

Monroe (1987)

6/1/87

Plaintiffs Draft Objection to Fair Share Plan

Pgs = 21

No P.i.

CA000424F

Dear Nurse Nevens:

Attached is a draft of proposed objections to be filed by 6/25/87 at 5:00 with COAR.

I would like your comments as to suggestions, deletions, etc. I suggest a conference call Thursday a.m. as I will be handling an arbitration in Chevy Chase until then.

If you are available, leave a message on my machine
Thanks but in haste
Dabner

→ Ray
Allan
John
Eric

9:00

OBJECTIONS OF THE CIVIC LEAGUE
TO MONROE'S HOUSING ELEMENT AND FAIR
SHARE PLAN

Introduction

As a defendant in an exclusionary zoning suit transferred to the Council by the Courts Monroe is deemed to have filed a petition for substantive certification by filing its Housing Element and Fair Share Plan [hereinafter the "Plan"] N.J.A.C 5:91-4.2. The Civic League of Greater New Brunswick [hereinafter the "Civic League"] respectfully submits these objections to Monroe's Plan pursuant to N.J.A.C. 5:91-5.1. These objections are limited to those provisions of Monroe's Plan which fail to comport with the guidelines and criteria established by the Council. N.J.A.C. 5:91-5.1(a)4.

The Civic League expressly reserves its rights with respect to objections it may have regarding the methodology and regulations of the Council in general; including but not limited to objections as to regions, filtering and fair share; and as specifically applied to Monroe.

Having been a named plaintiff in the Mount Laurel litigation cited above, the Civic League remains an interested party in this matter. The Civic League's membership includes low and moderate income persons whose need for

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1. Urban League, et al v. Carteret, et al. Civil No. C 4122-73.
 2. Hills Development Co. V. Township of Bernards, 103 N.J. 1 (1986)

affordable housing has been expressly recognized by the New Jersey Supreme Court.

In support of these objections, the Civic League shall rely upon the expert's report of Allan Mallach, AICP dated June , 1987, annexed hereto as Exhibit A.

Objections

1. Proposed rehabilitation element

Monroe has provided no inventory setting forth the "age condition, purchase or rental value, occupancy characteristics and type" or any other evidence showing the existence of physically substandard units suitable for rehabilitation as required by N.J.A.C. 5:92-1.4(a) 1. Furthermore, assuming that some rehabilitation program would be appropriate, Monroe has failed to demonstrate that such rehabilitation would be within the parameters set forth at N.J.A.C. 5:92-11.5.

In addition, aside from one exception, the cost of rehabilitation of the units for which the Township proposes to take credit, is under the ten thousand dollar (\$10,000) presumptive minimum cost of rehabilitation of a lower income unit adopted by the Council on Affordable Housing. In two instances the cost of the projected rehabilitation is below three thousand dollars (\$3,000). As a result, it is the position of the Civic League, that credit should not be granted for eleven (11) of the twelve (12) units for which Monroe claims credit on the basis of rehabilitation.

The issue of the cost of rehabilitating the units also exists regarding Monroe's reliance on the Middlesex County Program to meet its indigenous housing obligation. As reflected in the Monroe Plan, the maximum amount that Middlesex County will provide is seven thousand five hundred dollars (\$7,500), with the amount extended to fifteen thousand dollars (\$15,000) only in "extreme cases". Given the probability that the majority of grants will be limited by the County to the \$7500 maximum, severely substandard housing will not be able to be rehabilitated for this amount. In order for a substantial amount of the households to participate in the program, supplementation of the County resources by the Township of Monroe or alternative sources will be necessary.

Monroe has provided no documentation by means of surveys, tax assessor records or otherwise that the substandard units which comprise the indigenous need can be rehabilitated for the amount of monies available. Nor is evidence offered that the County will be in a position to specifically provide to Monroe the funds necessary to ensure that forty five (45) units will be able to be rehabilitated within the next six (6) years. Given the fact that only thirteen (13) units have been rehabilitated by Monroe in the last seven (7) years, (with some requiring

limited rehabilitation), it is the position of the Civic League that it is incumbent upon Monroe to produce such evidence of availability of funding for rehabilitation and to provide additional evidence that the rehabilitation plan will be actively promoted.

The Civic League respectfully submits that the failure of Monroe to provide the requisite evidence of adequate funding for the units proposed to be rehabilitated; evidence that rehabilitation will be adequately promoted or evidence that the previously rehabilitated units meet the guidelines of the Council mandates a denial of its petition for substantive certification pursuant to N.J.A.C. 5:91-6.3(a).

In the alternative, denial of certification should be conditioned upon the submission by Monroe of the necessary documentation which should be incorporated as part of the Plan within fifteen (15) days.

2. Sites for New Construction

Monroe has proposed four sites to be rezoned; three for multi-family housing and one site for two family housing. Each will be addressed separately.

A. Site 5 (west of Jamesburg)

Site 5 is located approximate five hundred (500) feet northwest of the intersection of Jamesburg-Half Acre Road

and Forsgate Road. It is bounded by the boundary of the Borough of Jamesburg on the east, a railroad and power line right of way on the north and west and it appears to be bounded on the south by vacant land. While it was not possible for representatives of the Civic League to access the site, the parcel in question appears to be cleared but lower than adjacent land in Jamesburg. Examination of the Soil Survey reveals that the site was utilized at one time for the mining of sand and gravel.

Site 5 has no access to any existing streets within either Jamesburg or Monroe. Any potential access would be realistic only if obtained within Jamesburg not Monroe. Accordingly, based upon the foregoing reasons, the Civic League objects to this site being included as part of the Monroe Housing Element as an isolated site.

However, Monroe proposes that this site be developed in conjunction with and part of a larger site, the balance of which is in the Borough of Jamesburg. The Civic League objects to the site as so presented because it lacks sufficient information to reach a conclusion that the site is acceptable. For instance, no map has been presented which shows the total site area, no indication of access to Half Acre road is provided, and it has not been demonstrated that the site may reasonably be utilized at the

proposed density. Additional investigation and documentation is necessary to determine if the site can support the proposed density in light of the past soil mining on the site and the substantial setbacks which must be provided due to the power lines and rail line. Moreover, no indication is given in the Housing Element as to the acceptability of the larger site to the Borough of Jamesburg and what conditions would be imposed by that municipality to the development of this site. Furthermore, the Civic League is not in a position to consider withdrawing its objection to the site until the following additional documentation is provided:

- (1) Map and conceptual site plan of the entire project;
- (2) Written commitment by the developer
- (3) Detailed soil/slope documentation to ensure the site is actually buildable.
- (4) Clarification of the requirements to be imposed on the site by the Borough of Jamesburg and confirmation that the adjacent parcel within the Borough of Jamesburg is or will be appropriately zoned to permit development of the site.

B. Site 6 (East of Jamesburg)

The subject parcel is comprised of 73 acres of irregular shape and is located north of State Home Road and south of Pergola Avenue immediately east of the Jamesburg boundary.

A substantial portion of the site is in a wetland area, with

another site in floodplains. The balance of the site has a moderate to high seasonal water table. A substantial likelihood exists that a larger part of the site may be found to be unsuitable for development if a detailed site inspection is conducted.

Monroe proposes to rezone only a portion of the total site for townhouse development. While the portion of the total tract proposed for such use may support development at the proposed density, access to the subject site is only through a narrow local street in poor condition. Potential access through State Street and or New Street would require substantial improvements to these streets (including a large portion in Jamesburg), as well as potential signalization of the intersection with Jamesburg-Englishtown Road.

Aside to the foregoing problems presented by the site, it will be difficult to integrate the site effectively into the surroundings of predominately modest single family homes. It is unlikely that any proposed developer would want to integrate the subject site with the area immediately adjacent along New and State Streets due to the depressed character of the area. (See discussion in Section C, infra) For the foregoing reasons, as well as the lack of any documentation of the willingness of the owner to sell or develop the site, the Civic League objects to the inclusion

of Site 6 as part of the Housing Element and Fair Share Plan of the Township of Monroe.

C. Site 6-A

Site 6-A is an area of approximately two blocks, which appears to be a largely self-contained and largely isolated neighborhood populated by a mix of lower income and middle income black families. In addition to houses ranging from poor to good condition, the neighborhood contains two churches. Access thereto is via State and New Streets to Jamesburg-Englishtown Road. Site 6-A is therefore more of a neighborhood than a "site" subject to total development.

Monroe proposes that this neighborhood be dealt with in a comprehensive plan which includes (a) new infrastructure (b) demolition of vacant buildings (c) rehabilitation of substandard buildings and (d) rezoning of approximately six (6) acres so as to allow the construction of twenty four (24) units, five (5) of which would be lower income housing.

The Civic League objects to the inclusion of this site in the Housing Element of Monroe Township and questions whether development as proposed is realistic. Further documentation is necessary before an adequate assessment of the viability of this site may be made. The following are specific areas of concern which should be addressed by the Township of Monroe:

- (1) No documentation is provided as to:
 - the proposed activities to be carried out
 - the source of financing for:
 - the infrastructure or for
 - demolition of vacant buildings.
- (2) The source of supplemental rehabilitation funds in excess of the \$7500 County maximum remains unspecified.
- (3) The ownership patterns of land upon which the 24 units of new construction are to be built is not delineated. Nor is any documentation provided that the owners are willing to sell or develop the land as proposed. If multiple ownership is involved it is even more crucial that this information be provided.
- (4) The proposed ordinance does not contain a set-aside for small developments. Given the probability of multiple ownership, it is necessary that Monroe further demonstrate how the units will be provided.

D. Site 8

This site is also a landlocked parcel. It is immediately south of Jamesburg between Half Acer and Perrineville (Gatzmer) Roads. Review of the Soil Survey reflects highly irregular topographical conditions; the northern site has a history of soil and gravel mining; the eastern portion contains extensive slope and wetlands areas. The site is bounded by a single family subdivision to the west and a cemetery and townhouse development (in Jamesburg) to the north. Access to the site is possible only through the development in Jamesburg or the townhouse development.

The Civic League objects to the inclusion of this site as part of the Housing Element of Monroe based upon

the forgoing factors unless it can be established by the Township that the site is physically suitable; that access is available physically and legally; and that the owner intends to develop this site under the proposed ordinance.

Overall Site Considerations

The Township of Monroe has provided sites which will have public road access only through another municipality, Jamesburg, and will not be accessible from any point in Monroe Township which has presented the Plan. The ultimate impact is therefore on the roads of Jamesburg and upon the infrastructure of Jamesburg, such as the Jamesburg pumping station. The result is that while Monroe has presented the Plan, the resources needed to deal with its results will be required to emanate from Jamesburg, which has fewer resources to deal with the consequences of the Plan as it is presently constituted.

In addition, the Plan indicates that capacity in the Manalapan Basin while available, is limited and may be a possible constraint, and further indicates capacity is available in the Matcha-ponix Basin. Yet all of the sites proposed by Monroe are in the Manalapan Basin thereby delimiting the possibility of construction that would

otherwise be present by a a split of the sites of and between the two basins.

Sites 6 and 6-A raise an additional issue. Over one-half of the lower income units are contained in these two sites, with access only into Jamesburg. The neighborhood represented by Site 6-A is the only area of Monroe which contains a predominately black population. It can be anticipated that the perception will exist that construction on these sites will be deemed to be an extension of the existing neighborhood, thereby potentially creating a further concentration of the black population and a further concentration of the lower income population on the fringes of Monroe. It is the position of the Civic League that the black and lower income populations should have the option of living in all portions of the Township & that a wider dispersal of the units should exist in order that this option may become a reality.

The Civic League respectfully submits that unless these conditions are satisfied an full documentation provided with respect to same, Monroe's petition for substantive certification should be denied in accordance with N.J.A.C. 5:91-6.3(a). In the alternative, denial of certification should be conditioned upon the appropriate submissions by the Township in accordance with N.J.A.C. 5:91-6.3(b).

3. Ordinance Provisions

The Civic League objects to the proposed ordinances as drafted on the following bases:

- A. The R-10-2F district provides no standards for the percentage of lower and moderate income units required on a general basis and fails to delineate what occurs when application of the 20% set aside yields a fraction. Site 6-A illustrates the necessity of further amplification of these standards.
- B. The standards regarding the townhouse district require clarification and/or amplification
 1. [F] Garden apartments or flats should be a permitted use.
 2. [G.2] No reference is made as to how the "average distance" is to be measured. The standard is unduly restrictive as well as being ambiguous.
 3. Section G.4 would remain unclear as a result of a possible typographical omission.
 4. [G.6] The open space requirement is a very high minimum. Application of this requirement will result in a minimum net density of 12 and 15 DU per acre, which is unreasonably high.
 5. [G.8] Developers should have the option to provide basements should they elect to construct them.
 6. [G.9] Specific ground transmission standards should be given.
 7. [G.11] The active recreation facilities to be required should be specified in the ordinance or the standards the planning board should consider should be enunciated so as to limit the discretion.
 8. [G.12] The 400 foot minimum road frontage for all sites is unworkable given the configurations of the proposed sites.
 9. [G.14] Where the development is part of a larger development straddling the municipal boundary, no setbacks that are internal to the entire development should be required.

10. [G.15] The sixty foot buffer requirement for residential zones is excessive.
11. [G.16] The requirement that all internal roads have a minimum width of 30 feet is excessive.
12. [G.18] The maximum standards for building length are unreasonable; the requirement of two outdoor exposures is reasonable for townhouses but not for garden apartments; language that "elevations and setbacks should be varied" is vague and unduly discretionary.
13. [H] It is both unreasonable to limit the use of garden apartments to the rental component of the lower income units, and to require that all such units be garden apartments. Other units, particularly one bedroom units, can appropriately be garden apartments. Conversely, three bedroom lower income rental units should be townhouses.

The second part of this section is also unreasonable as are many of the specific provisions of the townhouse zone are either clearly inappropriate or at least unadvisable, as applied to garden apartments.

14. The terms "townhouse" and "garden apartment" are not defined.

In the absence of correction of the deficiencies and ambiguities in the proposed ordinances, Monroe's petition for substantive certification should be denied in accordance with N.J.A.C. 5:91-6.3 (a). In the alternative, denial of certification should be conditioned upon the appropriate submission of corrections and additions to the ordinances in accordance with N.J.A.C. 5:91-6.3 (b).

Conclusion

When all of the above described defects are considered, it is respectfully submitted that Monroe's Plan should be dismissed pursuant to N.J.A.C. 5:91.3.3 for failure to undertake those actions required by N.J.A.C. 5:93-3.1. The objections set forth above raise serious questions as to the feasibility of the Plan and the potentiality the the units as outlined therein will be constructed. Until such objections are satisfactorily addressed by the Township of Monroe, substantive certification should be denied.

COMMENTS ON THE MONROE TOWNSHIP REVISED HOUSING ELEMENT AND FAIR SHARE PLAN FILED WITH THE COUNCIL ON AFFORDABLE HOUSING

Alan Mallach, AICP

June 1987

Monroe Township has submitted a revised housing element and fair share plan, which provides for meeting its fair share obligation, as determined by COAH, of 184 low and moderate income units in the following manner:

1. Credit for 12 units rehabilitated through the Middlesex County Housing Preservation Loan Program;
2. Addressing the indigenous need through 45 additional units to be rehabilitated over the next six years through the same program; and
3. 127 additional units to be provided through rezoning of four specific sites.

Proposed language for the two new zoning districts to be created for the additional lower income units is provided.

1. Rehabilitation

The cost of the rehabilitation of the units for which the township proposes to take credit was, with one exception, under \$10,000, the figure adopted by COAH as the presumptive minimum cost of rehabilitating a lower income unit. In two cases, the cost was under \$3,000. We believe that credit should not be granted for 11 of the 12 units for which credit is proposed.

The same issue arises with respect to the township's reliance on the county program to meet its indigenous need obligation. According to the housing element, the ceiling amount that the county will provide is \$7,500 (\$15,000 in "extreme cases"). Assuming that the county's general policy is to limit grants to the former figure, it is hard to see how severely substandard units could be rehabilitated for this amount. In the absence of some means of supplementing these resources, a substantial number of households in need might potentially be unable to participate in the program.

In any event, there is no evidence offered - surveys, tax assessor records, etc. - that the substandard units making up indigenous need can indeed be rehabilitated for the amount available. Similarly, there is no evidence offered (other than the unsubstantiated statement in the narrative of the housing element) that the county can and will allocate enough funds to Monroe Township to ensure that 45 units will be rehabilitated during the next six years. Inasmuch as only 13 units (some of which involved

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only modest rehabilitation) were rehabilitated in Monroe Township during the past seven years, this is not an insignificant concern/1.

2. Sites for New Construction

The township has proposed four sites to be rezoned; three of the sites are to be rezoned for townhouse development, and the fourth for two-family homes. Each site will be described separately, and some general comments on the township's proposal added at the end.

A. Site 5 (west of Jamesburg)

Site 5 is located roughly 500' northwest of the intersection of Jamesburg-Half Acre Road and Forsgate Drive. The site is bounded by the Jamesburg municipal boundary to the east, a railroad and power line right of way to the north and west, and (apparently) by vacant land to the south. Although it was not possible to access the site, it appears to be a cleared parcel, lying substantially lower than adjacent developed and vacant land in Jamesburg. The Soil Survey indicates that the entire parcel was at one time mined for sand and gravel.

The site appears to have no access to any existing streets within either Monroe Township or Jamesburg Borough. The only realistic points through which access could be obtained are within the borough rather than the township.

Taken in itself, this site would be highly undesirable. Since, however, it appears that it is to be developed as part of a much larger site, the balance of which is in Jamesburg, it may be an acceptable site. Although no map has been provided which shows the total site area, if the total site is developed as a single entity, and if it will have adequate access to Half Acre Road, the site may be reasonably utilized at the proposed density. In view of its history of soil mining, further investigation and or documentation is needed to demonstrate that the site is buildable at that density. Even then, however, substantial setbacks from the rear site boundary must be provided to ensure that no units experience negative impacts from the presence of the power lines and rail line.

This site should not be accepted without written documentation as follows:

(1) Map and conceptual site plan of entire project (the housing element indicates that this exists);

(2) Written commitment by developer;

1/Assuming funds are available, it is likely that if they are to be utilized the township will have to far more actively promote their use than has been the case up to now. No provisions for such activities are given in the housing element.

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(3) Detailed soil/slope documentation to ensure that site is adequately buildable.

B. Site 6 (East of Jamesburg)

Site 6 is an irregular site of some 73 acres north of State Home Road and south of Pergola Avenue immediately east of the Jamesburg municipal boundary. A substantial part of the site is in wetlands, with another part of the site in floodplains. The soils on the balance of the site are characterized by moderate to high seasonal high water tables. In view of recent experience with other sites, where detailed site investigation identified substantially more extensive wetland areas than initially identified, there is a substantial likelihood that a larger part of this site than indicated will turn out to be unsuitable for development.

It should be noted that only a part of this site is proposed for townhouse rezoning, an area of 49 acres north of the floodplain that divides the site in two. This area can in all probability accommodate the number of units proposed by the township. Access to this site, however, is entirely through narrow local streets in poor condition. Access through State Street and/or New Street would require substantial improvements to one or both of those streets (including a substantial stretch in Jamesburg), as well as possible signalization of the intersection with Jamesburg-Englishtown Road.

It will be difficult to integrate this site effectively into its surroundings, which are characterized by modest single family homes. It is unlikely that the developer will want to integrate the site with the area immediately adjacent along State and New Streets, because of the depressed character of that area (see discussion of site 6-A below). In addition, no documentation of the willingness of the owner to sell or develop the site has been provided.

C. Site 6-A (immediately west of site 6)

Site 6-A is not so much a site as a neighborhood. It represents an area of approximately two blocks, which appears to be a largely self-contained and largely isolated neighborhood populated by a mix of lower income and middle income black families. In addition to houses ranging from poor to good condition, and a number of vacant lots, the neighborhood contains two churches. Access to the neighborhood is via State and New Streets to Jamesburg-Englishtown Road.

The township has proposed a comprehensive approach to this area, which will include (a) new infrastructure; (b) demolition of vacant buildings; (c) rehabilitation of substandard buildings; and (d) rezoning of approximately 6 acres to permit 24 units, 5 of which would be lower income housing. In concept this is interest-

ing, but many issues arise:

(1) No documentation is provided with respect to either the activities to be carried out, or the source of financing, for infrastructure or for demolition of vacant buildings. Both of these activities are of particularly importance if new development on this site, or on site 6 above, is to be viable.

(2) No source of supplementary rehabilitation funds, in the event that more than \$7500 will be required for certain units, is offered.

(3) No documentation of the ownership patterns in the neighborhood, to establish either that there will be six acres of buildable vacant land capable of accommodating 24 units, or that the owner(s) of this land are willing to sell or develop, is provided. Since it is likely that the area is in multiple ownership, this is particularly important.

(4) No provision is made in the proposed ordinance for calculating the setback percentage in small developments; in view of the likely multiple ownership, this is particularly important in order to demonstrate that the units will actually be provided.

In the absence of substantial documentation of all of the above points, it is impossible to consider any development on site 6-A to be realistic.

D. Site 8 (south of Jamesburg)

Site 8 is a landlocked parcel immediately south of Jamesburg, between Half Acre and Perrineville (Gatzmer) Roads. From the Soil Survey it appears to be topographically highly irregular; the northern part of the site has a history of soil and gravel mining, while there are both extensive slope and wetlands areas to the east (possibly both linked to the mining history of the site). The site is bounded by a single family subdivision to the west and south, vacant land to the east, and a townhouse development under construction and a cemetery (both in Jamesburg) to the north.

Access to the site appears possible only through the townhouse development (Beaver Brook Run), and through the development to Forsgate Drive in Jamesburg. No documentation has been provided to indicate whether that access is indeed available (physically and legally), as well as whether the owner of this site is willing to develop under the proposed ordinance. There does not appear to be any identity (as was the case with site 5) between the ownership of this site and that of the adjacent Jamesburg townhouse project. This site should not be considered suitable unless such documentation, as well as documentation of physical suitability, is provided.

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Looking at these sites as a whole, it is clear that one overriding consideration governed their selection; i.e., to provide the required lower income housing in a way that would have the absolute minimum impact - visual or otherwise - on Monroe Township. All of these sites will have public road access only through and into the Borough of Jamesburg, impacting roads in Jamesburg, and will not be directly accessible from any point in Monroe Township/2. All of these sites will link into the Jamesburg pumping station.

It should be noted that the housing element states that capacity in the Manalapan Basin, while available, is limited and may be a possible constraint, there is adequate capacity in the Matcha-ponix Basin. All of these sites, however, are in the Manalapan basin, although prudence would certainly suggest that the sites should be divided between the two basins in order to maximize the likelihood that the units be constructed. That can only be explained by the overriding objective; i.e., to make Monroe's compliance with Mount Laurel effectively Jamesburg's responsibility, and not that of Monroe Township. Monroe may rezone these parcels, but the impact of development will be experienced in Jamesburg, a community with far fewer resources than Monroe.

A further issue is raised by sites 6 and 6-A. These sites contain slightly more than half of the lower income units proposed for the township. The neighborhood referred to as site 6-A is a small black "pocket" on the edge of the township, with access, again, only into Jamesburg/3. Any housing built on site 6 may well be perceived as an extension of that neighborhood. It is worth careful thought whether it is appropriate, in a municipality at most 3% black, to locate such a large part of the lower income housing in the manner proposed by the township.

In conclusion, even though many of the sites may be marginally acceptable taken out of context, their locations, individually and as a whole, raise serious issues of public policy. I do not believe that it is appropriate to approve any of these sites until those issues have been thoroughly addressed.

2/Site 6 does have a secondary access onto Walnut Street, a local street, and from there to Pergola Avenue, within the township. This is the only exception with respect to any of the four sites proposed.

3/I was unable to determine whether the area in Jamesburg, through which one passes from this neighborhood to reach the Jamesburg-Englishtown Road, was also predominately black in composition.

3. Ordinance Provisions

There are a number of technical provisions or omissions in the proposed ordinance which should be noted:

A. The R-10-2F district provides no standards for the percentage of low and moderate income units required, either generally, or with particular reference to developments where 20% of the total yields a fraction. This is absolutely essential if there is to be any serious possibility of meeting the goals with respect to site 6-A.

B. A number of the standards governing the townhouse district are either unclear or of doubtful workability:

1. [F] Garden apartments or flats should be a permitted use.

2. [G.2] It is not clear how the "average distance" is to be measured. This is an unduly restrictive as well as unduly ambiguous standard.

3. Sec. G.4 is unclear. Something appears to have been lost in the typing.

4. [G.6] This is a very high minimum open space requirement; it will result in a minimum net density of development between 12 and 15 DU/acre, unreasonably high where only townhouses are permitted.

5. [G.8] There is no good reason to bar developers from providing basements should they want to do so.

6. [G.9] Specific sound transmission standards should be given.

7. [G.11] The requirement that there be active recreational facilities as approved by the Planning Board allows that body too much discretion to impose unreasonable requirements.

8. [G.12] The requirement that the minimum road frontage in all sites be 400' appears unworkable, given the particular configuration of the proposed sites;

9. [G.14] Where the development is a part of a larger development straddling the municipal boundary, no setbacks that are internal to the total development should be required.

10. [G.15] The 60' buffer requirement for residential zones is excessive.

11. [G.16] The requirement that all internal roads have a minimum width of 30' is excessive.

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12. [G.18] maximum standards for building length are unreasonable; requirement for two outdoor exposures reasonable for townhouses but not for garden apartments; language that "elevations and setbacks should be varied" is vague and unduly discretionary.

13. [H] It is both unreasonable to limit the use of garden apartments to the rental component of the lower income units, and to require that all such units be garden apartments. Other units, particularly one bedroom units, can appropriately be garden apartments. Conversely, three bedroom lower income rental units should be townhouses. The second part of this section is also unreasonable, as many of the specific provisions of the townhouse zone are either clearly inappropriate, or at least unadvisable, as applied to garden apartments.

14. The terms "townhouse" and "garden apartment" are not defined.

Alan Mallach, AICP/PP

June 1, 1987