

South Plainfield 1985 (Nov. 3)

Draft of letter from expert to judge re: zoning ordinance
pgs. 3

ML000350L

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Hon. Eugene D. Serpentelli, AJSC
Superior Court
Ocean County Court House
Toms River, N.J. 08753

Urban League v. Carteret
No. C 4122-73
South Plainfield

Dear Judge Serpentelli,

I have reviewed the amendment to the Zoning Ordinance of South Plainfield, dated July 8, 1985, and an ordinance creating an Affordable Housing Agency for the Borough of South Plainfield, dated January 8, 1985. I will address these two documents separately.

1) Ordinance No. 1009 "An Ordinance Amending Ordinance #801 Entitled Zoning Ordinance of the Borough of South Plainfield, 1978."

This amendment to the existing zoning ordinance appears satisfactory for the purpose of providing opportunities for higher density residential development which would facilitate the construction of housing for low and moderate income households. There are a few points to be made that might clarify requirements for property owners.

A) In the PRD-1 zone, it should be clarified whether front, rear and side yard and lot coverage requirements on "principal buildings" in townhouse developments do or do not apply to units being sold fee simple. A minimum building width and lot size is given [711.2-c-(1), (9), (11)] for individual lots, but if those standards are combined with yard and the only given coverage requirements, the townhouse lots would become unbuildable. This is particularly true of the lot size and coverage standards for the low and moderate income units.

B) In section 714 SC-1 Multi-Family Residential, which is a zone restricted to senior citizen housing, the requirements for each principal building are the same as those for the multi-family residential zone with the exception of the storage requirements.

I would suggest that the laundry requirements for senior citizen housing be modified to reflect the common practice found in

MUNICIPALITY:

1980 Total Occupied Housing Units
Present Number of Deficiencies
Percent of Occupied Units
Share of Excess Deficiencies
from Core Area
Total Present Need

1990 South Metro Prospective Need
Fair Share Formula:

$$\begin{array}{l} \text{Percent of} \\ \text{South Metro} \\ \text{increase in} \\ \text{covered employ.} \end{array} + \begin{array}{l} \text{Percent of} \\ \text{South Metro} \\ \text{increase in} \\ \text{comm/indust.} \\ \text{ratables} \end{array} + \begin{array}{l} \text{Percent of} \\ \text{South Metro} \\ \text{Vacant Devel.} \\ \text{"Growth" Area} \end{array} \div 3 = \begin{array}{l} \text{Percent of} \\ \text{South Metro} \\ \text{Prospective Need} \end{array}$$

Total Prospective Need

Total Present and Prospective Need

Low Income
Moderate Income

senior citizen developments. Generally, one washer is provided, and found adequate, for twenty five apartments, and one dryer is provided for three washers. In a 100 unit or 150 unit building, a laundry room adequate for 10 or 15 washers and 10 or 15 dryers would take on the proportions of a commercial laundromat. It would generate cost to the developer far in excess of possible income on the machines, and would provide a laundry facility in excess of need.

Other than these two comments, the standards and requirements set forth in the amendment to the zoning ordinance for South Plainfield appear to be satisfactory to achieve the goal of construction of low and moderate income housing.

2) Ordinance No. 1010, Affordable Housing Ordinance of the Borough of South Plainfield.

This ordinance creates an Affordable Housing Agency to monitor the provision of low and moderate income housing units, and to monitor the rents and sale prices of those units, as well as their continued affordability for low and moderate households.

In general this ordinance appears satisfactory for the accomplishment of its stated purpose. There are, however, a few points which might be modified and or clarified in order to facilitate the successful functioning of the new agency established by the ordinance.

A) Section 601 (d): The formula for determining resale price of any low or moderate income unit should specify at the outset (preferably in the deed) what capital improvements to the property will be approved by the agency at the time of resale, and what value of capital improvements, as a percentage of the initial sales price, will be approved, i.e., not exceeding ten percent of the initial sales price, etc. If "costs of the sale" refers to the usual closing costs, these are traditionally absorbed by the buyer and seller, and should not be considered legitimate costs to pass through to the new purchaser. The formula approved by the agency must ensure affordability for the 30 year period starting at the initial sale. Therefore, the formula must be structured in a way that protects the new purchaser while making it clear from the start what the profit limitations will be at time of resale.

In order to avoid misunderstandings and possible litigation, the deed for any sales unit should reflect the restrictions on the resale of the unit.

B) Section 900: The requirement to notify all government social service and public welfare departments located in the eleven county present need region may be excessive, and may result in unwarranted expectations of solutions to housing problems. To notify public welfare departments in several hundred towns about sales units which in no case will be available to recipients of public assistance seems administratively cumbersome and perhaps

MUNICIPALITY: South Plainfield

1980 Total Occupied Housing Units	6224
Present Number of Deficiencies	152
Percent of Occupied Units	2.4%
Share of Excess Deficiencies from Core Area	203
Total Present Need	355

1990 South Metro Prospective Need

Fair Share Formula:

Percent of South Metro increase in covered employ.	+	Percent of South Metro increase in comm/indust. ratables	+	Percent of South Metro Vacant Devel. "Growth" Area	$\div 3$	=	Percent of South Metro Prospective Need
4.8	+	2.7	+	0.14	3	=	2.5

Additional units for vacancies 36

Total Prospective Need 1463

Total Present and Prospective Need 1818

Low Income 1151

Moderate Income 667

even unintentionally misleading to people seeking housing. It would seem more important to require at least two advertisements in the newspapers described in this section, one of which advertisements should be in a week-end edition. That, in combination with fair housing offices and housing referral organizations mentioned, should provide ample coverage of the appropriate market.

C) Section 1001 (d): I would strengthen this purpose to indicate several means for ensuring affordability after the foreclosure. It would be appropriate for the agency to indicate it intended to work closely with lenders to provide names of eligible purchasers, and to indicate that the developers of low and moderate income units would incorporate into deeds some rights of the Agency to intervene prior to foreclosure to provide financial counseling or to locate an eligible purchaser.

D) Section 1003.1 (a): The potential modification by the Borough Council of the Agency's rules and regulations should be placed within time parameters, thirty days following submission of rules and regulations to the Borough Council should be adequate for any modifications to be made by that body.

I hope these comments will be useful. Please let me know if I can provide any additional information.

Sincerely,

Carla L. Lerman, P.P.

Table of Contents

	<u>Page</u>
Summary	1
Introduction	4
Defining the Region	8
Determining Present Need: Defining the Needs Group	19
Measuring Present Need	22
Allocation of Present Need: The Fair Share	24
Defining Prospective Need: Population Projection	29
Household Size Projection	31
Household INcome Projection	32
Determining Prospective Housing Need	33
Determining Fair Share Allocation	34
Bibliography	
Appendix: Tables 1 - 12	