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ONE DOLLAR

## *Colts Neck Takes Affordable Housing Numbers Game To Court*

Story and photos by Laura D.C. Kolnoski

COLTS NECK—This township is not unique in its opposition to the number of affordable housing units it's being told to provide, but officials say they are taking "aggressive" tactics in defending itself against the mandates. Officials have engaged the law firm of Chiesa, Shahinian and Giantomasi, and say they are also hiring "a number of experts" to support its arguments.

According to State Sen. Jennifer Beck, who joined an April 19 presentation by Colts Neck officials before some 200 residents at the Conover Road Primary School, 350,000 new housing units are being "put forth" statewide by the Fair Share Housing Center (FSHC).

"It's obscene and ridicu-

lous," Beck said. "Twenty-five other Monmouth County municipalities are challenging what's going on." Officials said the FSHC has been the primary driver of "the effort to force municipalities to allow high-density housing to help satisfy the lack of affordable housing in New Jersey." The organization's 2015 report imposes an obligation of 553 affordable housing units on Colts Neck. A different report by a court-appointed "master" estimates the township's obligation at 277 affordable units. An expert retained by Colts Neck set a preliminary obligation at 46 units.

In New Jersey, 20 percent of all new housing built must be set aside for low- and moder-

*Continued on Page 6*

# Housing

Continued from Page 1

ate-income dwellers. The amount of homes in the 32-square-mile township would double if the 553-unit figure stands. If the 277 figure prevails, Colts Neck could have over 3,000 more residents.

"With 1,600 new residential units with one child per unit, that's another 1,600 kids," noted Township Committeeman Russell Macnow, an attorney. "We have about 1,000 kids now. That could mean another school and a major economic impact on the town. The numbers are staggering. We can't do it."

Macnow, who led the presentation with Committeeman Edward Eastman, an attorney who represented Colts Neck during its initial encounters with the New Jersey Council on Affordable Housing (COAH) in the 1980s, noted that no building permits have been taken out and nothing has been approved to be built in Colts Neck to date.

Two areas for construction targeted by developers include a 40-acre tract along Route 537 near Colts Neck High School on the Freehold Township border, and an area off Hockhockson Road by Dorbrook Park, on Colts Neck's eastern border with Tinton Falls. The Route 537 site was originally approved for 48 upscale townhomes in 2004 and again in 2015, but ground was never broken. More than 200 units could be built at the Hockhockson site.

Beck said the decades-long push to build such residences in suburbia now "goes against the trend of today's younger people moving back to urban areas like Jersey City where there is access to transportation, work, and entertainment. The idea is to build housing where it's needed."

"Coming up with a number

is the step we're at now," Eastman said. "Once we come to a number we are obligated to plan." He said the New Jersey Builders Association also advocates for more affordable housing.

Macnow explained there is currently a stay on builders' lawsuits, but if that stay is lifted, Colts Neck "could get inundated with lawsuits."

In addition to limited jobs and transportation, Colts Neck's rural/open space character, lack of sewers, and abundance of environmentally sensitive streams and wetlands were cited as reasons the township is ill-suited for high-density affordable housing. Most homes in Colts Neck have septic tanks. Macnow said the two proposed sites are on the extreme opposite sides of town because developments there could connect to water from Freehold Township and/or Tinton Falls. A substantial increase in population would also necessitate expansion of municipal employees, police, and emergency services.

"There's a good reason we called you out here tonight; we're a little nervous," Macnow said. "We are confident our arguments will be opposed. We're preparing for the long haul through appeals and to the Supreme Court if necessary." In addition to monitoring ongoing affordable housing litigation in other municipalities, township officials are considering allowing housing at the Earle Naval Weapons Base to count as part of Colts Neck's obligation.

"Colts Neck has no opposition to affordable housing; we don't want to build high-density housing," Macnow said. "We say the market in New Jersey is insufficient to build the amount of houses they propose. We are constantly looking outside the box for ways to mitigate the impact of this court-imposed mandate. We'll consider something reasonable and viable." Officials said



More than 200 residents attended a special presentation on affordable housing issues at the Conover Road Primary School on April 19.

courts have set a "very aggressive" schedule for moving these cases.

"Legislative action we are pursuing in Trenton would remove the court 'taskmaster' and put this back in the hands of COAH with new numbers and a year to come up with a

plan," Beck said. Residents who spoke at the presentation primarily asked questions and posed "what if" scenarios. One woman who resides on Obre Road by the Hockhockson site asked, "If you live in one of these areas, how are we supposed to sit and wait?"



State Sen. Jennifer Beck addressed affordable housing concerns for Colts Neck residents at a recent presentation.

Replied Macnow, "If the courts take zoning out of our hands, it can change, and change again. We have no idea how this is going to play out because there are so many variables. We want it decided in the executive branch; it's a legislative policy matter."

"Colts Neck was engineered over 50 years ago by very smart people to keep it rural and open," Macnow concluded. "Due to our legal actions we're ahead of the game. We are the aggressors and we will be ready when the time comes."