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Mayor and Township Committee of the
Township of Greenwich
321 Greenwich Street
Stewartsville, NJ

Re: In re Township of Greenwich Compliance with Third Round Mount
Laurel Obligation, Docket No: WRN-L-000228-15

Dear Mayor and Township Committee:

As you are aware, Amy Korzeniewski spoke during the public comment portion of the Township Committee meeting earlier this evening and stated that she had spoken with retired Judge Joseph Cante who she stated had advised her that Upper Saddle River (Bergen County) had settled its affordable housing litigation through a 100% for-sale affordable housing development, with no rental units. I found that hard to believe in light of the Second Round COAH rule which requires all municipalities to provide for 25% of their affordable housing obligation through affordable family rental units. At the request of the Township Committee, I agreed to look into Ms. Korzeniewski's "statement of fact".

I have since reviewed various documents, including the April 7, 2016 settlement agreement between Upper Saddle River and Mack-Cali (Mack-Cali had filed a Builder's Remedy lawsuit against Upper Saddle River prior to Saddle River filing), the June 9, 2016 Housing Element and Fair Share Plan adopted by the Upper Saddle River Planning Board, and the March 27, 2017 order entered approving the settlement of the Mack-Cali Builder's Remedy lawsuit, and I have also spoken with Joshua Bauer, Esq. (who represents Fair Share Housing Center - FSHC -in the pending declaratory judgment action filed by Upper Saddle River, which declaratory judgment action has not settled.

I am writing to advise of my opinion that Ms. Korzeniewski has misstated the facts regarding Upper Saddle River's affordable housing compliance plan during her public comments.

The June 9, 2016 Housing Element and Fair Share Plan states that Upper Saddle River will address its 68-unit obligation "via the proposed construction of a 100% affordable, municipally sponsored rental development." According to the June 9, 2016 Housing Element and Fair Share Plan, this 100% family rental development will contain 70 affordable rental units on a 7.8-acre site.

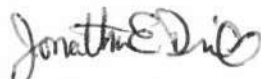
The settlement that did occur was not of the Upper Saddle River declaratory judgment action which remains pending in court. The settlement that occurred was of an earlier filed Builder's Remedy lawsuit by Mack-Cali. And, while that settlement involves redeveloping a currently developed 47-acre commercial Mack-Cali site into a residential inclusionary development consisting of 208-units on a 38.65-acre portion of the larger tract, including 22 market rate affordable units on the site, that settlement also includes the developer of those units making a monetary contribution towards construction of 25 affordable rental units on a 3.3-acre municipally owned site.

My understanding is that FSHC has not agreed that Saddle River's affordable housing obligation is 68-units and has not agreed that enough affordable housing will be created under the June 9, 2016 Housing Element and Fair Share Plan, and that is why the declaratory judgment action has not settled. Even so, the June 9, 2016 Housing Element and Fair Share Plan includes a 70-unit 100% affordable rental development.

And, again, the settlement of the earlier filed Builder's Remedy lawsuit includes the construction of an additional 25 affordable rental units on a municipally owned site.

By copy of this letter to Ms. Korzeniewski, I am advising her of my opinion that she has misstated the facts and I offer her the opportunity to withdraw her comments or submit documentation to support them.

Very truly yours,



JONATHAN E. DRILL