

The real impact of 3rd Round Council on Affordable Housing (COAH) rules & obligations on Delanco Township

(Letter e-mailed on November 14, 2008 to NJ State Senator Diane Allen and NJ State Assemblyman Herb Conaway)

Senator Allen & Assemblyman Conaway,

Last Wednesday night (11/12/08) the Delanco Township Committee and Joint Land Use Board (JLUB) met in executive session to review the DCA / COAH 3rd Round rules, a draft 3rd Round plan, and the impact on Delanco.

Delanco's 3rd Round COAH obligation is 173 housing units. Nearly 50% of residents in the established areas of Delanco already meet COAH Region 5 income limits, yet are bearing the full cost of their housing and paying their full tax rate. Why are our local income demographics not taken into consideration?

By COAH calculations, Delanco is expected to have 1,686 additional jobs resulting in a COAH growth share obligation of 105.4 housing units. Where does COAH expect Delanco will put this windfall of employment? As explained Wednesday night by team of COAH experts and Township professionals (six professionals on the clock - this one evening's professional fees paid by the Township's taxpayers was easily several thousand dollars), the job growth figure was based on a statewide total divided up between municipalities. There was no validation of this figure with our community or any other community in New Jersey.

You may remember JEVIC trucking in Delanco closed in May 2008 putting 1,100 employees out of work.

Yet, based on this imaginary figure, the taxpayers of Delanco are to somehow rearrange everything as far as local zoning and planning and certainly pay higher taxes to provide housing in some form to fulfill the COAH calculated jobs increase obligation of 105.4 housing units.

Delanco incurred a COAH housing obligation for the picnic pavilion at county's Pennington Park. A building with only a roof, a floor, and no walls.

A large warehouse facility in Delanco, the Dietz & Watson building, was misclassified as office space when it was renovated. This error was discovered in early 2007 and DCA notified. According to DCA / COAH calculations, it remains classified as office space instead of the warehouse / storage facility that it is. This error nearly triples to housing obligations generated by this building. DCA / COAH has also double counted the building (square footage) in 2004 and 2005. The error is now doubled and is part of our 3rd Round obligation. Why? Is no one accountable at DCA / COAH?

Wednesday night we are told that 3rd Round rules now force zoning of 8 housing units per acre on property identified for development to fulfill our COAH obligation. Zoning of 8 units per acre, not determined by us, but by the Delaware Valley Regional Planning Commission (DVRPC) calculation of density in "planning area #1". Prior to this takeover of our Township by DCA / COAH and the DVRPC we had Municipal Land Use Law (MLUL) and our Master Plan (which we have nearly completed a full review and update costing the Delanco taxpayers \$35,000). Both of those pillars of local community structure are rendered irrelevant. By someone it takes a long distance call to talk to. If we can find them.

The Township Committee and the JLUB were asked Wednesday night to specify properties in Delanco where development would be directed to occur to fulfill our 3rd Round COAH obligation. We were to do this in secret, without the public or the property owners to know about this. The secrecy required in this process, we were told, to prepare the 3rd Round COAH plan for the court. This is the procedure DCA / COAH directs us to follow. We are to submit this plan by December 31st to DCA / COAH and the courts for approval along with documents to rezone these specified properties.

3rd Round rules have the municipalities specify properties without the owner's knowledge and rezone the land underneath that property to meet the DVRPC directed housing density. This has the appearance of a "taking" and abuse of property ownership rights. Something that was very fundamental in this nation.

All this accomplished outside of MLUL and regardless of what our Master Plan says. Aside from unveiling this surprise to Delanco's residents at a public meeting on December 15, 2008, our residents and shamefully, the property owners of the specified sites, have no knowledge of this. This is how New Jersey works – not for the residents, not for the taxpayers.

The 3rd Round rules amount to the stealing of land from property owners and the destruction of local control of planning, zoning, and any stability of future use through the municipal Master Plan. This is unacceptable.

If no plan is submitted by a municipality to meet 3rd Round COAH obligations, any developer proposing a housing plan that includes some COAH component would likely prevail in court wherever that development is planned according to the assembled experts Wednesday night. Again, nullifying MLUL, local Master Plans, and property rights.

This perversion of the established due process, common sense, and fairness by DCA / COAH, enabled by the legislature, and backed by the courts is wearing thin on the citizens of this State.

This is the impact of DCA / COAH 3rd Round rules on New Jersey communities.

What are you doing about this?

I invite you to our scheduled Township Committee meeting on December 15th at 7:30 to hear this 3rd Round plan unveiled to the public for the first time.

Respectfully,

Mike Templeton

Delanco Township Committeeman / Deputy mayor

(Note 1: A special meeting of the Delanco Joint Land Use Board / JLUB will be at 6:30pm on December 15, 2008. A public hearing on the Township's 3rd Round COAH Plan will be held at the JLUB meeting, not at the Township Committee meeting. The regularly scheduled Township Committee will start after the JLUB meeting.)

(Note 2: At the time I wrote the letter to Senator Allen & Assemblyman Conaway the Township Committee understood that a public hearing would be held on the 3rd Round COAH Plan during the Township Committee meeting on December 15th. This was not true. State law only allows for a public hearing before the JLUB on this matter, hence the JLUB meeting was scheduled for the 15th starting at 6:30pm.) MLT