

Brunswick Manor Associates v. No. Brunswick, Highland  
Park

1984

12/10/84

- Development Guidelines

- Cover letter

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Our File # 6907

December 10, 1984

Leslie S. Lfekowitz, Esq.  
LEFKOWITZ, ROCKOFF & ZUBLATT, ESQS.  
1500 Finnegans Lane  
North Brunswick, New Jersey 08902

HAND DELIVERED

Re: Brunswick Manor Associates v. Township of No. Brunswick

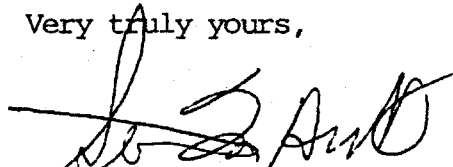
Dear Mr. Lefkowitz:

Please find enclosed herewith ten (10) copies of Development Guidelines, dated December 10, 1984, on behalf of Plaintiffs, Brunswick Manor Associates for the Counsel's reviewing.

The above enclosure represents Brunswick Manor Associates position on Ordinance Revision.

Thanking you for your attention in this matter, I am,

Very truly yours,

  
STEWART M. HUTT  
For the Firm

SMH:al  
Enclosure

cc: Hon. Eugene Serpentelli  
Robert Lecky, Esq.  
Barbara Williams, Esq.  
Bruce Gelber, Esq.  
Alan Malech, Esq.  
Doug Wolfson, Esq.  
Fred Kessler, Esq.  
Mike Kaplan  
Sam Halpern  
Susan Kaplan  
Jim Higgins

# **BRUNSWICK MANOR PLANNED DEVELOPMENT**

Township of North Brunswick  
Middlesex County, New Jersey

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## **DEVELOPMENT GUIDELINES**

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**BRUNSWICK MANOR ASSOCIATES**  
Highland Park, New Jersey

Prepared By:

**Salkin Group, Inc.**  
Philadelphia, Pennsylvania

**Hutt, Berkow & Jankowski**  
Woodbridge, New Jersey

**Robert E. Rosa Associates**  
Woodbridge, New Jersey

**Abbingtion-Ney Associates**  
Freehold, New Jersey

December 10, 1984

# SUBJECT TO MODIFICATION

-1-

## BRUNSWICK MANOR PLANNED DEVELOPMENT

Development Guidelines  
December 10, 1984

### General Requirements

These guidelines have been created in order to comply with the Order and Judgement resulting from settlement of litigation challenging the Township's Zoning Ordinance based upon exclusionary zoning principles. Permitted uses, residential densities and various other development standards incorporated in this section have been developed in accordance with the settlement agreement between plaintiff Urban League of Greater New Brunswick, et al., plaintiff Brunswick Manor Associates, and defendant Township of North Brunswick.

The Brunswick Manor Planned Development is located on the 404 acre tract known as the Manor Realty Tract, designated as Block 148, Lot 111.01. General development requirements, as described in the Order and Judgement, are as follows:

#### A. Residential Development

1. **Acreage and Density.** A maximum of 220 acres shall be developed for residential purposes at a gross density of approximately 13.4 units per acre. However, in no case shall the number of residential units exceed 2,950 units.
2. **Affordable Housing and Mandatory Setaside.** No less than 520 of the dwelling units approved for construction in this development shall be marketed at a price which makes them affordable to lower income families in accordance with the regulations of the Township of North Brunswick's affordable housing ordinance.

1/3 of these units (173) shall be affordable by low income households and the remaining 2/3 of these units (347) affordable by moderate income households.

Designated lower income units shall be subject to price, rental, occupancy and resale controls as established by the Township of North Brunswick's affordable housing ordinance.

3. **Phasing and Marketing.** Construction phasing and affirmative marketing requirements imposed on the builder with respect to lower income units shall be in accordance with court order.
4. **Location of Lower Income Units.** Lower income units shall be sufficiently integrated within the development so as to avoid undue concentration and physical isolation.

**B. Non-Residential Development**

1. **Acreage and Floor Area.** A minimum of 184 acres shall be developed for non-residential use. This development shall result in a minimum of 3,000,000 square feet of non-residential space.
2. **Phasing.** Non-residential development shall proceed in accordance with the schedule established by court order.

**C. Special**

1. **Off-Site Improvements.** The developer commits to contributing twenty percent (20%) of the cost of the Finnegan Lane extension, not to exceed \$500,000.00

**Development Standards**

**A. General Standards and Requirements**

Unless set forth herein, the design standards and requirements for improvements as set forth in the revised Land Use Ordinances of the Township of North Brunswick shall apply to the subject development.

A waiver from any of the development standards set forth herein or of the Ordinances of the Township of North Brunswick shall be granted by the Planning Board whenever it is determined to be reasonably necessary in order to attain the goal of producing housing at the lowest possible cost, provided that the granting of such waiver does not jeopardize the public health and safety. The developer shall make specific written recommendations to the Planning Board as to all requested waivers contained in the project submitted for approval.

**B. Project Density**

Gross Project Density shall be thirteen and four-tenths (13.4) residential units per acre. Net Density within an individual residential development parcel may be less or more than 13.4 units per acre, provided the overall density of the project and the total number of units is not exceeded.

Residential parcels are to be classified according to the following schedule and designated on a Land Use Plan. The approved Land Use Plan restricts development to the designated net density range and permitted dwelling types for all residential parcels, unless a specific waiver is granted by the Planning Board.

Low Density - LD

Density Range: 5-10 d.u./ac.

Permitted Single Family Detached  
Dwelling Units: Zero-Lot-Line  
Duplex  
Townhouse  
Multiplex

Low Medium Density - LMD

Density Range: 10-20 d.u./ac.

Permitted Duplex  
Dwelling Units: Townhouse  
Multiplex

Medium Density - MD

Density Range: 15-25 d.u./ac.

Permitted Townhouse  
Dwelling Units: Multiplex  
Lowrise

Medium High Density - MHD

Density Range: 20-35 d.u./ac.

Permitted Townhouse  
Dwelling Units: Multiplex  
Lowrise  
Midrise

High Density - HD

Density Range: 25-50 d.u./ac.

Permitted Multiplex  
Dwelling Units: Lowrise  
Midrise

Density averaging may be used in distributing development from one parcel to another within the same category (LD, LMD, MD, MHD, HD, OF/TC, CC), provided that the approved maximum development (units or square footage) within each category is not exceeded.

Non-residential parcels shall not exceed a maximum floor area ratio of 0.6, calculated as the ratio of the gross floor area, excluding covered parking and non-leasable basement areas, to the total area within the parcel.

### C. Open Space

The residential development shall have a minimum of ten percent (10%) of its land area as common open space which shall consist of predominately non-impervious areas including buffers, recreational areas and related parking areas, and other open areas not part of development parcels. No formal recreation areas shall be required.

### D. Yard Requirements, Setbacks and Buffers

1. Residential structures shall be set back from parking lots a minimum of ten (10) feet.
2. Residential structures shall be set back no less than twenty (20) feet from the edge of any proposed paved roadway, except for access and exit driveways for parking areas which shall be considered as a portion of the parking area.
3. Multi-family residential structures shall be a minimum of twenty (20) feet apart.
4. Detached single family residential structures, except zero-lot-line units, shall have a minimum side yard of five (5) feet. Zero-lot-line units shall have a minimum side yard of ten (10) feet on one side.
5. Non-residential development requirements are not specified herein.
6. A buffer zone of fifty (50) feet shall be established and maintained from all tract boundary lines where multi-family structures abut existing single family structures on adjacent properties. A fifty (50) foot building setback shall otherwise be observed from all tract boundaries. Roads, parking areas, and parking access roads may cross the buffer area and may be located in or cross the setback area.

**E. Building Height**

Building heights shall conform to the following schedule:

<u>Building Type</u>	<u>*Maximum Height</u>	
Midrise	50'	6 stories
Lowrise	50'	3 stories
All other residential	40'	3 stories
Non-residential	80'	6 stories

\* Height in feet includes any parking levels, height in stories is exclusive of parking levels.

**F. Building Configuration**

There shall be no maximum number of units per building provided construction codes are not violated. Residential units may be stacked and/or back-to-back.

**G. Parking**

1. There shall be a minimum of one (1) parking space provided for each one (1) bedroom or efficiency dwelling unit and one and three-quarters (1.75) parking spaces for all other dwelling units.

There shall be a minimum of one (1) parking space allocated for each two hundred and fifty (250) square feet of non-residential development. Initial construction shall provide for one (1) space for each three hundred and thirty three (333) square feet with the remainder to be constructed if found necessary.

2. Parking stalls shall measure not less than nine (9) feet in width and eighteen (18) feet in length.
3. Parking lots in multi-family areas shall be constructed as necessary to confine vehicles to designated parking areas.
4. Pavement section shall be as follows:

1½" F.A.B.C.	or	1½" F.A.B.C.
3½" Stabilized Base		1½" Stabilized base
2" lift top		4" Gravel - #5 Class A Quarry Process

5. Paving need not be complete in parking areas to qualify for a certification of occupancy, which may be obtained upon installation of stone base or gravel.



- 6. Should accepted engineering practice change over the development period, the developer shall be permitted to develop according to these modified parking standards, subject to planning board review and approval.

H. Streets

- 1. All streets shall be public streets and shall have the following minimum public street right-of-way and cartway (paved roadway) standards:

	<u>Right of Way</u>	<u>Cartway</u>
Arterial street	50'	30'
Collector Street with no on-street parking	50'	26'
Local street serving multi-family units with no on-street parking	40'	20'
Local street serving multi-family or townhouse units with on-street parking	40'	30'
Local streets serving single family detached lots with no on street parking	40'	24'

- 2. Grades of arterial and collector streets shall not exceed eight percent (8%). Grades on other streets shall not exceed fifteen percent (15%). No street shall have a grade of less than (.5%).
- 3. Cul-de-sacs shall not exceed 1,500 feet in length. The minimum radius of the cul-de-sac turnaround shall be forty-five (45) feet for the cartway and fifty-five (55) feet for the right-of-way.
- 4. Curbing shall be required along major collector roads, at street intersections, and where necessary to control drainage. Curbing is not required on limited access sections of streets. Curbing shall be constructed according to accepted engineering practice, providing for drainage control and maintenance.
- 5. Pavement section shall be as follows:

2" F.A.B.C.	or	2" F.A.B.C.
4" Stabilized Base		2" Stabilized Base
		4" Gravel - #5 Class A Quarry Process

6. Paving need not be complete on limited access roads to qualify for a Certification of Occupancy, which may be obtained upon installation of stone base or gravel.
7. Sidewalks shall be located to provide for major pedestrian traffic.
8. Should accepted engineering practice change over the development period, the developer shall be permitted to develop according to modified standards for streets, subject to planning board review and approval.

#### I. Stormwater Management

Stormwater management control devices shall be designed to assure public safety and to be in compliance with the New Jersey Stormwater Management Act. Wherever possible, the natural terrain shall be utilized for stormwater control. Where storm sewers are required, the number of manholes and sizes of pipes shall be kept at the minimum.

#### J. Sanitary Sewers

1. Sewer lines shall be permitted to cross private lots to reduce the number of manholes.
2. The use of a single sanitary sewer lateral for each building regardless of the number of dwelling units shall be permitted.
3. Where the site permits, increased spacing between manholes and cleanouts in lieu of manholes shall be permitted.

### Review and Approval Process

#### A. General Provisions

1. **Process.** The review and approval process for the Brunswick Manor Planned Development shall follow the schedule shown below.
  - a. General Development Plan 75 days
  - b. Preliminary Plan 75 days
  - c. Final Plan 45 days

The General Development Plan application is optional at the discretion of the applicant, who may instead proceed to the preliminary review process as described later in this report.

For the purpose of expedient review, the Township shall be required to establish checklists of all requirements for General Development, Preliminary and Final submissions. These lists shall be established and utilized in accordance with N.J.S.A. 40: 55D-10.3.

Prior to submitting a formal application for General Development, Preliminary, or Final approval within a Planned Development, an applicant may confer with the Planning Board and submit a plan to obtain initial opinions of the proposal and/or checklist.

2. **Public Hearings.** All applications shall require a public hearing in accordance with the requirements of N.J.S.A. 40: 55D-46.1. A transcript shall be made of all hearings, the costs of which shall be paid by the Township.

In the case of a Planned Development, the Planning Board shall make findings of fact in conformance with the requirements of N.J.S.A. 40: 55D-45.

3. **Application Fees.**

- a. Filing fees for General Development Plan approval: One Hundred Dollars (\$100.00) plus One Dollar (\$1.00) for each proposed dwelling unit and for each acre of non-residential development.

- b. Filing fees for Preliminary Plan approval: One Hundred Dollars (\$100.00) plus Two Dollars (\$2.00) for each proposed dwelling unit and for each ten thousand (10,000) square feet of non-residential development.

- c. Filing fee for Final Plan approval: Two Dollars (\$2.00) for each proposed dwelling unit and for each ten thousand (10,000) square feet of non-residential development.

4. **Guarantees.** For the purpose of reducing the cost of development, the Planning Board shall waive the requirements for performance and maintenance guarantees.

5. **Inspection Fees.** The developer need not deposit escrow funds to cover the cost of inspection fees. Municipal experts performing improvement inspections shall submit a detailed voucher as to the services performed and an hourly rate charge to the developer. Said voucher shall be paid by the developer within thirty (30) days of receipt. Total inspection fees shall not exceed fifty dollars (\$50.00) per dwelling unit for the entire project.

6. **Exemption from Impact Review.** At no time shall the applicant for approvals for this Planned Development be required to submit for review and/or approval an environmental impact statement or assessment, a community impact statement or a traffic impact statement. The purpose of this exemption is to expedite the review and approval of Planned Development applications, and to make more realistic and affordable the opportunity to submit applications for and receive approvals within this Planned Development.

Compliance with applicable stormwater management and soil erosion and sediment control regulations shall occur at all stages of development within this Planned Development. Review, approval and inspection of these management and control measures shall be conducted by the Township engineer. Approval from other agencies shall not be required.

**B. General Development Plan**

1. **Applicability.** In order to provide flexibility in the review of this Planned Development, this section prescribes the requirements and procedures for a General Development Plan application. The General Development Plan application is optional at the discretion of the applicant. The applicant may instead proceed to the preliminary review process as specified in Part C of this section.

2. **Submission Requirements.** The following information shall be submitted with the General Development Plan application. The information need not be shown on separate sheets but may be combined at the applicant's discretion.

a. **Title Sheet.** A title sheet shall be submitted containing the following information:

\*Name of the project, North Brunswick Township, Middlesex County.

\*Existing Lot and Block numbers of the project site.

\*Name and address of the owner.

\*Name and address of the applicant.

\*Key map showing the entire tract and its relationship to the surrounding area, at a scale of one (1) inch equals 2,000 feet.

\*Date of original submission and each subsequent revision thereof.

\*Total tract area.

\*Approval signatures for:

- 1) Chairman;
- 2) Secretary; and
- 3) Township Engineer.

\*Name, address and telephone number of the professional(s) preparing the submission.

- b. **Land Use Plan.** Prepared at a scale of not smaller than one inch equals 200 feet, the Land Use Plan shall contain the overall tract and demonstrate:
- \*Total number of dwelling units.
  - \*The areas to be devoted to the specific land uses.
  - \*The net density range of each residential land use area.
  - \*The permitted type(s) of dwelling units proposed for each residential land use area.
- c. **Circulation Plan.** Prepared at a scale of not smaller than 1 inch equals 200 feet, the Circulation Plan shall show:
- \*The general location of all existing and proposed major collector streets.
  - \*Typical Road Cross Section.
  - \*The general location of non-vehicular pathways.
- d. **Utility Plan.** Prepared at a scale of not smaller than 1 inch equals 200 feet, the Utility Plan shall show:
- \*The general location and extent of existing and proposed major sewer and water lines.
  - \*The general location of pump stations, if required.
- e. **Drainage Plan.** Prepared at a scale of not smaller than 1 inch equals 200 feet, the Drainage Plan shall contain:
- \*The general location of drainage areas and direction of run-off flow.
  - \*The size in acres of the drainage areas.
  - \*The general location and size of detention and/or retention basins.
- f. **Open Space Plan.** Prepared at a scale of not smaller than 1 inch equals 200 feet, the Open Space Plan shall indicate:
- \*The general location and size of open space areas.
  - \*The proposed use of open space areas as it relates to open space, conservation or recreation purposes.

- 3. **Application.** An application for Concept Plan approval shall be submitted to the Planning Board at a regular meeting. Such application shall be filed by the landowner or other entity having an interest in the land. Fifteen (15) completed copies of the plan and application shall be filed with the Secretary of the Planning Board who shall distribute the copies to the appropriate people or agencies.
- 4. **Public Hearing.** At the public hearing, the applicant shall present factual evidence and expert opinion in the form of maps, charts, reports, models and other tangible materials presented by attorneys, architects, landscape architects, engineers, realtors and planners as will clearly state for record the nature and extent of the Planned Development.
- 5. **Schedule.** Schedule of Review and Approval Applications for General Development Plan shall be processed according to the timetable below.

<u>Activity</u>	<u>Elapsed Time</u>	<u>Duration</u>
a. Application to Township.	0 day	0 day
b. Township provides developer with written determination as to whether application is complete.	1-10 days	10 days
c. Developer furnishes Township with any required additional material.	11-17 days	7 days
d. Township and interested agencies file their reports with the Planning Board. All documentation is made available to the public.	18-27 days	10 days
e. Planning Board holds public hearing.	28-74 days	48 days
f. Planning Board acts on General Development Plan.	75 days	-
<b>Total Time</b>	<b>75 days</b>	<b>75 days</b>

The Planning Board shall grant or deny General Development Plan Approval within 75 days of the date of the submission.

The grant or denial of General Development Plan Approval shall be by written resolution, including but not limited to findings of fact and conclusions setting forth in what respects the plan would or would not directly jeopardize the public health and safety.

6. **Effect of General Development Plan Approval.** A General Development Plan Approval shall confer upon the applicant such rights as set forth in the N.J.S.A. 40: 55D-49 for a period of twenty (20) years, with the following provisions:
- a. The submitted Land Use Plan shall not be changed with regard to the maximum total dwelling units, density ranges, and the uses of the various project areas. The Land Use Plan shall not be significantly changed with regard to the general location and size of the various parcels. Modifications shall be permitted to allow development flexibility.
  - b. The general location and specifications for the approved major collector roads shall not be changed.
  - c. Sections may be subdivided from property receiving General Development Plan Approval without regard to setback, sideyard, area or other applicable standards for the purpose of selling to a builder, homeowners association, or utility.
  - d. Site work for areas that have received General Development Plan approval and are to be dedicated to the Township may commence.
  - e. If preliminary and/or final site plans and/or subdivision plans for site improvements have been submitted and approved simultaneously with the General Development Plan application, construction of the approved improvements may commence.

C. Preliminary Plan

1. **Submission Requirements.** Preliminary plans shall be submitted to the Township, the Middlesex County Planning Board and the Middlesex County Sewerage Authority. Said plans shall be as required by N.J.S.A. 40:50:D-48 (MLUL), to wit: They shall contain such information as is reasonably necessary to make an informal decision as to whether the requirements necessary for preliminary approval have been met. The plat and any other engineering documents to be submitted shall be required in tentative form for preliminary approval. Plans need not be submitted to the Environmental Commission or other municipal agencies.

2. **Schedule of Review and Approval.** Applications for preliminary approval shall be processed according to the timetable below.

<u>Activity</u>	<u>Elapsed Time</u>	<u>Duration</u>
a. Application made to Township	0 day	0 day
b. Township provides developer with written determination as to whether application is complete.	1-10 days	10 days
c. Developer furnishes Township with any required additional material.	11-17 days	7 days
d. Township and interested agencies file their reports with the Planning Board. All documentation is made available to the public.	18-27 days	10 days
e. Planning Board holds public hearing.	28-74 days	48 days
f. Planning Board acts on Preliminary Approval.	<u>75 days</u>	<u>-</u>
Total Time	75 days	75 days

The Planning Board shall grant or deny Preliminary Approval within 75 days of the date of submission.

3. **Effect of Preliminary Approval.** Preliminary site plan or subdivision approval shall confer upon the applicant the rights set forth in N.J.S.A 40: 55D-49 (MLUL) for a 6 year period from the date of Preliminary Approval.

No construction of structures shall be commenced on the basis of such preliminary approval until after final construction plans have been approved by the Township Engineer. Site work for section(s) receiving preliminary approval may commence at developer's option.

**D. Final Plan**

1. **Submission Requirements.** Final construction plans shall be submitted for all sections or the development seeking final approval.



2. **Schedule of Review and Approval.** Applications for final approval shall be processed according to the timetable below:

<u>Activity</u>	<u>Elapsed Time</u>	<u>Duration</u>
a. Application made to Township	0 day	0 day
b. Township provides developer with written documentation as to whether application is complete.	1-7 days	7 days
c. Developer furnishes Township with any required additional material.	8-21 days	14 days
d. Township and interested agencies file their reports with the Planning Board. All documentation is made available to the public.	22-31 days	10 days
e. Planning Board reviews final plan.	31-44 days	14 days
f. Planning Board acts on final approval application.	<u>45 days</u>	<u>-</u>
Total Time	45 days	45 days

The Planning Board shall grant or deny Final Approval within 45 days of the date of submission.

3. The developer may elect to submit the final construction plans for all or sections of the development to the Township Engineer for his approval prior to submission of final plat applications so that site improvements (excluding buildings) may begin prior to final approval. Said approval by the Township Engineer shall take place within a 15 day period from the date of submission.

**Definitions**

Revised definitions applicable only to these guidelines will be included.

**Recreation Areas**

New recreation area standards applicable only to this development will be included to replace existing fence and swimming pool requirements.

**Landscaping and Buffers**

Revised landscaping and buffer requirements applicable only to this development will be included.