

ROSAH

Rumson Open Space
and Affordable
Housing, Inc.

www.ROSAH.org

AGENDA



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WHERE WE ARE



- 1) ROSAH is FOR affordable housing and AGAINST high-density luxury development that bypasses zoning rules with NO input from the public
- 2) ROSAH believes that given the chance, the residents of Rumson can solve affordable housing better than the current agreements
- 3) None of us asked for this. We are playing the cards we were dealt. We challenged the settlement agreements in court because it's the only way to get a seat at the table.
- 4) This is about more than just Rumson Road and Bingham Avenue – this affects all of Rumson
- 5) Precedent setting. If we don't fight luxury overdevelopment now, this is a road map for it to happen over and over again.
- 6) Please get involved: Volunteer, donate, and attend the Fairness Hearing at 9 am on March 26 at Monmouth County Courthouse in Freehold

HOW WE GOT HERE



- **March 2015** NJ Supreme Court issues **Mount Laurel IV** decision, taking jurisdiction away from Council on Affordable Housing (COAH) and giving it to trial courts. Instructs municipalities to file declaratory judgment actions to obtain rulings that they are compliant with affordable housing obligations and immune from builder remedy lawsuits.
- **July 2015** Rumson files **declaratory judgment action** in Monmouth County Superior Court
- **2015 Fair Share Housing Center** (FSHC) intervenes. Begins settlement discussions with Rumson. Sets Rumson's Realistic Development Potential (**RDP**) at **38 units**.
- **September 2017** Developer **Yellow Brook LLC purchases options** to buy 91 Rumson Rd and 132 Bingham Ave, then “immediately” files motion to intervene. Motion is denied but Yellow Brook is designated an “interested party” and is “given a seat at the table” to participate in settlement negotiations.
- **November 30, 2018** Gold Carton LLC purchases 59/62 Carton St. for \$1.6 million
- **Spring 2019** Rumson/FSHC /Yellow Brook **settlement negotiations** stall. Yellow Brook files 2nd motion to intervene.
- **July 2019** Yellow Brook’s 2nd motion to intervene is supported by FSHC and granted by the Court
- **January 2020** Rumson agrees to settle with FSHC and Yellow Brook. **Rumson’s new RDP is 51 units.**
- **January 11, 2020** Rumson officials first notify residents near 91 Rumson Rd and 132 Bingham Ave of the litigation
- **January 14, 2020** Rumson meeting at Forrestdale. Residents are told that **settlements are a "done deal."**

HIGHLIGHTS OF SETTLEMENT AGREEMENTS

RUMSON'S SETTLEMENT WITH **FSHC**



- Rumson agrees to satisfy its Realistic Development Potential (RDP) of 51 affordable housing units:
 - 5 already constructed/occupied units
 - 9 proposed market to affordable units
 - 14 affordable units from Carton St. project
 - 10-unit affordable project on North St
 - 13 rental bonus credits
- Rumson agrees to satisfy unmet need of 552 units:
 - Overlay zones
 - Accessory apartment ordinance
 - Mandatory set-aside ordinance
 - Development fee ordinance

HIGHLIGHTS OF SETTLEMENT AGREEMENTS

RUMSON'S SETTLEMENT WITH **FSHC**



- Incorporates terms of Rumson's settlement with Yellow Brook
- 9 of 14 Carton St. units "will be substantially, if not entirely, funded by the Yellow Brook" luxury developments
- Rumson will pay to construct 5 of the 14 Carton St. units
- Expands on the timing of construction of 14 Carton St. affordable units:
 - Rumson must begin construction of its 5 units within 2 years and must complete construction within 3 years of Court's approving the settlements
 - Once the permits to build 50% of Yellow Brook luxury townhomes are issued, Rumson assumes "all of the responsibility" to complete the 9 Carton St. units
 - Once the Borough issues permits for 50% of the luxury units, Rumson's obligation to complete the 9 affordable units is "irrevocable."
 - Once the Borough issues permits for 50% of the luxury units, Rumson has 16 months to finish construction of the 9 Carton St. units
 - Yellow Brook doesn't have to pay the \$1.45 million for the affordable units until the luxury units are 75% complete
- In the event the construction or other costs for the nine Carton St. units exceed the funds received or to be received from Yellow Brook, the Borough shall provide any necessary additional funding

HIGHLIGHTS OF SETTLEMENT AGREEMENTS

RUMSON'S SETTLEMENT WITH **YELLOW BROOK**



- Rumson agrees to rezone 91 Rumson Rd. and 132 Bingham Ave. to give Yellow Brook the right to build 34 luxury town homes: 18 duplexes and 16 triplexes
- Yellow Brook will give “payment in lieu” of \$1.45 million + property at 62 Carton St (valued at \$1.7 million) for Rumson to build 9 affordable housing units on Carton St
- Rumson agrees to pay for an additional 5 units on Carton St. property
- Carton St property has an "environmental area of concern that requires remediation." There is "historic fill" on the property that “requires remediation.” But it may be determined that Carton St. property “is not feasible to remediate.”
- Yellow Brook must provide any reports re: environmental contamination and existing historic fill on Carton St. property.
- Yellow Brook will determine whether any underground storage tanks exist on Carton St. property and remove them
- Yellow Brook has to remediate to a commercial standard, and secure a limited restricted remedial action outcome (RAO). The Borough, or its designee, shall be obligated to secure the RAO for the residential development proposed.
- Yellow Brook doesn't have to pay \$1.45 million for building 9 affordable housing units until it completes 75% of the luxury developments. But Rumson does have to finish construction of 9 units within 16 months of issuing permits to Yellow Brook.

HIGHLIGHTS OF SETTLEMENT AGREEMENTS

RUMSON'S SETTLEMENT WITH **YELLOW BROOK**



- If Yellow Brook's "payment in lieu" is not enough to complete construction of the 9 affordable units on Carton St, "the Borough shall provide any necessary additional funding."
- "No representations are made as to sanitary sewer capacity and water capacity associated with the development of [town homes]."
- Even if Court ultimately decides that RDP is lower than 51, Yellow Brook still allowed to build 34 luxury town homes
- Yellow Brook not required to add "cost generative features" to luxury townhomes. Such features may include, but are not limited to: solar energy, addressing greenhouse gas emissions, water conservation, and waste minimization.
- Yellow Brook is relieved of strict compliance with Rumson's Tree Ordinance - only has to provide report showing what trees will be preserved and what will be removed

HIGHLIGHTS OF SETTLEMENT AGREEMENTS

WHAT SETTLEMENTS DON'T SAY



- Rumson's RDP was 38 before Yellow Brook was permitted to intervene
- Fair Market Value of each Yellow Brook unit estimated at \$1 to \$1.5 million
- Record owner of 62 Carton St. is Gold Carton, LLC, not Yellow Brook
- 13 months before settlements were signed, Gold Carton purchased Carton St. property for \$1.6 million, not \$1.7 million
- No mention if property appraisal was performed to determine whether Gold Carton overpaid for the property, which has an environmental concern" in December 2018
- No mention if property appraisal was performed to determine whether Carton St., which has historic fill and possibly underground storage tanks, is worth \$1.7 million
- No definition of historic fill. However, according to the NJDEP, historic fill is non-native material deposited to raise property grades, which was contaminated prior to placement and is not connected with the operations of the site on which it is found. Historic fill must be tested. Ground water below the historic fill must also be addressed.
- In exchange for contributing property allegedly valued at \$1.7 million and payment of \$1.45 million (total: \$3.15 million), Yellow Brook gets to build between \$34 and \$51 million of real estate

HIGHLIGHTS OF SETTLEMENT AGREEMENTS

WHAT SETTLEMENTS DON'T SAY



- If Yellow Brook's \$1.45 million payment isn't enough to cover construction of the 9 Carton St. units, why will Rumson (taxpayers?) have to provide "any necessary additional funding"?
- Yellow Brook doesn't have to post an assurance bond?
- Gold Carton bought Carton St. property in December 2018. Why weren't the environmental reports for the property prepared and reviewed before settlement was signed and incorporated into the settlement?
- Who pays for cleanup costs in the event underground storage tanks exist and have leaked on Carton St. property?
- Requirement that Rumson advance funds to construct the 9 affordable units on Carton St. constitutes a 0%-interest loan to Yellow Brook
- Why the property at 91 Rumson Rd., which has the only designated historic home in the Borough, is allowed to be developed
- How the proposed townhome developments fit the character of the existing neighborhoods near 91 Rumson Rd. and 132 Bingham Ave.

HIGHLIGHTS OF SETTLEMENT AGREEMENTS

WHAT SETTLEMENTS DON'T SAY



- Whether there are any wetlands on the Rumson Rd., Bingham Ave., or Carton St. properties and, if so, what plans have been made to protect them
- Whether there are any other environmental issues on the Rumson Rd. and Bingham Ave. properties and, if so, how they will be addressed
- Whether there are any protected wildlife species on the Rumson Rd., Bingham Ave., or Carton St. properties and, if so, what plans have been made to protect them
- Whether there are any specimen trees on properties at 91 Rumson Rd., 132 Bingham Ave., or 62 Carton St. and if there any, what plans have been made to protect them
- Whether the properties at 91 Rumson Rd., 132 Bingham Ave., and 62 Carton St. are appropriate and suitable for development
- How giving a builder the right to sell between \$34 and \$51 million of luxury homes in exchange for \$3.15 million – which may not be enough to cover the affordable housing the builder is supposedly paying for – is fair to the residents and taxpayers of Rumson

RESIDENTS RESPOND



- Over 1000 residents attend Borough's settlement presentation at Forrestdale gym. Overwhelming disapproval voiced by residents. No objection to affordable housing.

Residents Blindsided

Residents angered that Borough never informed them of the settlement negotiations over the course of multi-year process

Bad Deal

Integrity of Rumson, its historic buildings and its open spaces sacrificed to 3rd party intervenor who took advantage of the process to secure huge profit

Residents Ignored

No opportunity for residents to weigh in. No opportunity to participate in decision making / influence outcomes.



- Petition started on change.org advocating for alternative process. Over 7500 signatures gathered.
- Citizens group formed to save the Lauriston Estate
- Concerned citizens immediately start organizing in order to provide a long term solution to our obligation for affordable housing in Rumson and address the current flawed agreement. **ROSAH is formed.**

WHAT IS ROSAH



- ROSAH = **R**umson **O**pen **S**pace and **A**ffordable **H**ousing, Inc.
- ROSAH is a nonprofit organization run by concerned citizens and volunteers
- ROSAH was formed to support the development, financing, construction and public support of decent, safe, sanitary and affordable housing for low income persons and families (including the elderly, physically handicapped and intellectually handicapped, where appropriate) in the State of New Jersey, while preserving a permanent legacy of historical buildings, open space, the environment and natural habitat, and respecting the real property rights of taxpayers and affected residents.

Our Mission Statement

To build a grassroots community that advocates for and financially supports affordable housing in Rumson and other New Jersey municipalities, while protecting the environment and open spaces, respecting historic structures and respecting the rights of property owners and affected residents.

WHAT WE HAVE ACHIEVED SO FAR

OPERATIONAL TRACK



- ROSAH is formed in Feb 2020
 - Board of trustees established
 - Adopted bylaws and organizational structures (committees, board of trustees and officers)
 - Applied to IRS for 501(c)(3) status (pending)
- Strategic objectives defined
- Interviewed and retained legal counsel and accountants. Secured support services
- Launched website www.rosah.org to educate and communicate with residents
- Committee staffing and volunteer registration launched. Work begun in Fundraising and Affordable Housing committees
- Mobilized community Objection Letter writing campaign
- Established presence on social media (Facebook, Twitter). Cited in multiple media reports
- Donation platform operational

WHAT WE HAVE ACHIEVED SO FAR LEGAL TRACK



- Retained Gibbons, PC as ROSAH's legal counsel
- Made OPRA Request and obtained documents from Borough
- Filed a motion to request postponement of Fairness Hearing
- Motion granted / Fairness Hearing postponed until March 26
- Filed a Complaint In Lieu of Prerogative Writ against the Borough of Rumson, challenging their authority to sign Settlement Agreements
- Encouraged and organized residents to write letters to Judge Grasso Jones objecting to the Borough's Settlement Agreements with FSHC and Yellow Brook
- Retained planning and engineering experts
- Filed ROSAH's objection letter and expert reports asking Judge Grasso Jones not to approve the Settlement Agreements
- Mobilizing residents to attend Fairness Hearing on March 26

WHERE WE'RE HEADING



Challenge Rumson / FSHC / Yellow Brook Settlements

- Legal objections to be presented at March 26th Fairness Hearing
- Will exhaust all legal avenues to challenge the current agreements

Support Affordable Housing

- Engage in initiatives and collaborations with the Borough and its officials, as well as other stakeholders, in order to work towards meeting Rumson's affordable housing obligation
- Identify and pursue the purchase of eligible real estate for the purpose of creating affordable housing units/open spaces
- Meeting with organizations in the affordable housing field to identify strategic partners
- Work with 3rd parties to develop and service affordable housing units

Grow ROSAH

- With ROSAH's foundation established, we are now turning our attention to growing the organization
- Raise awareness of ROSAH and its mission through community meetings, marketing campaigns, social media updates, media reporting, partner relationships, etc.
- Increase participation. More resources (time/money/effort) are required if ROSAH is to be successful.

WHERE WE'RE HEADING



Court-Driven Next Steps

**Fairness Hearing
Monmouth County Courthouse
71 Monument Park
2nd Floor
Freehold, NJ
March 26, 2020 @ 9 am**

If Court approves the Settlement Agreements, anticipated timeline as follows:

- April 2020 Borough Ordinances and Housing Plan updates introduced
- May 2020 Borough Ordinances and Housing Plan adopted in May
- July 12, 2020 Compliance Hearing for Court to evaluate Borough Housing Plan and issue conditional or final Judgment of Compliance and Repose (including immunity until 2025)
- After Judgment of Compliance and Repose, developer goes through Planning Board

REASONS TO GET INVOLVED



We have the option of doing nothing
and accepting this agreement,
understanding it will likely serve as
the playbook for the future

OR

We can fight it and replace it with
a better process driven by our
citizens

- Immunity from this process is only until 2025, at which time the Borough will be open to new claims
- Already, interested parties are planning to take advantage of the affordable housing obligation (builders buying up large lots, owners of other plots contemplating mergers)
- By showing our opposition and providing a better approach, these attempts are less likely to be considered feasible
- We are all affected: the school system, traffic volume and safety, town services, property values, the integrity of the town infrastructure and increased taxes to subsidize builders' affordable units
- Even if you are not immediately impacted today, you may be tomorrow, and ROSAH will be there for you
- If, 3 to 5 years ago, residents had known of the litigation and of Yellow Brook's participation, ROSAH would have formed sooner - and we might not be in the situation we are today.

REASONS TO GET INVOLVED



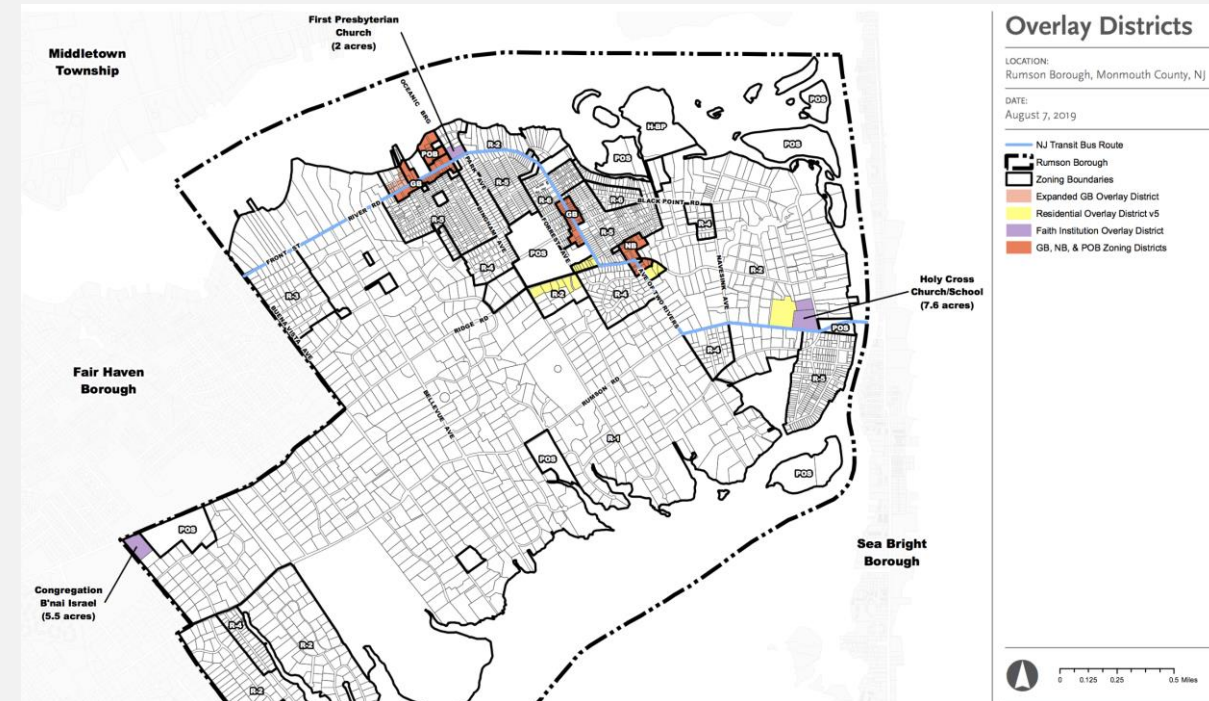
Properties Considered Developable This Round *Others May Be Added in the Future*

The following chart identifies each parcel by block and lot number, location, total parcel size, developable acreage, RDP density, total units and RDP units. In addition, a separate table is provided indicating those parcels that are vacant but fully constrained, Borough owned and farm assessed. The reason for exclusion is presented in the table.

Table 1: Sites Generating RDP

Sites	Block / Lot	Address	Acre	Density (du/acre)	Total units	RDP
Vacant Land Suitable For Inclusionary Development						
1	103/1	50 Rumson Road	2.37 gross 2.37 net	6	14	3
Underdeveloped Sites Suitable For Inclusionary Development						
2	1/10	88 W. River Road	6.7 gross 6.52 net	6	39	8
3	1/16	72 W. River Road	8.5 gross 8.01 net	6	48	10
4	84/13	170 Rumson Road	6.23 gross 6.23 net	6	37	7
5	123/3.01	99 Rumson Road	6.44 gross 6.44 net	6	37	7
Sites Likely to Redevelop						
A	54/7	E. River Road	0.3 gross 0.3 net	12	4	0.75
B	54/8	E. River Road	0.16	12	2	0.4
C	59/10	Carton Street	0.52	20	10	2
D	94/5	Bingham Avenue	5.07 gross	6	30	6
E	124/31	91 Rumson Road	5.79 gross	6	34	6
Total						51

Overlay Zoning



HOW YOU CAN HELP



ROSAH is our best opportunity to influence how affordable housing is implemented in Rumson. A great deal has been accomplished in a short amount of time but we need to get the community fully behind this effort in order to be successful.

Please consider how you can contribute.

Volunteer



Volunteers are needed for the following areas:

- Affordable Housing
- Fundraising
- Public Relations / Marketing
- Digital Media
- Legislative
- Others

Sign up through our website www.rosah.org

Donate



- ROSAH's mission cannot be fulfilled without the financial support of the community
- Please consider making a donation
- Donations can be made through our website at www.rosah.org

Spread the Word

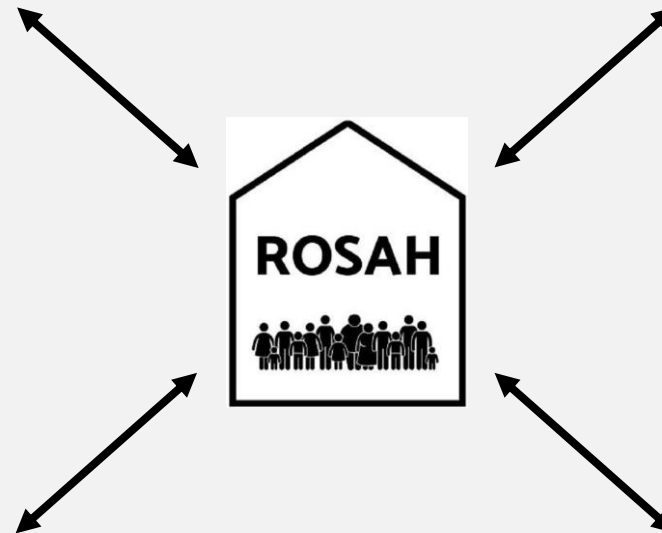


- Inform others in the community about ROSAH and our mission
- Encourage others to participate

Join ROSAH



- Enroll as a Member and become part of the team
- Membership enrollment at www.rosah.org



HOW YOU CAN HELP



NJ State

Contact our state legislators and let them know about your concerns regarding the Rumson / FSHC / Yellow Brook settlement agreements

<u>State Senator</u>	Declan O'Scanlon 101 Crawfords Corner Road Suite 4332 Holmdel, NJ 07733 (732) 444-1838	
<u>State Assembly Members</u>	Gerard Scharfenberger 225 Route 35 Suite 202 Red Bank, NJ 07701 (732) 383-7820	Serena DiMaso 101 Crawfords Corner Road Suite 4332 Holmdel, NJ 07733 (732) 444-1838

* State legislators can be reached via e-mail using the website below:

<https://www.njleg.state.nj.us/SelectRep.asp>

NJ DEP

- The proposed redevelopment at 91 Rumson Road:
 - Calls for the planned fill of and elimination of Freshwater Wetlands in the northeast corner of the property
 - Puts the larger Freshwater Wetlands, vernal habitat area, in the southwest section of the property at risk from runoff contaminates

- Contact the NJ DEP and register your objections:

New Jersey Department of Environmental Protection
Division of Land Use Regulation
P.O. Box 420, Code 501-02A
Trenton, NJ 08625
Attn: Ginger Kopkash, Land Use Management Assistant
Commissioner

Attn: Borough of Rumson Supervisor

Re: Freshwater Wetlands Letter of Interpretation – Verification
91 Rumson Road
Block 124, Lot 31
Rumson, Monmouth County, NJ
FPA No. 15053.001

HOW YOU CAN HELP



Rumson

- Reach out to our elected officials on the Borough Council
- Attend Borough meetings. The calendar of meetings can be found on:
<http://www.rumsonnj.gov/rumson-borough-full-meeting-schedule.html>

	COUNCIL (Regular Mtg.)	COUNCIL (Work Mtg)	PLANNING	ZONING	RECREATION	ENVIRONMENTAL	SHADE TREE	HISTORIC PRESERVATION	MUNICIPAL COURT
	2nd, 4th Tues	1st, 3rd, 5th Tues	1st Mon	3rd Tues	3rd Wed	2nd Tues, odd mo	2nd Tues, even mo	3rd Thurs	2nd, 4th Wed
JAN	Jan. 1st @ 11:30a		6th	21st	15th	14th**		16th	8th
	14th	7th							22nd
	28th	21th							
FEB	11th	4th	3rd	18th	19th		11th	20th	12th
	25th	18th							26th
MAR	10th	3rd	9th	24th	18th	10th		19th	1 st
	24th	17th							25th
		31st							
APR	14th	7th	6th	21st	15th		7th	16th	8th
	28th	21st							22nd
MAY	12th	5th	4th	19th	20th	12th		21st	13th
	26th	19th							27th
JUN	9th	2nd	1st	16th	17th		9th	18th	10th
	23th	16th							24th
		30th							
JUL	14th	7th	13th	21st	15th	14th		16th	8th
	28th	21st							22th
AUG	11th	4th	3rd	18th	no meeting		11th	20th	12th
	25th	18th							26th
SEP	8th	1st	14th	15th	16th	15th*		17th	9th
	22nd	15th							23rd
		29th							
OCT	13th	6th	5th	20th	21st		13th	15th	14th
	27th	20th							28th
NOV	10th	3rd	2nd	17th	18th	10th		19th	11th
	24th	17th							25th
DEC	8th	1st	7th	15th	no meeting		8th	17th	9th
	22nd	15th							23th
		29th							
First Meeting 2021	Jan. 1st @ 11:30a	January 1st	January 4th	January 19th	January 13th	January 12th	February 9th	January 14th	January 13th

*Jewish Holidays start sundown evening prior

**Date change

CONTACT US



ROSAH Contact Information

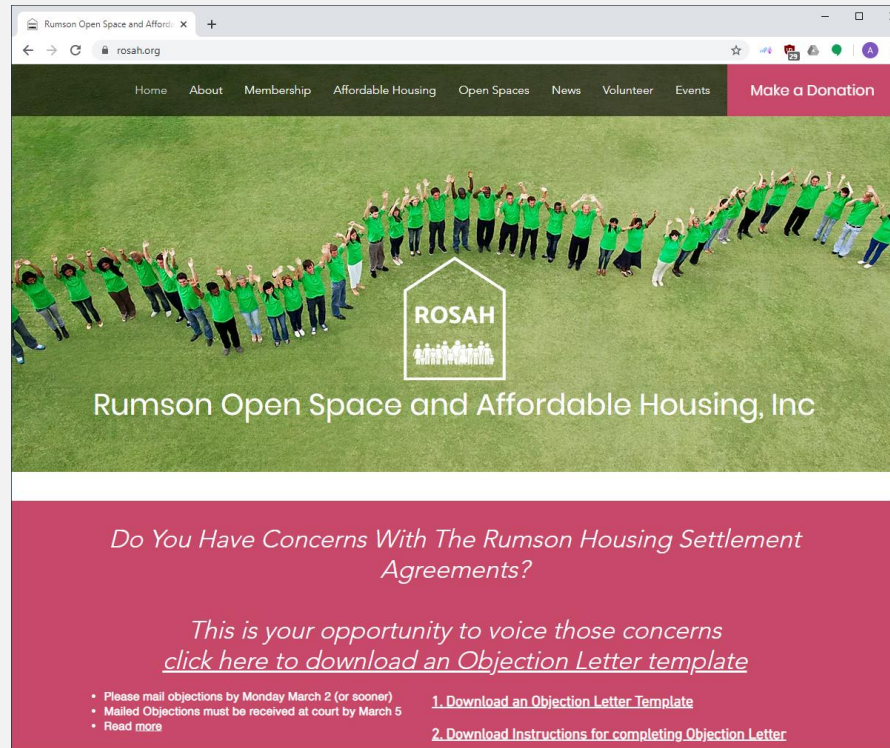
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- Website: www.rosah.org
- Facebook: www.facebook.com/groups/rosah
- Twitter: twitter.com/rosah_org

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Q & A