHC guidelines for 50% of the households, and the guidelines set forth in the current settlement for the remaining households.)

- 4) [Phase all development over 3 years beginning 1-1-87]
- 5) Acceptance of [117] 250 units as Township Obligation through 1993
- 6) Amount over [117] 250 units to be credited to future obligation

Phased over next 2 years
Township Obligation is 573 units through 1992
Amount over 573 units to be credited to future obligation

7) Total Obligation [240] 350 units:

	Low	Moderate
Trust Fund (rental)	60	60
Tamarron (sale)	40	-
Amberwood (rental)	[-] <u>55</u>	[-] <u>55</u>
Other (sale)	20	60
	[120] <u>175</u>	[120] <u>175</u>
% L/M	50%	50%

Total Obligation 573
units:

Low	Moderate
60	60
40	-
125	288
-	-
225	348
39.2%	60.8%

8) [Priority] First 15 moderate and 15 low units to Twp Residents and [Second Priority to] employees in Twp, remainder no priority

No priority approved

9) Marketing to W. Central Region

Marketing to 11 county region

10) [Option of using Trust Fund to transfer up to 50% of obligation to another community]

No Transfer

11) Credit for rehabilitation of 2 units since 4-1-80

Credit for rehabilitation of 2 units since 4-1-80

12) [Credit for 13 units of L/M income housing in Landing Apts through 1992]

No credit for Forrestal Village (Landing Apts)

13) Builders remedy for units in new development of 4+ units/acre

Builders remedy for units in new development of 4+ units/acre

14) Certification through 1-1-93

Certification through 1-1-92

15) 20 year control on affordability

30 year control on affordability

16) [Credit for existing housing that meets affordability index on an annual basis]

No credit for existing housing if not permanent

D R A F T

Dear Mr. Pidgeon:

Enclosed please find the Civic League's response to Plainsboro's proposal to modify the Consent Judgment. As you will note, the Civic League is willing to make significant compromises, particularly with regard to the fair share number. This is contingent, however, upon construction of said units within the two-year period set forth in the current settlement.

While there may be minor modifications with respect to the various elements of the Civic League's counter-proposal, the major concessions already made essentially represent plaintiffs' final position.

We are hopeful that agreement can be reached within these parameters so that both parties may avoid the expense and the risks of further litigation. As set forth in the enclosed article from The Record dated September 14, 1986, the Appellate Division recently denied Mahwah's motion to vacate its Consent Judgment and transfer to the Council. As you will note, Mahwah remains obligated to provide the agreed upon 694 units, despite the Council's fair share number of 296.

Naturally, this letter is submitted for purposes of settlement only and shall not be used in any litigation.

Very truly yours,

encls

bcc/PS: Roy, John, Eric, Bob (w/encls)

According to Brian Campion, attorney for Mahwah, since the Consent was entered into while the case was pending in the Appellate Division, and therefore approved by the Appellate Division, the motion to vacate and transfer was filed there. There was no decision, just a form checked "denied." I've got phone calls in to get the briefs.

BS

Mahwah loses Mt. Laurel appeal

By Paul Davidson

Staff Writer 9/14/86

An appeals court has turned down Mahwah's request to nullify a court order to provide for 694 affordable-housing units, even though the state has recommended that the township need allow for only 296.

In a decision filed Sept. 2, Judge David E. Furman of the Appellate Division of Superior Court upheld a February 1985 order requiring the township to rezone property to accommodate the dwellings, Campion said.

Township officials expressed little surprise at the decision, saying they knew it was unlikely the appeals court would

overturn a Superior Court order and a settlement with developers. As a result, officials said they probably will not appeal to the state Supreme Court.

'We didn't have much hope'

"We didn't have much hope for the appeal we already made," said the township council president, William Raquet, at a meeting Thursday.

Brian Campion, a township attorney, said the council will make a final decision next week. Its options include appealing the ruling and trying to renegotiate the settlement, said Campion.

Under the Mount Laurel II

ruling, the township had been ordered by a Superior Court judge to rezone property to make way for 694 low- and moderate-income units. Although the township appealed, it reached an out-of-court settlement with several developers to permit construction of five developments with about 3,400 units, 20 percent of them to be for low- and moderate-income residents.

In May, however, the township asked the appeals court to set aside the court order, affirming the settlement. After the state Affordable Housing Council said that Mahwah need provide for only 296 units