

Hillsborough Litigation

3/27/98

Letter from Lloyd ^{on behalf of NJ Future, Inc.} to Bishop in support of the Motion to Intervene
filed by "friends."

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March 27, 1998

Shirley Bishop, Executive Director (Via fax 609-633-6056)
Council on Affordable Housing
State of New Jersey
101 South Broad Street
CN-113
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

Dear Ms. Bishop:

Please accept this letter submitted on behalf of New Jersey Future, Inc. in support of the Motion to Intervene filed by Friends of Hillsborough (hereinafter "Friends") in the above captioned matter.

Friends satisfies the four requirements for intervention as of right: Friends has a significant interest in this matter; disposition of this issue will impede its ability to protect its interests; its interests are not adequately represented at present by any other party; and their application is timely. See N.J. Ct. Rule 4:33-1.

There can be little doubt that Friends has an interest relating to the subject matter of this proceeding. Most of Friends' members reside in Hillsborough Township. Additionally, some of its members live in the immediate vicinity of the single inclusionary development site in Hillsborough's present plan. Local citizens in a rural community obviously have an interest regarding a huge housing project that will substantially increase their population, increase traffic congestion and strain local resources.

Nor can it be seriously disputed that a negative disposition in this matter will substantially impede Friends' ability to protect its interests. Friends' goals are "to promote planning, conservation, and development policies that will create a sustainable future for Hillsborough Township." Allowing the Planned Adult Community/Health

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Care Facility to proceed would strike a mortal blow to any hopes of conservation and planned development in Hillsborough, especially in the western section of the Township where most of Friends' members reside.

No other party represents the interests of Friends. Friends is a local group. Friends represents the lifeblood of a community who will be profoundly affected by the present matter and who must wrestle with the ramifications to the local community for years to come. For example, none of the present parties asserts the impact on traffic and none of the present parties has addressed the concern regarding a strain on cultural resources. The present parties do not represent the community of Hillsborough. While New Jersey Future applauds Friends' views, New Jersey Future's agenda is wholly different. New Jersey Future's interest is in statewide development. New Jersey Future's goal is to see that the State Plan becomes the model for development in New Jersey. Friends, on the other hand, is concerned solely with the local development issues. Additionally, Friends' papers state, at length, why their interest are not aligned with Hillsborough Township or the developer, HAAL. Since Friends' local interests are not adequately represented by any existing party to the action, it should be permitted to intervene.

Edward Lloyd

Friends' application to intervene is timely. The Appellate Division's remand of this matter to COAH directed COAH "to consider all of the materials we have allowed to be added to the record before us . . . along with such other facts as COAH deems relevant . . . and whether any new issues requiring COAH resolution have been presented." This is the first time that COAH will have the opportunity to review this new information. Friends' request to participate in that consideration is timely because there has been no other opportunity for it to present its views before COAH. Friends' motion for intervention should be granted because Friends has provided and will provide new and relevant information ensuring an adequate and complete

record regarding the new information which has been accumulated since COAH's original decision in 1996. As COAH is aware, Friends participated in a hearing on this matter in September 1997, when HAAL petitioned COAH for relief. See letter from Friends to COAH dated September 25, 1997. Intervention was not appropriate at that time because the Appellate Division had not remanded the matter and COAH lacked jurisdiction. As the Council is also now aware, the Superior Court, Law Division, granted Friends' motion to intervene in an action brought by HAAL against the Township of Hillsborough. Friends should be allowed to intervene in the present matter.

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The heart of the remand to COAH is the ongoing validity of Hillsborough's fair share plan. Friends has standing to object to a petition for substantive certification. Friends should be permitted to intervene in this matter. Should the Council decide not to grant intervention to Friends, Friends should, at a minimum, be given the opportunity to present factual information and its concerns before COAH as a participant in these proceedings.

CONCLUSION

For the foregoing reasons, Friends' motion to intervene as a party to these proceedings should be granted.

Respectfully submitted,



Edward Lloyd

Edward Lloyd
John Payne
Counsel for New Jersey Future, Inc

FAX TRANSMISSION

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