



TOWNSHIP OF SOUTH BRUNSWICK

Municipal Building • P.O. Box 190 • Monmouth Junction, NJ 08852-0190

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November 9, 2015

Christine A. Nazzaro-Cofone, AICP/PP
Cofone Consulting Group, LLC
125 Half Mile Road, Suite 200
Red Bank, NJ 07701

Re: In the Matter of the Application of South Brunswick
Docket No. MID-L-3878-15
Our File No. L1144

Dear Ms. Nazzaro-Cofone:

Pursuant to the Court's October 2, 2015, Amended Order requiring submission of the Township's plan summary in the above referenced matter, enclosed please find the completed "Summary of Plan" sheets submitted on behalf of the Township of South Brunswick. The Summary of Plan sheets set forth the Township's preliminary Housing Element and Fair Share Plan in compliance with the Court's Order, which indicated that the enclosed was to be submitted to you no later than today. Copies of same have been forwarded to the Court, all intervenors and interested parties as set forth in the accompanying Certification of Service.

As you know, the Court has not yet calculated the Township's present and prospective obligation. Several estimates of the Township's obligation have been suggested in various reports offered by David Kinsey, Arthur Bernard and Robert Burchell. In addition, a report was prepared by Richard Reading at the request of the Mount Laurel judge in Ocean County, which reaches different conclusions regarding the statewide need when compared to the Kinsey/Bernard conclusions. The Kinsey conclusions have also been criticized by Econsult Solutions as well as Nassau Capital, in reports prepared by these entities on behalf of the League of Municipalities. As such, it was very difficult for the Township to identify which obligation it should plan for.

In an Order dated October 23, 2015, in In the Matter of the Application of the Township of Readington, Superior Court, Law Division, Hunterdon County, Docket No. HNT-L-301-15, the Hon. Thomas C. Miller, P.J.Ch., sanctioned use of the Summary of Plan sheets developed by Frank Banisch, P.P.A.I.C.P., and Elizabeth McKenzie, P.P.A.I.C.P. These are the same Summary of Plan sheets Judge Wolfson has directed the Township to utilize in submitting its draft Third Round Plan.

Judge Miller also indicated in his Order that "the municipality may utilize the fair share numbers from the proposed third iteration of the Third Round Rules that were never adopted due to COAH's 3-3 tie vote." (See Order attached.)

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Since a court has now determined that, at least for purposes of submission of preliminary Third Round plans in the Summary of Plan sheets, municipalities may utilize the Burchell numbers that accompany the unadopted 2014 COAH regulations, the Township of South Brunswick has chosen to follow Judge Miller's suggestion. As such, the enclosed Summary of Plan sheets set forth the Township's preliminary Third Round Housing Element and Fair Share Plan based upon the Burchell calculations prepared for COAH in 2014.

Please note that the Township reserves the right to revise its Third Round Housing Element and Fair Share Plan based upon the anticipated report from Econsult regarding statewide, regional and municipal obligations (expected by the end of December) and/or further Order of Judge Wolfson. Accordingly, the enclosed Summary of Plan is submitted without prejudice, the Township reserving all rights it has to amend same should the need arise as this matter progresses.

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

Very truly yours,

Donald J. Sears
Director of Law

DJS/lw
Enclosures

Cc: Hon. Douglas K. Wolfson, J.S.C. (via hand delivery)
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 other interested parties on attached Service List