

~~Ch. League~~ Pleinsboro

(1986)

2nd drafts of center proposal and transmittal
letter regarding Pleinsboro

4 pgs

ML000303P

THE STATE UNIVERSITY OF NEW JERSEY
RUTGERS
Campus at Newark

School of Law-Newark • Constitutional Litigation Clinic
S.I. Newhouse Center For Law and Justice
15 Washington Street • Newark • New Jersey 07102-3192 • 201/648-5687

September 24, 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 second drafts of
counterproposal and transmittal letter regarding
Plainsboro. Please call me with your comments.

Sincerely,



encls

cc/Alan, John, Eric, Bob

S E C O N D 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.

We have been advised by Alan Mallach that in his view, no meaningful filtering is likely to take place in Plainsboro in the foreseeable future. Moreover, we have been informed that there may well be a readjustment of Plainsboro's fair share by the Council in response to Princeton's demand for recalculation. We have been advised that Princeton's zip code, the basis for the Council's fair share determination, arguably encompasses part of Plainsboro.

For purposes of settlement, as you will recall, the Civic League agreed to a fair share number based on Plainsboro's zip code area. Reopening the Consent Order, which the Civic League still considers more than fair to Plainsboro, will probably result in reopening this issue. As we discussed, the North Brunswick Town Council recently voted against seeking to renege on its settlement. Old Bridge, too, has apparently reconsidered its earlier decision to attempt to reopen its 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 solely for purposes of settlement and shall not be used in any litigation.

Very truly yours,

encls

bcc/Roy, Alan, John, Eric, Bob (w/encls)

SECOND DRAFT

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

Current Settlement

1) [Use AHC Region - Middlesex, Somerset,
Warren, Hunterdon]

11 County Region -
including Hudson,
Essex, Bergen Co.

2) [Use AHC income guidelines for maximum
qualifying income

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

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

4) [Phase all development over 3 years
beginning 1-1-87]

Phased over next 2 years

5) Acceptance of [117] 350 units as
Township Obligation through 1993

Township Obligation is
573 units through 1992

6) Amount over [117] 350 units to be
credited to future obligation

Amount over 573 units to
be credited to future
obligation

7) Total Obligation [240] 530 units:

	Low	Moderate
Trust Fund (rental)	60	60
Tamarron (sale)	40	-
Amberwood (rental)	[-] <u>88</u>	[-] <u>202</u>
Other (sale)	20	60
	[120] <u>208</u>	[120] <u>322</u>
% L/M	[50%] <u>39.2%</u>	[50%] <u>60.8%</u>

Total Obligation 573
units:

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

8) [Priority to Twp Residents]
10% of units may be reserved for nonresident employees in Twp, remainder no priority

No priority approved

9) Marketing to W. Central Region
including Mercer County

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] 30 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