

RULS-AD-1977-100

12/19/77.

Bedminster Township Committee Regular Meeting - Notes
(exhibit C)

Pgs 20

The Township Committee met in regular session at 8:00 P.M. on this date at the Municipal Building, Hillside Avenue, Bedminster, New Jersey for the purpose of transacting its regular semi-monthly business. Members present were Mayor Winkler, Mr. Gavin, Mrs. Merck and Mr. Horton. Mrs. O'Brien was absent due to illness. Others present were Messrs. Smith, Cilo, Mantz, Bryan, Scher, Graff, Agle, Gitzendanner, Mrs. Ashmun, Counsel Bowlby and the Clerk.

REC'D AT CHAMBERS

At the direction of the Mayor, the Clerk read the following notice as required by the "Open Public Meetings Act" of the State of New Jersey:

MAY 1 - 1978

JUDGE LEAHY

1. In compliance with the "Open Public Meetings Act" of the State of New Jersey, adequate notice of this meeting of the Township Committee was provided in the following manner:
 - (a) On January 3, 1977, adequate written notice of this meeting was posted at the bulletin board in the Township Clerk's Office at the Bedminster Township Municipal Building.
 - (b) On January 3, 1977, adequate written notice of this meeting was mailed to: The Courier-News, The Somerset Messenger-Gazette, The Bernardsville News, and to all subscribers.
 - (c) On January 3, 1977, adequate written notice of this meeting was filed with the Township Clerk.

The Mayor then welcomed the members of the public in attendance at this meeting.

It was on motion by Mr. Horton, seconded by Mr. Gavin and carried that the minutes of the previous meetings of December 3, 1977 and December 5, 1977 be approved as submitted.

The following items of correspondence were referred to the Committee for its consideration and the full text of each letter was read by the Clerk:

1. Letter from Mr. Bensley Field, dated December 12, 1977, addressed to the Mayor and Township Committee, said letter relating to the Flood Plain delineation of the Field and Layton properties.
2. Letter from Mr. Bensley Field, dated December 12, 1977, addressed to the Mayor and Township Committee, said letter relating to Village High Density Zoning.
3. Letter from Mr. & Mrs. Anthony C. Urick, dated December 5, 1977, addressed to the Mayor and Township Committee, said letter relating to the proposed change to the R-20 Zone for some of the property lying between Hillside Avenue and Route # 206.
4. Petition signed by 22 residents of Bedminster Township protesting the change in zoning to R-20 of the property located between Route # 206 and Hillside Avenue.
5. Letter from Mr. Allan B. Grady, dated December 6, 1977, addressed to the Township Committee, said letter relating to the question of the adequacy of the Township's sewer facilities as such relates to the proposed zoning changes now being considered by the Township Committee.

It was on motion by Mr. Horton, seconded by Mrs. Merck and carried that these items of correspondence be filed and cross-filed for further consideration by the Township Committee.

The following reports of the Standing Committees of the Township Committee were submitted at this meeting:

Public Works Committee - Mayor Winkler reported that the Public Works Department is keeping the roads in shape in spite of the winter weather. He also noted that Mrs. O'Brien is home and doing well.

Legal Committee - In the absence of Mrs. O'Brien, Mr. Horton reported that there are no new developments from a legal standpoint since the last regular meeting.

Insurance Committee - Mr. Gavin advised that there would be no report.

Charities and Finance Committee - Mr. Horton reported on investments made and interest accrued since the last meeting of the Committee. He also reviewed the Bill List for the period ending December 19, 1977 and advised as to the retiring of \$58,000.00 in Bond Anticipation Notes and the payment of interest in the amount of 1,856.00 on these notes. Mr. Horton noted that an extension of these notes would have involved higher interest rates than the initial rate of 3.20%.

Fire and Water Committee - Mr. Gavin reported that the Commonwealth Water Company is installing the new hydrants along the westerly side of Route # 206 and that the work is not yet completed.

Police - Mrs. Merck advised that the Police Department's Crime Prevention Program has been somewhat delayed due to the illness of Special Officer Kumpf's father. She further advised that about 35 families have signed up for the program which will start again after the first of the year.

It was on motion by Mr. Gavin, seconded by Mrs. Merck and carried that the reports of the Standing Committees be placed on file.

Mayor Winkler noted that he was pleased to see so many residents in attendance at this meeting. The Mayor asked Counsel Bowlby to review the history of the litigation involving Bedminster Township's Zoning Ordinance. Counsel Bowlby reviewed the history of the litigation and noted that the Township is working within a time frame established by the Court. He noted that the Court has ordered the Township to adopt a new Zoning Ordinance by December 31, 1977. Mr. Bowlby outlined the procedure in the passage of an ordinance and noted that, if a substantial amendment is made, a complete republication of the entire ordinance would be required. He noted that an ordinance of this magnitude is never perfect. Counsel advised that there will be ample opportunity to amend the ordinance in response to any recommendations that the Township Committee makes to the Planning Board.

The Mayor then advised Mr. David Johnson of Pluckemin that his letter was too late for the agenda, however, it will be distributed to the Township Committee. The Mayor then asked Mr. John Dillon if he had given a copy of his letter to the Clerk and he answered "yes". Mr. Dillon advised the Mayor that Mrs. Dillon will read the letter during the public hearing on the Zoning Ordinance.

Mr. Horton explained that he would have to abstain from any discussion on the portion of the Zoning Ordinance prohibiting corporate headquarters because the firm with which he is associated, McCarter and English, does totally unrelated legal work for City Federal Savings and Loan Association.

The Clerk then read the following notation: This ordinance was introduced and passed on first reading at a regular meeting of the Township Committee held on Monday, December 5, 1977. Said ordinance was duly published according to law with the required notice of public hearing in the Bernardsville News on Thursday, December 8, 1977. Said ordinance was referred to the Planning Board on December 6, 1977 and copies of the ordinance were forwarded, by Certified Mail, Return Receipt Requested, to the Municipal Clerks of all adjoining municipalities and to the Somerset County Planning Board on Friday, December 9, 1977 with the required notice of public hearing. Copies of this ordinance have been posted in the Township Clerk's Office at the Bedminster Township Municipal Building and have been made available to the public upon request. Copies of this ordinance are available at this meeting.

The Clerk then read the following letter from Mrs. Ann Sieminski, Secretary, Bedminster Township Planning Board:

December 14, 1977

Township Committee
Township of Bedminster
Bedminster, N.J. 07921

Ladies and Gentlemen:

At its regular meeting on Monday, December 12, 1977, the Planning Board reviewed the proposed Zoning Ordinance as referred to it by the Township Committee. The Board voted to recommend to the Township Committee that the following change be made:

.....That the portion of the Segerstrom property on Hwy. 206 presently in the Business Zone be continued in the Business Zone, either as the property currently exists, consisting of approximately 3.5 acres, or in an acreage less than 3.5, if the FAR requirements covering the building and parking are able to be accommodated under the Zoning Ordinance.

In addition, the Board reviewed the proposed Site Plan Review Ordinance and voted to recommend to the Township Committee that it be adopted as submitted.

Very truly yours,

/s/ Ann Sieminski
Secretary

Regular Semi-Monthly Meeting, December 19, 1977
(Continued)

The Mayor then called for a Public Hearing on the Zoning Ordinance. The Clerk then read the following Notice of Public Hearing and the Ordinance, by title:

NOTICE

Notice is hereby given that the foregoing ordinance was introduced at a meeting of the Township Committee of the Township of Bedminster on the 5th. day of December, 1977 and passed on first reading; and the same was then ordered to be published according to law; and such ordinance will be further considered for final passage at a meeting of the Township Committee, to be held at the Municipal Building, Bedminster, in said Township, on the 19th. day of December, 1977 at 8:15 P.M. at which time and place or at any time or place to which such meeting shall from time to time be adjourned, all persons interested will be given an opportunity to be heard concerning such ordinance.

By Order of the Township Committee

Frank P. Robertson
Township Clerk

"AN ORDINANCE LIMITING AND REGULATING BUILDINGS AND STRUCTURES ACCORDING TO THEIR CONSTRUCTION AND THE NATURE AND EXTENT OF THE USE OF LAND, LIMITING AND REGULATING THE DENSITY OF POPULATION IN CONFORMITY WITH THE QUALITY OF SOILS, THE UNDERLYING FORMATIONS AND WATER POTENTIALS, AND FOR SAID PURPOSES DIVIDING THE TOWNSHIP INTO SEVERAL DISTRICTS AND REGULATING THEREIN THE AREAS OF YARDS AND OTHER OPEN SPACES AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS".

The Mayor then opened the Public Hearing on the ordinance.

Mrs. John Dillon read the following letter:

RAYMOND R. & ANN V. TROMBADORE
COUNSELLORS AT LAW
33 EAST HIGH STREET
SOMERVILLE, NEW JERSEY 08876

RAYMOND R. TROMBADORE
ANN WILKIN TROMBADORE
OF COUNSEL

TELEPHONE
(201) 722-7115

December 19, 1977

Township Committee
Bedminster Township
Hillside Avenue
Bedminster, New Jersey 07921

Re: Rezoning of property of Overleigh Associates
(John Dillon, et als), and others

Gentlemen:

We represent Overleigh Associates, who are the owners of lot 2 in block 6 as shown on the Bedminster Township Tax Map. On August 17, 1977 we appeared before the citizens ad hoc committee on master planning to present a request for consideration of the rezoning of this property for purposes of a planned adult community. The area in question is at the most northeasterly corner of Bedminster Township and is bounded on the north by the Borough of Chester, on the west by Highway 206, and on the east and south by the Borough of Peapack-Gladstone. We are advised that property owners owning lands to the west of the lands of Overleigh Associates concur in this request for the rezoning of the property in question. In all, there would be approximately 70 acres of land comprised in the zone unless some additional 52 acres of property owned by the Brady Corporation were to be included in the area considered for rezoning.

We subsequently appeared before the planning board at its regular meeting in September, and at that time presented detailed graphic materials in support of our request for the rezoning of the property. We urged that the matter be considered in context of the proposed new master plan and the proposed new zoning ordinance. At that time we pointed out that a planned adult community as envisioned by Mr. John Dillon of Overleigh Associates and as described by our witnesses was not a retirement village nor was it a retirement community. Rather, the community envisioned was one which was designed for active adults who no longer have the need for extensive residential property and who no longer desire the responsibilities or cares of private ownership of residential grounds. We further pointed out that at the present time there is no such facility in Bedminster Township, nor is there any comparable facility in Somerset County or in this part of the

state. We also pointed out that the location of the property and the uses surrounding it made it suitable for zoning for planned adult community purposes. Since the property is in the corridor located to the east of Highway 206, it would be consistent to consider this property for something other than its present 3 acre zoning.

We subsequently appeared before the planning board at the time of its public hearing on the master plan. The master plan incorporated findings that the average life span of residents of the community has lengthened from 42 years to 72 years in this century. It also noted that our children are forming independent households earlier and that there is a continuing shortage. The planning board also found that the township has an obligation to permit a full range of housing accommodations. The planning board report indicated that in order to provide the opportunity for both our children and our late middle-aged couples and singles to remain in their home communities, a proportion of small dwelling units must be included in the permitted residential mix. The report went on to state that each neighborhood grouping should have integral, useable open space for outdoor recreational activities of all age groups. These are exactly the standards which we urged upon the planning board and which we contend are served by a well regulated and well planned adult community. Unfortunately, the zoning ordinance proposed by the planning board and now introduced by the township committee does not in fact serve these purposes. No zone is proposed in which the concept of a planned adult community can be implemented. We therefore urge that the township committee defer action on the adoption of the proposed zoning ordinance as introduced and remand this entire matter to the planning board for further study. We are fully aware of the time constraints which are imposed upon the township by the order of the county court arising out of the Alan-Deane case. Nevertheless, we are satisfied that the town would not be subject to criticism by the court if in fact it were to make an honest effort to implement the standards which are contained in its own report on the master plan. We have already submitted to the planning board proposed form of ordinance provisions which are designed to permit and regulate planned adult communities, and we are prepared to appear before the township committee to present further evidence in support of this request.

Again, we urge that the proposed zoning ordinance in its present form not be adopted and that the matter be given additional study.

Very truly yours,

Raymond R. Trombadore

RRT: jr

Regular Semi-Monthly Meeting, December 19, 1977
(Continued)

Mr. Peter Henry of Crumay, Del Deo, Dolan and Purcell, a law firm in Bernardsville, N.J. noted that Mr. Ralph Del Deo appeared before the Planning Board at the Public Hearing on the Master Plan and he, Mr. Henry, is appearing before the Township Committee tonight on the subject of the Phizer property which, in deed, belongs to Site Realty, Inc. It is approximately a 30 acre tract located in the very far southeast corner of the Township bounded by Interstate 78 and Interstate 287 and U.S. 202-206. We don't need to go at any length concerning our desires on the property. It had been zoned R-0 in the previous ordinance for Research and Office Buildings. The proposed rezoning is R-20. The Phizer subsidiary which owns that property owns a parcel in excess of 160 acres, the majority of which is in Bridgewater Township. The 30 acre parcel north of Chambers Brook is located in Bedminster Township. The adjoining Bridgewater property has been zoned for either or an SED or MDU Zone under Bridgewater zoning. The SED is a Special Economic District and is roughly equivalent to what many Townships have as R-0 Zone. The MDU is a higher density, I think in their case, multi-family but, obviously, higher density housing zone. The R-20 Zone proposed in the Bedminster Ordinance would, indeed, be compatible with the MDU Zone which Bridgewater has. Our problem is that there is no equivalent compatibility with the SED or the Special Economic District Zone. The entire parcel can best be developed whether it be by Phizer or another company or another developer who might purchase from Phizer if Phizer chose not to develop, as one complete parcel. The Planning Board did indicate that their intention was to establish a compatibility between the adjoining Bridgewater property and the Bedminster property. Our position is that half a loaf has been given but it has rather impaired the use of the property as a potential site for development, obviously, principally, development in Bridgewater. It makes the site, as a whole, less useable, developable and less marketable a piece of property. The other point which I wish to bring to your attention which we thought might give the Planning Board reason to change its position on that parcel, but apparently did not, is that the Master Plan itself recognizes the rather man-made and unnecessary but, there it is, barrier formed by Interstate 287 and Interstate 78. That little, tiny parcel in Bedminster Township has been cut off from all the rest of the Township from a functional, an aesthetic, and, probably a public appearance point of view it is, for all intents and purposes, more part of Bridgewater than part of Bedminster. Obviously, you would like to tax it, you would like to call it your own, but it's been cut off from you by man-made highways. The barrier is there. It seems, to us, much more reasonable and consistent to zone that parcel as compatibly as possible with the adjoining Bridgewater property rather than tying it back to the zoning how-be-it, just above it on your zoning map but cut off totally from it and in no way developable with it.

Mr. Horton asked Mr. Henry to show him, on the map, where the Bridgewater property is zoned SED and MDU. Mr. Henry showed Mr. Horton the property he was talking about on the west side of Route # 206. Mr. Horton asked if the SED and MDU Zones were an optional use and Mr. Henry answered in the affirmative. Mr. Horton asked what Site Realty's inclination is at this point. Mr. Henry advised that, if they develop it, Phizer would probably put a facility of its own there, probably a corporate office facility.

Mr. Abram Simoff stated - I appeared before the Planning Board approximately two months ago upon their invitation, informally, made a presentation of what I thought the future development could be and would be advantageous to Bedminster Township on the parcel of land that I have an ownership in. The land, I am sure you are all aware of it, I refer to it as the McCashin piece but was told I shouldn't refer to it any longer as the McCashin piece, so I'll refer to it this evening as the Simoff piece because I have an owner interest in it. It is directly adjacent to the airport on Burnt Mills Road with approximately 2600 feet of frontage and, in total, the parcel is approximately 186 acres. A good portion of the property is in the critical flood plain area and it is the piece where they play the polo, just to orient a little deeper. I believe and I feel it is imperative that the Township of Bedminster must develop in a rather unique and unusual manner the multi-family housing of some sort and it's probably the main reason that we're here based on the mandates from the Courts. I feel that, from a recreational point of view, that my particular piece has some very, very decent advantages; number one, as you all know, this was the headquarters for the United States Equestrian Team and, since I've lived on the property for approximately 5½ years, I have tried to develop and to re-establish a concept of polo. They play there during season and they have had tournaments to benefit the library and other functions there, and has been a rather successful effort. Not only has it been successful but it has stimulated an interest within the community to develop this type of recreation facility. I, therefore, feel that polo is a distinct advantage in this area. As far as the horse operation that I have within the farm with stables for some forty horses, and I believe that the concept that I developed very roughly before the Planning Board was really a worthwhile one. Unfortunately, after the presentation was made, I didn't get a negative or a positive response from the Planning Board and I felt that this evening, based on what my feelings are, would be an appropriate time to establish my point of view to the Township Committee. Just to go over it very briefly, I feel that, if we could end up with a very low density, perhaps the lowest density that anyone in the commun-

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ity is ever talking about. You've been confronted by Allan-Deane; you've been confronted by various other developers through the Courts, and they've talked about mammoth and monstrous developments of four to six per acre, and I feel the concept that I want to develop with the re-establishment of polo, with the re-establishment of a horse operation, with the function of allowing someone a very decent place to live within the community, similar to one-family development, and would have advantage of the polo and would have advantage of the horses. I stated, before the Planning Board, that the density that I was interested in was one per acre, and, effectively, in looking at the plan I'd made no comment on it. I don't imagine that any of the members of the Board know who I am, but I am involved with a - I had a traffic business that furnished my livelihood and we do planning and environment work, and I feel that the concept of what I, personally, have developed here, is certainly a worthwhile one and is certainly one that, within the rough schematics that we presented, was something worth talking about. I am not an attorney. I do not come here this evening to brow-beat and to demand and to state a point of view that is not reasonable. This is the first time since I lived in Bedminster that I've appeared in an official capacity before any board. Now, that does not mean that I do not have a vital interest for what may happen to my land because I do. However, I feel that, in order for an interest and a point of view to be just, it must be reasonable. I think that I've applied a reasonableness to the approach that I've taken and I have demonstrated something that I feel is really workable within the community and have gotten, actually, no reaction. I would implore that this Committee, which is the final say-so of any legislation ordinances, look into this; understand what the concept is; discover what a beautiful point of view could be developed, and really say let's look into it and let's just see what the man's talking about so we understand - we understand that, possibly, there is a worthwhile concept here that can work; that is functional and that the community, itself, can be proud of. Thank you.

Mr. Anthony Urick stated - My name is Anthony Urick and I live on Hillside Avenue, in fact I live right across the street. I don't think I need too much introduction since I've been here several times in the last two weeks being a recent-moving in recently, but, I've become involved because of this proposed change in the zoning between Hillside Avenue and Route 206 to R-20. A letter of mine was read earlier tonight. I don't believe that I have to go into the points raised, the inequity involved, the questions of public safety, etc. The petition that I circulated with over twenty signatures was also presented, which, in my travels, I might add that the day after learning about this proposal, by chance, through the newspaper, I circulated this petition and found that the temper of the area was one of outrage. Some twenty or thirty houses which surround the perimeter of this triangle, which by the way isn't shown in the map, people would be looking down on this, an attempt to shoe-horn into a highly developed residential area additional densities of apartments, was looked upon by the residents of the community as inconceivable, a point of view I agreed with. The point I wanted to raise tonight is the point, specifically, raised by the Council that though we can't make changes now because it will require re-printing at great cost to the Township, etc., etc., we're running out of time. My letter was presented to the Township Committee two weeks ago. The petition was presented to the Township Committee two weeks ago. It was ample time for them to think about it, so that coming up with the last minute argument that there's no time and that there's additional cost involved I think is a non-argument, and I don't think it should even be countenanced by the Township Committee. If the tenor of the community is that its R-20 Zone is outrageous to the residents, we should forget about time constraints and we should consider reprinting the thing, if necessary. This is going to impact a great number of residents of this town and I think that should be taken into account.

Mr. Richard Howe stated - My comments have to do with the R-20 area proposed for along the North Branch of the Raritan River. I would like to ask that these matters be considered in evaluating whether this area should be created. First of all I would raise the question of traffic flow. In looking the thing over, I can see the possibility of traffic up Riverwood Avenue which is a very steep hill and not a wide street or traffic out onto 202 which can be also quite a busy road. I would next like to raise the question of the environmental aspect, the run-off from that land which would be covered to quite an extent with parking areas and buildings would go directly into the North Branch of the Raritan. Now, the North Branch can rise pretty fast and it seems to me that putting that additional water down there would cause it to rise even faster and cause some more rapid flooding. Also it would seem that there is the possibility of erosion because, if you walk down along there, you have a very high bank along the stream and a good place to cut more gullies. I would also echo the comments made by Mr. Grady with regard to the adequacy of the sewer lines, whether they would take the area and how the sewage would be removed, and I would also like to comment as to whether putting more residential units on a high density basis into an area that's already quite substantially built up is appropriate. I ask that these points be considered in your deliberations on this law.

Mr. Leo Johnson stated - I would like to second the comments Mr. Howe has made and also the point that Mr. Urick has made, particularly the Layton problem, the property adjacent to the Raritan River. The rezoning of that property, I think, is very interesting. Not only is a portion of that property in a flood plain; a portion of it is in a critical steep slope area and borders a large area which is labelled "critical steep slope". That means that 8 or 9 of the 13 acres available for housing has substantial problems on the property, also is heavily wooded. To put housing there would mean that this wooded area would have to be levelled. Mr. Howe has already commented on the surface water run-off that exists there already. There is substantial erosion on this property, particularly adjacent to the river. Now we show in this Site Plan Review Ordinance that mention was made repeatedly in there about buffer areas, streams, insulate one street from another; these woods provide a very attractive alignment to screen the houses on Route 202, Tuttle Avenue and Riverwood Avenue from each other. It also provides a very effective buffer for traffic noise. In addition to that the question of road access to this property is very important. Mr. Howe mentioned a possible access on Riverwood Avenue. If they had looked at the map one could see that that would be incredibly stupid. Probably the access would come by an extension of Bedminster Terrace onto Tuttle Avenue. In either case the traffic would all wind up on Tuttle and, if anyone has driven on Tuttle Avenue when the road is icy or snowy, one knows that the intersection of Tuttle Avenue with Route 202 is probably the most dangerous intersection in the entire village, and this safety question is also very relevant to the people on Hillside Avenue, the other rezoned area in Bedminster. I think that what the rezoning of this property indicates is that all the questions relating to concern for the environment, safety of the citizens driving the streets, have all been thrown out the window and the words in these ordinances, as fine as they sound, they simply are not practiced in the rezoned areas. Now, I don't know what these ordinances are supposed to show but they certainly are very high sounding but they absolutely mean nothing as regards the rezoned areas in Bedminster. I would like to hear some good sound reasons for the rezoning of these properties. I must be really ignorant of what the reasons are, but I would like to hear someone to show me and the rest of the people in this room the sound reasons for the rezoning of this property.

Mr. Field stated - Why don't you let Paul Gavin answer, he called the owners to see about changing the zoning. The Mayor stated - Mr. Field, I am operating this meeting, not you. The Mayor then asked Mr. Robert Graff to answer Mr. Johnson's questions.

Mr. Graff stated - Mr. Johnson, I think that the problem which the Township faces has been explained openly and patiently on at least four occasions when you were present, but I will try and do it again and see if you will hear me this time. The issue the town faces is that by the 31st. of December of this year we must have a Zoning Ordinance in place. The Zoning Ordinance, according to the State Municipal Land Use Law, must be based on the Master Plan which is current. Our last Master Plan was done in 1968 and given a 6 year time frame. The Municipal Land Use Law for such plans is not current. Therefore, starting back in March of this year, we set about to revise both the Master Plan and the Zoning Ordinance which is based upon it, and to have that done before the end of the year, and we are proceeding along the schedule which has been outlined repeatedly through the summer. What principles were used in order to plan? You're all aware that there has been in existence in Bedminster and the surrounding area, for a very long time, a Natural Resources Inventory, and this has been used over and over again in a variety of ways to attempt to understand, to best of present knowledge, precedents and capacities, present technology, what a reasonable carrying capacity for each of these plans could be. That's based, essentially, on the height of the water table, structure of the soils, critical areas which are scattered through the Township and other more positive benefits; good soils, flat lands, etc. and, essentially based on the natural resource carrying capacity of the land, we then have attempted to encourage or prevent or allow habitations in their appropriate density. In 1973 the Township went from, essentially, a series of checkerboards on the map to a concept of zoning which is how much would the land support in given areas, and, by and large, we were among the first Townships to do that in 1973, much of the world has caught up with us now in those common factors, considered to be good factors. The second thing we did beyond that was to determine where are present centers of population, where are presently existing intra-structure, a terrible word, meaning streets and sewer lines and utility lines, etc. plus water supply, and given the increase in the cost of extending those networks, we attempted to keep, at least, within the Township of Bedminster, all additional growth concentrated where that interceptor is presently located. There is nothing which, if money is free, would prevent the whole Township from being sewerred so that you could put a house on every half-acre. But, money isn't free and there are Federal guidelines and State guidelines, among some other things, also based on carrying capacity of the land and natural inventory resource which prevent that. So, that was the second principal, that we wanted to not extend the zone where heavy intra-structure costs would be encouraged. The third principle we used was that there has been in this town since 1940 or before, I believe, zoning of one sort or another, and it has proved to be really very effective. It's provided us the town we have today and which I think most of us like very much indeed, and it's also provided us with a way of dealing with

orderly expansion if that is required, and although the methods whereby we've done this change the fact is that the history of Bedminster zoning has proved to be sound, and so, we determined that another planning principle was that we weren't going to throw all that out. We were going to accept what there was of that and use it. That was the third principle. The fourth principle we used, essentially, was to consider what is the state of society beyond Bedminster, and that is a more complicated task because it requires looking at tea leaves and none of us is very good at that. Still, there is a cry and a requirement that all municipalities in the State of New Jersey, in the State of Pennsylvania, in the State of New York and in the State of Connecticut provide, within municipal boundaries, all kinds and types of housing for all kinds of persons.; that each town must be a replica of the nation in terms of what housing opportunities are available. So, the fourth principle was that we had to provide some kind of housing for everybody and the Court has held in the litigation which we, Suburban Action Institute and Johns-Manville have been at since 1972, really 1971, that Bedminster was deficient in two ways. The first one that we had no apartment buildings of any sort, no apartment units aimed especially for young families and older people who weren't ready for housing or didn't want a house any more. So, the Court decision which became effective in March or April said that we, in Bedminster, had to provide what we call multi-family apartments for anybody, rich, poor, etc, and, in addition, because the Suburban Action Institute brief held that towns like Bedminster, by requiring large lots and certain square footages, etc. were, essentially, excluding poor people, that has to be solved and we have to make it possible, theoretically possible, in any case, as practically possible as possible to allow poor people to have housing privileges in the Township. So, there are a couple of more things which guided our way. We had to provide a full mix. Finally, there was, in very careful and considered language in Judge Leahy's several statements, mention of the Bedminster-Pluckemin corridor., and most in the room recall that the first decision called for rezoning the whole corridor from east side to west side to 3,000 feet wide. We think that a western line came from a line which appeared on an earlier Somerset County map, and, then in the second decision he said "no, that's not enough yet, rezone the whole town but remember the town is environmentally fragile and there's no reason why the environment shouldn't have its points and you also have a social obligation and the social obligation belongs to the Bedminster-Pluckemin Corridor. Now, I've paraphrased it very loosely but that's what the meaning of the decision was as best we can tell. Another question was, given a requirement for all kinds of units, namely, apartments for anybody and some so called "least cost housing" and the location of the corridor, where were we to go?, and that's where the fun and games that we heard tonight really began. We decided that we would attempt to put these houses as close to special facilities as possible and that meant in or around Bedminster Village; in and around Pluckemin Village. The land in between, when you get up to the Route 206-I-287 Interchange, really gets very poor and there is nothing or there was nothing there when all this began and there's very little there now in terms of infra-structures. The water lines now have gone up and through. but that's all there is and the stream is right close to the road there and makes any kind of sewage disposal all but impossible. So, we chose, perhaps in ignorance, perhaps because there was nothing better to do, to concentrate, essentially on the two poles, Bedminster and Pluckemin and we did so because there are the roads and there is fresh water and there are shops and there are whatever people need without getting in their automobile. You can walk from wherever you are and, essentially those are the principles we used. Now, why do we put two sites in Bedminster? We put two sites in Bedminster because they were the only two places in the Township that we could find that was east of Route 202, 206 in this case, and had enough land so that you could put up more than three units. Mr. Field has offered another opportunity by letter and so on. Our feeling was that that would be smaller and less effective as a place than the two units we selected. Now, essentially, that's what there is to it. Other points were raised and points were discussed and so on, but those are the questions.

Mr. Leo Johnson stated - I always love to hear Mr. Graff talk. I could listen to you all night, Bob, I really could.

Mr. Graff stated - I'm sorry to hear you say that.

Mr. Leo Johnson stated - They are all very fine principles and I agree with you completely. That's why I think the rezoning of the Layton property is so interesting. It is, first of all in the flood plain as I mentioned before.

Mr. Graff stated - A piece is in the flood plain, a piece is heavily wooded and a piece is in the Critical Slope, but the remainder we estimate at about 9 acres, which would be appropriate for building.

Mr. Leo Johnson stated - There is also a heavily wooded area and that wooded area would have to be levelled.

Mr. Graff stated - No, it would not have to be levelled.

Mr. Johnson stated - Most of it would have to be levelled.

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Mr. Graff stated - Forgive me, I'm not a builder but we don't believe it would have to be levelled and if we thought so we wouldn't have named it.

Mr. Johnson stated - That is a very small piece of property when you eliminate the flood plain and the critical slope area. Most of those woods would have to be levelled. I live right next to that property and you can take my word for it or go down and see it for yourself. That would eliminate the buffers and the screening that are mentioned so prominently in the Site Plan Ordinance. The traffic safety, what does the rezoning of that property do? It is to increase traffic hazards in already hazardous areas. That area of town is also densely populated. The Master Plan would increase that population density still further. There is also traffic congestion on those streets, Tuttle Avenue. The rezoning of that property serves to increase traffic congestion even further. So, I submit to Mr. Graff that you have violated every tenet of good sound planning that is contained in these proposed ordinances. Now, I would like to hear answers to these questions, specifically pertaining to the Layton property. Specifics, not just generalities; specifics to refute the comments that I have made, and its the Township Committee is going to be voting on this tonight, and it is the Township Committee that is going to be passing this ordinance intact as Mr. Bowlby has already explained. The velocity of the procedures followed by the Township Committee is that once you have taken a step down the wrong road, it's too late to turn back. Now, the Township Committee has appropriated or is about to appropriate \$17,000.00 to pay the fees of these planners for this nonsense. The Township Attorney says that it is too expensive to go through the printing to enact a proper ordinance. That's ridiculous.

Mr. Horton asked Mr. Graff - How many acres are in the Layton parcel at this point?

Mr. Graff replied - I think there are 13 acres beyond his house and grounds.

Mr. Horton asked Mr. Graff - If you excised from that the critical area, the steep slopes, the flood plain, the heavily wooded tract, about how many acres would be left?

Mr. Graff replied - About nine. We haven't layed out the grid exactly but something in there. There could be between 25 and 40 units there, perhaps built there at five to the acre.

Mr. Horton stated - Forty to fifty units would be, principally, on the meadowland type area.

Mr. Graff stated - Well, some would be there and some would be tucked away on Hillside, but the trees, as far as I could make out would still be there. The buffers would be remaining and so forth. The houses would disappear in time.

Mrs. Merck stated - I hope Mr. Johnson heard that. That was specific.

Mr. John Kurylo stated - I would like to have Mrs. Ashmun Chairman of the Environmental Commission actually justify the density in both Pluckemin and Bedminster. He asked Mrs. Ashmun if she would please do that for us.

Mrs. Ashmun stated - I think something that is very important to remember is that when you actually get down to using the land the Site Plan Review Ordinance is written in such a way that all the constraints and all the premises for reviewing go "site specific". They're not talking about the whole town, in fact, they're talking about each site. Now, if we're talking about all the density in terms of the eventual population and that's what you're asking me to respond to, have been calculated in so far as we're capable at this point, to the availability of water, the availability of race dissimilation, soils and so on, and the best we could do in terms of air pollution as far as the Interstates are concerned. Now, all I can tell you is that we have done this. We've been following along with the Planning Board all along and we've used all the resource inventory information that's been available to us both in the County and local level, and, at the moment we are in agreement with the densities as they were involved.

Mr. Kurylo asked Mrs. Ashmun - Will you justify the density in Pluckemin?

Mrs. Ashmun replied - I am not going to justify anything. I am telling you that the population, as it was done on this map, insofar as the state of the art is concerned, is the assimilative capacity for wages there. I don't know what you're trying to do to me and I don't know what I'm supposed to tell you.

Mr. Kurylo stated - I'd like to clarify is that the statement in the paper this past week and a half. The statement says, and it's in here, where a number of towns have gotten together with the environmentalists and have gotten together with their planners and are trying with the future planning of their town to avoid the densities where the Interstates go and where there is a great deal of noise. Now, I'm concerned about Pluckemin. My main concern is about Pluckemin. The interchange of 287 and 78;

the density that you're going to have in that particular area does not justify what you call what future planning-what justifiable planning should really be. Now this has come out where-I'm sorry to say I forgot my glasses here, but it's right here before me. It says here that Bridgewater environmentalists discovered among the Township planners now, that the tendency, now what they're trying to do is to devoid the planners to locate multi-family developments right near highways, where Mrs. Jacobsen said the noise is deafening. Now, this is Mrs. Jacobsen from the Environmental Commission in Bridgewater, next door neighbor to us. She knows that she has a lot of problems with noise. I cannot see that the density in Pluckemin and the support that we get from our environmentalists to actually create more noise, more density in population which I do not feel is justifiable and I think supporting this is really out of the question. Now, you people do not want to support what you call corporate corporations. No one has yet come up when you have the density that these people who are- that this area will include to actually give any evaluation what our future tax structure will be. Now, there will be no rates to actually overcome this. Now, you have AT&T. I'm not saying people justify or do not justify, but at the present time are paying nearly a third of our taxes. The institution of putting that many in Pluckemin itself without, and I am not saying that I disagree with Mr. Graff here totally, but I am disagreeing to the extent of densifying it and I think there are those things that count that can be included in this. Mr. Graff is a very articulate speaker and I think he knows exactly what he's saying, but I don't believe it justifies the density that this area, Pluckemin is what I'm speaking of plus Bedminster itself. Thank you.

Mrs. Cynthia Bell then read the following statement:

Mayor and Members of the Township Committee:

On December 12, 1977, at the regular monthly meeting of the Planning Board, I addressed several questions to the board pertaining to zoning. Following are some of the questions and answers I received from Mr. Graff:

Question: "Had anyone, property owner or resident, ever requested a rezoning change of land situated between Route 206 and Hillside Avenue?"

Answer: "No."

Question: "Could 55 or more dwelling units be accommodated by the present sewer plant?"

Answer: "Yes."

Question: "Had the Planning Board ever asked Judge Leahy whether multiple dwelling units could be placed outside of the Bedminster-Pluckemin Corridor?"

Answer: "No."

During this discussion, Mr. Graff made two further statements I felt to be most significant. First, he asked this question and I quote, "Is R-20 appropriate for this area?--We have doubts." Secondly, he said, and I quote, "The traffic problem on Hillside Avenue could conceivably be severe."

In light of the above dialogue, if one considers the reference to the Bedminster-Pluckemin Corridor by Judge Leahy, it would seem that the area between Route 206 and Hillside Avenue is north of Route 202 and therefore outside of the corridor. A portion of the Leahy decision reads as follows:

"The Bedminster Township Zoning ordinance as it applies to the area of the Township east of a line drawn parallel with, and 3,000 feet west of, New Jersey State Highway Route 202 is hereby declared to be arbitrary, capricious and unreasonable. The Township is hereby directed to review and revise the zone map and zone district use restrictions within that area and to adopt a revision to its zoning ordinance applicable to that area which shall be in reasonable compliance with the standards and goals set forth in the Somerset County Master Plan of Land Use."...

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Mr. Graff further stated, and I quote from the minutes of the Master Plan Subcommittee Meeting of November 28, 1977; "Mr. Graff indicated that there were only 2 pieces of land available East of 202-206, neither of which contained 25 acres, so at no time has there been the possibility of locating a compact residential cluster in Bedminster Village. There was no interest in going West of 202-206 because there would be no reasonable way it could be stopped at any designated point."

Then I ask, since they are strictly adhering to Mr. Leahy's decision, is not the designated point west 3,000 feet? And further, since there was no request to rezone the area between Hillside Avenue and Route 206, why then the need to change this area from R-8 to R-20?

In my opinion, other land is available within the Bedminster-Pluckemin Corridor such as land located on the westerly side of Route 202 somewhere between River Road and Lamington Road. This land is near sewerage and city water facilities, would have a more suitable ingress and egress road system, cause fewer traffic and safety hazards, allow more recreation and open space areas, and prevent over-crowding of an already highly populated area.

I would strongly recommend that you, the Township Committee, give serious thought to the immediate consideration of an amendment to the new zoning ordinance to restore the R-8 zone between Hillside Avenue and Route 202.

Thank you.

Very truly yours,

Cynthia M. Bell

Cynthia M. Bell

Mrs. Bell stated - I would like this letter entered into the record of this meeting and considered by the Township Committee as a whole.

Mr. Horton informed the Mayor that he had two questions. He asked Counsel Bowlby to comment on the quotation that Mrs. Bell read from the Court Order. Counsel stated that the Court Order that Mrs. Bell read from was the first opinion. Mr. Horton stated that that is what he thought. He noted that the order that Mrs. Bell read from was the prior opinion of Judge Leahy. Counsel Bowlby noted that this was the order of January, 1975. He noted that the later opinion has no geographical boundaries whatsoever. He noted that the 3,000 feet, by best guess we had, one of our arguments of defense was that we were complying with the County Master Plan as promulgated by the County Planning Board. He noted that we still take that position, incidentally. He noted that he believes that the County Planning Board is on record as endorsing this ordinance. He advised Mrs. Bell that the excerpts that she read were from the original opinion and they were not repeated in the second opinion.

Mr. Horton asked Mr. Graff or Mr. Scher whether there was any consideration of the parcel that was mentioned between River Road and Lamington Road. He asked if they would advise why this area was secondary, in their consideration, to the two parcels in Bedminster.

Mr. Graff stated - The first reason, Mr. Horton, was that the land has no access to 202-206 because of a Green Acres easement or Green Acres strip of land which the Township owns. The second thing is that the highway itself has a purpose, in our view, in protecting the Township from expansion to the west until such time as the whole Township or portions of it are sewered, and we have made no bones about the fact that we believe that 78 and 287, 202 and 206 form a big arc and we call this a kind of Chinese Wall and we did not want to breach the Chinese Wall, so the combination of lack of access and land west of 202-206 at that time mind to say, at the moment, "No".

Mrs. Bell stated - It didn't say 202-206, it just said 202. Why do you include 206?

Mr. Graff replied - That is what the road is at that point.

Mrs. Bell stated - Route 202 and 206 breach at the kennel. What is wrong with the access, if you would like to bring out traffic from Hillside Avenue. Why can't you then come out on River Road or Lamington Road.

The Mayor thanked Mrs. Bell for her letter and advised that it would be placed on file.

Mr. Fred Kumpf stated - I have a number of questions from reading the ordinance that were not clear. Perhaps the Committee or someone else can answer them for me. I was wondering first what specific kinds of structures are permitted in R-6 and R-8 zones within the ordinance. What types of housing are permitted. It's clear in the ordinance if you look at schedule A under Section 10. Under 4 and 4. The kinds of housing units permitted within R-20 and R-30 Zones but, perhaps I just overlooked it. I wasn't able to ascertain what specific kinds of housing are permitted in R-6 and R-8 zones.

Mr. Scher then outlined specific types of housing permitted in specific areas.

Mr. Fred Kumpf stated- The other question I had was, at one point the ordinance had a provision whereby there was an increase of FAR for critical areas. Is that now out.

Mr. Scher advised that it is out.

Mr. Fred Kumpf stated - I do have some additional comments that I would like to make. I must say I'm sympathetic to what I've heard by some of the people from Bedminster as it sounds very similar to what many of the people in Pluckemin have been concerned about. Of course, it must be kept in mind that while they are concerned about housing or zoning, which would permit housing of approximately 100 units, the people in Pluckemin have been concerned because of the housing that would be permitted there somewhat in excess of 1500 units. Of course the impact of that number of units on the nature of the community in Pluckemin would be far greater than the impact in Bedminster. So, we are consequently more concerned in relationship to the nature of the change, that would occur or could occur, given the proposed zoning. I think it is important to restate the position that we feel that all the high residential zoning should not be located in Pluckemin, and I would refer the Township Committee to a petition that was submitted to it as well as the Planning Board, signed by approximately 46 members of the Township which indicated specifically and the number of reasons why there should not be all the high density located in one area of the Township. Just to restate a few of those reasons which I think are significant and need to be restated is a potential for the change in the nature of the Township certainly on the political balance of the Township by placing all of the majority of the population of the Township in one small geographical area, could well have a significant impact on the future of the Township and may well affect the future development once the Township is controlled by that one small geographical area. Also, I think it creates within the municipality the very situation which regionally led our present Zoning Ordinance to be declared invalid by the Court. Let me expound on that a little bit. I think one of the basis for the decision of the Court was a social policy that when in the region there shouldn't be isolated pockets of high density zoning. Consequently, our Township was required, as well as all other Townships, within the municipality, to take small amounts of the pockets of the people that would be attracted by least cost housing, shall we say, and that, because, on a social basis, concentrating within one area of the region was not desirable. I would suggest that the Zoning Ordinance does the very thing in Pluckemin which was held to be invalid regionally. That is putting all of the high densities least cost housing within one area of the Township and it's susceptible to the same criticism as led to the ordinance being invalid by regional basis. These detrimental impacts can certainly be eliminated by spreading out the high density zones throughout the Township, and I would be sympathetic to some of the comments by other people that this should be considered. While I recognize reviewing the situation where the Master Plan now limits the action to be taken via this ordinance, I certainly would suggest the Township Committee seriously consider perhaps amending or suggesting to the Planning Board that they reconsider the Master Plan and, in light of that, possibility, and that the future Zoning Ordinance or amendments to the Zoning Ordinance and Master Plan provide for spreading out of the high density zoning throughout the Township to avoid that problem. Certainly I feel that the Compact Residential Clusters should not be limited as they are in the ordinance to merely in Pluckemin. Since Compact Residential Clusters are permitted in as small as nine acre parcels under Section 13.8.1, certainly all of R-2 Zones within the Bedminster-Pluckemin Corridor should be eligible for the Compact Residential Clusters. There seems to be no real logical reason to exclude

any one or more R-20 zones which are of nine acre size within that corridor from availability for Compact Residential Clusters, and so there's certainly no reason to exclude Bedminster since it is close to the sewers and transportation. It is equally close to shopping as Pluckemin and water is equally available. Consequently, I would suggest that Article 4.4.6 eliminate the words "in Pluckemin" and the last sentence of 11.1 be rewritten, as suggested in my letter, to eliminate the prohibition that all Compact Residential Clusters be in Pluckemin. Also, Mr. Scher has just told me that it is intended, by the ordinance, that Village Neighborhoods only be permitted in R-20 units, in R-20 Zones. If you will look at 4.4.4 it suggests presently that Village Neighborhoods be permitted in R-6, R-8 and R-20 zones. I would suggest that this is inconsistent with the remainder of the ordinance and should be changed. Also, you will notice 11.6.6 deals with screening of parking for Village Neighborhood and Compact Residential Clusters, and it deals with screening for various things and I notice that something that is not included there which I feel should be included is screening from existing housing. The way it is presently worded leaves open the question as to whether those parking lots would have to be screened from present housing and I think it should be made clear, at the end of that section, that it should be screened from present housing also. Section 10.3.4 deals with exemption from certain of the requirements for home and dwelling unit size standards. I think by that - by section the ordinance is intended to refer to Section 10 or Section 10.3 but I'm not clear and I'm concerned that the wording of that section would permit, in situations where government or State of New Jersey projects are developed, that they could be placed in any zone, be it R-3, R-6, R-8 or R-20 and R-30, and I think that the intent of that section was merely to allow such projects only in R-30 or, perhaps, R-20 zone, but it's certainly not clear by its very terms and, perhaps, sections should be amended or changed so the specific section that is to be exempted is made clear or, some other way made clear that that section doesn't exempt such projects from the entire Zoning Ordinance but merely that portion dealing with R-20 or R-30 units, whichever is intended. I would submit it should be merely R-30 and not R-20. I'm not sure of the reason for the elimination of decreasing the Floor Area Ratios in situations where a contiguous piece of land contains critical areas. It is clear that the ordinance, as it is written, does not permit any increase in situations where the premises are not contiguous or within the same parcel of land, but it would, perhaps, be a more defensible position to have anywhere where the land is presently in the critical area, be it flood plain or steep slope, to have an increased Floor Area Ratio for the remainder of the contiguous piece of property. (Section 8.3.1.) The zoning on a space talks about the tract of land located in any other district and leaves really open the question of whether land within the same district, there would be an increase. As I've been told now by Mr. Scher, it was intended to eliminate that. I don't think it does it clearly and, perhaps, it could be done more clearly, but, in any event, it seems it would be wiser to allow somewhat of an increase where you're essentially taking land because it's in the critical area, to give some kind of bonus for development of land within the same parcel. Also, Mr. Scher has told me that the ordinance is intended to limit single family or twin-type housing in R-3, R-6 and R-8 Zones. I would submit that the ordinance says that no place within the ordinance, and perhaps it should if it's the intention.

Mr. Horton asked Mr. Kumpf - Where are you reading from now ?

Mr. Kumpf stated - I'm not reading from any place except from what Mr. Scher told me and that's, I think, one of the problems. I think it's clear under Schedule A that it's, under Schedule A (4) it says the kinds of units which are permitted in R-20 and R-30. It talks about garden apartments, two in a row houses, two in a row or free-standing houses, but no place else in the ordinance does it say what kind of housing is permitted in R-3, R-4, R-6 and I think someplace it should state specifically; Mr. Scher suggested twin housing is permitted, but I don't believe that's stated anyplace in the present ordinance, unless I just missed it. On the general overall view, I suggest that one of the problems with this kind of ordinance is the multiplicity of terms for development creates the impression that one is trying to limit the kinds of housing. Certainly, some person who wished to buy a piece of land and build a house, reading this ordinance, would find it very difficult, I believe, certainly for the average person, to ascertain what kind of buildings and what kind of limitations he would have for a building which he planned. I think that kind of a morass of terms creates an impression that one is trying to limit building, and I certainly think that that's a dangerous appearance because it's that kind of feeling, I think, that helped our present Zoning Ordinance to be overturned. Well, certainly it's not possible, within the limits of this Committee's time limits and the limits of the present Master Plan that those changes are not possible at this time. I would consider that in the next review of the Zoning Ordinance, or if amendments are proposed to it, that some way to simplify what the requirements of Floor Area Ratio; Minimum Net Floor Area Ratio and the other terms which I'm not even specific about, but some way of putting their meaning into common terms so some person who picks up the ordinance and wants to comply with it can do so in a fairly easy manner. Thank you very much.

Mr. David Johnson stated - I, too would like to point out the fact that it appears that recently there's a bit of sympathy within the Township for the effects of rather high density housing in one area and I certainly, for that reason, also sympathize with the residents of Bedminster, but I should also point out the disparity in the housing unit density between Pluckemin and Bedminster villages with Pluckemin having, perhaps, as much as 12 or 15 times as much high density housing as that in Bedminster Village, and, therefore, I'd like to propose, as I have proposed to the Planning Board, and I think my position is fairly well known, that, again, if this is for formality, if no other reason, propose to the Township Committee that the situation be, the Master Plan and Zoning Ordinance be handed back to the Planning Board with a suggestion that the high density housing within Bedminster Township be dispersed more evenly throughout the Township in a fashion such that it can be more socially acceptable, the new residents of the Township can be assimilated into the Township in a fashion such that they can take on the values that we, as the current residents of the Township have, and will not in the future tend to overtake the Township and take over the political power and make further sweeping changes to the detriment of the Township. Thank you.

Mr. Bensley Field stated - First of all I would like to ask Mr. Bowlby what's the next step if the ordinance is approved tonight with amendments, hopefully? Where do we stand then?

Counsel Bowlby stated - If the ordinance is passed tonight we will then have a Zoning Ordinance and the amendments can be considered whenever the Township Committee and the Planning Board would like to.

Mr. Field stated - If it is passed tonight then -

Mr. Bowlby stated - Then it can be amended at any time.

Mr. Field stated - It can be amended at any time. O.K. - Are we assuming that if we pass it, I gather this by Mr. Graff's spiel, that this will satisfy the Court. - This ordinance.

Mr. Bowlby stated - I don't know that this ordinance will satisfy the Court. I don't know if anyone knows.

Mr. Field stated - What are the options if it is not accepted by either some of the property owners that are making suggestions here tonight. Where do we go from there?

Mr. Bowlby stated - Well, of course the Township Committee says the word as to whether or not it's accepted, if that's what you mean. If someone's dissatisfied with an ordinance they complain to the Township Committee.

Mr. Field stated - O.K. - Can the Court, the Supreme Court, take it upon itself to hear the ordinance and look into the validity of the ordinance?

Mr. Bowlby stated - Not without going through the procedures to get there.

Mr. Field stated - Well, O.K. - I am suggesting that this many legitimate observations that have been made tonight and the previous meetings of the Township Committee and the Planning Board and I am a little bit more outspoken, as most people know, than some of the nice people that have been speaking before me, and I'm suggesting that this ordinance is a sham, and you're perpetuating it and that we are going to be ending up in Court with multiplied legal fees and consultant fees, and it just is incredible that many of these suggestions aren't taken into consideration. This is not 1946. Many people feel Judge Leahy's decision on the Pluckemin-Bedminster Corridor was a very benevolent decision. We have a 26 square mile Township and the discussion here tonight is too trivial parts of the whole Township. We have an airport that you keep in low density zoning. We have a major highway with hundreds and thousands of acres of open land, and corporations all over the world are looking at this Township, and, no way, in my opinion, will this, what you're doing, is any more than perpetuating a fraud upon us as taxpayers.

Mr. Robert Bach stated - My name is Robert Bach. I represent a property owner in Pottersville. The property is about 4 acres on Route # 512. It's currently being used for business, and up to 1973 including the Master Plan of 1973, it was so zoned for business. It was changed by an amendment in 1973. We gave a lot of thought to the piece of property; proposed a multi-family or proposed some apartments. We thought that the Township needed it, and we thought it would be in the best interests of the Township. I'm not here to argue about whether it's in the best interests of the Township or not, at this point, although we still feel it is. What I'm here to suggest is that the property be put back into business. It was much the same as Mr. Segerstrom's. He had a piece of property and it was changed, but it, by amendment here it was put back. We think it's an unfortunate violation of the property owner's rights. Without some thoughtfully compelling social reasons the change from business

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which is seriously been to residential. We ask that you put it back into business.

Mr. Horton asked Mr. Bach who he represents.

Mr. Bach advised that he represents Sterling Security Corporation in Pottersville.

Mr. Doggett stated - I regret to say this is the first meeting I've been able to attend on this subject. After reading the paper and seeing the maps, I was quite amazed and shocked that the Planning Board was anticipating putting this high density housing in the Hillside Avenue area. Particularly, when I looked at the map and I can't see half of the houses that belong there., it looks far more open and attractive than it is, and that seems a great oversight to publish a map in the paper that doesn't have half the residences that belong when we're asked to form an opinion about it. But, I am delighted and see that there are so many interested people that have spoken out tonight and I wish to just say that I concur with most that has been said. I object very much to the zoning in that area as it is being planned.

Mr. James Oliver stated - I represent Mr. Segerstrom and it's Block 27, Lot 12. It's where, I think you all know where the property is, it's where the Cumberland store is and the real estate office and the engineering office. We appeared before the Planning Board last Monday and presented our problem to that Board. It was discussed at length and after our discussion, the Planning Board unanimously recommended to your Committee that the property be continued in a business zone. I know two of the members of the Township Committee aren't on the Planning Board and I would like to, if I may, just show you where - This is the 1973 Zoning Ordinance and it's outlined in red where the property is located. I just might add, just to bring up for Mrs. Merck's and Mr. Horton's attention, it's been zoned for business since 1946 or about 30 years. It's been used for a building contractor, a gift shop, a grocery store, carpet shop, and also I think, at times, even for the Bedminster Library. All we're asking is that that be continued in the business use it has been. Because, what we're really dealing with is a property that's already being used as a commercial use and the uses right now are compatible with your Article V of your present Zoning Ordinance. I know that you're under a time limitation under the Court's and can appreciate that. As Mr. Bowlby pointed out at the beginning of the meeting, that, probably, there would be future amendments that would be considered- No Zoning Ordinance is perfect. So- we really don't know if it's appropriate to ask you to consider the request this evening or, if not this evening, certainly at the nearest opportune time that you have to reconsider making some amendments and changes to the Zoning Ordinance, and that's our request.

Mr. Robert Marlatt stated - I just wanted to say that I'd just like to add that I think if the Planning Board tried to pick two of the most unlikely spots for the R-20 they have succeeded.

Mr. Urick stated - Unlike several members of the public here tonight I have my glasses and they don't seem to help me much. I would like to compliment Mr. Graff. I don't know him; I have never talked to him, but I'd like to compliment him on a very lucid presentation. Fortunately, in a situation like this, perhaps lucidity is what's important in logic. What we are dealing with is an argument that states that it is better to overburden already highly used facilities rather than expanding. Now, under that logic, the Town of Boston would now be pushing along the Mohawk River and considering whether to cross it while the density behind the Mohawk River was outrageous. Thank God we've come beyond that. It is ridiculous to say there are streets here that have a capacity of X, so let's make them 3X rather than expanding. As we have based our entire Zoning Ordinance on this kind of logic, I'm shocked. I think that's the kind of comment I feel after this meeting tonight.

The Mayor asked if there were any further comments and hearing none, the Mayor declared the Public Hearing closed.

Mr. Horton raised questions in connection with questions brought up by Fred Kumpf, Dave Johnson and others and which the Planning Board had already spotted: Sections 4.2, 4.4, Article 11, 4.4.4, and Schedule A. Section 4.4.4 contains a reference to R-3 and R-8 and R-6. There is a problem in relating back plus Table A plus 4.2 back with Article 11. He asked Mr. Scher if he could explain the recommendations that he outlined for the Township Committee at the Agenda Session with regard to these particular questions of the Zoning Map because he, Mr. Horton, thinks, as they read that right now, they are somewhat confusing. Mr. Scher then explained various items on which there had been questions through the Public Hearing.

Mr. Scher then reviewed the recommendations which he had previously discussed with the Township Committee.

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Mr. Horton noted that the map is a poor one by reason, among other things, the fact that it, unfortunately, had to be reduced in size from a very large map to the one we see here today, and when it is redone it will be redone with that problem in mind. It will be easy to look at the 6 % area and spot it immediately; all of the houses, for example, will be designated.

Mrs. Merck stated - There is one other point that I think should be clarified. It isn't just the question of the map being reprinted, because, of course, that would have to be done anyway, but, were we not to pass this zoning ordinance this evening, as Mr. Bowlby pointed out, there would have to be another hearing which would take us into next year. That is the real point, not the printing of the map. This map is unacceptable, I hope the printers will realize the fact. So, I hope everybody understands it like that.

Mr. Field asked if any amendments can be made. The Mayor replied - Yes; next year.

Mrs. Bell asked if the amendments Mr. Scher had read will be included. The Mayor answered in the affirmative. Mrs. Merck noted that the changes will all be made in formal amendments. Counsel Bowlby noted that there can be a hearing held on each amendment or a group of them. Counsel further advised that you cannot straddle a year with an ordinance. It wouldn't be possible to introduce them now and pass them this year because, even though we still have the same personnel on the Township Committee, the law says that this is a non-continuous body and ends at the end of this year, so that you can't introduce an administrative ordinance or anything with substance such as this. It can't be introduced in December and passed in January.

Mr. Kurylo raised a question as to a point of order regarding further comments on the ordinance. The Mayor explained the conduct of a Public Hearing. Mr. Kurylo noted that he cannot understand how an amendment can change densities. Counsel Bowlby advised that an amendment can change anything in an ordinance. The Mayor informed Mr. Kurylo that the Township Committee has the right to recommend changes to the Planning Board, but not tonight.

Mrs. Merck then read the following statement- "All the comments and suggestions from residents present will be listened to attentively and carefully considered. Be it understood that the Committee will and must adopt the new zoning ordinance this evening due to time constraints imposed upon us by the Court. However, subsequent amendments are possible and for that reason we invite your suggestions and hope they will prove constructive."

Mr. Gavin stated - I think that, at this point, it would be appropriate to sort of restate why we're here tonight. That this is not something that this Committee or the Planning Board is doing to the residents. We were sued, we were sued by Allan-Deane, we were sued by the Civil Liberties Union, we were sued by the Suburban Action Institute. Allan-Deane started it first. In those days we used to call it "corporate greed", now it's a new word "a rip-off", but it's still the same thing and we're faced with two choices; one of which is disagreeable and the other one is intolerable. This ordinance that you heard tonight represents nine months work by our professionals and by our own dedicated townspeople. Mr. Graff and Mr. Scher have time and time and time again explained why this ordinance reads as it does. As I see it, we must vote on it tonight as it is or we have no zoning on New Year's Day, and we've got the creditors sitting right in the room. I don't want us to go into that condition on New Year's Day so we've got to vote on it. I'm prepared to vote.

Mr. Horton stated - I would like to add that I think all of the suggestions that have been made tonight are excellent ones for consideration of amendments to the existing zoning code as proposed. There are a number of matters which, of necessity, we'll have to take up with our Counsel. For example, the possible effect of Section 10.3.4, whether that should be omitted entirely. Obviously, a number of the sections that do not inter-relate properly such as 4.4 Article 11 and Schedule A and so forth will have to be cleaned up. We have heard, I think, re-articulated, the major proposals for the large scale changes by Mr. Simoff and others. They will certainly be reconsidered at length, and we've heard a number of minor changes from small lot owners which will be given the same consideration, whether it be the effect of screening or traffic or whatever. We're not going to give any less consideration to somebody because he happens to own one acre than because he's proposing to rezone 200 acres. I'm sorry I can't express any opinion on the question of passing the whole zoning ordinance, but, as stated before, I have to abstain on that.

The Mayor asked for a motion as to the disposition of the Zoning Ordinance.

Regular Semi-Monthly Meeting, December 19, 1977
(Continued)

It was on motion by Mr. Gavin, seconded by Mrs. Merck and carried that said ordinance be finally adopted and notice duly published according to law. The Clerk then called the roll and the result of the vote on this motion was as follows: "Ayes" - Mayor Winkler, Mr. Gavin, Mrs. Merck; "Nays" - None; Abstentions - Mr. Horton; Absent - Mrs. O'Brien.

NOTICE

Notice is hereby given that an ordinance entitled "AN ORDINANCE LIMITING AND REGULATING BUILDINGS AND STRUCTURES ACCORDING TO THEIR CONSTRUCTION AND THE NATURE AND EXTENT OF THE USE OF LAND, LIMITING AND REGULATING THE DENSITY OF POPULATION IN CONFORMITY WITH THE QUALITY OF SOILS, THE UNDERLYING FORMATIONS AND WATER POTENTIALS, AND FOR SAID PURPOSES DIVIDING THE TOWNSHIP INTO SEVERAL DISTRICTS AND REGULATING THEREIN THE AREAS OF YARDS AND OTHER OPEN SPACES AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS" introduced at a regular meeting of the Township Committee of the Township of Bedminster held December 5, 1977, was adopted at another regular meeting of said Township Committee held December 19, 1977.

Frank P. Robertson
Township Clerk

It was on motion by Mrs. Merck, seconded by Mr. Gavin and carried that all recommendations, written and oral, be considered by the Township Committee and referred to the Planning Board. The Clerk then called the roll and the result of the vote on this motion was as follows: "Ayes" - Mayor Winkler, Mr. Gavin, Mrs. Merck and Mr. Horton; "Nays" - None; Abstentions - None; Absent - Mrs. O'Brien.

The Mayor then advised those in attendance that there would be a five minute recess.

The Mayor then called for a Public Hearing on an ordinance entitled "AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED THE "SITE PLAN REVIEW ORDINANCE OF THE TOWNSHIP OF BEDMINSTER" ADOPTED JANUARY 17, 1977 TO PROVIDE STANDARDS FOR SITE PLAN REVIEW". The Clerk then read the following notation: This ordinance was introduced and passed on first reading at a regular meeting of the Township Committee held on Monday, December 5, 1977. Said ordinance was duly published according to law with the required notice of public hearing in the Bernardsville News on Thursday, December 8, 1977. Said ordinance was referred to the Planning Board on December 6, 1977 and copies of the ordinance were forwarded, by Certified Mail, Return Receipt Requested, to the Municipal Clerks of all adjoining municipalities and to the Somerset County Planning Board on Friday, December 9, 1977 with the required notice of public hearing. Copies of this ordinance have been posted in the Township Clerk's Office at the Bedminster Township Municipal Building and have been made available to the public upon request. Copies of this ordinance are available at this meeting.

The Clerk then read the following Notice of Public Hearing and the Ordinance, by title.

NOTICE

Notice is hereby given that the foregoing ordinance was introduced at a meeting of the Township Committee of the Township of Bedminster on the 5th. day of December, 1977 and passed on first reading; and the same was then ordered to be published according to law; and such ordinance will be further considered for final passage at a meeting of the Township Committee to be held at the Municipal Building, Bedminster, in said Township, on the 19th. day of December, 1977 at 8:15 P.M. at which time and place or at any time or place to which such meeting shall from time to time be adjourned, all persons interested will be given an opportunity to be heard concerning such ordinance.

By order of the Township Committee

Frank P. Robertson
Township Clerk

"AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED THE "SITE PLAN REVIEW ORDINANCE OF THE TOWNSHIP OF BEDMINSTER" ADOPTED JANUARY 17, 1977 TO PROVIDE STANDARDS FOR SITE PLAN REVIEW".

Mayor Winkler then opened the Public Hearing and, there being no questions or comments from the public in attendance, it was on motion by Mrs. Merck, seconded by Mr. Horton and carried that the public hearing be closed. Mr. Horton then read the following statement - The Township Committee is aware of the number of questions concerning the interplay of the sections of the proposed Site Ordinance

amendment and the existing Site Plan Ordinance which was adopted on January 17, 1977. We have certain questions which we will have to confer with our Counsel about and also with the Planning Board for their input. So, there well may be certain amendments to clarify. The amendments which would be adopted tonight, in other words amendments to the amendments or perhaps in the form of separate amendments to the basic ordinance itself and to tighten up the interplay between the proposed amendments tonight and the existing ordinance and very broad brush treatment, they are the question of the interpretation of Section 12(a).4.14 also Section 2. The possible interpretation problems between 12 (a) 7.1 and Section 10.1 (c) of the problem of possible re-definitions or the introduction of definitions for Section 12.8, the interplay between 12.1 and 12 A .9.1, the interplay between 12 A.9.3 and 12 A .7.1, the interplay between 12 A .9.2 and 12.4, the possibility of introducing definitions for the purposes of clarifying 12 A.11 and, perhaps, a reconsideration of the scope of authority under 12 A.14.4. Some of these may well be substantive in nature, others may be simply procedural. In any event, there will be certainly consideration to these additional amendments. However, in light of the time constraints again, I would recommend and move that the amendments, in their present form, be adopted tonight with the understanding that the Committee would consider these further possible amendments, as soon as possible.

It was on motion by Mr. Horton, seconded by Mr. Gavin and carried that said ordinance be finally adopted and notice duly published according to law. The Clerk then called the roll and the result of the vote on this motion was as follows: "Ayes" - Mayor Winkler, Mr. Gavin, Mrs. Merck and Mr. Horton; "Nays" - None; Abstentions - None; Absent - Mrs. O'Brien.

NOTICE

Notice is hereby given that an ordinance entitled "AN ORDINANCE TO AMEND AND SUPPLEMENT AN ORDINANCE ENTITLED THE "SITE PLAN REVIEW ORDINANCE OF THE TOWNSHIP OF BEDMINSTER" ADOPTED JANUARY 17, 1977 TO PROVIDE STANDARDS FOR SITE PLAN REVIEW" introduced at a regular meeting of the Township Committee of the Township of Bedminster held December 5, 1977 was adopted at another regular meeting of said Township Committee held December 19, 1977.

Frank P. Robertson
Township Clerk

The Clerk then read the following resolution and it was on motion by Mrs. Merck, seconded by Mr. Gavin and carried that said resolution be adopted at this meeting. The Clerk then called the roll and the result of the vote on this motion was as follows: "Ayes" - Mayor Winkler, Mr. Gavin, Mrs. Merck and Mr. Horton; "Nays"- None; Abstentions - None; Absent - Mrs. O'Brien.

R E S O L U T I O N

WHEREAS, there appears to be insufficient funds in the following account (excepting the appropriation for Contingent Expenses or Deferred Charges) to meet the demands thereon for the balance of the Current Year, viz:

Recreation, Other Expenses

Police, Other Expenses

WHEREAS, there appears to be a surplus in the following account (excepting the appropriation for Contingent Expenses, Deferred Charges, Cash Deficit of Preceding Year Reserve for Uncollected Taxes, Down Payments, Capital Improvement Fund, or Interest on Debt Redemption Charges) over and above the demand deemed to be necessary for the balance of the Current Year, viz:

Recreation, Salary & Wages

Police, Salary & Wages

NOW, THEREFORE, BE IT RESOLVED (not less than two thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of R.S. 40A:4-58, part of the surplus in the account heretofore mentioned be and the same is hereby transferred to the account (excepting the appropriation for Contingent Expenses or Deferred Charges) mentioned as being insufficient, to meet the current demands, and

BE IT FURTHER RESOLVED that the _____ Treasurer _____ be and he _____ is hereby authorized and directed to make the following transfers:

<u>From</u>		<u>To</u>
Recreation, Salary & Wages	\$200.00	Recreation, Other Expenses
Police, Salary & Wages	\$750.00	Police, Other Expenses

The Clerk then read the following resolution and it was on motion by Mr. Gavin, seconded by Mr. Horton and carried that said resolution be adopted at this meeting. The Clerk then called the roll and the result of the vote on this motion was as follows: "Ayes" - Mayor Winkler, Mr. Gavin, Mrs. Merck and Mr. Horton; "Nays"- None; Abstentions - None; Absent - Mrs. O'Brien

R E S O L U T I O N

BE IT RESOLVED by the Township Committee of the Township of Bedminster that the Township Treasurer be authorized and directed to draw checks covering the following refunds to be made due to overpayment of taxes for the year 1977:

	Block	Lot	Amount
Irene Dobbs Far Hills, N.J. 07931	2	10-1	\$ 10.00
John & Judith Valencei Far Hills, N.J. 07931	5	1	241.68
Ernest Fowder c/o Millington Savings and Loan 1932 Long Hill Road Millington, N.J. 07946	16	4	83.69
Muriel Harris Bedminster, N.J. 07921	21	9	1.09
Germaine Jardillet Bedminster, N.J. 07921	34	7	160.00
Robert & Jean Hennessy Bedminster, N.J. 07921	36	15	23.04

C E R T I F I C A T I O N

I, Frank P. Robertson, Clerk of the Township of Bedminster in the County of Somerset, New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Committee of the Township of Bedminster at a regular meeting of said Township Committee held on Monday, December 19, 1977.

Frank P. Robertson
Township Clerk

The Clerk read the following resolution and it was on motion by Mr. Merck, seconded by Mr. Gavin and carried that said resolution be adopted at this meeting. The Clerk then called the roll and the result of the vote on this motion was as follows: "Ayes" - Mayor Winkler, Mr. Gavin, Mrs. Merck and Mr. Horton; "Nays" - None; Abstentions - None ; Absent - Mrs. O'Brien.

R E S O L U T I O N

WHEREAS, an ordinance entitled "AN ORDINANCE OF THE TOWNSHIP OF BEDMINSTER ACCEPTING FUNDS FROM THE FAIRVIEW DRIVE ROAD ASSOCIATION AND APPROPRIATING THE SAME FOR THE IMPROVEMENT OF FAIRVIEW DRIVE" was adopted by the Township Committee of the Township of Bedminster at a regular meeting of said Township Committee held on November 7, 1977; and,

WHEREAS, Section 2 of said ordinance provides that "Any unexpended portion of such appropriation shall be refunded to the Fairview Drive Road Association"; and,

WHEREAS, the sum of \$2,000.00 was deposited by the Fairview Drive Road Association with the Township of Bedminster to cover the cost of accepting and improving Fairview Drive as a public road, including all related expenses; and,

WHEREAS, the actual cost of the aforesaid acceptance and improvement of Fairview Drive, including all related expenses is the sum of 1,586.65:

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bedminster in the County of Somerset, New Jersey that the Township Treasurer be authorized and directed to issue a refund check in the sum of \$413.35 to Joseph H. Metelski, Treasurer, Fairview Drive Road Association.

C E R T I F I C A T I O N

I, Frank P. Robertson, Clerk of the Township of Bedminster in the County of Somerset, New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Committee of the Township of Bedminster at a regular meeting of said Township Committee held on Monday, December 19, 1977.

Frank P. Robertson
Township Clerk

There were no comments from the public in attendance.

Mr. Gavin expressed the Township Committee's thanks to Messrs. Graff, Scher and Bryan, Mrs. Ashmun and many others for the work done and the support given in connection with the new Zoning Ordinance and Master Plan. Mr. Horton and Mrs. Merck reiterated Mr. Gavins remarks.

The Committee approved the Bill List which appears on Pages 172 through 175 of these minutes and the bills were then paid by the Treasurer.

There being no further business, the meeting adjourned at 10:35 P.M.

Attest:

Clerk :

Frank P. Robertson