



TOWNSHIP OF SOUTH BRUNSWICK

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Via Email and Hand Delivery

April 14, 2016

Honorable Douglas K. Wolfson, J.S.C.
Superior Court of New Jersey
Middlesex County Courthouse
56 Paterson Street
P.O. Box 964
New Brunswick, NJ 08903-0964

Re: In the Matter of the Application of the Township of South Brunswick
Docket No. MID-L-3878-15
Our File No. L1347

Dear Judge Wolfson:

Pursuant to the Court's Order of March 9, 2016, enclosed please find the Township's Final Draft Third Round Plan in the above captioned matter.

I also enclose a certification regarding the Court's directive to have the Mayor and a Council member appear at the Pre-Trial Conference.

Thank you for your considerations in this matter. If you have any questions or comments, please do not hesitate to contact me.

Respectfully yours,

s/ Donald J. Sears

Donald J. Sears
Director of Law

DJS/lw

Cc: Christine Nazzaro-Cofone, PP, Special Master
Robert A. Kasuba, Esq., attorney for AVB
Henry Kent-Smith, Esq., attorney for Richardson
Kenneth D. McPherson, Jr., attorney for SBC
Kevin J. Moore, Esq., attorney for SG
Kevin Walsh, Esq., and Adam Gordon, Esq., attorneys for FSHC
Brett Tanzman, Esq., attorney for Windsor
Benjamin Bucca, Jr., Esq., attorney for SB Planning Board
On notice to all interested parties

SETTLEMENT PROPOSED BY SOUTH BRUNSWICK TOWNSHIP

1999-2015 Gap period: $3,600 \times 60\% = 2,160$, capped to 1,600, further reduced by settlement to 1,160

- ✓ address 280 + 'soft' 70 between 2015 and 2025, in addition to third round prospective need obligation
- ✓ address 405 between 2025 and 2035, in addition to fourth round obligation
- ✓ address 405 between 2035 and 2045, in addition to fifth round obligation

PLUS

2015-2025 Third Round Prospective Need: $3,600 \times 40\% = 1,440$, capped to 1,000

- ✓ address 1,000 between 2015 and 2025, in addition to gap period

Third Round Compliance Mechanisms – “Gap Period” Obligation (1999-2015) = 280 + 70 units (addressed 2015-2025) Prospective Need (2015-2025) = 1,000 units	2015 Third Round Obligation = 1,280 + 70 = 1,350 units		
	Units	Bonuses	Total
Alternative Living Arrangements (all completed)			
Dungarvin Group Homes	8	8	16
Triple C Group Homes	6	6	12
Community Options Group Homes	14	14	28
ARC of Middlesex Group Homes	15	15	30
Alternative Living Arrangements (executed agreement)			
Dungarvin Group Home	4	4	8
Write-down/Buy-Down (Market to Affordable - REACH)			
REACH – inclusionary affordable family sales (10 completed)	12	0	12
REACH – inclusionary affordable family rentals	43	43	86
Extensions of Controls			
Woodhaven / Deans Apts. – completed affordable family rentals	40	0	40
Charleston Place I & II – completed affordable senior rentals	84	0	84
Regal, Monmouth Walk, Nassau Square – inclusionary family sales	97	0	97
Wheeler Road, Major Road, Dungarvin (Cranston Road) Group Homes	10	0	10
Inclusionary Zoning			
Sassman – inclusionary affordable family sale (completed)	1	0	1
Menowitz (Cambridge C.) – court approved, inclus. family sale (85 units)	8	0	8
Windsor Associates – pending P.B. review inclusionary family rentals (72 total units)	11	11	22
SB Center – inclusionary senior/family, rentals/sales (500 total) 15% family rentals	75	75	150
East Meadow Estates – inclusionary family sales (55 total units)	6	0	6
Stanton Girard – family rentals (120 total units - 20% setaside)	24	24	48
Roedel – inclusionary affordable family units (120 total units – 20% setaside)	24	0	24
New Road - inclusionary affordable family units (84 total units – 20% setaside)	17	0	17
Mobile Home Park - Municipal Acquisition/Preservation			
Monmouth Mobile Home Park – inclusionary family sales (ultimately 280 total affordable units – 200 credits anticipated over next ten years: 150 solid, 50 soft)	150	0	150
100% Municipally-Sponsored (9% LIHTC)			
Wilson Farm –afford. senior/special needs rentals total 280/20, senior cap	191/20	20	231
Non-competitive 4% Tax Exempt Bond Financing Backed			
RPM – family rentals/special needs rentals	95/5	95/5	200
SUBTOTAL	960	320	1,280
‘Soft’ 70 units – 50 add'l mobile home units/20 overlay zoning affordable units/add'l REACH			70
TOTAL 1999-2025			1,350

For informational purposes only, the Township’s Prior Round compliance mechanisms are not impacted and the Prior Round chart remains as is as shown below:

South Brunswick’s Prior Round Compliance Mechanisms	Prior Round = 842
Prior Cycle Credits (4.1.80 – 12.15.86)	
Deans Apartments	40
Charleston Place I	54
Inclusionary Developments – completed	
Regal Point – affordable family sales	5
Monmouth Walk – affordable family sales	43
Nassau Square – affordable family sales	49
Summerfield – affordable family sales	70
Deans Pond Crossing – affordable family sales	20
Southridge/Southridge Woods – affordable family rentals	124
Buckingham Place – assisted living – affordable senior units	23
100% Affordable Developments – completed	
Woodhaven – affordable family rentals	80
Charleston Place II – affordable senior rentals	30
Oak Woods – affordable senior rentals	73
Alternative Living Arrangements – completed	
Wheeler Road Group Home (Dev. Resources/Delta Comm.)	3
Major Road Group Home (Dev. Resources/Delta Comm.)	3
CIL Woods	16
CIL Wynwood	7
Dungarvin (30 Cranston Road)	4
Write-Down/Buy-Down	
REACH – affordable family sales (11 of 20 completed)	11
Prior Round Rental Bonuses for completed units = 187	
Southridge/Southridge Woods – family rentals (124 units x 1.0)	124
Woodhaven – family rentals (63 units x 1.0), bonus cap	63
TOTAL	842

Donald J. Sears, Esq.
Township of South Brunswick
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Monmouth Junction, NJ 08852
Phone No.: (732) 329-4000

Attorney for Declaratory Plaintiff,
Township of South Brunswick

<p>IN THE MATTER OF THE APPLICATION OF THE TOWNSHIP OF SOUTH BRUNSWICK FOR A JUDGMENT OF COMPLIANCE AND REPOSE AND TEMPORARY IMMUNITY FROM <u>MOUNT LAUREL</u> LAWSUITS</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION MIDDLESEX COUNTY</p> <p>DOCKET NO.: MID-L-3878-15</p> <p>CIVIL ACTION – <i>MOUNT LAUREL</i></p> <p>CERTIFICATION OF DONALD J. SEARS</p>
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I, Donald J. Sears, of full age, do hereby certify as follows:

1. I am an attorney-at-law in the State of New Jersey, employed as the Director of Law for the Township of South Brunswick, the attorney for the Declaratory Plaintiff in the above-captioned matter, and have personal knowledge of the facts set forth in this certification.
2. A Pre-Trial Conference is scheduled in this matter for Friday, April 15, 2016, at 9:30 am.
3. On Wednesday evening, April 13, 2016, at approximately 7:00 pm, I was advised by Special Master Christine Nazzaro-Cofone, that the court wanted the Mayor and one Council member present at the Pre-Trial Conference. I advised Special Master Cofone that the Mayor was just recently released from the hospital, was still under his doctors' care, and may not be available because of his health condition. Special Master Cofone advised that, if the Mayor was not available, the Township Manager and two Councilmembers could attend. I immediately sent an email to the Mayor, all Council members and the Township Manager, advising them of this.
4. I have received responses from the Mayor, each Councilmember and the Township Manager as follows:

