

Hillsborough Litigation

9/25/97

Letter from Shimanowitz of Hutt & Berkow to Bishop re: the Gateway at  
Sunnymeade development proposed in Hillsborough Twp.

3 pages

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OUR FILE NO.

September 25, 1997

Via Fax and Regular Mail

Ms. Shirley Bishop, Exec. Dir.  
 Council on Affordable Housing  
 101 South Broad Street  
 CN 813  
 Trenton, NJ 08625-0813

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,  
 SUBSTANTIVE CERTIFICATION 31-99, DOCKET NO

Dear Ms. Bishop:

This firm represents PEC Builder's, Inc. (Anatol Hiller, et al.) with regard to the Gateway at Sunnymeade development proposed in Hillsborough Township. This developer, as an objector to the Hillsborough Township Housing Element and Fair Share Plan, proposed inclusionary development of this site in 1995. The Gateway site was not included in the Plan and COAH granted substantive certification in 1996 to Hillsborough Township. We are in receipt of motion papers filed on behalf of Hillsborough Alliance for Adult Living, L.P., and U.S. Home Corp. ("HAAL"), seeking enforcement by COAH of its grant of substantive certification to Hillsborough Township. HAAL seeks two forms of relief: first, an order requiring Hillsborough to approve amendments to the Water Quality Management Plan including the HAAL site, and, second, an order barring the Hillsborough Township Committee from eliminating or changing the PAC/HCF zoning on the HAAL site.

Gateway at Sunnymeade opposes the relief requested. The terms of the COAH substantive certification were straightforward: "...in the event that the PAC/HCF site is not approved for inclusion in the 208 plan amendment, Hillsborough shall be required to amend its housing element and fair share plan to address the 160 units in another manner..." Simply put, if the Township has

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not satisfied this condition of the substantive certification, which it indisputably has not, 16 months after the grant of substantive certification, then COAH should order the Township to so amend its Housing Element and Fair Share Plan or revoke the substantive certification.

Importantly, the proposed Gateway at Sunnymeade development can immediately fill this 160 unit obligation gap in the Township's Housing Element and Fair Share Plan. The site is located entirely in Planning Area 2 - Suburban Planning Area under the State Development and Redevelopment Plan. The site is located entirely within the NJDEP-approved sewer service area in the current Upper Raritan Water Quality Management Plan. This site has been, and still is, within the sewer service area of the Hillsborough Township Wastewater Management Plan. The site is "available, developable, suitable and approvable" as required by COAH rules for inclusionary development sites. The Gateway site fronts on Route 206, is surrounded by existing development, and has both water and sewer utilities at the site. The developer of Gateway at Sunnymeade is experienced, well-funded, and ready to build now the affordable housing needed to fulfill the Township's affordable housing obligation. In fact, Gateway at Sunnymeade has a pending application before the Hillsborough Township Planning Board seeking classification of its 240.2 acre tract as a PAC/HCF, which would include low and moderate income housing.

COAH should respond to the HAAL motion by issuing an order requiring the Township to amend its Housing Element and Fair Share Plan to include the 240 acre Gateway at Sunnymeade site, so that a realistic opportunity for the construction of affordable housing is provided in Hillsborough without further delay.

Should you have any questions with regard to the above please do not hesitate to contact me.

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Thank you for your attention in this matter.

Very truly yours,

  
RONALD L. SHIMANOWITZ  
FOR THE FIRM

RLS/ap

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