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**ANNUAL MEETING ADJOURNED TO FRIDAY DECEMBER 19TH. 60 PROXIES STILL NEEDED TO HOLD ANNUAL MEETING—SEND YOURS IN OR ASK FOR A REPLACEMENT PROXY FORM!**

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**2014 Recycling Days**

**November 12th**

**November 26th**

**December 10th**

**December 14th**

# The Society Hill News

November 2014 Edition

## Mt. Laurel Meeting November 17th



Those of you who have been reading the newsletter or attending the Board of Trustees meetings know that the low- and moderate-rate units in the development (Mt. Laurel units) were originally scheduled to have their restrictions lifted in 2015 and/or 2016, based on Society Hill at Piscataway's Affordable Housing Plan, however the Township of Piscataway intends to extend these restrictions for another 30 years

(possibly indefinitely). The legality of this extension has always been in question, and a recent court case in Mahwah seems to prove that. In that case, 160 Mt. Laurel unit owners from 5 different Association filed suit against the township of Mahwah to prevent them from extending the controls—particularly the recapture provision on resale. The news story explaining this case is included later in this newsletter.

At this point, it seems clear that the township of Piscataway cannot arbitrarily extend the restrictions on Mt. Laurel units in Society Hill, however what to do about it is a larger question. The Association has invited the attorney who worked on the Mahwah case to attend the November 17th Board of Trustees Meeting to hold an information session for all unit owners who

would like to know more about the situation and what it means to not just the Mt. Laurel unit owners, but also the market-rate unit owners. Remember that market rate unit owners have been effectively subsidizing the Mt. Laurel unit owners' maintenance fees for the last 30 years (Mt. Laurel units pay 1/3 the maintenance fees of market-rate units). And the Mt. Laurel unit owners currently cannot sell those units for market rate (95% of the profits would go to the township). This can mean a difference of up to \$100,000 for some Mt. Laurel units.

We are urging all unit owners to come to the November 17th Board Meeting at 7PM at the clubhouse in order to get more information on this matter. We hope to see you there!

## Court Rules in Favor of Affordable Housing Homeowners in Mahwah Lawsuit

August 1st, 2014  
By Salvatore Trifilio  
Staff Writer  
Reprinted with Permission from Mahwah Suburban News

Mahwah - The owners of 150 affordable housing units in the township won a summary judgment in Superior Court this week in a suit they filed to ensure their rights to sell their units at market value to buyers without income restrictions. The suit was filed following notification by the township that it planned to adhere to the so-called 95-5 rule, which states that if homeowners, upon expiration of their 25-year deeds,

sell their properties at market value, they must contribute 95 percent of the differential from the purchase price to the township's affordable housing fund. The homeowners own condominiums throughout the township that were constructed in the 1980s under Mount Laurel I and were under a 25-year contract with the township that would allow them to sell their units at market value upon the expiration of their contracts, which have begun to expire in recent years.

"[The ruling] is important because it knocks out the only rationale the township has of-

fered for imposing [restrictions] on the homeowners," said Stephen Eisdorfer, the attorney representing the homeowners, which have organized as the Mahwah Affordable Housing Owners.

Eisdorfer referred to the Uniform Housing Affordability Controls that were instituted by the Council on Affordable Housing in 2004. These controls state that upon selling a unit, a homeowner would have to first contact the township and allow it the opportunity to purchase the unit at the controlled affordable price. If the township declined to purchase the unit, the home-

*(Continued on page 2)*

## Mahwah Mt. Laurel Case (cont.)

(Continued from page 1)  
owner would then be allowed to sell at market price, but would owe the township 95 percent of the difference between the unit-controlled price and the price of the market value sale.

For instance, a homeowner whose unit is controlled at \$100,000 but sells at the market value of \$200,000 would then be obligated to pay the township \$95,000.

The township sought to apply the 2004 legislation retroactively, and extend to the units after the 25-year contracts expired.

"COAH has never indicated that it has retroactive control over low- and moderate-income cost housing that was built by agreements with municipalities prior to COAH's existence," Judge William C. Meehan in his decision.

"This is not a final judgment, but it does set the precedent" for all cases concerning affordable housing in the state of New Jersey, said Eidsorfer.

Meehan noted in his decision that the summary judgment does not resolve all the issues, and scheduled a conference on Sept. 3.

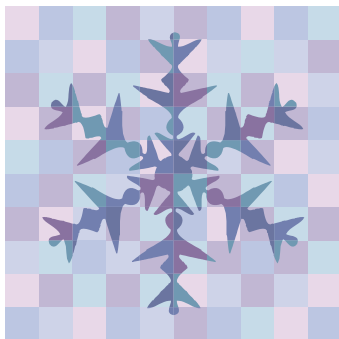
"The residents have prevailed

and we will move forward from here," Mayor William Laforet said.

Andrew Fede, the attorney representing the township in the case, said he was unable to comment.

"The ruling has been received by the mayor and Township Council and they are currently reviewing it to determine the proper response," he said.

## Winter is Coming—Are you Ready?



Although we're still in the middle of Fall, Winter will be here before you know it. As the weather gets colder, there are a lot of things that you need to keep in mind in terms of maintenance, so make sure to keep the following in mind, and if you have tenants, PLEASE LET THEM KNOW AS WELL!

**Pipes:** Winters can be extremely tough on water pipes. Water in pipes that is too cold can freeze, and when water freezes it expands. That expansion can cause your water pipes to burst, causing water to flood your and possibly your neighbors' units. That's why it is ESSENTIAL to keep your thermostat above 55 degrees even if nobody is there. Last year we had a situation where tenants left for Christmas break and turned off the heat completely. The owner was lucky one of our crew members noticed water leaking out the front door, or he

would have been the proud owner of a giant fish tank.

Pipe leaks can also affect your neighbors, as we mentioned in the article in last month's newsletter. So make sure to keep the temperature above 55, and if you notice any wetness, call the management office immediately!

**Roofs and Skylights:** New Jersey was lucky during the winters of 2011—2013. There was not much snow, and what we did get melted fairly quickly. In 2014, we were not so lucky, and the result was lots of snow sticking around for a long time. This wound up causing more than a few skylights and roofs to leak and gutters to come loose due to the accumulated weight of the ice and snow, as well as the snow melt. This year we have been hearing that the weather will be similar to last year, and so the Association is currently going around to all the condominium buildings to check the skylights and gutters and repair them when necessary. Unfortunately, we cannot know for sure where the leaks will show up until the snows come. If you notice that there is moisture around your skylight or anywhere in your ceiling, please let us know ASAP. We can usually identify if the skylight needs to be replaced, and although

that is unit owner responsibility to replace, we can provide that service for the cost of materials and a small labor charge. There is also the option of removing the skylights completely if you'd rather not spend the money on replacement at this time.

**Snow Removal and Parking:** We get questions about this every year, and so we believe it's best to get the information out as early as possible. The Association does its own snow removal, even on the township roads of Buckingham Drive and Chesterfield Drive. The management office closely monitors weather conditions during the winter months and when there looks to be a likelihood of snow, we put our staff on notice. We also will send out an email to the community to let them know to avoid parking on Chesterfield, Buckingham, and along any curbs until snow removal has gotten under way.

We use a combination of our two snow plows and two loaders to plow the streets. This usually happens after either the storm has ended, or after about 5 or 6 inches of snow are on the ground. If the snow event is significant and happens during the day of a weekday, we may have time to begin plowing the parking spots, since there aren't

too many cars around. However, if it is on a weekend when there are a lot of vehicles around, or there is only a little bit of snow, we cannot plow the individual spots. Please keep in mind that the responsibility for clearing parking spots is really on the residents, and while we do what we can, it is impractical to completely clear all the parking spots down to bare pavement.

**Ice Control:** While section 4.01 of the By-Laws clearly states that the unit owner is responsible for clearing his or her walkway, as an attempt to help people, the Association sends the crew out to clean and salt. The amount of snow and the temperature forecast determine how we do those tasks (whether we use the blowers or shovels, whether we salt once or multiple times, etc.) Please keep in mind, however, that all unit owners are advised to check their walkways carefully and if the conditions are still icy to apply their own ice control methods, as overnight refreezing can occur.

And if you are in a condo unit, please make use of the buckets of grit and ice melt. The grit may be a little messy, but it can be swept up later.

## Editorial: A Call to Action to Save Homeowners Millions

Dear Homeowner:

### **THE PROBLEM**

While it may seem surprising, this is no exaggeration: If no legal steps are taken soon, Piscataway Township - even after the presumed expiration of restrictions on Mt. Laurel units in 2015 - will continue to limit the sales price of those units. Furthermore, if a unit is sold at true market value, rather than the much lower price set by the Township, the town will lay claim to the difference by means of a lien and require payment into the Township treasury. The current difference between the Township-controlled sales price and full market value for the 30-odd Mt. Laurel units still owned by their original purchasers in 1985-86, is potentially a staggering \$100,000 per unit, and presumably the same is true for the rest of the Mt. Laurel units, i.e. those resold after their initial purchase in 1985-86.

### **THE LEGAL PROMISE**

The worst part of this policy, claimed to be authorized by regulations of the state Council on Affordable Housing (COAH) and Township ordinance and resolution enactments, is that it flies in the face of the original agreement made between Mr. Laurel purchasers, the Township, the builder, and, by inference at least, the Association. It's a topic I addressed in a May, 2014 article in this newsletter. The basic intention, agreed to by all the parties, is summarized in the legally-significant Offering Statement on the Society Hill project: "UPON TERMINATION AND EXPIRATION OF THE AFFORDABLE HOUSING PLAN, OWNERS OF THESE ONE HUNDRED NINE (109) AF-

FORDABLE 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." (The Affordable Housing Plan sets out the restrictions on Mt. Laurel units, as well as other basic matters, and is incorporated in the deeds issued to the original Mt. Laurel unit purchasers.)

It's not clear yet whether the Township intends to extend the other currently-in-force restrictions on Mt. Laurel units when those restrictions expire next year - notably the current 1/3 limit on the amount of monthly maintenance fees paid. That restriction, like all the other original Mt. Laurel restrictions of the Affordable Housing Plan, is stated to expire in 30 years (between November 2015 and September 2016, depending on when title to a new unit was actually taken.)

In any case, market rate owners have, for the past nearly 30 years, been paying more in fees to meet each year's budget than would have otherwise been the case had the 106 Mt. Laurel units been paying the same as market rate units. However, that was the deal agreed to by all original unit purchasers, Mt. Laurel and otherwise, and though there was some grumbling, the market rate unit owners have kept their part of the bargain.

At the current maintenance fee rate, Mt. Laurel owners cost the Association, in terms of lost revenue, about \$140,000 yearly or, looked at another way, about an extra \$27 per

month figured into market rate owners' total monthly fees. Without that subsidy, the Association would have that additional \$140,000 yearly at current maintenance fee rates either to lower its current rate accordingly or at least help satisfy developing budgetary costs without increasing fees.

Together with the other restrictions, the reduced-fee arrangement for Mt. Laurel owners is clearly intended to expire beginning in November of 2015, but from all appearances the Township may try to continue it also. One piece of evidence is that the Township, for some years now, has been - in my view improperly - including extensions of all the original restrictions for another 30 years in deeds of resale.

### **OUR WINNING CASE**

The recent court case in the Bergen County township of Mahwah, decided only a few months ago and explained elsewhere in this issue of the newsletter, seems to me decisive on the Township's lack of authority to extend any of these restrictions, since extending the restrictions squarely contradicts the terms of our original deeds and the Offering Statement and Affordable Housing Plan incorporated therein.

### **A CALL TO ACTION**

To settle matters authoritatively, the recent decision in the Superior Court of Bergen County needs to be reaffirmed here, either by negotiations with the Township conducted by the Association's or others' legal representatives or, negotiations failing, by litigation in Middlesex County to obtain a minimally costly "summary judgment," as in the Mahwah case.

So it is crucial that the board act soon to retain legal counsel in order to persuade the Township to honor the precedent set in the Mahwah case by letting the Mt. Laurel restrictions expire without renewal or extension, as was clearly intended, without "ifs", "ands", or "buts". At stake is a huge amount of money - millions - in the upcoming 30-year period, since the Township will effectively be taking money out of all homeowners' pockets by confiscating the Mt. Laurel unit owners' full market value gains on sale of their units, and by forcing the 439 other Society Hill owners to continue to subsidize monthly Mt. Laurel unit fees for another 30 years.

The attorneys on the Mahwah case have agreed to make an informational presentation at the upcoming board meeting on MONDAY, NOVEMBER 17, 7 P.M. AT THE CLUBHOUSE.

THIS MEETING IS OF IMMENSE IMPORTANCE TO BOTH THE IMMEDIATE AND LONGTERM FINANCIAL INTERESTS OF ALL HOMEOWNERS AND THE ASSOCIATION ITSELF.

A large turnout at this meeting will convince the board to retain legal counsel now and avoid confusion, doubt, and probably inevitably expensive litigation down the road.

However managed, the lawyers' costs will be dwarfed by the amount of money at stake for all homeowners individually as well as for the Association itself should nothing be done and the township carry out its plans without challenge.

- Greg Machyowsky, Trustee

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M-F 8:00 - 5:00  
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30 Canterbury Court

**Zahid Khan —2014**

Trustee-at-Large

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**

Visit us on the Web at  
[www.societyhillpiscataway.com](http://www.societyhillpiscataway.com)

**October Board Meeting Highlights**

The Society Hill at Piscataway Board of Trustees met on Monday, October 20th, 2014 at 7:30PM for its monthly meeting. Board Members in attendance were Kevin Wine, Gregory Machyowsky, George Tsacnaris, and Zahid Khan. The following

are highlights from that meeting:

- James Matthews, the Association's auditor, presented the 2013 Draft Audit to the Board.

- Management reported on the progress of the Maintenance Garage and Pond projects.
- The Board moved to not increase the line item for doubtful accounts retroactively in the 2013 budget (2,0,2)

The next Board of Trustees meeting is scheduled for Monday, November 17th, 2014 at 7:00PM. Please note that there will be an informational session presented by an attorney from Hill Wallack at the beginning of the meeting regarding the upcoming Mt. Laurel expiration. All residents and non-resident owners are welcome and highly encouraged to attend.

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**Garage Update**

At the November 6th Piscataway Zoning Board Meeting, the Association finally got approval to build the Maintenance Garage! Although the zoning board is putting a lot of restrictions on it, we should still be able to make a structure that is useful and will allow us to clean up the grounds while still being able to save costs by doing projects ourselves. We hope to start construction on the garage in 2015.

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