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Far Hills
Harris v. Far Hills

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Response to Compliance Report of
George Raymond & R Matter
of Mt. Laurel Housing, Far Hills,
NJ. by Dresdner.

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RESPONSE TO
COMPLIANCE REPORT OF GEORGE RAYMOND
ON THE MATTER OF
MT. LAUREL HOUSING,
FAR HILLS, NEW JERSEY

FOR: THE BOROUGH COUNCIL OF
THE BOROUGH OF FAR HILLS

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AUGUST, 1985

RESPONSE TO
COMPLIANCE REPORT OF GEORGE RAYMOND
ON THE MATTER OF
MT. LAUREL HOUSING

FAR HILLS

Background

In his compliance report regarding the proposed Mt. Laurel housing in Far Hills, Mr. George Raymond, the court appointed zoning master, made many recommendations relating to zoning standards and procedures for Mt. Laurel housing. The following discussion is a presentation of the Borough's position on four elements in Mr. Raymond's letter:

- height of Mt. Laurel units;
- rental of units;
- resale units; and
- monitoring agency.

Height of Mt. Laurel Units

The maximum height of residential building in Far Hills according to the current ordinance (and its predecessor ordinance) is 35'. Indeed, the maximum height of any building in the Borough is 35'. The applicant proposed a height not to exceed 30' for market units and 40' (three stories) for subsidized units.

It is our opinion that (i) a 40' building is unnecessarily high for a three-story building and (ii) it is inconsistent with the surrounding residential development:

- (i) The proposed 40' height is more consistent with a four-story building (four 10' storys) than a three-story building. The necessary units can be accommodated by either altering the roof shape and/or placing the first floor level three feet below ground level. Lowering the first floor will still permit light and air through windows, and there will be no degradation of living quality.
- (ii) Two 40' buildings, as prepared, will dominate the proposed development by virtue of their height and location in proximity to Route 202. The visual character of the proposed development will be established from Route 202 which is the main approach to the project. Thus, the first view of the development will be the 40' buildings which represent, in actuality, only a small portion of the project. These 40' buildings will be the tallest buildings in the Borough.

We are of the opinion that (i) the 40' height is unnecessary, (ii) it will adversely affect the adjacent area and (iii) is inconsistent with the general character of the Borough. We, therefore, recommend that the height of buildings of the Mt. Laurel housing not exceed 35 feet.

Rental of Units

It is the intent of the Borough that Mt. Laurel units be "for sale". These "for sale" units will be strictly monitored to assure that they are purchased by only low- and moderate-income families. Rental of units by low- and moderate-income owners will be discouraged to prevent potential abuses such as rental to over-income families, key money contributors, etc. However, under special conditions the units may be rented to low- and moderate-income families subject to certain restrictions and procedures which will be defined by the administering agency.

This subject was discussed at an early meeting with the developer, Mr. Raymond and representatives of the Borough. It is our understanding that the parties at that meeting agreed to the sale of units to low-and moderate-income families.

Resale Units

It is important that the Mt. Laurel units house low- and moderate income families only. We, therefore, intend to incorporate restrictive covenants requiring that when an owner exceeds the moderate-income limits, the owner would be required to sell the unit to a qualifying family in the same income category of the owner at the time of the original purchase. For example, if a moderate-income family's income were to increase above the established limits, the family would be required to sell the unit to a qualifying moderate income family.

This would, of course, require monitoring of Mt. Laurel families to assure that only qualified (in terms of income) families are residing in these units. Such monitoring would be done on an annual basis. The purpose and functions of the monitoring agency are discussed below.

Monitoring Agency

The Borough agrees that it is preferable that the Mt. Laurel housing be administered by a public agency rather than by the developer. The Borough originally preferred administration by the developer, but we are now persuaded by Mr. Raymond that a public agency is more appropriate. Following is proposed legislation for a municipal monitoring agency to be called, The Affordable Housing Agency of the Borough of Far Hills.

ARTICLE 1
PROPOSED ORDINANCE AMENDMENT
AFFORDABLE HOUSING AGENCY

1.0 Creation and Composition

There is hereby created an agency known as "The Affordable Housing Agency of the Borough of Far Hills, " hereinafter referred to as "Agency."

1.1 The Agency shall consist of five (5) members, all of whom shall be appointed by the Mayor with the advice and consent of the Borough Council. A chairperson shall be selected by vote of the members.

1.2 Attendance by three (3) members shall constitute a quorum. Passage of any motion requires an affirmative vote by a majority of members present.

1.3 The initial term of office of the Agency members shall be one (1), two (2) or three (3) years, to be designated by the Mayor in making the appointment. The terms of office shall thereafter be three (3) years. The appointments shall be made in such a manner so that the terms of approximately one-third (1/3) of the members shall expire each year.

2.0 Vacancies; Removal for Cause.

The Mayor may remove any members of the Agency for cause on written charges served upon the members and after a hearing thereon before the Mayor and Council, at which time the members shall be entitled to be heard, either in person or by Counsel. A vacancy in the Agency occurring otherwise than by expiration of the term shall be filled for the unexpired term in the same manner as an original appointment.

3.0 Powers and Responsibilities.

The Agency is hereby granted and shall have and exercise, in addition to other powers herein granted, all the powers necessary and appropriate to carry out and execute the purposes of this Ordinance, including but not limited to the following:

3.1 To prepare and forward to the Borough Council such rules and regulations as it deems necessary or appropriate to implement the purposes of this Ordinance. Said rules and regulations shall be filed with the Borough Clerk and shall be subject to review and modification by the Borough Council.

- 3.2 To establish and maintain standards and qualifications for the development and occupancy of affordable housing consistent with the purposes of Mt. Laurel II including income limits of qualifying low and moderate income households of various sizes and sales prices of affordable housing as related to income limits. All such standards shall be adjusted annually if conditions so dictate.
- 3.3 To provide for the adjustment of sales prices consistent with increases in the cost of living.
- 3.4 To monitor the continued existence of low or moderately priced dwelling units as such by: (i) reviewing the qualifications of prospective purchasers to confirm that they are families of low or moderate income, (ii) determining the maximum resale prices of the low and moderately priced dwelling units to assure that the units remain affordable to families of low or moderate income, and (iii) requiring that a covenant be recorded with each deed restricting resale to families of low and moderate income.
- 3.5 To establish limitations on the degree to which resale prices may be increased when physical improvements are made to housing units in order to insure that such units remain affordable to low and moderate income households.
- 3.6 To provide for the short-term rental of units to low- and moderate-income families for good, proper and appropriate reasons.

4.0 Appropriation of Funds.

The Borough Council shall appropriate such funds as are necessary for the operation of the Affordable Housing Agency and for the operation of the Affordable Housing Agency may employ such technical and professional staff and consultants as may be necessary to carry out its duties and responsibilities and to fulfill the purposes of this Article.

5.0 Administration.

This Article shall be administered and enforced by the Agency. The Borough Council may enact such supplementary ordinances providing necessary implementing measures, including establishment of penalties and other appropriate rules and regulations, for purposes consistent with this Article and to ensure compliance with applicable judicial and statutory law.

6.0 Effect.

This Ordinance shall take effect as provided by law and upon issuance by the Superior Court of New Jersey of a Judgement of Compliance by the Borough of Far Hills with the Mt. Laurel II decision.

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