

To: The Editor

This letter is in response to the column in the August 1, 2019 edition of the *Echoes Sentinel* entitled “Solutions for Long Hill’s Affordable Housing Predicament,” which contains numerous factual misstatements as well as a series of nice in theory, but impracticable or impossible in reality suggestions. We will address only the most glaring cases here. Although the author is a member of the Lounsberry Meadow Board of Trustees, he clearly does not understand the current affordable housing process in New Jersey. That is especially true with respect to his statement that, “While admirable, recent efforts by township leaders to repair or sell the system to a capable owner will have an unintended downside, giving us capacity to support substantial residential development.” In fact, the Township has a court-ordered obligation to provide for 54 affordable housing units, regardless of whether or not the sanitary sewer system is sold to New Jersey American Water. The settlement agreement with Fair Share Housing Center (“FSHC”), which was incorporated by the Court as part of its approval of the Township’s Housing Element and Fair Share Plan, states that:

“As an essential term of this settlement, the Township represents that it is diligently attempting to remedy the sewer capacity issue that has led to the Township to be constricted by a voluntary sewer service moratorium since 2000. The Township intends to either sell the utility to a private entity or to bond for the necessary further upgrades needed to the utility.”

The settlement agreement goes on to provide that:

“FSHC shall have the right to review the Township’s plan at both the mid-point review on July 1, 2020 and again at the five year anniversary and may move to remove the Township’s repose in the event that the necessary sewer upgrades have not been substantially resolved by that date.”

In other words, if the Township does not sell its sanitary sewer system to New Jersey American Water Company, it will have to bond the millions of dollars necessary to upgrade the plant and remove the sewer ban, or it will be subject to builders’ remedy lawsuits, which means that builders and not the Township will decide the location, density and number of affordable housing units in town. If that happens, the Township and its residents will no longer control their own destiny.

As required by the court judgment, the Township has already adopted a \$7 million bond ordinance to finance the cost of constructing the necessary improvements to the sewer plant. If the referendum is defeated, the residents of Long Hill Township will have to pay down that debt as it comes due. If the sale to New Jersey American Water is approved, that obligation will go away.

The author of the column goes on to say that, “If all four sites are fully built to this exacting requirement, this adds up to either 54 or 72 of the 122, depending on whether they are rented or sold as condominiums and whether targeted to seniors or families. However, this still leaves us 50 or even 68 short.” This last sentence is wrong. As a result of bonuses and other

credits, the Township only has to provide 54 rental set-aside units (or 72 if they are for-sale units), and there will be no shortfall to make up.

The author also mistakenly thinks that, “. . . once the sewer limitation is removed, private developers will undoubtedly push for more density and more housing on more sites, using the Fair Share Plan as justification.” In fact, the exact opposite is true. Since the Township has a judgment of repose, developers cannot file builders’ remedy lawsuits against the Township and cannot force the Township to allow more affordable housing, or more affordable housing sites, or higher densities on the existing sites. As a result of the settlement, the Township is fully protected through 2025.

The author also mistakenly thinks that a “. . . developer who finds a way to develop one of these lucky sites holds all the cards . . .” In fact, number of units that can be constructed on each of the four affordable housing sites is established in the Court order protecting the Township against future builders’ remedy lawsuits.

The author then goes on to blame the Township for its Mount Laurel obligation saying that “Neighbors are rightly angry at seeing such dramatic choices being made insensitive to the township’s character.” If the author has a problem with the Mount Laurel doctrine, then he needs to complain to the New Jersey Supreme Court and not the Long Hill Township Committee. The Township had no choice but to settle its Mount Laurel lawsuit. If it had not done so, builders would have run roughshod over the Township with more high density developments. What the author may not realize is that FSHC’s expert fixed the Township’s affordable housing obligation at 470 units, so if we did not settle, we faced the prospect of developers building more than 2,000 new housing units to satisfy that 470 number.

The author is right when he praises the Lounsberry Meadow project. What he apparently does not understand is that the foresight of the Township Committee in 1988 not only satisfied the Township’s first and second round Mount Laurel obligations, it is also helping us satisfy our third and fourth round obligations which will run through 2035. Between carryover credits and bonus credits for the extension of affordability controls at Lounsberry, the Township received a total of 41 credits toward its 163 units of durationally-adjusted need. In other words, the wisdom of the Township Committee in 1988 allowed the Township to avoid the construction of between 205 and 273 additional housing units in the Township between 2015 and 2035.

The author then recommends scrapping the Township’s Fair Share Plan and pursuing “. . . township-directed housing development . . .” What he does not seem to understand is that even if potential developers receive tax credits, the Township would still have to buy the land and donate it to the developer and would then have to further subsidize the development, all at taxpayers’ expense. In other words, the Township would have to borrow even more money to follow that scenario. It should also be pointed out that there are legitimate planning arguments against locating all of the affordable housing units at one location. In any event, one hundred percent affordable housing was not an option at the time of our settlement because the Township did not have a developer with a site that was zoned for 100% affordable housing with available sewer capacity.

Finally, the author praises nearby towns such as Watchung, Cedar Knolls and Hillsborough for having “. . . engaged with private builder-owners on successful projects . . .” If he had dug a little deeper, he would have discovered that Watchung’s settlement is for 225 affordable units, most of which are set-aside units, as compared to Long Hill Township’s 54 units. He also cites Hillsborough, but he apparently does not realize that Hillsborough’s Mount Laurel case is still pending. Cedar Knolls, also cited by the author, is an unincorporated community that is part of Hanover Township, so it has no independent Mount Laurel obligation. The author conveniently does not mention our neighbor, Warren Township, but as an article in the September 13 edition of this newspaper reported, Warren Township’s affordable housing plan has just received final court approval and it requires the building of approximately 1000 new homes, 362 of which would be set aside for low- and moderate-income housing. It is no wonder that the author did not mention Warren in his op-ed.

It is clear that the author’s proposed scenario is a pipe dream, while the Township’s settlement with Fair Share Housing Center protects the Township and its residents from builders’ remedy lawsuits which would have resulted in hundreds of additional units being constructed at sites chosen by developers and at densities chosen by the developers.

In closing, we just want to remind the author that not only did the Township build and finance the construction of Lounsberry Meadow, it also voluntarily donated \$403,747 from its Affordable Housing Trust Fund to Lounsberry in 2012 for health and safety improvements and affordability assistance. Without the Township’s involvement there would not be a Lounsberry Meadow.

Matt Dorsi, Mayor
Guy Piserchia, Deputy Mayor
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