



**SOCIETY HILL AT
PISCATAWAY
CONDOMINIUM
ASSOCIATION, INC**

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GO GREEN!

If you are a non-resident unit owner, consider going green—contact the management office to start getting the newsletter online!

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The Society Hill News

May 2014 Edition

“Bee” Kind to Bees

Many of you have had this experience—you’re outside one day on your patio or leaving the house, and whack—a big buzzy bee bumps into your head. You look up and see a lot of them congregating around the gutter or an archway. You panic—what if they sting me? Am I allergic? Are they carpenter bees? Will they eat the wood in my house?

While bees can be annoying and, in some cases, dangerous to those who are allergic, they are incredibly important to our lives—they pollinate fruit trees, berries, vegetables, and flowers,

both in Society Hill and elsewhere. Without bees, we wouldn’t be able to enjoy a lot of the foods we take for granted. Unfortunately, thanks to the use of pesticide or possibly diseases, many bees are dying off, suffering from what has been termed “Colony Collapse Disorder (CCD)” This problem is so severe that entomologists are pushing to have bees added to the endangered species list.

Because of CCD, we are trying to be very sparing in any types of extermination efforts when it comes to bees. If you are having

issues with bees, the best thing to do is just stay out of their way. If they are really being an issue (for example, if they hang around the door or patio) put out a cup of sugar water, some distance from the house, and they will gravitate towards it instead of where you are.

The most important thing to remember is that if you don’t bother them, they won’t bother you—they’re looking for pollen, not people. And while they may be a nuisance, not having them would be much worse.

Project Update

Last issue we gave everyone an update on the progress of the various projects going on in the development. There’s not a whole lot new yet, but we want to make sure everyone is up-to-date.

First, the garage project is moving forward. We’ve gotten all the required documents in to the attorney, and we are sched-

uled to go before the township on June 26th. Since the structure will be larger than 2500 square feet, the Association requires a variance, and thus must go before the zoning board. As long as everything goes well at that meeting, we should be able to go before the town council in July to get the site plan approved. After that, the architect will need to design

out the finished product, and as soon as that is done we can go ahead and start work. We are still deciding how the garage will be built—how much, if any of it, we will do ourselves, and how much we will contract out. Our main goal is to get this project done as quickly as possible to minimize inconvenience to residents, and that will probably

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Pool Season Begins May 24th



Now that the weather is getting warmer, we have been gearing up for pool season. We’ve gotten our 5-year bonding and grounding certificate and our preliminary water testing, bought some new tables and

umbrellas, and even installed a new high-capacity salt system that should make the water less harsh and save money on chlorine. All that means we should be good to go for the Memorial Day weekend opening!

This year, we will be running the pool ourselves, which just means hiring our own lifeguards and ordering the pool supplies directly. This allows us to save costs as well as extend the pool season, in case the weather is still hot past Labor Day.

The pool will open May 24th from 10AM-8PM (weekends and Memorial Day only) and will be open 7 days starting on June 21st. While we can issue new passes this year, you may still bring your previous year’s pass or an ID showing you live in Society Hill. You may bring guests for free, but you must be with them when they come.

Also, please remember there is no alcohol allowed in the pool area and you may only smoke outside the gate.

Project Update (cont.)

(Continued from page 1)
require getting outside help for this project.

Second, our pond project has been held up by the Township landscape architect, who was requiring additional permits from the DEP to continue dredging. Fortunately, we now have all the DEP permits requested, as well as an extension of our water-lowering permit, so the Township should give us the go-ahead to continue digging and using the piles of dredge spoils in landscape features. Along with the pond dredging comes the proposed hilltop gathering area, a concept of

which was featured in the last issue. In order to go forward with this project, we will need a site plan approval from the township (much like we need for the garage). Our environmental consultant is in talks with the township's landscape engineer to hash out the details, however if we can get this project approved, it will greatly improve the attractiveness of the development and provide a new place for social gatherings.

Another project we've started is patching the turf damaged by the snow and snow removal. Hopefully, we should be able to take care of the bald spots dotted

around the community.

We have also resumed working on the roof of building 3, and hope to have that done soon. We were put on hold due to the awful winter, however over that winter we didn't have any skylight leaks in that building, whereas some older skylights on other condo building roofs did. This is a good sign that this new roof is water-tight and able to stand up to really harsh weather and ice-damming. Once we are done, we will need to reassess the project and determine whether we will do another roof ourselves, and if so, if it will be this year or next.

Finally, we will be continuing to work on backfilling the junction boxes we installed by many of the buildings last year and dig more trenches for the conduit. Once we have all the runs to the buildings done, we will have all the paths for the fiber optic wires so that when the garage is built and the roofs are redone, we can provide the high-speed internet access approved by the membership at the 2013 Annual Meeting.

We will keep you posted on any updates to these projects. If you have any questions, please feel free to contact the management office.

Editorial: The Legal Case for Letting Controls on Affordable Units Expire



Society Hill at Piscataway is a 545-unit housing development constructed in 1985-86. As part of the township's requirement

to comply with the Mt. Laurel decision, 109 of those units (now 106 due to a few foreclosures) were created as affordable housing, intended for sale to low- and moderate-income purchasers at a below-market sales prices and with a reduced assessment for property tax purposes and a lower monthly maintenance fee obligation in comparison to the remaining 435 full-priced units (1/3 of the regular fee.)

Since the initial sales, these units

have been continuously restricted under the terms of the development's Affordable Housing Plan. In addition to the restrictions noted above, there are restrictions applied as to who may occupy the unit (owners and their families), how it may be sold (only through the township), and for how much (a below-market price set by the township).

However, as repeatedly reiterated in the legally significant official documents relating to the

creation and sale of affordable units—among them the Conceptual Plan for Affordable Housing; Notice to Persons Interested in Affordable Condominiums in Society Hill at Piscataway; the Disclosure Statement; Offering Statement; Affordable Housing Plan; and Master Deed (by reference in the original deeds of conveyance)—all these restrictions are to expire 30-years from the date of recording of the Affordable Housing Plan, if not

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New Recycling Guidelines

Thanks to the awful snow and ice, the driver who usually picks up the recycling at the Association got hurt. As a result, Waste Management, the company that Middlesex County contracts with for the pickups, has directed its drivers to not even go up on the sidewalks to pick up recycling. This resulted in three pick-ups in a row that were barely pick-ups at all! Large numbers of residents wound up not getting their recycling collected, resulting in a lot of grief.

While the management office and quite a few residents lodged complaints with the county directly, after meeting with the route supervisor, it seems as if they're not budging on their policy. So now we have a new procedure for recycling pick-ups.

On recycling days, all bins must be put either by the mailboxes or in the parking lot between the stalls. Recycling bins on sidewalks will not be collected.

The Association has been moving the recycling containers into the parking lots for the last few pick-ups, but will stop doing so soon. That means that all residents will need to put the recycling bins in the proper place in the morning or the recycling will not be picked up. We are also recommending that all residents put their unit number on both recycling bins in case the bins get blown away or otherwise moved. The crew does regular checks and can

put your bin back if we know what unit it belongs to. Lastly, please remember that recycling bins may NOT be stored in front of townhouses, even if they are behind the bushes. Storing the bins in front of the units generally makes the place look shabby. You may store your recycling on your back patio, as long as the bins aren't overflowing. And if you need to know when recycling is, you can check the calendar on the Association's website.

The Legal Case for Letting Controls on Mt. Laurel Units Expire (cont.)

(Continued from page 2)
 terminated earlier for another reason (i.e. foreclosure or dissolution of the Association).

Furthermore, these restrictions and the representation that they were to expire and terminate were also clearly pointed out in all informational presentations to the public on the project by both the Township of Piscataway and builder K. Hovnanian preceding the drawing by lottery of successful applicants for the affordable units in August, 1985. At no time during those presentations was there any suggestion that the restrictions, described in the Affordable Housing Plan, as covenants running with the land, would be extended to apply to the units beyond the 30-year period above; indeed, the Offering Statement UN-EQUIVOCALLY states the effective term of the restriction as follows:

UPON TERMINATION AND EXPIRATION OF THE AFFORDABLE HOUSING PLAN, OWNERS OF THESE ONE-HUNDRED NINE (109) AFFORDABLE CONDOMINIUMS SHALL BE FOREVER RELEASED FROM

THE TERMS AND CONDITIONS OF THE AFFORDABLE HOUSING PLAN AND SHALL BE ABLE TO SELL AND RESELL THESE HOMES AS ANY OTHER CONDOMINIUM HOME IN THE ASSOCIATION. (SOCIETY HILL PISCATAWAY OFFERING STATEMENT, 1985)

These circumstances notwithstanding, beginning almost 20 years AFTER the 1985-86 initial sale of the affordable units to homeowners, the Township apparently adopted at least three ordinances (and perhaps one resolution, though research has yielded none) establishing and laying out terms of the township's responsibilities and authority over affordable housing in Piscataway.

Among the powers asserted in the major revised ordinance (09-33, adopted in 2009) is the power to EXTEND the restrictions on existing affordable housing units subject to the ordinance for up to thirty additional years. Also, the resolution (purportedly adopted, but for which there is apparently no specific citation of year or identifying number) is cited in

the few deeds of resale of affordable units invoking a "recapture" policy. This policy calls for affordable unit owners who, AFTER expiration of the original 30-year period of restriction to pay the difference in value received to the township treasury for affordable housing purposes.

This latter provision seems to imply that the initial restrictions on the units do indeed technically expire, but the main benefit to the owner of the termination is nonetheless denied by restoration under an unspecified Township resolution of the restriction on sales price. In Society Hill's case, no effort has yet been publicly offered by the Township to square it or the ordinance provisions authorizing extension of the restrictions for another 30 years with the directly contradictory provisions of the Society Hill Affordable Housing documents and original deeds containing the 30-year expiration date.

It might also be noted that, in the case of one development containing affordable units—The Commons—the Township advised homeowners by mail that "recapture" would apply

upon termination of the restrictions, although this assertion was made not on the basis of the purported resolution mentioned earlier, but rather on a specific clause in the Affordable Housing Plan for The Commons. No such clause exists in the Society Hill Affordable Housing Plan.

How applicable regulations of the state Council on Affordable Housing (COAH) affect the Township's authority in this matter is, of course, a relevant factor, but a cursory review of that source of authority indicates that the governing documents controlling the conveyances to affordable homeowners at Society Hill LONG PRECEDED the adoption of any possibly relevant COAH regulations, so a question of IMPAIRING VESTED PROPERTY RIGHTS would certainly seem to be the paramount legal issue.

The lifting of the affordable restrictions means, of course, as was clearly understood at the time of purchase, that affordable unit owners (including myself) would have to pay in the future the same maintenance fees and property taxes as regular unit owners. In re-

March Board Meeting Highlights



The Society Hill at Piscataway Board of Trustees met on Monday, March 17th, 2014 at

7:00PM for its monthly meeting. The following are highlights from that meeting:

- The Board voted (6,0,0) to accept budget line-item changes to cover the unexpected cost of snow removal (\$8,500) and other expenses.
- The Board voted (5,0,1) to pass a resolution authorizing the Association, represented by Bob Smith,

to make a site plan application for construction of the maintenance garage.

- The Board voted (5,0,1) to appoint Trustee Sanford as secretary of the Association.
- The Board voted (4,0,2) that any critical issues which need Board approval, but which cannot wait until the next regularly scheduled Board

meeting may be presented to the Board as a motion via email, and then followed up on for a vote by phone.

There was no April Board meeting. The next Board of Trustees meeting is scheduled for Monday, May 19th, 2014 at 7:00PM. All residents and non-resident are welcome.

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158 Chippenham Court

George Tsacnaris—2015
Trustee-at-Large
171 Chippenham Court

**2014 Board Meeting
Schedule**

**Third Monday of each
month at the Clubhouse**

Starting at 7:00 PM



Editorial (cont.)

(Continued from page 3)
turn, however, these units would be treated the same as all other units after 30 years, allowing those owners to occupy or rent units as they see fit, and—probably most significantly of all—to sell their units at full market value and not at the much lower Township-fixed sales price. By the same token, regular unit owners who have been making up for the 2/3 reduction in regular maintenance fees given to affordable unit owners for the past 30 years, will not be forced to sustain that same burden for another 30 years (and if some owners with difficult financial situations wanted to voluntarily extend the controls on their units, why

shouldn't they be allowed to?)

It is within this legal framework that the Association should seek the advice and assistance of legal counsel to determine how best to carry out the obvious intent of Society Hill's provisions, namely that the affordable units shall have the same status as any other Society Hill units after 30 years. Doing so is, arguably, a fiduciary duty of the Association's board of trustees, since expiration of restrictions on sales and occupancy of affordable units slated for mid-October of 2015 will have a very substantial positive effect on the Association's annual revenue. Specifically, taking off the current limit on affordable unit maintenance fees will yield

approximately \$140,000 at the current maintenance fee rate. This extra revenue could be used either to provide additional services or even reduce the maintenance fees for regular units. In addition, it is important that the board respect the rule of law in this matter by making sure the promise made and agreed to by homeowners 30 years ago is respected by the Township.

Clearly, if the Township had inserted into the original legal documents, a reservation of rights to extend the affordable controls or institute recapture, then all homeowners would have understood and agreed to that bargain. Since that was not the case, the Association board of trustees should protect both affordable and regular unit owners by insisting that the expiration of affordable unit controls promised after 30 years, be implemented as intended. There is much a stake, both for affordable and regular homeowners in this municipal issue, and those owners should raise their concerns to the mayor's office and township councilmen accordingly. Only the Township treasury (through millions in profits from recapture) and the developers (who will be excused from building more affordable units) stand to gain from the extension of these controls.
- Gregory Machyowsky



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