

# TOWNSHIP OF MARLBORO

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February 17, 2009

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

**Re: Affordable Housing**

Dear Governor Corzine:

As you know, I am the Mayor of Marlboro Township, Monmouth County. I am writing to you to express my deep concern for the state of affairs pertaining to affordable housing in this State. My concerns run deep as evidenced by the attached resolution which was adopted by myself and the Marlboro Township Town Council on Thursday, February 12, 2009. This resolution represents yet another example of public and municipal outcry for reform and revitalization of our affordable housing laws and regulations.

In my opinion the plight of affordable housing has digressed to the point that this system has become entirely unworkable, irrational, and impracticable. Something has to be done about this situation and I writing to you to ask for your assistance in bringing sanity, clarity and fairness back to the Mount Laurel doctrine as we know it.

My concerns are as follows.

First, the obligations imposed on Marlboro, in terms of affordable housing units which must be planned for, are unreasonable and outrageous. The "anticipated" growth which Marlboro must account for is substantially in excess of any prudent number of homes which the Township's infrastructure, open space, schools, and amenities, can reasonably support. COAH's projections represent a gross exaggeration of reality. In my estimation, the overage and excess is in the hundreds. I am similarly troubled by recent reports which suggest that COAH may have withheld information which may have led to the distortion of obligations hoisted and imposed upon municipalities throughout the State.

## TOWNSHIP OF MARLBORO

Hon. Gov. Jon S. Corzine  
Re: Affordable Housing  
February 17, 2009  
Page 2

The trickle down affect of the unreasonable and outrageous projections are very evident from Marlboro's job growth projections which are entirely above what I have experienced in my tenure as a life long resident of the Township. Contributing to his fallacy is the entirely unrealistic commercial development projection which is not in tune with the history of development in Marlboro.

I, as Mayor, cannot stand idly by as these fallacious numbers are exacted on Marlboro. Our national and State economies are deteriorating by the day and people are losing their homes, their jobs, and their savings. To project the numbers that Marlboro has to plan for which are based on unreliable, fundamentally flawed, and irreconcilable data is beyond the realm of good planning and prudent government. COAH's numbers and projections are illusory. They are unfair, oppressive and inequitable. They represent a reckless and irresponsible determination to achieve a goal at any cost and to trample the rights of municipal governments to govern and plan. Something must be done to right these projections.

Second, Marlboro was told that it had to petition at a time when COAH's rules were anything but certain, predictable, or on solid ground. COAH's rules are mercurial and they have been, and remain, a moving target. The legal challenges facing COAH's rules are daunting and the fact that every faction and resident of the affordable housing community is challenging these rules is alarming. The fact that housing advocates, municipalities, and builders alike are all voicing scathing disapproval of COAH's rules clearly indicates that COAH has again failed in setting forth competent and well reasoned procedural and substantive rules in conformance with the Fair Housing Act.

Our Legislature, starting with A500, has similarly been modifying long standing concepts and principles in the hopes of solving the Mount Laurel dilemma once and for all. However, the recent effort to suspend the non-residential development fee is an indication that perhaps our affordable housing laws (like COAH's rules) went too far. Thus, there now is a push to put some laws in remission yet these recent legislative proposals have failed to account for corresponding relief to municipalities. Our numbers and projections remain the same and we are destined to continue to plan for development regardless of the planning, environmental, and structural concerns, not to mention a means by which to pay for such housing. Indeed, municipalities are being told to proceed at full speed while casting navigation concerns to the side. That, in my opinion, is a recipe for disaster and the likelihood for irreparable consequences to municipalities and taxpayers alike is great. Again, immediate remedial action is necessary.

## TOWNSHIP OF MARLBORO

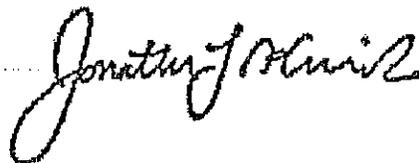
Hon. Gov. Jon S. Corzine  
Re: Affordable Housing  
February 17, 2009  
Page 3

Finally, as a further example of the arbitrary course of events, Marlboro and the City of Trenton have for years relied upon an RCA agreement which would send \$8.3 million dollars to Trenton to help construct much needed affordable housing in a housing region occupied by both municipalities. This agreement dates back to 2004 and this RCA went before COAH less than one month after it was entered into. When Marlboro petitioned again in December of 2005, this RCA was front and center in the Township's then petition. Both municipalities continually relied on this RCA until their reliance was abruptly halted by A500. The atrocity of the demise of this RCA is magnified in these extreme economic times since the funds for this RCA are in hand and they could provide much needed financing for affordable housing projects in Trenton. Without this financing, it is questionable as to when, if ever, various projects can, or will, be completed. To not allow a long-standing agreement to move forward when both municipalities have reasonably relied on it, when both municipalities want the agreement to move forward and where funding to support the RCA exists in a time when governmental subsidies and assistance are virtually extinct, is beyond comprehension.

In light of everything, one can only conclude that our affordable housing system is broken. It does not work. More importantly, the agency assigned the task of implementing and carrying out the Mount Laurel doctrine, COAH, has failed miserably. There is no way around it; COAH must be dismantled and abolished. The time for reformulating rules, recalculating projections, and reengineering municipal planning and development has passed. It is time that governments unite to solve this dilemma in a world which does not include COAH. This will not be easy and it will not come cheap, but it has to be done. If we fail to act now, I fear that the resulting consequences that will be visited upon municipalities and taxpayers alike will be unlike those we have ever experienced.

Accordingly, I am asking for a meeting with you to discuss how we can begin the process to reclaim and restore order, sense, and stability to our affordable housing programs. It is my hope that in the near future, we can work together to put the notion of "fairness" back into the Fair Housing Act.

Very truly yours,



Jonathan L. Hornik, Mayor