

December 5, 2008

Governor Jon Corzine
Office of the Governor
P.O. Box 001
Trenton, New Jersey 08625

Dear Governor Corzine,

On November 12th the Delanco Township Committee and Delanco Joint Land Use Board (JLUB) met in executive session to review the New Jersey Department of Community Affairs (DCA) / Council on Affordable Housing (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 Delanco residents (estimated 2008 population: 4,377) in the older, established residential areas of their community presently qualify for COAH under Region 5 income limits. Yet, they are bearing the full cost of their housing and paying their full tax rate. And have been for decades. Why are local income demographics not taken into consideration when COAH calculates a community's affordable housing "obligation"?

COAH's 3rd Round forecasts to 2018 show Delanco may have 1,686 additional jobs resulting in a growth share obligation of 105.4 housing units (one hundred five, point four). Where does COAH expect Delanco will put this windfall of employment? As explained at the joint meeting on November 12th, by the team of COAH experts and professionals paid by the Township, 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.

Yet, based on this imaginary figure, the taxpayers of Delanco are to somehow rearrange everything as far as local zoning, 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.

The Township is currently considering rezoning two parcels from commercial to residential to meet 3rd Round COAH obligations.

Delanco incurred a COAH housing obligation for the picnic pavilion at the county's Pennington Park recreation area. 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 in 2006. This error was discovered in early 2007 and DCA notified. According to the latest 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?

We are told that 3rd Round rules now impose zoning of 8 housing units per acre on property identified for development to fulfill our COAH obligation. Zoning of 8 housing units per acre, not determined by us, but by the Delaware Valley Regional Planning Commission (DVRPC) calculation of density in "planning area 1" (PA1). The 8 housing units per acre is designed to benefit and entice developers into building COAH housing along with their market rate residential housing projects.

This perversion of the established community planning and land use law gives developers free rein to build unlivable, dense housing projects and extract the maximum profit from a community before moving on to the next victim. Developers will not build retail or commercial when they can

break local zoning and pack residential housing into 8 units per acre to reap the windfall. What are left behind are dead, barren communities where local stores and community businesses are extinct. Thriving communities killed by COAH rules that financially reward developers and force cities and towns across New Jersey to prostitute themselves to meet COAH housing obligations at all costs.

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, state mandated of course, 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 on November 12th to specify properties in Delanco where development would be directed 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 submission to the court and future litigation. 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.

The 3rd Round rules, as they are now being applied in the real world Governor Corzine, have the municipalities specify properties without the owner's or their neighbor'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 zoning is or what the Township's 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. And, as we learned this year, not for small communities.

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 that 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.

I invite you to our scheduled Township Committee / Joint Land Use Board meeting on December 15th at 6:30 to hear this 3rd Round plan unveiled to the public for the first time. The Delanco Township municipal building is located at 770 Coopertown Road in Delanco.

Respectfully,

Mike Templeton

Delanco Township Committeeman / Deputy mayor