

~~Re~~ Piscataway 1985

1/18

letter to Judge re: Piscataway site review follow-up

pg. 4

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January 18, 1985

Honorable Eugene D. Serpentelli, J.S.C.
Ocean County Court House
CN 8293
Toms River, NJ 08723

Dear Judge Serpentelli:

Following the case management conference on December 17, 1984 I reviewed the sites in Piscataway that needed further comment or that had been omitted from my report of November 9, 1984.

Following is a summary of the points that I believe were to be covered in a follow-up report to the court.

1) There was a question whether Site 4 or Site 5 is the "superfund" site, which would indicate that it would not be suitable for residential development of any type. Further investigation has made clear that Site 5 is the site currently under investigation by the Department of Environmental Protection for toxic waste contamination. This site would not, therefore, be suitable for residential development.

Site 4, which is a ten acre parcel on New Brunswick Avenue, is flat, lightly wooded, and lies between a small industrial site and a small subdivision of single family houses. A very large multi-family development is located on the north and west of this. Although the site (#4) is small and would require a substantial setback/buffer on the southern border, it is a site that would be appropriate for higher density development.

There are no outstanding constraints on development. Traffic patterns will not be significantly affected by a development of this size.

A density of 7-8 units per gross acre will provide for a reasonable use of the land, including sufficient area for setback from the industrial use to the south.

2) Site 38 is identified as three locations east of Stelton Road, to the north and south of Ethel Road, on the Edison Township line. The larger segment to the north of Ethel Road has been discussed in the report of November 11, 1984.

On the south side of Ethel Road (Block 730, Lot 10) is a small triangle opposite the end of Justice Street. This parcel, approximately one and one-half acres in size, is on the Township boundary and is adjacent on the east to a multi-family development in Edison. On the south is a private school. This site might be suitable for a small

garden apartment or multi-family structure, but would not produce a significant number of low or moderate income units. The triangle configuration would make a density of more than 10 units per acre difficult to achieve.

The remaining parcel of Site 38 (Block 730, Lot 8) is zoned approximately one-half General Business, on Stelton Road, and one-half Planned Residential Development. The flood zone (category A) surrounding Ambrose Brook covers most of the General Business zone in this parcel, and a substantial part of the Planned Residential Development zone. This latter is not served by any dedicated street. As presently seen in the field, and as described on the township zoning map and the flood insurance map, this portion of Site 38 does not appear to be significant for higher density development. If some of the Board of Education land which fronts on Ethel Road were combined with the Planned Residential Development area a site of more significant size and development potential might result.

3) Site 40 on Stelton Road, north of Ethel Road, approximately 100 feet south of School Street, consists of 29 acres of lightly wooded land. A strip approximately 200 feet wide along the southwest boundary is unusable, as it consists of zone A Flood Plain and an easement for Jersey Central Power & Light Company's power lines. The remaining 20-24 acres are buildable and relatively flat. Small single-family homes border the site on the north. The flood zone and power line easement form a natural buffer between the site and the light industrial uses to the south.

This site has good access to public transportation and a major shopping area several blocks north on Stelton Road. With appropriate setbacks, it would be particularly appropriate for mobile homes for the elderly or town house development on the interior 15 acres, with garden apartments for adults (elderly) on the Stelton Road frontage. Apartments over shops would also be appropriate on the Stelton Road frontage.

4) Site 55 is a large (105 acres) wooded, slightly rolling site bounded by River Road, Hoes Lane, and the rear lot lines of Overbrook Road properties. It is owned by Rutgers University and as such has a unique zoning status. The State University can overrule local zoning in order to meet the needs for development of the university. Rutgers officials have indicated their plans to build a hotel/conference center on a portion of the property on Hoes Lane. No plans, however, have been announced for the major portion of the acreage.

A realigned Hoes Lane is indicated for the northern boundary of this site, which if built would open the entire site for development. It is a site very well suited for mixed densities of residential use, in addition to the

hotel/conference center and possible accompanying office space.

A specific zone and density would be provided, after negotiations between the Township and the university determined the future use of the site.

5) Site 79 was considered unsuitable for residential use when evaluated in July, 1984. It is a 350-foot strip on Stelton Road which is zoned General Business. As a single site, it would not be appropriate for residential use.

At the case management conference, the question was raised regarding the appropriateness of developing this site in conjunction with Site 38, although not necessarily for residential use.

After further field inspection of this site, I would still feel it is not appropriate by itself for residential use. However, if it were to be developed with Site 38, a portion of it could be developed as part of the residential use and the remainder (frontage on Stelton Road) could be commercial or small offices, possibly in conjunction with residential, as was suggested for Site 40.

6) In a letter to Bruce Gelber of December 28, 1984, Angelo Dalto, representing Lackland Brothers, requested that an additional site be considered for multi-family development. Based on the correspondence of May 24, 1984 and December 28, 1984 between Mr. Dalto and Mr. Gelber, I have reviewed the site in question (Block 371, Lot 1) and am of the opinion that it would be suitable for higher density development. Mr. Dalto does not indicate the type of units proposed for this site, but the density should reflect not only the unit type but also the need for an adequate buffer between the development and the Port Reading Railroad.

7) In a letter of January 10, 1985, Edwin Kunzman discusses the position of his client Lackland Brothers regarding several sites. Although he did not request my comments regarding this letter, there is an apparent misunderstanding of my use of the term "buffer" which I believe it would be useful to clarify prior to the start of the trial.

Site 11, referred to by Mr. Kunzman in his letter, has at no time been considered suitable for residential development--regardless of density. (See Alan Mallach's Affidavit of May 25, 1984, Carla L. Lerman's reports of July 12, 1984 and November 9, 1984).

The need for a buffer between the heavy industrial use west of Site 11 and the potential residential development of Sites 9, 10, 12 and 13 does not necessarily imply the need for residential development or park land or open space. It means, in this case, the retention of an area of use compatible with residential, serving as a barrier to any negative impact of the heavy industrial use. Mr. Kunzman

January 18, 1985
page 4

mentions possible use of Site 11 for office, warehouse or light industrial use. Any of these uses, depending on truck and automobile access, could provide an adequate buffer between the heavy industry and the residential uses.

I believe this covers all of the sites that were brought into question at the case management conference. If further information is needed for January 28, please let me know.

Sincerely,



Carla L. Lerman

cc: Daniel Bernstein
Dennis Casale
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Michele Donato, Esq.
John R. Dusinger, Esq.
Bruce Gelber, Esq.
Guliet Hirsch
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