

RULS-AD-1967-20

11/27/67

Bedminster Planning Board Regular Meeting - Notes

pgs 9

P-788  
JSM  
11/2/71

Mayor Kean made a motion to approve the minor subdivision application of Claremont Painting & Decorating Co., Inc., subject to the consolidation of lot 2 with lot 1 in Block 34 with a recital to that effect to be included in the deed of conveyance. The motion was seconded by Col. Field and carried.

Mayor Kean made another motion to approve the Site Plan application of Claremont Painting & Decorating Co., Inc., subject to the erection of a 4 foot cyclone fence starting at approximately the end of the garage building between lots 2 and 3 as shown on the sketch map dated September 1967; revised November 8, 1967 and November 17, 1967 prepared by Leslie M. Apgar & Associates, then running south to the end of the property line and then running in a westerly direction along the rear property line stopping at the frame building designated on said sketch map. The motion was seconded by Mr. Paul Gavin and carried.

A Resolution adopted by the Township Committee on November 6, 1967 together with a copy of the proposed zoning ordinance was submitted to the Planning Board for its consideration and evaluation at this meeting.

Chairman Slater thanked the Board of Education for making available their facilities for the Planning Board's use this evening.

Chairman Slater indicated that the Board had been working diligently for the past two or three years on the proposed ordinance being presented this evening. He then opened the hearing to questions.

Chairman Slater read a prepared statement signed by Richard D. Goodenough, Executive Director of the Upper Raritan Watershed Association indicating it was their hope that proper amendments to the zoning ordinance would be devised establishing a flood plain zone where only open space uses are permitted and indicating that the portion of the Master Plan which received their most enthusiastic support was the designation of all flood plains as open space. The statement is on file.

Mr. John Vossen of Lamington Road, Bedminster, N.J. read a prepared statement on behalf of the Committee for the Preservation of Bedminster. Said statement registers opposition to business in the triangle indicating that the change in business zone boundaries does not conform to the Master Plan citing a receipt statement by Judge Halpern, the Assignment Judge of the Superior Court in Middlesex County who handles all zoning cases in that county wherein it was stated that when a Master Plan was legally adopted, it became the duty of the Planning Board, the Board of Adjustment, the Building Inspector and the Governing Body to adhere to it as closely as possible. The statement went on to indicate there were 17 old houses in the triangle potentially convertible to business use and unless an outside wall is changed, no site plan approval would be necessary under the proposed ordinance; thus, no control over access, parking, display windows and the like. It further states that if business comes to the triangle it will lead to the deterioration of homes on the East side of Somerville Road and the value of their property as residences must go down. Further, the statement points up the fact that the triangle is bounded by three roads over which the Township has no control; namely, U.S. 202, U.S. 206, and Lamington Road, County Road #10, which roads are already heavily traveled and dangerous. Further, the statement indicated there is adequate business and business land existt in the eastern sector

of Bedminster to accommodate not only our current but projected needs as well, there is a large business community in Pluckemin and sufficient business nearby in Far Hills, Bernardsville, Peapack-Gladstone and Chester, and that growth can come only to the west. This statement is on file.

Ernest Rodenbach of Pluckemin, N.J. directed questions to Mr. Agle and Col. Field personally. He indicated that Mr. Agle talked to him about zoning in August. He stated that last year his land was wanted for the Green Acre Zone and recently Mr. Agle asked him why he did not build a shopping center to which Mr. Rodenbach indicated he did not want a 22 highway. He further indicated that he made a promise to keep the property like it was and indicated he had permission to build 5 or 6 houses in the first few years of his acquisition of the property; also that he could have sold the property on the west side many times. He admonished the Board not to take away his land because he would sell it very quickly. He indicated the people in the triangle should be left as they are since that is what they wanted. He then addressed Board Member Winkler as to the sewer system, which question has been pending for some time and wanted to know what was more important—the new zoning ordinance or the sewer system. He closed his remarks with the statement that if the ordinance was passed, that he felt sorry for the people of Bedminster.

Hugo M. Pfaltz, Esq., of Summit, New Jersey appeared on behalf of Mr. Hochadel, the purchaser of the Diamond Lighting Company, which property is at the corner of Highway 202 and Tuttle Avenue and consisting of approximately 1/2 acre. Mr. Pfaltz asked for a minor reconsideration for this particular property indicating this property has always been in the business zone. He pointed out that his client could continue as a non-conforming use but that would put him in an awkward position when and if he wanted to do something with the property by having to go through variance procedures, which procedures he felt should be left for specific hardships. He pointed out that hardship should not be created by changing zones. Another problem facing the owner of that property by having it taken out of business and put into residential is that the property becomes a non-conforming residential use, in that it is undersized. It is actually zoned out of business and out of residential at the same time and is a non-conforming use for business purposes only. Mr. Pfaltz indicated he felt a unique hardship existed here and requested that the Board reconsider its position and add this corner to the business zone.

M. Richard Vail, Esq. of Far Hills, N.J. represented Mr. and Mrs. Ralph Bockoven, the owners of the Esso Gas Station on the westerly side of Route 206. Mr. Vail indicated his clients owned that property since 1936 and the service station existed since that time. He further indicated that Mr. Bockoven operated this station until 1950 at which time it was leased to an oil company and is presently leased to Humble Oil-Esso, Mr. Vail indicated

that from the outset of zoning in Bedminster this lot has been in the business zone and that the proposed change into a residential area was not consistent with present usage and that his client had no protection of zoning at all. He further pointed out that this was inconsistent with the Master Plan, that this was an incredible piece of zoning which was not concomitant with the existing use and felt it was a mistake not only for his client, but for the entire community and urged the Board to reconsider and to permit the property to remain as is.

Mr. Vincent DiLorenzo of Pluckemin, N.J. indicated that the southwesterly line of the business zone borders his property and that of the Barker Bus Company which is now quite a sizable operation. He feels that a hardship would exist for him with the line dividing his property and that of Barker, particularly since there were no other homes within 500 feet of him. He asked the Board to consider the possibility of moving the line to where it would not be such a hardship. Mayor Kean commented here that the proposed plan has not been changed insofar as Pluckemin is concerned.

Mr. John Strong of Old Farm Road, Bedminster, stated that the township had to sacrifice a lot of good countryside for the purpose of the construction of Highway 287 and since it is now completed, perhaps the need for making a business zone in the triangle is not so great. He indicated the residents there would like to preserve the area and with the pressure of traffic off, this might be a good reason for keeping it out of a business zone. He further indicated that he is opposed to a County College in Bedminster because in his estimation it will create lots of problems and erode the Master Plan.

Harry Bernstein, Esq. of the firm of Sacher, Sacher & Bernstein, Esqs., Plainfield, N.J. represented Robert and Josephine Segerstrom, who own property on Route 206. Mr. Bernstein cited the case of Fisher v. Bedminster and quoted the then Supreme Court Justice Vanderbilt who ruled that "such regulation shall be made with reasonable consideration, among other things, to the character of the district and its particular suitability for the particular uses". Mr. Bernstein pointed out that the area on both sides of the highway was all business and that there was not a residence until you reached a small ditch at the edge of Mr. Segerstrom's property which, he felt, was a good natural boundary to end the business zone. Mr. Bernstein asked the Board if they believed they could convert this to residential use considering the gas stations, nursery, etc. now existing there. He indicated Mr. Segerstrom's property has been commercial since 1946. Quoting Justice Vanderbilt again - "it must, of course, be borne in mind that an ordinance which is reasonable today may at some future time by reason of changed conditions prove to be unreasonable". Mr. Bernstein indicated the ordinance was unreasonable to his client. He asked the Board if this change was brought about by the possibility that Route 206 would be dualized from its beginning to Chester, whereupon he stated that he made inquiry on this and found that dualization would not come for many years. He then asked the Board if they knew what effect it would have on his client to have his property made a non-conforming use. He called attention to

305

Section 2, Page 2 of the proposed ordinance, pointing out that the purpose of zoning as stated was in keeping with the Fisher v. Bedminster case. He then referred to Article 10, Page 10 requiring Site Plan approval indicating this to be a good thing because you can determine what the most appropriate use of the land is, whether it meets the Master Plan requirements and any other standards required. He then cited Article 15, Page 18, dealing with non-conforming uses and structures and asked the Board if they could envision a partial destruction and having the insurance adjusted and new plans drawn and work commenced within 90 days - it was an impossibility. He indicated that partial destruction was not clearly defined - did it mean 1% or 99%. He also indicated his client could not add one foot to his building unless he could show special reasons, because enlargement must be put there for the benefit of the community. He then cited a recent case, Cole v. Fairlawn wherein a milk company after 40 years in business with established residences all around it wished to expand and the residents objected and the Supreme Court ruled that while milk was a necessity it could be bought out of town. Mr. Segerstrom would be subject to this case if he should want to expand. He indicated that Mr. Segerstrom went to considerable expense in improving his property for business purposes and wondered if perhaps the client had a vested right where he has expended so much money. Mr. Bernstein suggested waiting until Route 206 is dualized before changing the ordinance if this was the intent. If traffic was the reason for the change, it was pointed out the property is 425 feet from the intersection and Mr. Bernstein offered in evidence a letter from the Chief of Police of Bedminster indicating that only one minor accident had occurred therein the past 20 years. Said letter is on file. Mr. Bernstein stressed to the Board that zoning should follow planning and not planning follow zoning, as is the case with regard to Mr. Segerstrom. Mr. Bernstein indicated there was another reason for not making the change and that was that his client had a right-of-way across the property of Mr. Jake. In closing, Mr. Bernstein quoted from an article by Frederick H. Baird, Jr., which article was entitled "Politics and Zoning" and appeared in the November issue of Nations Cities which stated "Zoning for developed areas is largely reflective of what was already there (it could hardly be otherwise considering the effect of non-conforming status on existing property)". Mr. Bernstein then asked the Board to reconsider their proposal for this particular property so that his client would not be put to such great expense.

Ben Field of Main Street, Bedminster questioned the wisdom of going through with the ordinance at this time because of the impending location of the Junior College in Bedminster. He indicated that the Planning Board nor the Township Committee has taken a stand against the College. Because, from all his sources of information, the College is to be located here, he feels the ordinance would not be appropriate. He further felt that the properties existing in business zones should be left there and that the new zoning would create more business in the Village than is needed or wanted. Mr. Field further indicated that the new ordinance did not reflect the Master Plan. He indicated there were large

property owners in the township who would want to sell or would have to sell their properties at some point and indicated that this point might be sooner than anticipated. He indicated that without including the Research and Development business as appears in the Master Plan, the way was being opened for any large property owner to bring this type of business in and locate it on his property. Mr. Field asked the Board what assurance could be given that under the proposed ordinance a Research and Development area could not be located anywhere than designated on the Master Plan.

Henry Robinson of Tuttle Avenue, Bedminster indicated that he purchased the property in question in 1960 and the plans went to both the Planning Board and the Board of Adjustment for approval. He feels that the current proposal for putting this back into residential is not right. He indicated that the land had been sold by people living in the Village and he thinks the planners should consider that.

Peter Gareth of Main St., Bedminster referred to Article 15 dealing with non-conforming structures and questioned the meaning of partial loss and who is to judge what a partial loss is and pointed out that a good many people in Bedminster, Pottersville and Pluckemin live on less than 1 acre of land and could not repair should they have a loss. He suggested deleting this particular reference. He referred also to Article 3, Item 4 and inquired if this meant that a building permit was required for the purpose of putting up a fence. He felt there should be a special article on fences.

Mayor Kean indicated that Article 15 had not been changed in the current proposal.

Joan Vossen of Lamington Road, Bedminster commented on the width of the parking stalls as being 9' x 18' as required by the proposed ordinance (actually, the proposed ordinance specifies 9' x 19') and that if it was desired to have the 10' x 20' as had been requested earlier in the evening during the course of an application for Site Plan approval, it would be necessary to change the proposed ordinance to so require.

Henry Beekman of Somerville Road, Bedminster registered opposition to the ordinance as being premature. He also objected to the possible location of the Jr. College in Bedminster. He further indicated that after his land had been restored subsequent to the destruction wrought by the highway construction, he did not expect to see a commercial zone to the north of him. He asked what protection would he have with side lot requirements being 10 feet and ancillary buildings being able to be situated at the property line. He indicated it has always been residential and would like to see it remain. Insofar as the planned overhead bridge across 206 or 202 was concerned, he felt it would do no harm to the property. He further indicated that if people wanted the triangle to be commercial he didn't want to stop progress but was trying to get some protection and was desirous of having an approach to the town that was attractive.

John Buccini of Lamington Road, Bedminster indicated the changes in the proposed ordinance did not appear to be justified. He indicated

it seemed contradictory to have one side of a highway as a business area and the other side as a residential area. He asked the Board why it felt these changes should be made and to justify them. He felt that because of the apparent inequities concerning the changes, because of the arguments presented against the changes and the uncertainty of the status of the County College, that it might be prudent to postpone the adoption of the proposed ordinance.

Mayor Kean indicated he had received a hand delivered letter earlier in the evening requesting a meeting between the Planning Board, the Township Committee and the Trustees of the County College and indicated the matter was no longer at the guessing stage but at the talking stage. He pointed out that he had doubts as to what benefits, if any, this may bring to the Township of Bedminster and felt there were good reasons why this was the time to go forward with the ordinance. He further indicated that his position on the matter was a known fact to anyone reading the papers, it being in opposition to its location in the township.

Upon hearing these remarks, Mr. Buccini withdrew his plea for postponement and agreed with the Mayor on the urgency of the adoption of the proposed zoning ordinance.

Mr. Harold Dobbs of Union Grove Road, Gladstone indicated he was waiting to hear from the Board why these changes should be made.

Mr. Charles K. Agle, the Planning Consultant, indicated the changes under consideration here were not an oversight in the Master Plan but a postponement since it was felt that the larger aspect of the Master Plan should be taken up first. He indicated that the need for shopping areas to service the increasing population of the township, as well as changing traffic patterns and the unsightliness of strip zoning were reasons for the proposed changes. He indicated Highway 206 was a high speed road which would be improved in the future and strip zoning, particularly on the westerly side of the highway would have a bad effect on residential property. As far as safety was concerned, Mr. Agle indicated strip zoning along highways is obsolete, pointing out that larger pieces of land with ample parking are needed where shopping can be done at a variety of stores, without the traffic danger of individual business driveways. It was felt that consolidating business in the triangle with a planned ingress and egress would accomplish this purpose. Mr. Agle indicated it was not the intention of the Planning Board to omit careful consideration of everybody's feelings.

Mr. John Vossen commented with regard to traffic at the triangle, indicating he would prefer to drive up and down Route 22 all day long rather than make one left turn from Somerville Road into Lamington Road between 9:30 and noon on Saturday when the Post Office closes.

Mr. Ernest Rodenbach indicated the Board should take its time with regard to the adoption of this ordinance.

Joan Vossen commented that business in the triangle would be creating a traffic problem and if she had a choice she would

prefer to have slaughter on the highway rather than in the Village.

Harry Bernstein indicated he agreed with Mr. Agle that in applying the rules of good planning, strip zoning was not wanted but he pointed out that on Route 206, 400 feet was already strip zoned in the direction of Chester.

Robert Hennessy of Somerville Road, Bedminster indicated he failed to see any difference in this strip zoning; that actually what was being talked about was strip zoning 202 on one side, 206 on one side and Lamington Road on one side and this, consequently, was back to the old strip zoning.

Mr. Agle pointed out to Mr. Hennessy there was a major difference between the strip zoning in which you have individual parking areas for each business along a major highway as contrasted with a much larger parking area in a consolidated business area.

Mr. Fran Phoenix of Lamington Road, Bedminster indicated he owned a piece of land at the outside edge of the triangle. He further indicated that to accomplish the shopping center the land would have to be bought by one financial empire.

Mr. John Vossen indicated there still would be 19 houses there. Were they to be torn down? He indicated that one of the oldest houses in the county was located there.

Mr. Ernest Rodenbach commented that Mrs. Nevius, a resident of long standing, did not want to give up her home.

Mr. R. Schapley of Lamington Road, Bedminster questioned why business was proposed for both sides of Lamington Road since business was proposed only for one side of 202 and one side of 206 in the triangle.

Mr. Agle indicated that Lamington Road, while an important road, was only a minor one as compared with 202 and 206.

John Ewing of Larger Cross Road, Peapack and owner of the Cock and Bull Inn on Main Street in Bedminster objected to changing the business block on Bedminster Terrace and asked why it was being changed. He also questioned what sections will be business and which will be residential between Hillside and Tuttle Avenues.

Chairman Slater in answer to the first of Mr. Ewing's questions indicated the Board felt Bedminster Terrace was basically a residential street; that people on both sides use it as such; we would prefer it to remain that way.

Mr. Agle in answer to Mr. Ewing's latter question indicated that 1 or 2 lots East of Hillside Avenue and South Side of Bedminster Terrace might become business.

Mr. Bernstein questioned whether the schedule of the proposed zoning ordinance would be changed.

Mayor Kean indicated it was doubtful the Planning Board could recommend adoption of the ordinance before the next meeting since there were many questions raised which would require the Board's consideration.

Board Member Paul Gavin explained to the citizenry that a committee worked diligently on this proposal for quite some time, taking into consideration the traffic situation, population needs both present and projected, etc. and the proposed ordinance was the result of this effort. He indicated the Board welcomed the views of the citizens and that they would be given careful consideration.

John Vossen indicated there were 7 houses along the north side of the triangle not used for business and every one well kept. He indicated he had no objection to being spot zoned.

Col. Field commented that this meeting ran a close parallel with the meeting of January 24, 1966 with the same questions having been raised.

Mr. Hennessy asked if the Board had considered any other area for the shopping center.

Mayor Kean indicated that a shopping center has to be accessible to local transportation and that it should be for the use of Bedminster residents and not a regional one.

Joan Vossen commented that Bedminster Village does not need a shopping center and that six houses could be put in the triangle.

Peter Gareth suggested a site West of Route 206 South of the Cut-off at 287, North of Burnt Mills Road.

Hearing no further questions or comments, Chairman Slater declared the hearing closed on the proposed zoning ordinance.

There being no further business to come before the Board, at 12 PM the meeting was adjourned. The next regular meeting is to be held at the Municipal Building on December 19, 1967.

ATTEST:

SECRETARY: Ann Sieminski  
Ann Sieminski

The Planning Board of the Township of Bedminster met in special session on this date at the Municipal Building for the purpose of considering the following resolution opposing the location of the Somerset County College within the Township of Bedminster, which resolution was forwarded to the Planning Board for its consideration by the Township Committee. The meeting was held jointly with the Township Committee.

RESOLUTION

WHEREAS, it has come to the attention of the Township Committee of the Township of Bedminster that the Board of Trustees of the Somerset County College has under serious consideration the selection of a site known as the Schley property within the Township of Bedminster for the location of a new Somerset County College facility; and,

WHEREAS, after due consideration, the Township Committee has found as follows:

1. The proposed location upon the Schley property in the northwest corner of the county is unsatisfactory and unacceptable since the location should be nearer to the student population which the college should be designed to serve.

2. The Schley property is situated in one of the prime residential areas of Somerset County and the location of the proposed county college therein would impair the prime residential uses of such area and would be detrimental to the zone scheme which has been established and zealously maintained by the governing officials and the citizens of Bedminster Township.

3. The location of the proposed college facility in another community closer to the anticipated student population could, with the proper site selection, help to up-grade the character of the area in which the college is located; and this fact is apparently recognized by municipal officials in municipalities outside Bedminster who have or are seeking to have the county college located within the boundaries of their respective municipalities.

4. The location of the college at the Schley premises would require the use of automobiles by the students, the faculty, and all other employees and visitors to the college premises, so that the site would require an inordinate amount of parking lots.

5. While the proposed Schley site is in proximity to Route 78, its many students and others working at or having business with the college will be using other roads in the area which must be maintained and policed at Township expense.

6. The establishment of the county college within the boundaries of the Township of Bedminster, with an anticipated enrollment of thousands in addition to its faculty and other employees will necessarily create an unreasonable and intolerable demand for services from the Township, especially in the matter of police and fire protection; and will, at the same time, eliminate the site from the tax rolls of the Township.

7. The Schley site contains no gas, water or city sewer services and the drilling of the number of wells to accommodate the large population at the college will be a strain on the underground water reserves of the area.

8. The location of the college at the Schley site disregards the cost of commuting for most of the anticipated student enrollment, and more consideration should be given to locating the county college at a site where most of its students will be able to obtain their education with the least amount of cost to each of them.