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Allan-Deane Co Attorney's Letter to Bedminster
Planning Board

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LAW OFFICES OF
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May 24, 1971

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Township of Bedminster Planning Board
Municipal Building
Kiltside Avenue
Bedminster, New Jersey

Gentlemen:

As attorney for The Allan-Deane Corporation, a Delaware corporation authorized and qualified to do business in the State of New Jersey, an application is submitted herewith for a change in the zoning plan under the provisions of R.S.40:55-35. There are no applicable forms or instruments provided either under the Statutes of the State of New Jersey or the ordinances of the Township of Bedminster; hence, this application is made by letter and contains the background data upon which the application is based. Further, the application is submitted to the Planning Board at the request of the Planning Board, rather than submission directly to the Township Committee, although it is recognized that the ultimate change or amendment to the existing zoning ordinance can only be accomplished by an action of the Township Committee. A copy of this letter is being forward simultaneously to the Township Committee so that they are apprised of this application.

The Allan-Deane Corporation (hereinafter referred to as the "Owner") is an owner of land located in the Township of Bedminster fronting on U.S. Highway Route 202-206, Schley Mountain Road, Washington Valley Road, and Mt. Prospect Road, and known more particularly as Lots 1, 11, 13 A and 14 in Block 59 as shown on the Tax Map of the Township of Bedminster. Lot 1 in Block 59 was acquired in fee simple on November 3, 1969 as recorded in Book 1217 of Deeds for Somerset County at Page 828. Lot 11 of Block 59 was acquired in fee simple on

EXHIBIT B
(Without Photographs)

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November 3, 1969 as recorded in Book 1216 of Deeds for Somerset County at Page 623. Lots 13 A and 14 of Block 59 were acquired in fee simple on October 31, 1969 and recorded in Book 1216 of Deeds for Somerset County at Page 628. The Owner owns such lands in fee simple, free and clear of all incumbrance and without any mortgages thereon. Such land consists of 467.10 acres.

When representatives of the Owner met with the Planning Board on an informal basis in December of 1970, each member of the Planning Board was provided with a kit of maps showing the area and delineating various phases of the area, such as topography, development, soil structure, etc. Although the Planning Board has been previously furnished such maps, such maps are included as part of this application as follows.

Exhibit A - Metropolitan location. This is a map entitled Wardley Woods, a planned community of The Allan-Deane Corporation, a subsidiary of Johns-Manville. The term Wardley Woods is one which has been affixed to the tract to be developed, although this may or may not be the ultimate designation placed upon it by the Owner. In common local parlance it has continued to be referred to as "the Allan-Deane tract". This particular map shows the tract located in relation to the Metropolitan area and shows the tract to be at the intersection of U.S. Interstate Highway 78 and U.S. Interstate Highway Route 287. As indicated by the outline of such highways, the intersection will ultimately be one of the largest intersections in the East and will be the main route to New York City from the West and will be the main route around New York City from the New Jersey Turnpike on Route 287, tying in with the New York Throughway.

Exhibit B - This map is entitled The Region and depicts the entire land owned by the Owner including approximately 1,000 acres owned in an adjacent tract located in the Township of Bernards. In fact, the Township line bisects the property at the eastern portion of the tract. This map is shown to scale, and as you will note, the size of the tract is substantial in relation to other developed areas in the region.

Exhibit C - This is a map entitled the area Zoning Pattern and indicates that the zoning within the Township of Bedminster is presently zoned as one acre residential and five acre residential. The land abuts a shopping center area which has been designated as a business zone on the map. For convenience of reference the zoning in the adjacent townships of Bridgewater and Bernards are shown as well as the zoning in the adjacent Borough of Far Hills.

Exhibit D - This map is entitled Area Development and depicts the existing uses in the Township of Bedminster, both on the tract and immediately adjacent to the tract, as well as that development which exists in the adjoining municipalities of Bridgewater, Bernards and Far Hills. You will note that the existing development of the tract includes two residential dwellings which are presently occupied by tenants of the Owner. One of these which fronts on U. S. Highway Route 202-206 is a building of some historical significance and will be preserved and moved to some other portion of the tract. The other dwelling which has ingress and egress on Mt. Prospect Road, is located on the property in such a manner that it will not interfere with any plan for development. In addition, as part of this application, we are submitting several photographs of the area which indicate some portions of the existing development which might not otherwise be shown on the map. These are the New Jersey Department of Transportation Truck Facility with the heliport from which the New Jersey State Police will patrol all of the major highways in the area by helicopter, the sites shown for a gas station, a tavern immediately across from the tract, the rear portion of the shopping center which abuts the tract and which would constitute a view from the tract and the storage area for school buses which is located immediately off of the intersection from the tract, several hundred yards away. The character of the buildings located in the Pluckemin Center just north of the newly built shopping center is almost exclusively business with real estate offices, antique show rooms, a liquor store, several gas stations and a post office.

Exhibit E - This is a map entitled Topography and shows the topographical features of the Owner's tract at a contour interval of two feet. A larger blowup of this map is available and has been offered to the Township Engineer for the purpose of providing the Township with a permanent record of the topographical features of a portion of the Township. The contour interval of two feet has been selected at an increased expense to the Owner since it provides a more definitive tool to the Owner for the purposes of the development of the tract and will be of much greater benefit to the Planning Board in their planning considerations with respect to the tract. A large portion of the tract is in a large open field with a very gentle slope while another portion of the tract is heavily wooded and is part of an excessive slope.

Exhibit F - This is a map showing the excessive slopes of the area by showing the slopes in gradations of under ten per cent, between ten and 20 per cent and 20 per cent or greater. This

indicates that certain portions of the tract have little or no slope, i.e., under 10%, whereas a portion of the tract, especially the eastern portion, has slopes which are in excess of 20% and which would constitute some limiting factor in terms of development. Significantly, the pattern of the excessive slopes is substantially similar to the pattern of green delineated by the Township on its master plan in which they designated this portion as open space or green area. This is unquestionably because of the unsuitability, by and large, of this area for other large scale development.

Exhibit G - Wooded Areas. This map shows the wooded areas on the tract and shows them either as open, sparsely wooded or heavily wooded. It will be noted that the area immediately surrounding the shopping center is open whereas the area up on the side and the top of the mountain is heavily wooded.

Exhibit H - This map shows the surface drainage of the area indicating a natural drainage pattern already in existence directly through the center of the tract, and indicates that there is no particular problem as far as surface drainage is concerned.

Exhibit I - This is a map showing the soil survey indicating in detail the composition of the soil for the tract. It can be noted from this map that the area presently in open space and not presently wooded does not present any problem as far as soil is concerned for development. Other portions of the tract would present problems for septic effluent disposal but the entire tract is going to be sewered.

Exhibit J - This is a map showing the septic effluent disposal on the tract and as a result of such survey a determination has been made to completely sewer the tract. This will be accomplished by one of several ways. An offer has been made to the Planning Board that the Owner would be pleased to work with the Bedminster Township Board of Health toward the sewerage of the area which includes the Pluckemin Center. It is recognized that there could be a problem in the Pluckemin Center and the Township Board of Health is diligently addressing itself to the solution of this problem. If there is any way that the Owner can cooperate in terms of contribution or the construction of portions of a line, it is perfectly willing to do so. In the event that the Owners assistance is not utilized or requested by the Township, then arrangements have been made to have the effluent disposed of by means of a forced underground main away from the tract and into another portion of the tract in an adjacent Township which

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is also being sewered. Therefore, for purposes of this application it may be stated that entire sewerage facilities will be provided at the expense of the Owner.

Exhibit K - This map shows the average depth to bedrock indicating that there are no special problems which could be encountered in terms of the development of the tract. Since the Owner intends to service the entire tract by existing city water, there will be no necessity for any percolation test or drilling for wells. Therefore, for purposes of this application it may be assumed that adequate water will be furnished at the expense of the Owner.

Exhibit L - This map shows the seasonal high water table which indicates that there are no special problems presented with respect to the tract.

Exhibit M - This shows the views and vistas on the tract which indicates that there are certain portions of the tract which have unusually fine views and vistas and such views have been taken into consideration in the development of the tract.

Some note should be made of the existence of certain historical remains on the property including the possible remains of a historic encampment occurring during the Revolutionary War. Reference has already been made to a house which is presently in existence fronting on Route 202-206 which will be preserved because of its historical significance. In addition, it is the intention of the Owner to accommodate itself to the existing sites and encampments and it will be the intention not to disturb these in any way thereby accommodating itself to the existence of these historical sites and utilizing them and maintaining them so that they can be a source of pleasure and historical significance both to people on the tract and the Township of Bedminster. By and large, these sites exist up in the wooded area where there are excessive slopes and which would comprise a type of development which could accommodate itself to the existence of these sites. To insure that these sites are not overlooked, it will be the suggestion of the Owner in the actual development of the tract that a heritage advisory committee be selected, comprised of people knowledgeable in the area, including those with particular knowledge of the tract so that the historical significance can be maintained.

In addition, the Owner's engineers have viewed the property from an ecological standpoint and have determined that in view of the proposed uses and the fact that a great portion of the

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land presently exists as gently sloping open fields, and the careful utilization of the wooded and steep portions of the tract retaining wherever possible all trees, vegetation, etc. that no special ecological problems will be presented. Furthermore, it will be the intention of the Owner in the development of the tract to work in conjunction with a local conservation committee or commission if one shall be in existence; otherwise, it is the intention of the Owner to seek out the opinions of the local individuals who will be interested in such matters in order that the tract can be preserved with its natural beauty as much as possible. Although the Township does not have any present rule on the cutting of trees, it would be the intention of the Owner to maintain whatever growth is possible and utilize such wooded areas and growth in its development. This would be completely consonant with its development plan.

In connection with the development of this tract the Owner has used the services of several consultants, each one selected because of their particular expertise in their field and their particular knowledge of the area. Donald H. Stires Associates of Somerville has been utilized for the topographical surveys and for the engineering work in connection with the tract. Robert Catlin and Associates, planning consultants of Denville, New Jersey, have been retained for the planning studies and the planning development of the tract. The firm of Garman Associates, traffic and transportation consultants, were retained for the purpose of providing the Owner with a detailed analysis of the existing and future traffic conditions and the impact on the surrounding area as a result of the tract development. Any or all of such consultants are being made available to the Township officials and their professional advisors for the purpose of answering questions or clarifying any aspects of the application.

The existing master plan study of the Township of Bedminster is significant in that it provides for a different treatment of the utilization of land between property on the west side of Route 202-206 and that property lying on the east side thereof. The area immediately to the north of the tract on the other side of U. S. Highway Interstate 297 has been shown on the master plan as a proposed office and research zone. Recently a portion of that tract consisting of a lake and some surrounding acreage was deeded to the Township for park purposes. The area immediately south of the tract has been designated by the same master plan study as office and research. This is an area which is bordered by U. S. Highway I 78.

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The U. S. Highway 202-206 which presently runs through the Pluckemin Center past the property has recently been expanded to four paved lanes. It is not known what impact the New Jersey Highway Department of Transportation facility will have on the area but presumably it was selected because of its ready access to the federal highways and the major interchange. Until the heliport is completed the full impact of the landing and taking off of the helicopters for police duty will not be known but it may be assumed that this could constitute some uncompensated interference with the enjoyment of the property in the immediately adjacent area.

A proposed plan of development has been discussed informally with the Planning Board and a copy of such plan is now submitted herewith and will be explained in detail.

It should be noted initially that over 50% of the tract is contemplated to remain in open space, undisturbed in any way. If the Township desires, this space can be permanently deeded to the Township for utilization by them as open space in perpetuity. This would be, of course, without any charge or expense to the Township. This land has an approximate cost value of nearly one million dollars and its fair market value can be safely estimated at many times in excess of this figure. This then, could be a substantial gift to the Township. If, however, the Township does not desire the land, then it would be retained by the Owner and maintained as open space by the Owner.

The large open space with a relatively topographical feature would be utilized by the Owner for office and research use. As shown on the accompanying sketch, approximately 92 acres would be utilized for this purpose although the actual office building would comprise only 7 1/2 % of the total acreage. Based on existing land value and the cost of the improvements, the office building area would total \$20,300,000.00. Based on the assessed value of a 50% ratio, this would result under the existing tax rate in a revenue to the Township of \$531,860.00 annually. There would be adequate off-street parking suitably landscaped, and an attractive center mall within the facility blending in with the structures. There are no present known tenants for such facilities.

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In conjunction with the office and research use, the Owner proposes a meeting center which would utilize approximately 6 acres of the tract, consisting of 120 transient units. This would be largely utilized and be in conjunction with the proposed office use and would provide facilities which are needed in the area in conjunction with office uses generally. Based on the land value and the improvements which would be made, the total value of the land and improvements would be \$1,920,000.00. Based on the same assessment ratio and existing rate, this would produce an annual current revenue to the Township in the amount of \$50,304.00.

In conjunction with a use which is being proposed in the adjacent township, a portion of the land would be utilized for a golf course. This area would be along the top of the ridge immediately adjacent to the Bernards Township boundary line and would utilize approximately 21 acres. Based on a valuation of comparable golf course property with improvements, this would amount to approximately \$147,000.00 and utilizing the same ratio and rate, this would produce an annual revenue to the Township amounting to \$3,851.00.

The Owner also proposes the utilization of 64 acres to provide for 52 single family residential dwellings. These will average in the neighborhood of \$90,000.00 a piece. When the total valuation of the land and improvements is computed, it will result in a valuation of \$4,680,000.00 and utilizing the assessed valuations and current tax ratio, this will result in a revenue to the Township of \$122,616.00.

Finally, it is apparent that there is a great need in the area for multi-family dwellings for people of all ages and all income brackets. While additional residential and multi-family dwelling uses are proposed in an adjacent township, literally yards away, the use as part of this comprehensive plan extends into a portion of the Township of Bedminster. The area utilized is the highest point of the property surrounded by woods and away from the proposed office and research uses and yet close enough that such dwellings could be utilized by people who work in such facilities.

It is not the intention of the Owner at this time to make the case for multi-family use since it has been made adequately by others and there is no question that they are necessary. It is no longer possible to simply deny their existence or their utility because of old reasons which do not tend to have any

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present validity. The Owner proposes utilizing 33 of the acres on the tract for town houses which would range in price with an average price being approximately \$35,000.00. Therefore, some of these dwellings would be lower and higher in price. Based on a total improvement value together with the land of \$9,240,000.00 and utilizing the assessed value and current tax rate, this would produce total income to the Township of \$242,088.00.

In addition, approximately 6 acres would be utilized for the construction of the necessary streets and right of way.

The total value of the land and improvements as proposed by the Owner would be approximately \$37,141,000.00 and utilizing the current assessment ratio and current tax rate, this would produce nearly \$1,000,000.00 in current revenue to the Township of Bedminster. The exact figure based on these assumptions is \$973,094.00.

The Owner does not believe that net revenues to the Township can be considered in a vacuum, however, since there are expenses attributable to the presence of the improvements and the development proposed by the Owner. For example, it can be computed with a mathematical certainty that there are municipal costs which run \$.72 for every \$100.00 assessed valuation, the county costs run \$1.47 for every \$100.00 of assessed valuation, and the total of the statutory exemptions which are given by the tax assessor in accordance with the terms of the statutes amount to \$.07 per \$100.00 of assessed valuation. Also, based on an existing experience, and utilizing the most recent figures which can be obtained, it is anticipated that the residential dwellings will produce 1.5 public school children per dwelling unit. On the other hand, experience throughout this area has demonstrated that the number of public school children per town house unit is considerably less and would be .84 per dwelling unit.

Based on an estimated existing per pupil cost of \$920.00 in Bedminster, the total cost of such education would approximate \$276,000.00. The education costs included, would be local level expenditures and would be exclusive of any state aid. They would, however, include an additional amount of \$100.00 per pupil for debt service which would be utilized to furnish additional school facilities.

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Assuming the same ratio of costs which are presently being incurred because of the existence of a rateable, it can be assumed that the additional rateables would at least bear their own proportionate share of the cost of any increase in services because of their existence. When these costs are totaled with the educational costs, this amounts to a total cost of \$683,962.00. The net result is a net revenue to the Township exclusive of all costs, municipal costs, county taxes, school costs, costs of education, etc. amounting to nearly \$300,000.00 annually. The exact figure using the approximation set forth would be \$289,132.00.

This should be contrasted to the net cost to the Township if the land proceeded to a development under existing zoning where there would be a net loss to the Township of nearly \$5,000.00 annually.

The traffic survey which has been prepared as a result of existing traffic patterns and densities and a considered forecast of future traffic flow and the impact on the existing roads indicates that the tract development as proposed will not create any undue traffic problems. This is because of the existing arterial roads, the fact that there are several manners of ingress and egress to the property off of different roads, and one of the major highways in the state is immediately in front of the tract. Those, of course, who would be utilizing the interstate highways would only be on the roads which are located in the Township for a very short distance.

As the Owner has stated at the three previous informal meetings with the Planning Board, the tract is owned and is not under option and it is the present intention of the Owner to proceed with the development just as soon as an approval can be obtained. To reiterate what was said at one of those meetings, it will not be the intention of the Owner to simply go away if its request is not approved, despite the fact that this has been the experience of the Planning Board with other owners who have made similar proposals over the last several years.

I think you will conclude that the Owner's application is reasonable and is a sincere attempt to develop the property owned by it in accordance with a comprehensive plan, a plan which is well reasoned and thought out and will not constitute an undue burden to the Township. Although the multiplicity of uses proposed concerns the Owner's property only, it is respectfully submitted that consideration should be given to extending such permitted uses in those adjacent areas to the

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Owner's tract in accordance with the intention previously expressed by the Planning Board as part of its master plan proposal.

The Owner and its professional staff remain at your disposal to answer any and all questions which might arise with the hope and expectation that you will proceed without delay to give consideration to this application and the modification of the existing zoning ordinance consistent with the terms of this application. It is recognized that a two thirds majority of the Township Committee sit as statutory members of the Planning Board and hence, although the ultimate responsibility for the zone change rests with the Township Committee, it will become apparent as a result of the Planning Board's action what the determination by the Township Committee will be. Although you have been in receipt of the general background material shown on the exhibits for approximately five and a half months, I know there are certain aspects of the application which you would like to consider further. The Owner respectfully requests, however, that after some reasonable period of time the Planning Board act on the application and notify the undersigned of the Planning Board's decision.

Respectfully submitted,


William W. Lanigan