

Supplemental Certification Against ~~motion~~ motion to
transfer to Housing Council

Pg. 18

ML 000763 V

THOMAS J. BEETEL, ESQ.
20 MAIN STREET; PO BOX 187
FLEMINGTON, NJ 08822
201-788-1921
Attorney for Plaintiff

.....		
ROBERT E. RIVELL,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION: HUNTERDON
Plaintiff.	:	& MIDDLESEX COUNTIES
vs.	:	MOUNT LAUREL
	:	DOCKET NO. L-040993-84 PW
TOWNSHIP OF TEWKSBURY, A	:	
municipal corporation,	:	Civil Action
located in Hunterdon	:	
County New Jersey,	:	
Defendant.	:	SUPPLEMENTAL CERTIFICATION
.....	:	AGAINST MOTION TO TRANSFER
	:	TO HOUSING COUNCIL.

THOMAS J. BEETEL, ESQ., being of full age does hereby certify to the following facts, aware of the punishment provided for any willful misstatement of fact:

1. Supplementing my previous Certification of September 4, 1985 and as filed with this Court on the 5th day of September 1985, I wish to state as follows:

a) During the arguments presented on Monday, September 23, 1985, I made reference in my oral argument to the fact there appeared in the publication "New Jersey Living", September 1985 an article entitled "Hunterdon County-Country Bumkin to Fortune 500". Same appeared on page 58 of said publication. It was in this article, that I quoted the price of \$294,500.00 to \$500,000.00 as the price of the "up scale and affluent people attracted to the area, the area being Tewksbury Township area. A copy of the article is attached as Exhibit A and includes page 58 and

59 as applicable to the Tewksbury Township area.

2. I had made known in the argument, that "Two Million Square Feet of Offices Now Planned for the Oldwick Interchange", and a copy of said article as reported in the Hunterdon Review, dated Wednesday, September 18, 1985 is hereby attached as Exhibit B including page 1 as well page 17 of said article.

3. In my argument I indicated that Tewksbury Township revealed for the first time on Thursday, September 19, 1985 by way of a newspaper article that it intended to unveil a new master plan. This article is attached hereto marked as Exhibit C.

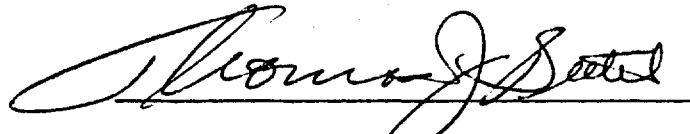
4. There is also attached hereto a copy of the cover of the draft of the master plan, as well as copy of page 1, 2, 3, 4 and map of the land use element known as plate one showing the land in question, as now being elevated to townhouses at the rate of 2.5 units per acre. I am also enclosing copies of pages 6, 7, 9, 10, 11 and 12 of said master plan for the Courts information. (Exhibit D).

The Court may recall that there was an objection to the items not being in evidence, but at the same time, the Court will recall that these items were not denied by the Township attorney, and were the subject of my argument that the unclean hands of the Township should preclude any transfer to the Housing Council.

5. I also call attention to the fact that it is our contention that the Township has no Zoning Ordinance as explained in my letter brief of even date herewith as well

as the fact that having agreed to an adjournment, same was based upon the contingency of the trial in September of 1985.

I have read the above statements and same are true to the best of my knowledge, information and belief.

A handwritten signature in cursive script, reading "Thomas J. Beetel", written over a horizontal line.

THOMAS J. BEETEL, ATTORNEY

FOR PLAINTIFF

Dated: September 24th 1985

Rivell Supplemental Cert.

GIGGIM

Hunterdon County

Country Bumpkin to
Fortune 500

Hunterdon County is rapidly transforming from a sleepy, rustic and sprawling county into one of the busiest and booming areas of New Jersey.

According to local realtor Richard Schlott, the Tewksbury area offers the best of both worlds, the suburban/country style living along with accessibility to colonial and new world customs.

From country inns, to old mills, to modern colleges and easy commuting to metropolitan areas, Tewksbury and Hunterdon County offers it all.

Fox Fell, a 43-unit development featuring colonial, Tudor and contemporary homes on 1.5 acre sites nestled at the base

and slope of Fox Hill Mountain in Tewksbury, represents the upscale and affluent people attracted to the area. Prices range from \$294,500 to \$500,000.

Fox Fell overlooks historic Oldwick with its Revolutionary War tradition and its 1700's buildings—Old Zion Church (1752), two general stores (1751) and another in Mountainville (1800's).

Tewksbury is located between two reservoirs, Spruce Run and Round Valley, providing leisure activities such as sailing, boating, trout fishing, swimming, camping and canoeing.

Another attraction in Hunterdon County is the Solberg Airport in Readington. Many executives house their private planes here or rent a plane or just take flying lessons. Colorful balloon races lift off annually.

Tewksbury Winery, Old Zion Church, Colonel Mehelm's house, Abraham Van Horn's estate and the colonial cemetery in nearby Whitehouse, picturesque Mountainville and Hell Mountain, and the world-renowned Lana Lobell's horse farm all add a pastoral setting to the area.

Old Zion Lutheran Church in the center of Oldwick is the most venerable remnant of early colonial days. Henry Muhlenberg was pastor in 1767. His son, Peter, who received a colonel's commission during the Revolution, was later promoted to Major General and afterwards served in Congress.

Nearby are the remains of the 1755 Rock-away Creek Mill owned by John Taylor,

a colonel in the 4th Regiment of Hunterdon Militia. The structure originally held grain which was ground into flour and meal for the army.

Just off Route 523 is the site of Colonel Mehelm's home, circa 1746. He was a member of the Colonial Assembly and quartermaster general during the war. Washington stayed here when traveling from Morristown to Philadelphia.

On Route 22 in Whitehouse lies the Ryland Inn which was operated by Colonel David Sanderson in 1778. It recently hosted a party of 300 for the King of Morocco.

Abraham Van Horn, one of the earliest settlers (1723), built a mill, tavern and store on his 400-acre site at Whitehouse. The colonial cemetery, off Route 22, serves as the resting place for Horn's son and six Revolutionary War soldiers, including Captain Richard Stilwell.

On Main Street, Route 24, is the historic community of Chester and the Publick House and Restaurant and Hotel. In 1810, Sephaniah Drake erected the brick tavern and hotel, later called the Chester Inn and known as the Publick House. Records show that many of the products of Pennsylvania passed through Chester on their way to New York. It was a common sight to see from 10 to 15 canvas-covered wagons, each drawn by four to six horses, pass through at once. Guy Gregg, president of Publick House, reports early registrants along with the signature of Colonel Lindbergh. More recently, Paul Newman and Joanne Woodward attended the U.S. Equestrian Riding Show and stopped at the Publick House.

The Hunterdon County area is rich in colonial heritage, but for today's homeowner, it offers convenience, shopping and so much more.

Rutgers University is a half hour away while Somerset Community College, one of the premier community colleges in the state, is located nearby. A new \$8 million performing arts and library building attests to the commitment to culture in this area.

Commercial Services

Commuters can drop off their Peugeots, Jaguars or Saabs for service at Whitehouse Imported Cars, a few blocks from the train station and pick them up on their way home.

Numerous antique shops are in the area. Bobbie Trumble's Stonerow-American Country Crafts and Antiques is located in a Swiss Barn and wagon house at Mountainville. On Rt. 22 is the well-known early 1800's Whitehouse Manor, Hunterdon

County's largest antique center.

Helke's Cheese Shoppe, on Routes 517 and 523 is a delightful spot open seven days a week. It is owned and operated by Jim and Jen Helke and features homemade delicious soups and more than 85 types of international cheeses. Another attraction is a large number of homemade breads from pumpernickel to stone-ground to oatmeal and cheesebreads. Croissants are served and

include mushrooms, broccoli and cheddar cheese.

Energy Masters of America

Homeowners can take advantage of the energy saving facilities available at Julius Erdo's Energy Masters of America shop on Rte. 22 in Whitehouse. He features Quaker Stove's Moravian fireplace inserts, Sun System Greenhouses and the Cambridge coal/wood parlor stove. Federal tax credits are still available. Erdo also carries Acrylic Spas and hot tubs.

Arts and Crafts

One of the highlights of the year in Chester is the 12th Annual Arts and Crafts Festival during the weekend of September 14th and 15th with a rain date the following weekend. Over 400 artists and craftsmen will display and demonstrate their skills from 10 a.m. to 5 p. m.

Store Tractor at Rt. 22 in Somerville offers top quality lawn and garden tractors for residential and commercial uses. For this winter, Storr offers new Toro snowblowers as well as power equipment. A special feature offered is Storr's Preferred Customer Card that allows free pick-up and delivery on service work, first consideration in the order of service calls and exemption from minimum service charges.



Asphalt Driveways, Landscaping and Tennis Court Installation

Located in Lebanon, Hup and Sons has been building outdoor tennis courts for many years offering Tech-Tone Recreational Services as well as the popular Decoral Surface System.

They also install asphalt driveways, walks, curbing, retaining walls and do landscaping.

Woodworking and Design

Smith Woodworks in Tewksbury features custom handcrafts, early American cabinetry and accessories for special gifts. Todd Smith, proprietor, has an assortment of bookcases, round shakers, single straight cupboards, round extension tables, queen size Shaker-style headboards, built-in wall systems, jelly cupboards, children's arm chairs, rockers and youth chairs, Mt. Lebanon settees and others. Working with pine,

cherry and maple, Smith creates designs to order. His work is available at many leading furniture stores in New Jersey.

Country Store

Jim and Linda Dishner are owners of the historic Mountainville General Store in Mountainville Village. Closed in 1967, the building was a general store since 1869. It reopened in 1984 and features food, antiques and hardware. A corner of the store is devoted to local products including wool, goats' cheese and tables and chairs. The focal point of the store is a potbellied stove providing warmth around good conversation on a cold wintry day.

Outdoor Living

Van Ness Enterprises, Landscape Architects, is located in Hamden. They design landscaping and install patios, decks, fencing, spas, railroad tie retaining walls and brick and bluestone walks and patios. Van Ness also installs Fox vinyl liner in-ground pools or a gunite pool.

Van Ness' latest project was The Great Freight Station, a group of stores that includes Rosie O'Grady's Brass and Oak Furniture and Beds, on Stangl Road, next to Liberty Village in Flemington. Van Ness also landscaped the Oak Knoll Condominiums and various Horizon National Banks in Hunterdon and Warren counties.

The Van Ness greenhouses also offer plants and shrubs for every season. Christmas is a fun time in the greenhouse. Walk through a sea of poinsettias, amaryllis, winter trees, evergreens and more.

Home Furnishings and Interiors

New homeowners and those remodeling would be wise to visit Butler's of Far Hills for a superb combination of home furnishings and interior design expertise. Butler's features furnishings, fabrics, wall and floor coverings, lighting and accessories. Their gallery offers beautiful woods, fabrics and soft wools, lustrous English chintzes and elegant silks and taffetas. Enjoy the nuances of colors of the fabrics, art and silk flowers.

New Homes

To visit Fox Fell, take Rte. 512, which is Fairmont Road, onto Tamarack Farm Lane and then to Big Spring Road to the site. Initial response to these quality homes has been excellent. One of the outstanding features of the colonial-styled model home is the two-story birth paneled library with balcony and fireplace. The home has walk-in closets, skylit bath with whirlpool tub and up to three fireplaces. The further up the mountain slope, the more beautiful the view is as the ridge overlooks the quaint community of Oldwick.

For the ultimate in New Jersey living, Hunterdon, and especially the Tewksbury area, is the place to be. Spend a weekend touring the beautiful hills and valleys of this area. Happy traveling.

Two-million square feet of offices now planned for Oldwick interchange

By NANCY DEGENHARDT, Staff Writer
READINGTON-TEWKSBURY
 Ferber Properties unveiled plans last week for four new buildings in a corporate park at the Oldwick-Whitehouse Route 78 interchange which will ultimately contain over two-million square feet of offices. The presentation of plans for the former Wigton-Abbott tract, Halls Mill and Taylor's Mill roads to a Readington subcommittee last Tuesday brought the total number of buildings proposed for the 300-acre park to seven, six in Readington and one in Tewksbury. An eighth building

is also planned in Tewksbury. So far, the Wyckoff development firm headed by Paul Ferber has presented concept plans for 1.7-million square feet of buildings and parking for over 7,500 cars. Tentative designs call for glass and granite buildings set into hillsides, extensive landscaping and screened parking lots and extensive green areas to the west. Ferber said he will present site plans for the first two sections of the park to the planning boards of both townships in October. He

will proceed simultaneously with three buildings, with construction slated to begin in the spring or summer of 1986. Ferber said plans in Tewksbury on both sides of county Route 523, south of the interchange, will extend south along the county road and west into Readington along Halls Mills and Taylor's Mill Road. The entire office park will take up to 10 years to build. In Tewksbury, the first project will be a three-story, 400,000-

Continued on page 17

Two-million square feet of offices planned

Continued from Page 1

square-foot office building on Springfield Farm, a 55-acre tract on the southeast corner of Route 523 and Route 78, also known as the Mullen Farm.

In Readington, the first project will be two buildings totalling 440,000 square feet in a section of the park to be called Overlook, a 53-acre parcel at the juncture of Route 523 and Taylor's Mill Road. Here, Ferber submitted a concept plan in July for two buildings located close enough to be connected by an atrium or bridge. There will be parking under and around the building with parking space for 2,200 cars; the initial paved areas to accommodate 1,760.

Still to be revealed are plans for 50 acres on the southwest quadrant of the interstate in Tewksbury, which Ferber has named Rockaway because it is bordered by Rockaway Creek.

Aerial maps of the overall park and conceptual sketches of the four buildings on the Wigton tract, temporarily named after the former owners, Wigton-Abbott Corp. Plainfield, were presented to the subcommittee last Tuesday night.

For the 100-acre Wigton tract, the concept plan shows four

comprising a total of about 900,000 square feet. Altogether, the square footage is about the same as the Exxon Research & Engineering facility in Clinton Township, which is about 850,000 square feet.

Two two large and two smaller semi-circular buildings are set in a half-circle around a knoll, with the knoll itself forming an internal courtyard accessed from all the buildings, Ferber said. The courtyard would contain a decorative pond and parking for visitors.

Parking for 4,000 cars will be hidden under the buildings or by plantings in sloping tiers on the outer perimeter of the circle. The buildings, to be built of earth-tone granite, will focus on a four-story glass atrium.

Tuesday night Ferber told representatives of the Readington Planning Board and Township Committee on the subcommittee that he is interested in working on long-range plans for an environment which would attract high quality corporate tenants.

He expressed willingness to cooperate in such projects as widening of Route 523, an off-site regional retention pond to control flooding upstream and a road through the office park bypassing

residential areas and lining with a proposed bypass of Whitehouse Station. Water and sewer lines would be laid along Route 523. Water will come from the Elizabethtown Gas Company. The source of sewer service is undecided, according to Jack Cortell of Gladstone and Whittham, Mass., the environment consultant on the project. Alternatives include expansion of the Readington-Lebanon sewer plant, a Tewksbury municipal sewer plant, or a combination of the two. At Ferber's request, Tewksbury conducted a landowner-funded study of sewer alternatives for its research-office zone at all four corners of the Route 78 interchange.

The office park is a joint venture between Ferber Properties and Vantage New Jersey Inc., West Paterson.

Saturday morning some members of the Planning Board and Township Committee toured Ferber buildings on Mt. Airy Road in Bernards Township. Mayor Stephen Mirotta said he was impressed by what he saw. "We wish we didn't have to have something like this, but if we do this is a first class operation," he said after the visit.

EXHIBIT B

Clinton 735-7173

Flemington 782-4747

Hunterdon County Democrat

THE DEMOCRAT, FLEMINGTON, N.J. THURSDAY, SEPTEMBER 19, 1985

Tewksbury To Unveil Master Plan

By Liz Fuerst

Tewksbury Township will let the public get a look at its new master plan next Thursday at 7:30 p.m. at the municipal building in Mountainville.

The township committee has scheduled a special meeting to explain the document, which had not been revised since 1979.

The plan was written by professional planner William Queale in conjunction with the planning board and township committee.

The land use regulations ordinance which accompanies the master plan is only in the draft stages and will be adopted as soon as the master plan is accepted, possibly late this fall. A preliminary glance at it reveals that most of the township is zoned for agriculture or single family residential use.

However, the area outside Oldwick on Route 523, from Lamington Road to Interstate 78, may be switched from an agricultural zone where homes can be built on a minimum of five acres to a higher density zone which permits townhouses. Queale calls this a "transition area" between very high density zoning south of Interstate 78 and the commercial center of Oldwick.

Tewksbury is in court with Robert Rivell, who wants to build 400 townhouses, some of them low income units under guidelines of Mount Laurel II, on a 38-acre tract along Route 523. The proposed new zoning would not permit 400 houses but it would allow Rivell to put in a density of 2.25 units per acre, or about 86 units.

Queale pointed out Tuesday that the present zoning allowed townhouses on the land at the rate of 1.5 times the number of single family houses permitted on the tract. Since seven single family homes can be built there, the number of townhouses would be 11.

According to Queale, the proposed draft ordinance represents a sweeping change in township zoning, but he pointed out that the "long range planning element" of the 1979 master clearly delineates a higher density zone outside Oldwick.

The draft ordinance also changes development regulations for the very high density zone south of Interstate 78 around New Bromley Road. It was in this area that Tewksbury created its so-called "Mount Laurel II zone" two years ago where townhouses could be built three units to the acre and garden

apartments five units to the acre.

In the proposed ordinance, Queale said, there is a new multi-family zone where the density is a blanket four units per acre.

Low and moderate income housing can be built in the commercial zone and the research-office zone south of Oldwick. Non-residential developers with tracts of more than 40 acres can build low cost housing or contribute \$1.50 per square foot of gross floor area of new construction to a special housing fund. In return, they will get credit toward calculating the amount of gross floor area of their office buildings and the percent of lot coverage allowed. In addition, building height can be increased from four to five stories.

However, developers in the townhouse and multi-family districts may have no choice but to participate in the construction of low and moderate income housing. In the townhouse area, developers will most likely be asked to set aside 10 percent of total units for low income residents or contribute \$15,000 per single family home and \$10,000 per townhouse to the township's special housing fund.

In the multi-family district, 20 percent of all units may have to be reserved for low and moderate income people. Any development with more than 50 units, according to the draft ordinance, will be required to have a central water supply and sanitary sewage system.

The draft ordinance also includes revisions to the cluster development ordinance that require all cluster tracts to be at least 25 acres in size and have central water and sanitary sewer systems. In each cluster tract, a minimum of five acres has to be deeded over to the municipality, according to the draft ordinance.

EXHIBIT C

Foreword

REEXAMINATION REPORT

In compliance with the Municipal Land Use Law, this report represents the re-examination of the Township's Master Plan.

40:55D-89a

The major problems and objectives confronting the township at the time of the 1979 Master Plan were related to making provisions for alternate forms of housing under the Mt. Laurel I decision and looking ahead to coordinating highway needs, expansion of utilities, future school sites, and commercial and employment services to serve the future residents. In addition, the implementation of the then new Municipal Land Use Law required major revisions in the format and contents of the development regulations.

40:55D-89b

Since the 1979 Master Plan, the 1980 Census provided new information on the continued modest level of population in the township as well as shifts in age characteristics. The court's Mt. Laurel II decision in 1983 has required special consideration for meeting the low and moderate income housing needs that could not have been considered before 1983. In addition, the Mt. Laurel II decision placed greater emphasis on focusing the location of future growth in the designated "growth area" in the southern tip of the township. While this is consistent with the 1979 Plan, it lends support to the goal of limiting development outside the "growth area". Commercial development and the development of new employment opportunities has essentially not taken place.

40:55D-89c and d

The changes in assumptions, policies, and objectives between the 1979 and 1985 Master Plans are not great. Rather they reflect refinements of the goals established earlier in order to implement the Mt. Laurel II decision.

- a. While the low density of development has been retained in the Plan throughout the bulk of the township's rural and mountainous areas, and the location of higher density residential development has been retained in the area south of Oldwick, there is now greater emphasis on preventing the higher density development from expanding beyond the areas designated in the 1985 Plan. These areas are consistent with the 1980 State Development Guide Plan. In addition, with the level of additional housing anticipated in the Plan, the area immediately around the Rt. 78 Interchange has been changed to provide additional employment opportunities to support the future population created by the expanded housing requirements. Greater emphasis is also given in the 1985 Plan for the need to extend water and sewer services into the designated areas.
- b. The increasing population and older age characteristics have been considered in recommending alternate housing types in the higher

density areas. Allowing townhouses throughout the township as an alternative to single family homes is seen as a way to preserve more farmland and avoid development in environmentally sensitive areas. Townhouses plus apartments and other forms of multi-family housing in the high density area will also provide the opportunity for meeting the township's fair share of the regional housing need.

- c. The preservation of environmentally critical areas is stressed again in the 1985 Master Plan. The preservation of cultural resources, including historic sites and districts, is likewise stressed in the 1985 Master Plan.
- d. The 1985 Master Plan recognizes the difficult terrain and limited development throughout most of the township, but also recognizes the impact of the Interchange with Rt. 78, improving highway access in the southern tip of the township, accessibility to water and sewer service in that area, and the potential regional pressure for housing, jobs and commercial services within the designated "growth area". The Plan maximizes the use of existing roads and utilities to minimize the extent to which services must be expanded. By identifying flood plains and other wet soils, and by identifying historically significant sites and districts, the preservation of these areas can be reasonably assured.
- e. The 1985 Master Plan identifies areas for foreseeable water and sewer service in the growth area. The growth area is along Rt. 523 convenient to the Readington sewer system as well as being accessible to service by public water systems. Water and sewer services in this area are logical extensions of regional development patterns as well as present utility services.
- f. The 1985 Master Plan more specifically addresses the opportunities to provide low and moderate income housing in response to the Mt. Laurel II decision of January, 1983. The opportunity exists in this Plan to provide more than the township's fair share while retaining reasonable densities, thus responding to the Supreme Court's conclusion that towns should overzone to give greater assurance the low and moderate income units will actually be produced. The area intended for new development is part of the State's designated "growth area" and is convenient to water and sewer services farther south. The overzoning anticipated in the Plan is intended to be sufficient to accommodate long-range housing needs beyond the time frame of this Plan. The purpose is to continue to contain higher density development in the growth area and to avoid extending into the rugged terrain where utility services would be difficult and impractical.

GOALS

The basic goal of the Master Plan is to establish reasonable objectives which will provide a balance between continued farming, development restrictions imposed by the rugged terrain, rock conditions and other environmental considerations, open space preservation, and the guidance of development to those areas most appropriate for the support services which development requires. It is anticipated that any concentration of new development will be directed to the area south of Oldwick, oriented to Route 78 and the area to its south. The bulk of the township will continue at low densities. Within this framework, the following goals are established:

1. Critical areas are intended to be avoided by development, as much as possible, through the flexibility offered by cluster development designs. If environmentally sensitive areas are encroached upon in exceptional cases, the intrusion should be minimal and accomplished with design features dealing with the natural limitations.
2. The opportunity should be provided to develop housing types that serve all age and economic segments and family sizes, including opportunities for townhouses, garden apartments, various sized single family lots, and possible conversion of existing large, single family homes to two-family units. The placement of higher density housing is intended to be directed to those areas most directly served by Route 78 and closest to existing water and sewer services. The higher density housing in this area is intended to help provide the township's fair share of the region's prospective low and moderate income housing obligation. The remainder of the lower income housing obligation is expected to be provided through the rehabilitation of units and some possible conversions of existing single family homes into two-family units.
3. More intensive development is intended to be guided to the area where public sewers and water supplies are most likely to become available. These utilities are to be part of, or precede, any higher density development and are most likely to become available by extending existing services already available in Readington Township into the southern tip of Tewksbury.
4. In other areas not having public water and sewer service, the housing and population densities are set at levels within the estimated supply of ground water resources and the ability of the soil to sustain on-lot sewage disposal systems. This is intentionally a conservative policy given the fact that available ground water supplies, and adequate methods of dealing with on-lot sewage disposal are based on general estimates that may exceed the capacity of some specific sites. The conservative policy is intended to give greater assurance that long-term adequate water supply and proper sewage disposal will be maintained within the township.

5. Agricultural preservation is to be encouraged where appropriate.
6. Most major street improvements are on those portions of the street system serving regional traffic. Strip frontage development along arterial and collector streets resulting in uncontrolled access should be avoided. Access to individual properties should be from local streets. Internal, local streets and streets in areas influenced by the rugged terrain are anticipated to remain narrow as a result of the physical constraints.
7. Limited employment opportunities are to be provided around Route 78. Only local convenience commercial services are to be provided in the villages, at a few major cross roads, and modest expansion of retail services in the area south of Oldwick. Generally, the commercial services are intended to meet local needs. Regional commercial services and major employment centers are anticipated elsewhere in the region. The employment uses are proposed where they have primary access from collector and arterial streets.
8. Strip commercial development is intended to be avoided in any process of expanding retail services. The new commercial area anticipated is located between Oldwick and Route 78 to take advantage of some existing retail services already there. The proposal is for a small shopping area designed with controlled access to Route 523, adequate on-site circulation and shared parking and loading, common architectural design among the buildings, landscaping features, lighting controls, and a standardized theme for signs.
9. The Land Use Element is intended to deal with foreseeable events by serving as a guide for immediate zoning, while also providing direction for longer-term considerations.

MASTER PLAN

In developing this Master Plan, the intent has been to identify and coordinate several long-range planning issues. Of primary concern has been the need to provide for a variety of housing to meet the township's fair share of the region's low and moderate income housing need. Other issues include developing a plan that anticipates a convenient circulation system for local as well as regional traffic, reasonable access to water and sewer services for the areas of higher density development, and maintaining some consistency with the character of the low density, rural and mountainous areas throughout much of the township.

When existing development, critical areas, and the location of public and tax exempt land are deleted from consideration, about one-third of the township area remains available for future development. The location of this available land is scattered. The overall pattern is that 56 percent of the township (11,400 acres) has some form of environmental constraint. An additional 9 percent (1,745 acres) is already developed. (All told, about 18 percent of the township is developed, but about half the existing development is in environmentally sensitive areas.) Another 1 percent of the township (165 acres) consists of public land and tax-exempt property outside environmentally sensitive areas. Collectively, therefore, 66 percent of the township or about 13,310 acres is either developed, publicly owned, or has environmental problems, all of which should either preclude development, direct it to some other location, or incorporate design features to overcome the natural limitations.

In designing future developments, each site plan or subdivision should be based on a larger plan for the area in which it is located rather than being designed as an individual, isolated tract. In this way, considerations for street patterns and open spaces can be coordinated. The intent would be to use flood plains, wetlands, areas of erodable soils, water recharge areas, steep slopes, proposed streets, and existing development as neighborhood boundaries. Drainage rights-of-way should be preserved. Homes and other uses should back up to the flood plains, not encroach upon them. The preservation of flood plains and open spaces between neighborhoods also offers the opportunity to provide areas for ground water recharge while generating open space and recreation areas at the same time. By avoiding the environmentally critical areas, homeowners and the township will minimize maintenance resulting from wet basements, erosion, and frost action on foundations and paving, while experiencing aesthetic benefits from major tracts of open space, wooded areas, and topographic relief. A minimum number of roads should cross flood plains and wet areas to result in fewer, costly bridge construction projects and less costly long-range bridge and road maintenance. Road grades should be reasonable in considering snow and inclement weather conditions in mountainous terrain. Street systems should include stub streets up to the boundary of the tract when the plan for the larger area is to have the next developer extend the street into the next tract to complete an overall network of coordinated streets. Such a network makes police patrols, trash collection, and snow plowing more efficient and need not create excess traffic through any given neighborhood.

can be permitted on a site without undue adverse impact on traffic, water resources and on-site sewage disposal as compared to fewer detached single family homes. With the flexibility these approaches offer, the low density required for adequate water supply in rugged rock conditions is still maintained, yet more area for ground water recharge, agriculture preservation, reduced street mileage, and avoidance of development on environmentally critical areas can be accomplished.

Because water and sewer facilities are essentially non-existent in the township and the soils will not accommodate intensive development with septic systems and on-lot wells, the historic density of one dwelling unit per 3 and 5 acres has been retained in the bulk of the township. However, this concept has been modified to include a "density" approach, i.e. calculating the number of units permitted on a tract based on one unit for every 3 or 5 acres, but then allowing the units to be constructed on smaller lots, or as townhouses within the tract, rather than limiting development to just single family homes on 3 and 5 acre lots.

The low densities proposed throughout most of the township recognize the limitations of the geology, surface soil conditions, rugged topography, septic limitations, and the prevailing rural and agricultural characteristics. These conditions are also the reason why the bulk of the township will not receive public water and sewage treatment facilities, nor will many of the areas receive significant road improvements.

While the township has had 3 and 5-acre zoning for many years, the development experience from 1978 to 1985 resulted in lots substantially larger than that. The physical constraints of the land are considered to be a large part of the reasons for the larger lots. In the 3-acre zone, for example, the average lot size was $2\frac{1}{2}$ times the required 3 acres, or $7\frac{1}{2}$ acres. In the 5-acre zone, the experience was an average lot size of just over 9 acres, or 1.8 times the required 5 acres.

Specifically, in the 3-acre zone, there were 260 lots created from 1978 to 1985. These lots were spread across 1,947 acres for an average lot size of $7\frac{1}{2}$ acres. Of the subdivision applications, 87 were for minor subdivisions consisting of 136 lots over 1,438 acres, or an average of 10.6 acres per lot. The major subdivision applications averaged 4.1 acres per lot (124 lots over 509.3 acres).

In the 5-acre zone a similar pattern emerged. There were a total of 79 lots created over about 713 acres for an average of 9 acres each. These were divided between 24 minor subdivision applications containing 38 lots over 353 acres, or an average of 9.3 acres/lot. The major subdivisions averaged 8.8 acres/lot (41 lots over 359.9 acres).

Over two-thirds of the township is on Precambrian Rock with estimated water yields of no more than 100,000 gallons per square mile per day. Assuming 100 gallons per person per day and a median family size of about 3.1 persons (1970 and 1980 Census), each unit would require 310 gallons of water a day. This would convert to 323 units per square mile, or 0.5 unit per acre, or a minimum area of 2 acres per lot. Considering that these water resources are a reflection of undeveloped land, are estimates to begin with, that over 56% of the

township is impeded with environmentally critical areas, and that new developments require area for streets, driveways, roofs and similar surface coverage that preclude ground water recharge, a minimum lot size of 3 acres provides for a reasonable margin of error.

In the Brunswick Shale areas ground water resources can be expected to be more than twice as great as the Limestone/Quartzite and the Precambrian Rock formations in the mountains. More than half the Agriculture zone has limited water resources of the poorer formations while the other half is in the Brunswick Shale formation. While the Brunswick Shale formation can be expected to produce more water, its ability to adequately handle on-site septic systems is less clear. Proper waste disposal is often more difficult to accommodate in these areas than the ability to get water because the fractured nature of the rock does not provide good filtration of the impurities. Because of this and the proximity of ground water, untreated sewage can reach ground water supplies easily. Because the area below the fault line also has a higher concentration of dense and wet soils, on-site septic systems are less likely to gain approval and, if approved, will be required to be well managed, adding to the cost of maintenance.

The dividing line between the 3 and 5-acre districts follows the historic pattern of zoning in the township. Much of the line follows the general alignment of a fault line that divides the more rugged mountainous areas in the north from the more rolling terrain of the Limestone/Quartzite conglomerates and Brunswick Shale to the south.

Below the fault line, where the Brunswick Shale formations exist, the development density proposed in this Plan is a mixture of one unit for 5 acres in the agricultural district, to 1-2 units/acre below Oldwick, plus the Village area itself.

The 5-acre minimum in the Agriculture area also follows the Municipal Land Use Law as well as the Farmland Assessment Act in that both these statutes set 5 acres as the minimum area for an exempt agricultural division of land and for farmland assessment, respectively. In reality, if the 5 acre agricultural tract also has a house on it, another acre is usually added to accommodate the house. The township's Agriculture area is, in large part, that portion of the Lamington River drainage basin located below the ridge line separating the Precambrian Rock formation from the Valley area of Limestone /Quartzite and Brunswick Shale.

Low density residential development throughout the bulk of the township is therefore related to natural resource limitations concerning adequate water supply from on-lot wells and proper water quality standards where everyone relies on on-lot septic systems. This policy is reenforced by development experiences of lower densities than have been permitted. In addition, as shown later, the township has provided for its regional housing obligation in areas where potential utility services and highway access are related to sound planning.

In the low density areas, prior to subdivision or site plan approval, the ability of the site to properly treat sewage should be confirmed by either the

In general, these and similar ideas should be considered under appropriate conditions consistent with the broader goals of this Plan of preserving major tracts of open space, critical areas, and prime agricultural soils for active farming while maintaining low overall densities. If units are concentrated in a village concept, the housing concentration in one area would mean there would have to be larger areas of permanent open space or farmland dedicated elsewhere. To the extent cluster concepts are employed, the township will have fewer streets to maintain and there is a greater likelihood new development will be designed with interior street systems, avoiding strip development along existing rural roads.

The Land Use Element also recognizes that sewer service and water distribution systems cannot be made available in most of the township, and the availability of these services in the area of Route 78 will require time to allow for contractual arrangements and construction. While these services are being planned, however, the anticipated development can be designed and processed so that plan approvals are in place when the water and sewer services become available. Once available, a greater concentration of development can be permitted. However, this area of more intense development also requires consideration of improved highways, storm water management, increased retail services, recreation facilities, and similar considerations. For these reasons, the highest density of development has been directed to the Route 78 area as that portion of the township best able to coordinate all these issues.

Once the water and sewer services are provided, the ability to provide a convenient and safe highway network becomes the next basic item. It is intended that the major roads needed to support the higher density development be concentrated in the area around and south of Oldwick. Expanding a major road system throughout the township is not intended. For example, the township is now laced with rural, two-lane country roads, several of which are unpaved with others providing access across difficult terrain. While some can be improved to allow for modest development, others cannot. The areas served by these restricted roads should continue to be either undeveloped, or developed at very low densities as noted above.

With a Plan that directs the concentration of development to an area focusing south of on Route 78, some of the major difficulties with individual, piece-meal development are also avoided. For example, piece-meal development offers limited opportunities to coordinate development so as to realize, in a timely manner, widened streets, comprehensive drainage facilities, reverse frontage designs, proper access to rear properties, preservation of major tracts for agriculture, open space plans, and avoiding strip frontage development patterns. With piece-meal development, these issues are most likely to be addressed in a cursory manner, if at all, yet when they are not addressed, the cumulative impact can be tremendous, and negative, in the long run, particularly when it occurs along arterial roads or in areas where continued development can be expected. In the area around Route 78, major developments can be planned in one comprehensive design, not in disjointed, smaller segments. ,

The plan for a transition area beginning with Oldwick, with modest densities going south to Route 78, then with the highest intensity of development south of Route 78 also coordinates several basic considerations into a sound planning

program. It avoids sprawl development locally as well as contains regional sprawl in accordance with the "growth area" set forth in the State Development Guide Plan. It encourages the efficient expenditure of public funds by concentrating the necessary improvements into a relatively small area that is located most conveniently to regional water services, sewage treatment capabilities, and major roads. The result will be lower costs for the installation of these services because of the smaller area involved and the area's proximity to the existing services. The area for higher intensity of development is also logical because of its proximity to the regional highway network. Route 523 has a full interchange with Route 78 and intersects with Route 22 a few miles south of Tewksbury. It is also down-stream along both the Rockaway Creek and Lamington River providing the opportunity for gravity flow sewerage.

The development south of Oldwick should be in cluster designs and include a mixture of housing types. This will assure preservation of open spaces for aesthetic and recreational value and provide maximum design flexibility in order to avoid environmentally critical areas as well. It is contemplated that the housing will include a variety of housing types such as small clustered single-family homes and townhouses between Route 78 and Oldwick, with these housing types as well as duplexes and garden apartments south of Route 78. Having the area developed with just apartments, or just townhouses, or all with single-family homes would be counter to the intent of providing varying housing opportunities to a cross section of family sizes, ages and incomes. By judiciously mixing housing types and designing clusters of development interwoven with landscaped greenbelts and a coordinated road network, the modest densities north of Route 78 and no more than 4 units per acre south of Route 78 will achieve flexibility in design as well as provide a variety of housing types at levels consistent with meeting the township's fair share of the regional housing need for low and moderate income households.

The area between Oldwick and Route 78 is planned as a regional transition area, i.e. one that develops at a lower density than the area south of Route 78 and leads into the village and rural areas to the north. It is outside the designated "growth area" of the State Development Guide Plan, yet is logically part of the future area of development created by the fact that it has proximity to Route 78, future jobs in the immediate area, expected expansion of retail services, and is served by a major county road between the interstate highway and the local village of Oldwick. It is intended to set the density of this area at 1-2 units per acre (1½ times that for townhouses) in order to allow development with wells and septic tanks on the one hand (although limitations for septic disposal might reduce this density), or to provide cooperative efforts by all the owners of the large tracts to bring water supply into this transitional area on a shared cost basis. The capacity of the utility lines should be no larger than needed to serve the limited area shown on the plan, including Oldwick. Expanding the utility services beyond those shown would encourage sprawl development which is not intended.

In other areas of the township, the existing villages are identified for preservation, not enlargement. Other residential developments that already exist are proposed to be zoned according to their existing densities for practical reasons.

The Land Use Element provides for no additional industrial or office development compared to the previous Plan. It has, however, included an obligation to participate in the production of the township's fair share of the lower income housing need. This is set forth in more detail in the Housing Element.

Other aspects of the Plan locate the mining operation where the geologic maps indicate traprock exists and where mining is currently taking place (it also adjoins a similar designation in Readington). In addition, employment opportunities are expected to develop in the area where Route 78 intersects the township. One office already exists in this area; others are expected to be built. Office uses are expected to be of low intensity and as such will provide a buffer or transitional area along the Interstate Highway. Because these offices are located in an area with direct access to the major highway network rather than along local roads, commuter traffic tends to be separated from residential neighborhoods. For these same transportation reasons, as well as the planned water and sewer services and convenience to the office employment, the higher density housing is proposed near the Route 78 interchange with Route 523.

The municipal garage north of Oldwick is proposed as a possible place for additional township services such as a future municipal building and library. Also, additional school and open space parcels are identified to meet future needs. The environmentally critical areas are identified as a guide for those major areas that should be protected from development. In the agricultural areas, the preservation of the better agricultural soils is recommended through the use of clustering and transfer options.

In anticipation of the higher density development south of Route 78, the modest increases in density between Route 78 and Oldwick, and continuing low density development elsewhere except the villages, the Plan contains a recommendation for two new school sites in addition to the existing schools. One proposed site is along Fairmount Road in the north, the other is off Route 523 south of Oldwick. Identifying these sites is intended to preserve the options for the township to obtain additional school property in light of the prospects for further development in the township. By identifying these sites, the township may exercise its statutory authority to preserve either site, or both sites, for a school if and when needed.

The site on Fairmount Road is in an area where scattered, low density development has been taking place and where access from a major east/west county road exists. Continued low density development is anticipated in this area due to the nature of the terrain and the limitations imposed by ground water resources and on-site septic systems. The site below Oldwick is located near the village, along Route 523 for convenient access, and near the higher density areas proposed for development. Its location makes it convenient to the existing population in the area as well as the higher density development anticipated below Route 78.

Two types of retail services are intended in the Plan: 1) the neighborhood and village-type conveniences now existing in Oldwick, Pottersville and Fairmount; and 2) convenience-type shopping south of Oldwick also to serve local needs.

The level of services in the existing villages, and on Route 523 at Felmley Road and Route 517 at Fairmount Road are planned to remain the same. Their intensity

should not increase. An increased level of commercial services in the villages would change the character of these historic areas. Increasing the level of services at the two intersections on Routes 523 and 517 would create additional traffic problems. If and when the demand for services increases, the location of these services is intended to be south of Oldwick in two small, convenience centers plus a small portion of the floor area of the proposed office buildings at the interchange of Route 78 and 523. The two centers are proposed for local conveniences, not community-wide or regional centers while a small portion of the office space is intended as a convenience to the employees in the building.

An area of up to about 5 acres is the approximate magnitude or scale of the convenience centers. Regional shopping services of 10 or more acres are expected to be provided elsewhere in the region, most likely in areas to the east where higher concentrations of people and housing exist compared to the rural densities in Tewksbury and other surrounding areas on the fringe of the regional development patterns. The location of the two convenience centers south of Oldwick will be served by the major highway network. The locations permit them to be an integral part of the higher density, residential developments proposed in the immediate area. They are intended to be of a type and scale that would serve the office workers as well as the new residents of the area. Uses such as a branch bank, one or two restaurants, grocers, barber and beauty shops, hardware and stationery store, and professional services such as medical and legal services are proposed. The center should be designed with controlled ingress and egress, minimum lighting, low buildings, a common theme for signs, landscaped parking, and planted buffers around the property. Visually, the shopping center should be in scale with the rural character of the area and not dominate the landscape.

Although the long-range plan anticipates some increase in the intensity of development in areas where water, sewers and improved highway access can be provided, other areas of the township have poor internal road access, difficult terrain and no potential for water and sewer service. These latter conditions preclude major industrial and/or commercial considerations and severely restrict the intensity of residential development. With much of the township already committed to large lots and under the influence of environmentally critical conditions, a continuation of low density residential development is recommended.

HOUSING ELEMENT

In conjunction with the Land Use Element, the Housing Element indicates how the township intends to provide the opportunity for a mixture of housing types, options in the site layout of major housing developments, and the opportunity to provide a variety of housing to serve different market needs, including the township's share of the region's low and moderate income housing.

Meeting that portion of the low/moderate income housing obligation that will be through new construction is not anticipated until water and sewer service is available. At that time the higher densities and additional clustering techniques and multi-family housing can be realized.

This Master Plan makes provision for the number of dwelling units, including low and moderate income units, necessary to meet its regional obligation: (1) new