

Hillsborough Litigation

8/20/97

Letter re: motion for remand from NJ council
on affordable housing
w/ referenced letter attached

pgs 4

HI 000047L

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REPLY TO

WOODBRIIDGE

VIA FACSIMILE AND REGULAR MAIL

August 20, 1997

Emille R. Cox, Clerk
Superior Court of New Jersey
Appellate Division
R. J. Hughes Justice Complex
CN 006
Trenton, New Jersey 08625
ATTN: KHARIS SEPULVEDA

RE: Motion for Remand from New Jersey Council on Affordable Housing

IN THE MATTER OF THE PETITION FOR SUBSTANTIVE CERTIFICATION OF
THE HOUSING ELEMENT AND FAIR SHARE PLAN OF THE TOWNSHIP OF
HILLSBOROUGH, SOMERSET COUNTY
DOCKET NO. A-5349-95-T1

Dear Mr. Sepulveda:

Following up on our telephone conversation, this is to acknowledge that my August 11 letter, with respect to the above referenced motion to remand, erroneously attributed the August 6 supplemental letter by the Council on Affordable Housing to Mr. Lloyd. Mr. Lloyd has pointed out this error to me. I apologize to him as I do to the Court.

However, the point made in the August 11 letter that remand will cause an inappropriate delay remains valid. My comments with respect to the Appellant's change of stance were, of course, erroneous since the August 6 letter came from the Council on

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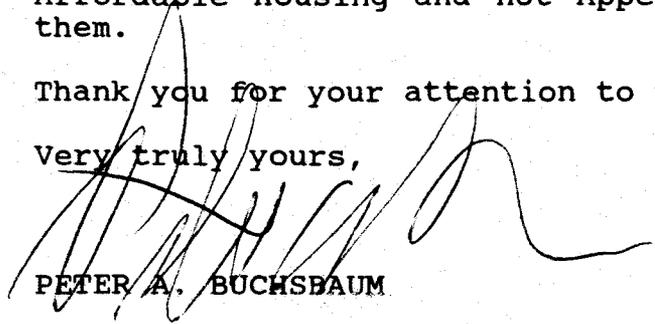
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Affordable Housing and not Appellant and accordingly I withdraw them.

Thank you for your attention to the above.

Very truly yours,

A handwritten signature in black ink, appearing to read "Peter A. Buchsbaum", written over the typed name below.

PETER A. BUCHSBAUM

PAB/pas

cc: William P. Malloy, Esq. - via Regular Mail
Edward Lloyd, Esq. - via Regular Mail
John M. Payne, Esq. - via Regular Mail
Frank Yurasko, Esq. - via Regular Mail
Ronald L. Shimanowitz, Esq. - via Regular Mail
Stephen Eisdorfer, Esq. - via Regular Mail
Edward Halpern, Esq. - via Regular Mail

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REPLY TO

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August 11, 1997

VIA FEDERAL EXPRESS

Emille R. Cox, Clerk
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RE: IN THE MATTER OF THE PETITION FOR SUBSTANTIVE CERTIFICATION OF
THE HOUSING ELEMENT AND FAIR SHARE PLAN OF THE TOWNSHIP OF
HILLSBOROUGH, SOMERSET COUNTY
DOCKET NO. A-5349-95-T1

Dear Mr. Cox:

I am responding on behalf of the respondent Hillsborough Alliance for Adult Living ("HAAL") to the August 6 supplemental letter from Appellant's counsel, Mr. Lloyd, with respect to the COAH motion for a remand in the above referenced matter. Mr. Lloyd indicates that he is no longer concerned about delay in the proceedings that might be occasioned by a remand. However, we express concern, as Mr. Lloyd had originally, that such a remand would cause a severe delay in these proceedings. We add that such delay would prejudice HAAL, which has been in the process of developing its property since 1991, and the remand could result in Mt. Laurel housing on its site being in the judicial process for another year.

Moreover, we do not believe that the concerns about timeliness are obviated by the circumstance to which Mr. Lloyd now points, namely

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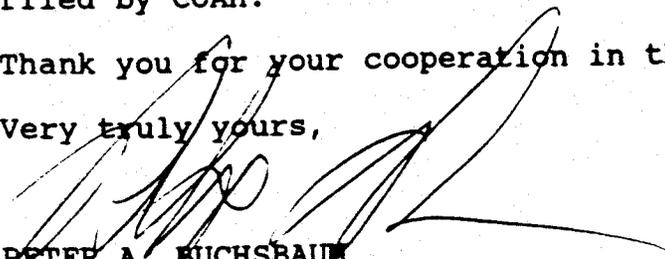
that Hillsborough did comply with COAH's reporting requirements. The problem is, as originally pointed out by Mr. Lloyd in his August 1 response, the inconsistency in what the Township has reported. That problem remains.

Therefore, we do not think Appellant has explained its change of stance. While its new position would place the implementation of a development on a further hold, it does not serve the interests of justice or the needs of lower income persons for affordable housing.

We accordingly restate our opposition to the motion for remand filed by COAH.

Thank you for your cooperation in this matter.

Very truly yours,



PETER A. BUCHSBAUM

PAB/pas

cc: William P. Malloy, Esq. - via Regular Mail
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John M. Payne, Esq. - via Regular Mail
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