

Wake Up Wayne

- The multiple proposed low income and high density projects will only be the first of many and will destroy Wayne as we know it.
- The proposed Revision to the Master Plan and subsequent resulting COAH obligations to build more low income and high density housing, will have a sizable negative effect on Wayne schools. (Mt. Laurel)
- The proposed low income and high density housing probably will affect property values and appreciation.
- Adult only housing can no longer be legally assured once approval for the project is given.
- The effect of low income and high density housing on the crime rate.
- The proposed construction of low income and high density housing throughout the township will change the character of Wayne forever.
- The proposed mixed use, retail and low income and high density housing will not reduce your taxes.
- Wayne can attract new businesses with the right leadership.
- Traffic will be increased and further deteriorate the quality of life in Wayne.
- This proposal was kept from the public, the council and the planning board and now is being rammed through with undo haste.

Governor Christie attempted to protect New Jersey towns from the unwarranted mandates of COAH, which forced unwanted and inappropriate development down town's throats. Governor Christie eliminated COAH by executive order. For unknown reasons the Wayne Administration is proposing to do what Governor Christie tried so hard to stop.

These multiple low income and high density projects will only be the first of many and will destroy Wayne as we know it. This is the biggest development thrust in 25 years, going back to the era of development under the administration of former Mayor Lou Messercola. (for more on Messercola http://www.leagle.com/decision/19922094789FSupp1305_11871)

The Mayor has stated that he has developers ready to start on the properties to be rezoned. Information given provided by the administration relative to the proposed Master Plan Amendments and zoning changes is that 10 percent of all of the initial high density housing projects will be low income housing. This means that low income housing will be in the backyards of the Oak Hill neighborhood and the Packanack Lake community, as well as the Pines Lake and Lionshead Lake communities and these will just be the first of many.

Currently, the proposed state standard for high density residential development requires that at least 20 percent of the housing be made available for low income residents. This means that Wayne's administration's proposed high density housing scheme is already deficient in satisfying the low income housing requirement and would result in developers being able to force Wayne to approve more low income and high density housing. Wayne has only 3% of its property as commercial properties and the proposal removes a sizable portion of what is already a scarce resource that once converted to residential is lost for commercial purposes permanently.

To restate the above, the result of the proposed mixed use zoning, using experience with the courts and the State Agencies involved is a guide, will be that more high density housing projects will be required throughout Wayne to meet the balance of the low income housing obligations that are triggered by the proposed high density projects. "Developers must agree to build a fixed percentage of affordable units---usually 20 percent---of the total constructed on the site, to market to low and moderate income households and to maintain affordability for 30 years." (NJ Strategic Solutions LLC) Yet the proposed revision to the master plan only contains 10% creating a deficit which will have to be built later. This means that the deficit created will rise considerably higher than the aforementioned 10% as a result of the mixed use nature of the proposal.

At this point in time, no one is sure what the next low income housing requirements will be from the Council on Affordable Housing (COAH) but the courts have once again intervened and it is just a matter of time until they hand down their decision Governor Christie has kept COAH in a state of flux for the past 3 1/2 years. We do know that in the last set of rules that COAH issued at the start of the Corzine administration would have required Wayne to allow in excess of 2,000 low income housing units to be built which translates into 10,000 low income and high density units in total.

Should COAH come back with a similar requirement, or an even greater number, this would mean that Wayne would be subjected to allowing a total of in excess of 12,000 housing units; virtually doubling Wayne's entire population. The figure of 12,000 is derived at by using the formula that developers follow to balance low income units versus the units sold at market rate prices.

Up to now, Wayne had a strong defense to block COAH and developers from forcing Wayne to accept these insane housing "requirements". There are very few residentially zoned tracts of land left in Wayne that could ever support such development. Only 3 percent of the total land mass in Wayne is zoned commercial. Wayne needs to maintain a hard line to protect our limited commercially zoned property, and in fact needs more commercial property not less.

In fact, the owners of two commercial properties, the GAF/ISP property off of Alps Road and the Rockledge Garden Center property on Hamburg Turnpike are suing Wayne pursuant to the "old" third round COAH rules. The lawsuits, which the proposed zone changes and increased low income obligation would most assuredly strengthen, state that the property owners are seeking to build 500 units and 400 units of housing, respectively, each of which would include a portion of low income housing totaling around 20% of the units.

One of Wayne's stronger defenses to these to these lawsuits has been the fact that, up to now, Wayne took a hard line on protecting our commercially zoned property and not converting it to residential use. The proposed zoning change would undo that policy and allow the developers to question why some developers were granted zoning changes and not others..

Should the Wayne Planning Board ultimately pass the proposed Master Plan changes and the Mayor and Council ever begin to re-zone commercial properties for high density housing, we would face great exposure not only for low income and high density housing on the GAF/ISP and Rockledge Garden Center properties, but all commercial properties throughout Wayne.

Think about the impact of the Mayor's recent statement that we can't get a commercial developer to redevelop the property fronting on Route 23, formerly occupied State Farm and that a high density housing project is our "only option". We'll if that were "true", then logically every single commercial property in town could be subject to a re-zoning for residential purposes for the same reason whenever they became vacant.

Finally, no one knows what the new low income requirements will be, not the Mayor, not the council, not the planning board and not the town planner. What we do know is that Wayne will have a sizable additional obligation if this zone change is approved and the new rules are even remotely similar to the old ones. This is bad proposal made worse by the fact that we don't know what the future low income and high density housing rules will be. In the recent past town have been forced, by the courts, to build low income and high density housing when developers sued, under what is called a builders remedy suit, and the town had an outstanding obligation to provide more housing.(Supreme Court Reaffirms Availability of Builder's Remedy -The Real Estate Finance Journal)

The proposed Revision to the Master Plan and subsequent resulting COAH obligations to build more low income and high density housing, will have a sizable negative effect on Wayne schools. Leaving the current zoning in place without low income and high density developments puts no additional strain on schools, public services or infrastructure.

On average, apartments house fewer school-age children (0.31 per household) than single-family residences (0.53 per household). (National Multi Housing Council) Birth rate by family income in the United States in 2010; 98.30 children were born per 1,000 women in families with an income of less than 10,000 U.S. dollars whereas only 54.8 children were born per 1,000 women from families with an annual income of 75,000 U.S. dollars.*(Source United States US Census Bureau 2010 © Statista 2013) The birth rate is highest for the low income families and lowest for high income families.

In neighboring Cedar Grove where the Mayor and Council are fighting against low income and high density development and are now in court trying to stop the development, it is "estimated with almost 500 new units in the development, almost 1,000 more vehicles could be operating in the area. It may also mean as many as 500 to 900 more students attending Cedar Grove schools." (Verona-Cedar Grove Patch 6/19/12) While there are differences in the low income and high density proposals for Wayne and Cedar Grove it is obvious that the Cedar Grove Mayor has a position which is diametrically opposed to the Mayor of Wayne.

As to services, there is a tipping point where towns that have increases in population get so large that services such as fire and first aid need to be provided by paid professional departments adding considerable costs to the taxpayers.

The proposed low income and high density housing probably will affect property values and appreciation. Low-Income and high density housing in high-poverty neighborhoods are most likely to generate positive impacts on surrounding property values, while the same housing in middle and high income neighborhoods are least likely to do so and can retard or depress property values within a relatively wide radius of the development. (Journal of Planning Literature Abstract 20/1/15)

The potential of mixed income developments to deconcentrate poverty depends on the ability of these projects to attract middle-income people to developments that are partially subsidized low income housing. (Brophy and Smith, 1997).

Adult only housing can no longer be legally assured once approval for the project is given. There is no assurance that age restricted housing will be built, even after it is approved as such, and if built no assurance it will stay as age restricted housing.

The New Jersey Superior Court has ruled that a development can be changed from Adult only to another use, effectively making prearranged agreements, such as the ones for the Wayne developments, unenforceable. (http://www.nj.com/mercer/index.ssf/2011/12/robbinsville_planning_board_ou.html).

In addition the New Jersey State Legislature passed the “Age Restricted Conversion Bill” (http://law.njstatelib.org/law_files/njlh/lh2009/L2009c82.pdf) in an “attempt to reduce the existing overstock of age-restricted housing and increase the potential stock of affordably priced workforce housing. The conversion bill creates a mechanism for developers of approved age-restricted projects to convert these projects into developments with no age restriction. In exchange for the conversion, **the bill requires the developer to set aside 20 percent of the units in the converted development as affordable housing units.**” (New Jersey Law Journal VOL. CXCIX – NO. 12 - INDEX 796 3/22/10) Although this legislation confines conversion to those age-restricted projects that have been approved prior to the adoption of the Conversion Act, the reason for the legislation is telling: “There’s less than a years supply of housing available in New Jersey for all ages of buyers, based on current demand. But the amount of age-restricted housing, including resale, that is built, under construction, or approved could be as high as 15 years’ worth. And demographic shifts in the state indicate that demand for this kind of housing is likely to diminish further.” (John Caulfield *BUILDER*)

Only 18% of New Jersey’s population is 55 or older. And, a growing number of them have been among the 49,000 people who have been leaving New Jersey annually since 2002, often because it’s too expensive to live in the state on a fixed income. “This raises an issue of sustainability” about age-restrictive projects... for municipalities where there aren’t enough Generation X buyers filling the gap, where households are being formed with fewer people, and where more immigrants with larger families are moving in. “Active adult housing is just less attractive.” (John Caulfield *BUILDER*)

Another effect is that every time that a senior citizen within Wayne is encouraged to move from their house to an apartment or condo that house goes on the market and in all probability will be occupied by a family with children meaning that the net effect is to increase the number of students in the Wayne school system more quickly.

The effect of low income and high density housing on the crime rate. The relationship between low income and high density housing and crime is complicated and fraught with class and race implications and generally has not been addressed in this process. Studies have found that rates of both property and violent crime are generally higher in and around areas with high-density residential developments (Property crime - Adolescent Risk Behaviors by Family Income Level – U.S. Department of

Health and Human Services (HHS) see below) (Violent Crime - Thomas D. Stucky, PhD, and John Ottensmann, Director of Urban Policy and Planning School of Public and Environmental Affairs 8 DEC 2009)

Also provided below is a chart made available by the U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation which provides some insight into income related conduct in the age group preceding the 25 -34 age group that are the target demographic of the proposed low income and high density developments proposed for construction throughout Wayne. (Wayne Patch - Wayne Wants to Lure Younger Residents With New Housing Plan by Daniel Hubbard 8/19/13)

**TABLE 1.
Adolescent Risk Behaviors and Young Adult Outcomes by Family Income Level**

	Youth from low-income families (n = 896)	Youth from middle-income families (n = 594)	Youth from high-income families (n = 365)	All youth (n = 2,041)
Adolescent Risk Behaviors				
Cumulative risky behaviors (mean)	3.5	3.2*	2.9*	3.3
Alcohol by age 13	15%	13%	15%	15%
Marijuana by age 16	35%	34%	33%	35%
Used other drugs	26%	26%	29%	27%
Sex by age 16	59%	48%*	39%*	51%
Attack someone/get into a fight	33%	26%*	22%*	28%
Member of a gang	12%	7%*	5%*	9%
Sell drugs	19%	19%	20%	19%
Destroy property	35%	38%	36%	36%
Steal something worth less than \$50	46%	47%	44%	46%
Steal something worth more than \$50	18%	13%*	11%*	15%
Other property crime	16%	15%	10%*	14%
Carry a gun	19%	16%	11%*	16%
Ever run away	21%	16%*	12%*	18%
Other Sexual activity				
Sex by age 13	5%	3%*	3%	4%
Birth by age 18 (of female youth)	7%	2%*	1%*	4%
Employment				
Employed on 24th birthday	71%	77%	89%*	77%
Connectedness to School or Work between Ages 18 and 24				

Consistently-connected	44%	67%*	75%*	60%
Initially-connected	17%	13%*	13%	15%
Later-connected	21%	14%*	9%*	15%
Never-connected	18%	6%*	2%*	10%

Charged with a Crime

Charged with an adult crime by age 24	20%	16%*	12%*	17%
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Source: Urban Institute estimates of the National Longitudinal Survey of Youth 1997.

Notes: Some youth who did not complete high school may have earned a General Equivalency Diploma. Median earnings exclude youth who did not work and therefore had zero earnings. The cumulative risk behavior score is based on the 13 risk behaviors listed beneath it. Adolescent risk behaviors are measured up to age 18, except where otherwise noted. Never-connected youth may make extremely short connections to school or the labor market.

* Estimate is significantly different from youth from low-income families at the 95% confidence level or above.

Endnotes

[1] United States Bureau of the Census. 2008 Annual Social and Economic (ASEC) Supplement. Retrieved October 23, 2008 from: http://pubdb3.census.gov/macro/032008/pov/new02_200_01.htm.

[2] Cumulative risky behaviors include consuming alcohol before age 13, using marijuana before age 16, using other drugs before age 18, selling illegal drugs before age 18, engaging in sex before age 16, stealing something worth less than \$50 before age 18, stealing something worth more than \$50 before age 18, destroying property before age 18; committing other property crime before age 18, being a member of a gang before age 18, getting into a fight before age 18, carrying a gun before age 18, and running away from home before age 18.

[3] Youth who did not obtain a high school degree may have obtained a General Equivalency Diploma.

[4] Results of a trajectory analyses conducted using the National Longitudinal Survey of Youth 1997 identify four pathways for youth connectedness to employment or school between ages 18 and 24: consistently-connected, initially-connected, later-connected, and never-connected. For more information see Kuehn, D., Pergamit, M., and Macomber, J., and Vericker, T. (2009). *Multiple Pathways Connecting to School and Work*. Washington, D.C.: U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation.

The proposed construction of low income and high density housing throughout the township will change the character of Wayne forever. Most Wayne residents purchased their homes in Wayne because of the suburban life style and/or the superior school system. The mixed use changes proposed for numerous properties throughout the town, with its added low income and high density housing components, resembles the zoning policies in the urban centers of Clifton, Paterson and Passaic. People who have moved to Wayne made a choice to live in the suburbs and not in a city.

And this is just the tip of the iceberg. Once the properties are rezoned there is no going back. Future developers will have a much stronger case when trying to force Wayne to accept low income and high density developments through court order or the Council on Affordable Housing (COAH) mandates.

The proposed mixed use, retail and low income and high density housing will not reduce your taxes. It will not reduce property taxes. Low income and high density housing and even Active Adult housing do not reduce taxes.

First, the Administrations presentation relies on analysis and figures from the “The Congress for the New Urbanism” CU (slide show presentation to the Wayne Planning Board) an anti suburban think tank. One of the points that the administration makes is the mixed use properties in some circumstances, generate slightly more taxes than either big box or small malls. What is not discussed is that is only on the tax receipts side of the equation and does not address the added cost to the town which include: added school children (commercial development generates none), garbage pick up (commercial development do their own), sometimes snow removal, emergency services, courts, social services, elections, public defenders, prosecutors, and a whole lot more in government services to numerous to name here.

According to statistics from the town planner “between 2000 and 2010, U.S. Census data shows the number of residents 25 to 34, those who are most likely to have young children in the school system and own a house, has decreased.” And later, “Student population has decreased six of the last seven school years, the exception being the 2009-10 school year.” Evidently there is a direct correlation between the decrease in the 23 to 34 year olds and the decrease in school enrolment. The school portion of the property tax levy is about twice that of the municipal and county portions. In other words you would have to collect twice the taxes to offset each child from the very demographic group of 25 to 34 year olds “who are most likely to have young children in the school system” and who the town planner said “We’ve got to get them back here, they don’t want to live in single-family homes” (Wayne Patch - Wayne Wants to Lure Younger Residents With New Housing Plan by Daniel Hubbard 8/19/13)

It is also useful to remember that you can build low income and high density housing but you cannot choose an age group to rent to any more than you could choose racial, income, family status or employment history as a criteria. With the overall unemployment rate hovering around 7.5%, the 25 to 34 demographic is the one with the highest unemployment rate of all, a full 11% higher than any other post collage age group. (U.S. Bureau of Labor Statistics, Division of Labor Force Statistics) It would seem that other age groups would be more likely to rent, and, as to the administrations assertion that the non low income apartments will be made so expensive and so small that only the 25 to 34 demographic will find them attractive. Think about the former State Farm property on Route 23, which is one of the properties in the proposed zone changes, and ask yourself this: Why would anyone rent a small expensive apartment behind retail stores and backing up to someone’s back yard, with no public transportation and among the worse congestion in town for the morning and evening rush hours? Even if the initial goal could be met we have all seen has happened to apartments over time as they deteriorate and negatively affect their neighbors.

Wayne can attract new businesses with the right leadership. The administration claims that Wayne can’t attract businesses without the mixed use retail, low income and high density that have been proposed.

Wayne is zoned only 3% for commercial. It is foolhardy for Wayne to turn any commercial property into low income and high density housing and once changed it will never revert to commercial.

We are for all intents and purposes in a recession. It should come as a surprise to no one that some businesses have been having problems and certainly the developers that have the properties that would be effected would be grateful to have the administration bail them out and turn coal into gold, so to speak. Some

time ago the present administration eliminated the independent position of director of the Wayne Industrial and Economic Development Commission and folded it into the responsibilities of the town planner. The duties include “Preparing a commercial use survey and inventory for the Township, monitoring commercial uses and commercial tax ratables and assisting businesses and attracting businesses, which will make a major contribution to the economy of the Township” and to “Confer with the Township Administration, Township Council, the Planning Board and other municipal agencies, as necessary, concerning land use issues, ordinances and resolutions that may have an impact upon commercial and retail uses in the Township.” (Wayne Township web site) The town council was not “conferred” with during the six months or so that this plan was under development, evidently in violation of the directive to do so when the issue “may have an impact upon commercial and retail uses in the Township.” That said, if the present staff cannot attract businesses to Wayne perhaps it is time to give someone else a chance.

Traffic will be increased and further deteriorate the quality of life in Wayne. Traffic is a problem for everyone who lives and drives in Wayne. Cars will be pouring onto Ratzer Road, Hamburg Turnpike, Valley Road, Route 23 and numerous other thoroughfares. There are 55,000 people in Wayne and, as explained in the Mt Laurel section which is the first issued addressed, this plan will drive the population towards 70,000 and perhaps beyond. As much as anything else in Wayne Township, traffic adversely affects the quality of life and these low income and high density developments will only make the problem worse.

This proposal was kept from the public, the council and the planning board and now is being rammed through with undo haste. That development of this change to the Master Plan has been anything but an open process. In addition the Mayor has stated that he already has developers for the projects proposed. This is the reverse of an open process and indicates that any pretense by him to listen to dissenting views objectively would be impossible and that the public hearings are in fact a sham.

The planning of the numerous proposed changes to the Master Plan evidently took place over at least a six month period. During this time they would have been completed one by one. Since they are “not a single-thread issue, that’s why it’s a comprehensive plan” (Assistant Town Planner Linda Lutz Wayne Patch 8/19/13) it is obvious that these plans could at least have been released for public comment as they were completed, although releasing them prior to each being completed would have made for more meaningful public input. The release of all the sections of the proposed changes at the same time and the fast tracking of these proposals gives the public a very limited time to discuss them among themselves and to make their views known to their elected representatives.

Further, evidently at least some and possibly all, planning board and town council members knew nothing about this plan until it was presented. Nor evidently did the Wayne Industrial and Economic Development Commission which is charged by ordinance with conferring “with the Township Administration, Township Council, the Planning Board and other municipal agencies, as necessary, concerning land use issues, ordinances and resolutions that may have an impact upon commercial and retail uses in the Township.”

Although he was ultimately overruled by the courts, Governor Christie tried to eliminate COAH (<http://www.njbiz.com/article/20130710/NJBIZ01/130719972/Supreme-Court-rejects-Christie's-COAH-elimination>) For unknown reasons the Mayor is proposing the very thing Governor Christie tried to stop.