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3/23/78

Affidavit of Carl Lindbloom in Support of Order
to Show Cause

Pg 20

note: map included

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J. [Signature]

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-36896-70

SOMERSET COUNTY
 L. R. OLSON, CLERK

P.W.

MASON, GRIFFIN & PIERSON
 201 NASSAU STREET
 PRINCETON, N. J. 08540
 (609) 921-6543

RECORDED
 RECORDED BK. [unclear]

ATTORNEYS FOR Plaintiff, the Allan-Deane Corporation

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION-SOMERSET COUNTY
 DOCKET NOS. L-36896-70 P.W.
 L-28061-71 P.W.

THE ALLAN-DEANE CORPORATION, :
 et al., :
 Plaintiffs, :
 THE TOWNSHIP OF BEDMINSTER, :
 et al., :
 Defendants. :

Civil Action
 AFFIDAVIT OF CARL LINDBLOOM
 IN SUPPORT OF ORDER
 TO SHOW CAUSE

STATE OF NEW JERSEY)
) SS:
 COUNTY OF MERCER)

CARL LINDBLOOM, residing at 156 Laurel Road, Princeton,
 New Jersey, of full age, being duly sworn upon his oath
 deposes and says:

Personal Background and Experience

1. I am a licensed New Jersey Professional Planner and have been retained by the Allan-Deane Corporation as an expert witness in this action.
2. I was graduated from Miami University, Oxford,

Ohio and received, in 1954, a Bachelor of Architecture and, in 1956, a Master of City Design.

3. I have, at the present time, over 16 years experience as a planning consultant in New Jersey and have served as a planner for a number of municipalities including Rahway, Watchung, Cherry Hill, Edison, Passaic Township, Princeton and Bridgewater. In connection with this work I have prepared numerous municipal master plans, drafted and analyzed numerous zoning, site plan and subdivision ordinances and testified as a planning expert witness on many occasions.

4. My publications in the area of planning include:

- a. The Pinelands Future Development Plan, Jersey Plans, (State of New Jersey), Volume XV, No. 3, Autumn, 1965
- b. Co-authored, The Citizen's Guide to Urban Renewal, Chandler Davis Publishing Company, Revised Edition, 1968
- c. Contributor, New Communities: Challenge for Today, American Institute of Planners, 1968
- d. Environmental Design Review, Chandler Davis Publishing Company, 1970
- e. "Fair Share and Regional Need", Co-authored with Harvey S. Moskowitz in

Anthology entitled After Mount
Laurel: The New Suburban Zoning,
edited by Jerome G. Rose and Robert
E. Rothman, Center for Urban Policy
(1977)

5. At the request of the Allan-Deane Corporation, I have conducted a land use and zoning analysis of Bedminster Township and of the new Zoning Ordinance enacted by the Township on December 19, 1977. For this analysis, current zone acreage was determined by planimeter calculation. For the existing land use survey the tax assessment classification for each parcel of land was noted on Township tax maps; these use classifications were then checked in the field. The acreage of all uses were then tabulated according to assessment records, or calculated by planimeter, by each zone district.

6. Attached hereto as Exhibits "A", "B", "C" and "D" respectively, are the 1977 Zoning Ordinance of Bedminster Township, the 1977 Master Plan of Bedminster Township, the Land Subdivision Ordinance and the 1977 Site Plan Review Ordinance.

SUMMARY OF FINDINGS

7. Bedminster Township contains 17,088 acres or 26.70 square miles. Approximately 4,257 acres or only 24.9% of the Township is classified as developed land.

This category includes land parcels used for residential, business, office, community serving (schools, churches, parks, etc.), a golf course, and streets. Undeveloped land parcels (agricultural and vacant) make up 12,831 acres, or 75.1% of the Township.

8. Under the new Zoning Ordinance there are 7 zone districts in the Township varying in size from the 80 acre business (B) Zone to the 12,613 acre residential (R-3) Zone.

NON-RESIDENTIAL ZONING UNDER
THE NEW ORDINANCE

9. The new Ordinance creates 3 non-residential zones, (B, RO and C) together comprising 21.1% of the entire Township.

- a. Two non-residential zones business (B) and research (RO), make up only 1.6% of the Township.
- b. A critical area (C) Zone, not found in the prior zoning, comprises 19.5% of the Township, and permits neither structural development nor any transfer of open space credit to parcels in adjoining zone districts. Although the (C) Zone includes areas exhibiting such diverse constraints as "flood plain areas" and "areas having slopes 15% or greater", the restrictions imposed under the new Ordinance are uniform and neither provide for nor encourage environmentally sensitive design.

10. Not defined as a separate zone district, nor delineated by clear boundaries is a newly enacted historical overlay. A significant portion of the area designated for "least cost housing" is located within the "Historic Village of Pluckemin" where any construction "shall support and be consistent with the historic character and architecture of the area."

RESIDENTIAL ZONING UNDER THE NEW ORDINANCE

11. The new Ordinance creates 4 residential zones (R-3, R-6, R-8 and R-20) together comprising 78.9% of the entire Township. Clustered subdivisions are permitted as a conditional use in all residential zones, provided that a minimum of 20% of a tract is allocated for "Open Space". My analysis of these zones indicates the following:

- a. R-3 This zone is by far the largest in the Township, covering almost 20 square miles and 73.81% of total Township area. This zone is located almost exclusively to the West of Routes 202-206 except for about 260 acres located in the Pluckemin Village area. Minimum lot size in the R-3 zone for a single lot is determined by the requirement that

the applicant be able to draw a circle with a 350 foot diameter within the lot lines. On a perfectly square lot a minimum of 2.812 acres is needed to comply with this requirement. Only 22% of this zone is developed; 78% is either vacant or in agricultural use. There is no pattern to development in this zone, with a classic sprawl of homes on large lots scattered throughout the zone. Of the total undeveloped land in the Township, 96.85% is located in the (R-3) and (C) zoned districts.

- b. R-6 This zone has 362.57 acres and comprises about 2.1% of total Township area. It is about 74% developed and is located primarily in one contiguous area to the North and West of Bedminster Village; a small portion of this zone (about 55 acres) is located in Pottersville. The minimum lot size for conventional development single lots in this zone is 1.2 acres and most of the housing in this zone is in subdivision developments with lots

exceeding this minimum. "Village Neighborhoods" providing a mixture of dwelling unit types are a conditional use in this zone at a theoretical gross density of 1.75 units per acre, provided that such areas are adjacent to a business zone.

- c. R-8 This zone has 240.36 acres and comprises only about 1.4% of the total Township area. It is about 55% developed and located in 3 areas (Pluckemin Village, Bedminster Village and Pottersville). Minimum lot size for conventional development single lots is 22,500 square feet. If an area in this zone is adjacent to a business zone "Village Neighborhoods" at a theoretical gross density of 2.34 units per acre are a conditional use.
- d. R-20 This zone contains 261.67 acres and comprises about 1.5% of the total Township area. It is 35% developed and is located primarily in Pluckemin Village surrounding the business area. Two small areas of this zone (about 25 acres)

are located in Bedminster Village. The minimum lot size for single lots is 10,000 square feet. "Village Neighborhoods" at a theoretical gross density of 5.86 units per acre are a conditional use. "Compact Residential Clusters" are permitted only in the Pluckemin area of the R-20 zone and only under specific limiting conditions. Although such clusters would allow a higher density than the "Village Neighborhood", only an aggregate total of 300 units is permitted under this development option.

COMPARISON OF NEW ZONING ORDINANCE WITH INVALIDATED
1973 ORDINANCE

12. The 1973 Zoning Ordinance which was previously invalidated allowed for more multi-family housing than the new Ordinance. The 1973 Zoning Ordinance contained 780 undeveloped acres in the old R-6 district, and 131 undeveloped acres in the old R-8 district (see attached Zoning Analysis). Assuming that all of this land was developed at a mix of 1, 2 and 3 bedroom townhouses as permitted under the old Ordinance, a theoretical zoned capacity of 1,794 multi-family

units is produced. This conclusion was arrived at as follows:

Theoretical Zoned Capacity of Bedminster Township under 1973 Ordinance (1974 Zone Map)

<u>Undeveloped Residential Land Area</u>	<u>Zoned Districts</u>	<u>Theoretical Gross Density Per Acre</u> (1)	<u>Multi-Family Dwelling Unit Yield</u>
780 acres	R-6	1.88	1,466 units
<u>131 acres</u>	R-8	2.51	<u>328 units</u>
911 acres			1,794 units

13. Under the new Zoning Ordinance no multi-family housing is permitted as a matter of right. However, certain forms of multi-family dwellings may be permitted, as conditional uses in the R-6, R-8 and R-20 districts providing that the applicant's land meets certain criteria such as minimum lot size and location adjacent to a business zone.

If it is assumed, for purposes of this analysis, that all of the undeveloped land in the Township Zoned R-6, R-8 and R-20 can meet all of the conditional use criteria for a "Village Neighborhood", and will be so employed, (2) and that the maximum of 300 "Compact Residential Cluster" units can be developed, the multi-family dwelling unit yield is still lower, under the new Ordinance, than permitted under the 1973 Ordinance.

(1) See Appendix "A" for density calculations.

(2) This assumption is extremely generous to the Township; furthermore, plaintiff is prepared to present factual testimony to demonstrate that the number of units presented here is not realistically achievable in view of other ordinance provisions.

According to my calculations, based on the above assumptions, the hypothetical maximum number of multi-family units which could be built under the new Ordinance is 1,516 or 278 fewer units than were permitted under the 1973 Ordinance.

My calculations as to the theoretical zone capacity of Bedminster Township for multi-family units under the new Ordinance are as follows:

Theoretical Zoned Capacity for Multi-Family
Units under 1977 Zoning Ordinance

<u>Undeveloped Resi- dential Land Area</u>	<u>Zoned Districts</u>	<u>Theoretical Gross Density (3) Per Acre</u>	<u>Multi-Family Dwelling Unit Yield</u>
93 acres	R-6	1.75	162 units
108 acres	R-8	2.34	252 units
137 acres	R-20	5.86	802 units
34 acres	R-20 (2CRC's of 150 units each)		<u>300 units</u>
			1,516 units

Conclusions

- a. The old ordinance permitted 1,794 multi-family dwelling units. The new ordinance permits a hypothetical maximum of only 1,516 or 15% less. Even this reduced number of multi-family units cannot be attained due to the numerous and abnormally restrictive provisions and conditions found throughout the ordinance. Such provisions include but are not limited to:

(3) See Appendix "A" for density calculations.

(1) The requirement that Village Neighborhoods may only be built in a district adjacent to a Business Zone. This effectively precludes multi-family housing from virtually all of the undeveloped acres in the R-6 Zone, and all but approximately 24 undeveloped acres in the R-8 Zone resulting in a further reduction of about 358 multi-family units under the New Ordinance.

(2) No multi-family housing may be built on tracts of less than 9 acres.

(3) Compact Residential Clusters, limited to the R-20 Zone, are governed by a maximum of 150 units and a minimum of 50 units per cluster, a physical separation of $\frac{1}{2}$ mile between clusters, and a ceiling of 300 such units throughout the Township. If, for example, two clusters of 130 units each are built, no more units would be permitted; if three clusters of 75 units each are built it is unlikely that a fourth would be possible given the physical separation requirement and locational restrictions.

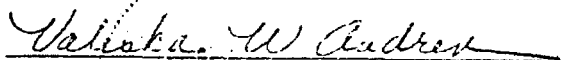
Taken together the restrictions aimed at limiting multi-family development could reduce the number of such units feasible well below the hypothetical potential of 1,516, and certainly

well below the 1,794 permitted under the invalidated 1973 ordinance.

- b. The limitation of no more than 300 "least cost" units is a clear indication of the exclusionary attitude of the Township.
- c. That all townhouses must be located on individual lots fronting public streets severely restricts site design flexibility, increases project costs, and is inappropriate for a subsidized or rental project. Other requirements concerning Village Neighborhoods and Compact Residential Cluster development unnecessarily inhibit both the design flexibility and the developers ability to provide needed housing at a reasonable cost.
- d. In view of the several review steps required for multi-family development, including conditional use approval, site plan approval and environmental impact statement preparation, the rigid arbitrary requirements in the New Ordinance are most inappropriate. They appear to have been designed to specifically discourage, rather than encourage, such housing.


CARL LINDBLOOM, P.P., A.I.P.

Sworn to and Subscribed Before
Me this 15th day of March,
1978.



VALESKA W. ANDRES
A Notary Public of New Jersey
My Commission Expires Dec. 8, 1979

APPENDIX "A"

DENSITY CALCULATIONS

I. 1973 Ordinance

PRN Unit Mix

$$\begin{aligned} 1 \text{ BR at } 860 \text{ sq. ft. x } 25\% &= 215 \\ 2 \text{ BR at } 1,390 \text{ sq. ft. x } 50\% &= 695 \\ 3 \text{ BR at } 1,920 \text{ sq. ft. x } 25\% &= \frac{480}{1,390} \text{ sq. ft. average} \end{aligned}$$

$$\begin{aligned} \text{R-6 FAR} &= 2,613.6 \text{ sq.ft./gross acre} \\ \frac{2,613.6}{1,390} &= 1.88 \text{ units/acre} \end{aligned}$$

$$\begin{aligned} \text{R-8 FAR} &= 3,484.8 \text{ sq.ft./gross acre} \\ \frac{3,484.8}{1,390} &= 2.51 \text{ units/acre} \end{aligned}$$

II. 1977 Ordinance

Village Neighborhood Unit Mix

$$\begin{aligned} 1 \text{ BR at } 860 \text{ sq.ft. x } 35\% &= 301 \\ 2 \text{ BR at } 1390 \text{ sq.ft. x } 30\% &= 417 \\ 3 \text{ BR at } 1920 \text{ sq.ft. x } 20\% &= 384 \\ 4 \text{ BR at } 2560 \text{ sq.ft. x } 15\% &= \frac{384}{1,486} \text{ sq.ft. average} \end{aligned}$$

$$\begin{aligned} \text{R-6 FAR} &= 2,613.6 \text{ sq.ft./gross acre} \\ \frac{2,613.6}{1486} &= 1.75 \text{ units/acre} \end{aligned}$$

$$\begin{aligned} \text{R-8 FAR} &= 3,484.8 \text{ sq.ft./gross acre} \\ \frac{3,484.8}{1486} &= 2.34 \text{ units/acre} \end{aligned}$$

$$\begin{aligned} \text{R-20 FAR} &= 8,712 \text{ sq.ft./gross acre} \\ \frac{8,712}{1486} &= 5.86 \text{ units/acre} \end{aligned}$$

$$\begin{aligned} \text{CRC FAR (30\%)} &= 13,068 \text{ sq.ft./gross acre} \\ \frac{13,068}{1486} &= 8.79 \text{ units/acre} \end{aligned}$$

$$\frac{300 \text{ maximum units}}{8.79 \text{ units/acre}} = 34 \text{ acres}$$

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

BE IT ORDAINED by the Township Committee of the Township of Bedminster that the ordinance known as the "Site Plan Review Ordinance of the Township of Bedminster" adopted January 17, 1977 shall be and is hereby amended and supplemented as follows:

Section 1. Section 3 of said Site Plan Review Ordinance shall be and is hereby amended to provide as follows:

"Section 3. **Site Plan Review — When Required.**

Site plan review shall be required in accordance with the provisions of Section 12A of this Ordinance. Where the Board of Adjustment has jurisdiction of a site plan pursuant to the provisions of N.J.S.40:55D-76(b), the submission shall be to the Board of Adjustment rather than to the Planning Board.

Section 2. Said Site Plan Review Ordinance of the Township of Bedminster shall be and is hereby amended and supplemented to add thereto a new section to be designated as Section 12A which shall provide as follows:

"Section 12A. **Site Plan Requirements.**

12A.1.1 Except as hereinafter provided in connection with individual lot development of detached one or two dwelling unit buildings, no building permit, zoning permit or occupancy permit shall be issued or construction commenced unless a site development plan is first submitted and approved by the Municipal Agency, and no certificate of occupancy shall be issued nor shall occupancy take place until and unless all construction and required improvements shall be completed in conformity with the approved development plan. Notice of hearing shall be given as required by Article III Section 6 of the Land Use Procedures Ordinance of the Township of Bedminster.

12A.1.2 Development approval shall not be required for detached one or two dwelling unit buildings on individual lots or for such accessory uses as a private garage, tool house, garden, private greenhouse, incidental to a residential use.

12A.1.3 The purpose of Site Plan Review is to determine whether the proposed use, building, structure, addition to any building, structure or use will conform to the Zoning Ordinance, this Ordinance, and other applicable ordinances and requirements of the Township. Site Plan Review shall work towards the development of an acceptable and well ordered community serving the interests of public health, safety, and general welfare of residents of the Township and surrounding region

12A.2.1 **Distribution.**

When an application for development shall be submitted to the municipal agency, the Secretary of such agency shall distribute copies of the Site Plan along with a request for comments to the:

1. Zoning Officer
2. Board of Health
3. Township Engineer
4. Soil Conservation Service
5. County Planning Board
6. Township Planner
7. Environmental Commission
8. Others as requested.

12A.3 **Standards.**

12A.3.1 The Municipal Agency shall be guided in its action by the Site and Environmental Design standards of this Ordinance. The applicant shall have the right to appear before the Board and be heard with respect to the submission. After the completion of its review, the Board shall approve or disapprove the submission, stating its findings and the reasons for its actions. Approval may be made conditional upon the applicant's adoption of specified changes in the submission. A copy of the Board's findings and official action shall be given to the applicant and the Construction Official.

12A.4 **Site Plan Requirements**

The applicant shall include in his submission:

12A.4.1 An accurate plot plan; drawn to a scale of one (1) inch equals 40 feet, (1 : 600) or such other scale as may be required by the Municipal Agency in special cases,

showing the dimensions and acreage of each lot or plot to be built upon or otherwise used and showing all existing and proposed items as follows:

12A.4.2 The location of all existing water courses, wooded areas, easements, rights-of-way, streets, roads, railroads, rivers, buildings, structures, existing contours at a 2 ft. (.61M) interval and any other feature directly on the property and at least 250' beyond the property lines.

12A.4.3 The location, use, ground area and floor area ratio of each proposed building or structure, or any other land use.

12A.4.4 The location and widths of proposed streets servicing the site.

12A.4.5 The location and capacity of proposed off-street parking areas and loading and unloading facilities.

12A.4.6 Proposed storm drainage and sanitary disposal facilities together with calculations as to capacities.

12A.4.7 The location and treatment of proposed entrances and exits to public rights-of-way, including the possible utilization of traffic signals, channelization, acceleration and deceleration lanes, additional width, and any other device necessary for traffic safety and/or convenience.

12A.4.8 The location of and identification of proposed open spaces, parks or other recreation areas.

12A.4.9 Proposals for soil erosion and sedimentation control.

12A.4.10 The location and design of landscaping, buffer areas, and screening devices.

12A.4.11 The location of sidewalks, walkways, traffic islands and all other areas proposed to be devoted to pedestrian use.

12A.4.12 Nature and location of public and private utilities, including maintenance thereof and solid waste disposal and/or storage facilities.

12A.4.13 Specific location and design of signs and lighting fixtures.

12A.4.14 Outline layout of architectural plans for the proposed buildings or structures, indicating plans, elevations, height and proposed mass of buildings, as well as style and proposed exterior materials. Architectural details are not the concern of the Municipal Agency and need not be indicated.

12A.4.15 An Environmental Impact Statement as described in Section 12A.15.

12A.4.16 Any other information required by the Board which is reasonably necessary to ascertain compliance with the provisions of this Ordinance.

12A.5 **Exceptions.** The Municipal Agency may grant an exception excusing the applicant from one or more of the foregoing requirements, or parts thereof, if, in the judgment of the Board, the information is not necessary in reaching a determination.

12A.6 **Review Considerations.**

12A.6.1 In reviewing the Site Plan, the Municipal Agency shall consider its conformity to the Master Plan and the other codes and ordinances of the Township. Traffic flow circulation and parking shall be reviewed to ensure the safety of the public and of the users of the facility and to ensure that there is no unreasonable interference with traffic on surrounding streets. The impact on drainage shall be considered to insure minimal runoff from the site. Environmental features, landscaping and impact of the proposed development on surrounding lands as well as on the entire Township shall be a part of the review.

12A.6.2 In its review, the Municipal Agency may request recommendations from the environmental, traffic, health, recreation or any other local, county, state or federal agency which may have an interest in the particular development for which site plan approval is being sought, or from consultants engaged by the Municipal Agency.

12A.7 **Site Plan Binding.**

12A.7.1 The Site Plan as approved by the reviewing Board shall be binding upon the applicant. Any changes from the approved plan shall require submission and reapproval by the Board except as permitted in 12A.8. The Site Plan shall remain effective for a period of two years from the date of approval as provided by law.

12A.7.2 In the event a particular facility is to be constructed in stages, a site plan for each particular stage shall be required for the issuance of each building permit.

12A.8 **Site Plan Change.** The Township

Engineer may authorize minor variations in the site plan caused by field conditions. The Township Engineer shall notify the Board in writing of any such change.

12A.9 **Performance Guarantee.**

12A.9.1 A bond shall be posted to guarantee completion of site work required by the Municipal Agency. The bond shall be in an amount determined by the Township Engineer to be the fair value of the work being done and in a form to be approved by the Township Attorney. Said bond shall in no event be released until completion of the required work and certification by the Township Engineer.

12A.9.2 In the event that the work or any phase thereof is left incomplete for such a time as to endanger the public health, safety and general welfare, the Township may, after reasonable notice to the developer, use the bond to pay for such work as may be necessary to complete the work or to restore the site to a satisfactory condition.

12A.9.3 The proposed construction must be completed in all respects within three (3) years from the date of final approval of the Site Plan by the Board, or within such further time as the Board may approve. Failure of the applicant to complete construction within the approved period will void the approval granted.

12A.10 **Building Inspector's Action.**

The Building Inspector shall not issue a building permit under this ordinance until receipt of the written approval of the site development plan by the Municipal Agency or until the statutory period for review or agreed upon extension thereof have elapsed.

12A.11 **Fees and Inspection.**

At the time of submission of the Site Plan, the applicant shall pay the following fees:

Preliminary review: \$50 per acre plus 2 cents per sq. ft. (.09 sq.M) of gross floor area.

Extended review: Applicant shall reimburse the Township for the additional cost of review by consultants or advisors where such review is deemed necessary by the Municipal Agency.

12A.12 **Development and Environmental Design Standards.**

The standards hereinafter set forth in this Ordinance shall be utilized by the Municipal Agency in reviewing all site and building plans. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as to provide a method of review for the Board. They are not to be regarded as inflexible requirements, nor are they intended to discourage creativity, invention or innovation, but deviations will be permitted only by specific approval of the Board for good cause shown.

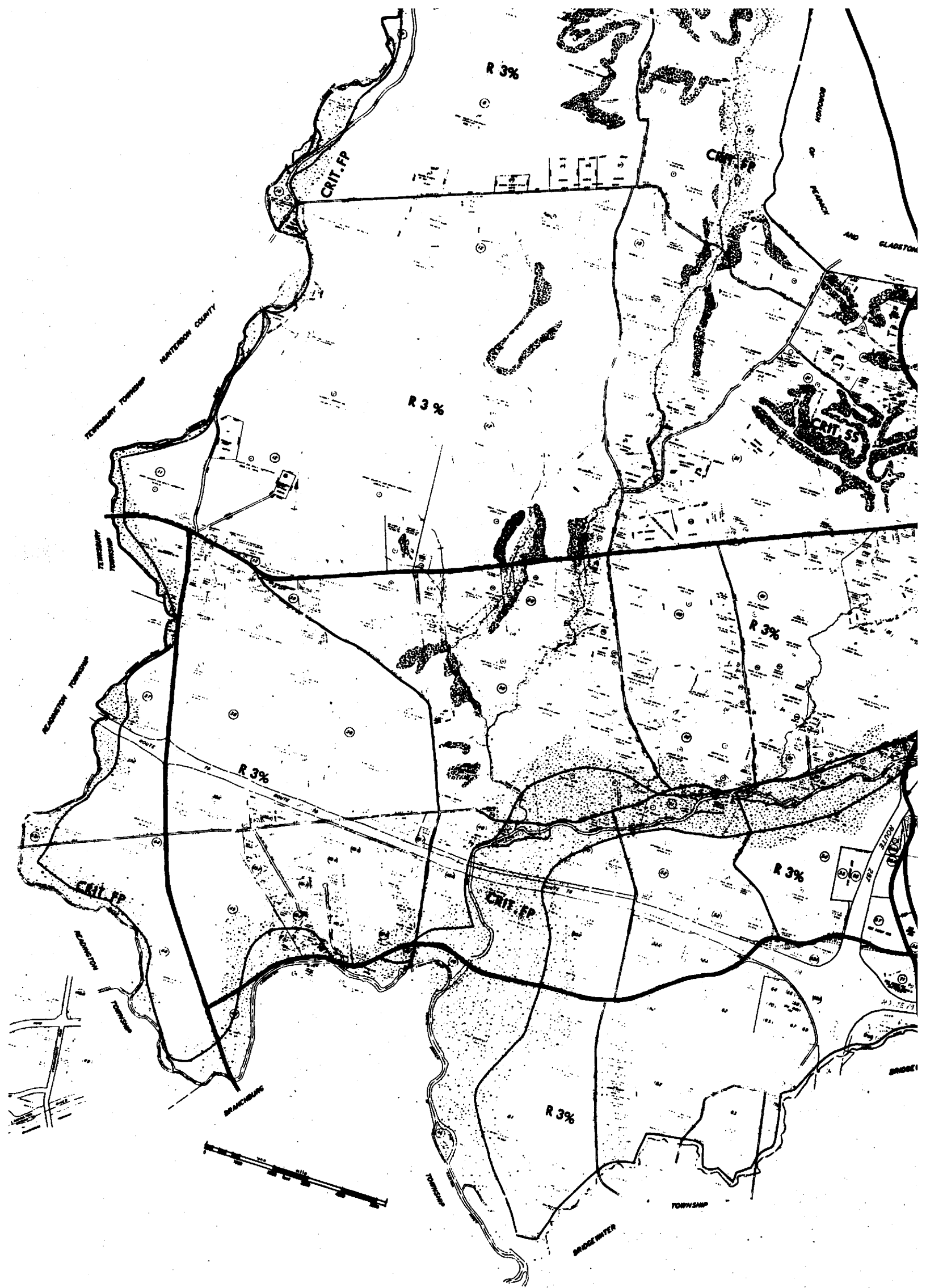
12A.12.1 **Preservation of Landscape.**

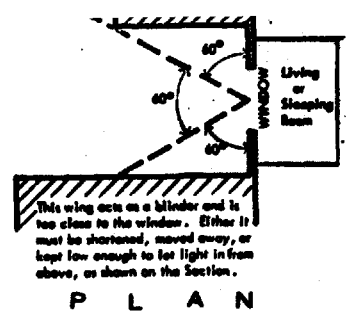
The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. If the development of the site necessitates removal of established trees, special consideration shall be given to moving the affected trees or to the planting of replacement trees or other landscape treatment. Final grade will be in keeping with environmental requirements of the site and surrounding areas. During construction all areas of exposed soil shall be protected against erosion by planting of suitable vegetation. Adequate temporary mulching shall be used while awaiting the proper planting season.

12A.12.1 **Relation of Proposed Buildings to Surroundings.** Proposed structures shall be harmoniously related to the terrain and to existing buildings and thoroughfares in the vicinity that have a visual relationship to the proposed buildings. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.

12A.12.3 **On-Site Parking and Circulation:** With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and

Exhibit "D"
(AFFIDAVIT OF CARL LINDRUM)

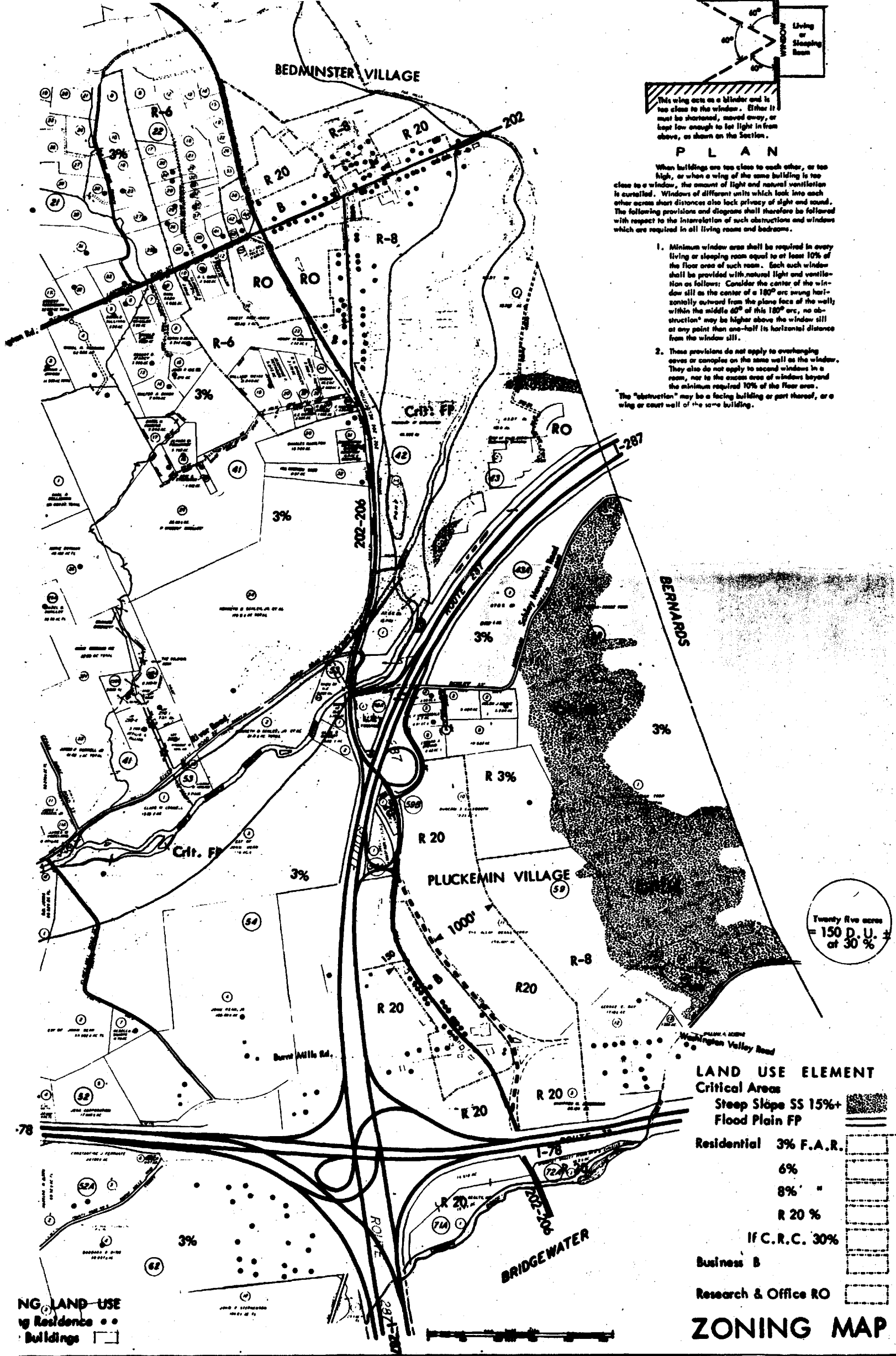




PLAN

When buildings are too close to each other, or too high, or when a wing of the same building is too close to a window, the amount of light and natural ventilation is curtailed. Windows of different units which look into each other across short distances also lack privacy of sight and sound. The following provisions and diagrams shall therefore be followed with respect to the interrelation of such obstructions and windows which are required in all living rooms and bedrooms.

1. Minimum window area shall be required in every living or sleeping room equal to or less 10% of the floor area of such room. Each such window shall be provided with natural light and ventilation as follows: Consider the center of the window sill as the center of a 180° arc swung horizontally outward from the plane face of the wall within the middle 40° of this 180° arc, no obstruction may be higher above the window sill at any point than one-half its horizontal distance from the window sill.
 2. These provisions do not apply to overhanging eaves or canopies on the same wall as the window. They also do not apply to second windows in a room, nor to the excess area of windows beyond the minimum required 10% of the floor area.
- The "obstruction" may be a facing building or part thereof, or a wing or court wall of the same building.



Twenty five acres
= 150 D.U. ±
at 30%

LAND USE ELEMENT

Critical Areas	
Steep Slope SS 15%+	
Flood Plain FP	
Residential 3% F.A.R.	
6%	
8% "	
R 20 %	
If C.R.C. 30%	
Business B	
Research & Office RO	

ZONING MAP

LEGEND
 ● Residence
 □ Buildings

Exhibit "A"
 AFFIDAVIT OF CAPL LINDBL

num of 150 dwelling units.

production of less costly housing units, no dwelling the "minimum" Net Habitable Floor Area" (as Zoning Ordinance, based on American Public Health H.A.) standards) by more than 15%;

of the housing supply, the State Uniform Construction Board of Health Code shall apply;

sive density concentrations, Compact Residential geographically separated by a distance of one-half ters;

lking distance of stores, services, potential transporting facilities, Compact Residential Clusters emin within an area bounded on the East by a line 206, and on the West by I-287.

approval of Compact Residential Clusters are to be ling to the order received subject to the evaluation the Planning Board, the Environmental Commission Health.

above, applied within the area designated, would pment of a number of sites as Compact Residential s not a static guide; but rather, an on-going blueprint In fact, the Municipal Land Use Law mandates that r Master Plans at a minimum every six years. Thus, his land use technique is effective, as manifest by the ption of the units permitted, additional Compact be provided for in the future, located elsewhere ckemin corridor.

h traffic except on interstate highways; to facilitate fic; to coordinate the Township's street pattern with struction, present and proposed; and to avoid traffic) be energy inefficient (excessive stops, idling and ndesirable noise and air pollution.

igh traffic, Interstate 78 on the south provides an points, and Interstate 287 in the southeast corner rheast and southeast. State Route 206, provides outh. It also serves as the spine for local traffic.

ict on Bedminster of traffic trying to get to the two 206) is lessened by the slip-on, slip-off at I-78 and ear the western boundary of the Township.

sible increases in the land use in townships to the uld be protected for use as a local artery.

anticipated by added development to the south and ards and Bridgewater Township. This traffic must order to reach the interstate highway system access e. This added traffic from outside the Township r existing traffic as well as that traffic added locally ighborhood. The State may choose to widen or , this cannot be done along the present alignment es and front yards from virtually every improved Such action would destroy the character of the t property values. To prevent such an eventuality, of the village, it is proposed to move the alignment onto vacant land east of Knox Avenue. The ld be at least 100 feet wide. The bypass should be ith no driveways or commercial development on I-78 and underpass to the South and the I-287 , access should be permitted only at two points intersection of Washington Valley Road, and at or o protect both the existing and future commercial to the west of the new alignment and prospective ; the route should be screened by landscaped earth resent alignment of 202-206 should be declassified a village street to serve residential and local retail A regional shopping center is not needed and has

work is presently satisfactory because of the small ge land holdings that open on these roads. Their ld be severely damaged, however, and they would isfactorily, if a multiplicity of driveways or other allowed in the future. As in other areas, the speed ced from 50 mph to 25 mph. In addition to the uld make all adjacent properties twice as remote cupants in terms of time and depreciate property es shall be taken to encourage future development owing circulation principles, among others, at the

number of access points should be allowed to each

individual lots will be required and no new ividual small lot may open onto a major road;

have deadend intersections with major roads to traffic from one minor street to another across a

200 corner when presently there water supply; to minimize the impact of outfall of sewage into the North Branch of the Raritan and to prevent any increase in non point pollution sources or flooding; to require on-site storm water and sewerage disposal to the maximum extent possible.

- A. Water for the sparse Rural Settlement areas of Bedminster will be supplied by private wells, except for the limited area in Pottersville which is supplied by the Elizabethtown Water Company. The Village Neighborhood areas, including Bedminster Village and Pluckemin, will be supplied by the Gravity Division of the Commonwealth Water Company as needed.
- B. Storm water drainage into the North Branch of the Raritan, the Lamington River and Chambers Brook will be regulated by detention basins and other treatment controls in all new developments.
- C. No structures will be permitted in flood plains as mapped.
- D. Solid waste will be collected by private contractors and disposed of in locations designated by the County. Resource recovery will continue to be encouraged.
- E. The present sewerage treatment plant capacity in Bedminster is limited and will be absorbed by the normal development within the Bedminster village area. Therefore, any major development must include provision for tertiary treatment plants with disposal on-site by spray irrigation or other methods acceptable to the Planning Board, Board of Health, and Environmental Commission in such manner that it will not impact that assimilative capacity of the waterways within the Township. When the regional 303/208 studies are completed, Bedminster will determine its relationship to whatever regional facility may be proposed. No additional treatment plants should be permitted until such regional plans are finalized.

VI. COMMUNITY FACILITIES PLAN

Objectives:

To forecast the long-range need for expanded and additional community buildings; to study the feasibility of grouping such buildings; and to suggest appropriate locations for such facilities.

Township facilities now exist on a site not susceptible to expansion. The local library has acquired a building near the corner of Rt. 206 and Lamington Road. All future community facilities, other than schools, should be concentrated as a Civic Center. These include a building for municipal administration, court and police, a public works garage, and a community building for recreation.

Room for further expansion of the present school in Bedminster Village is available at the present site. A new school site of about 15 acres will be necessary if the Pluckemin Village Neighborhood becomes fully developed. Because of the anticipated sparseness of population in the Rural Settlement area west of Bedminster and Pluckemin Villages, additional school sites in the middle and western parts of the Township are not necessary.

VII. RECREATION PLAN

Objectives:

To provide facilities for outdoor recreational activities within walking or bicycle distance of all dwelling facilities.

Throughout the township walking and bicycling easements will be sought in all conservation areas. In the Rural Settlement area, cluster development will be encouraged whenever large property owners seek to develop their lands in order that common usable open space may be protected. In Village Neighborhood areas, new residential developments will be required to provide a flat, usable tract of at least five acres for each 150 dwelling units as sites for playgrounds and such sports as softball and tennis. On the portion of the triangular municipal tract between Rt. 202 and the North Branch of the Raritan not presently occupied by buildings, future school facilities if required, must be developed in conjunction with existing elementary school facilities. This could involve full sized baseball diamonds, a full-sized soccer field, a football field and room for bleachers, tennis facilities, provision for the possibility of other sports such as archery and skeet, and possible swimming and ice skating facilities.

In addition to these active sports, provision should be made throughout the Township for other rural sports, such as walking, picnicking and fishing. Particularly for these latter sports, as well as skating, use of the flood plain of the North Branch of the Raritan River, and other similar areas, should be contemplated.

The steep slopes of the Watchung Mountains should be reserved for forestry and nature walks.

In all privately planned subdivisions, the Planning Board should encourage creation of neighborhood permanent open spaces adjacent to residential development. This might include facilities for private golf and tennis clubs, bicycle paths, possible facilities for horseback riding and hunting, and the creation of ponds and lakes along water courses.

VIII. ENVIRONMENTAL PROTECTION PLAN

Objectives:

To establish and protect critical areas of the Township from ecological damage; to prevent the export either of polluted water or polluted air to neighboring townships; to protect against flooding; to protect the health, welfare and safety of Township residents.

The North Branch of the Raritan River forms part of the eastern boundary of the Township. The southern boundary of the Township is Chambers Brook.

The basic reason for flood-plain protection is public health and safety. Floods are located in the flood plain area, and indirectly by the assets of vegetation and woodlands stream environments and help prevent flooding. No building in a flood plain should be allowed in a flood plain to avoid aggravating stream flow problems above or below the site. Ponds and lakes should be encouraged to prevent erosion. The continuation to encourage no-till croplands, reforestation where feasible, and any top soil removal.

The steep slopes in excess of 15% grade have been designated as critical areas and should be left wild or devoted to timber to prevent erosion.

Open land in critical areas has great social and ecological value. It is not yet practical to finance the purchase of such land for public ownership. In fairness to private owners, two approaches should be taken.

First, in flood plains, the permitting of all uses which do not increase the surface or ground water nor increase the run-off from the land, nor impede flood waters. These uses include but are not limited to agriculture, recreation, and other uses which do not increase the risk of erosion (if big on the same parcel for any essential buildings); recreation such as playgrounds, tennis courts, swimming and hunting, nurseries, (i.e., horticulture, floriculture, and silviculture). On steep slopes, erosion becomes more dangerous and expensive forestry, or tree farming under the supervision of the State are uses.

Second, the possible inclusion of minimal credit in the gross calculations for the usable (non-critical) land on the same parcel. This is justified because of the number of residences on the non-critical land will enjoy and light, air and view resulting from the immediately adjacent and

The so-called "transfer of development rights" to other parcels is not an approved procedure in the Township since those parcels have the immediate benefit of the open space left elsewhere, artificial and random increase of density on such parcels would be inconsistent with other neighboring parcels not having such increased development.

In addition to respect for environmental matters, special attention should be given to historic sites within the Township, especially the Revolutionary War Artillery Park on the steep slope of the Watchung Mountains.

The Natural Resources Inventory of Bedminster Township is incorporated in this Master Plan by reference.

This Master Plan of Bedminster is compatible with the surrounding municipalities, with the Somerset County Master Plan and the Regional Development Guide of the Tri-State Regional Commission, as well as the revised New Jersey State Development Goals and Department of Community Affairs.

More specifically, adjacent Land Use districts in the surrounding Bedminster is as follows:

Branchburg:	Low Density Residential R-1 Res. Min. 3 Ac.
Readington:	Low Density Residential Min. 1.3/4 to 3Ac.
Tewksbury:	Low Density Rural Residential Min. 5 and 3 Ac. Historic at Pottersville
Chester:	Park Low Density Residential Min. 5 Ac. except 2 Ac. 10 E. of 206
Peapack-Gladstone:	Rural Settlement 3 Ac.
Far Hills:	Rural Residential Min. 10 Ac.
Bernards Township:	Sparse Residential Min. 3 Ac.
Bridgewater:	Parks and Open Space and Brook Light Industry or Least east of 287 Low Density housing (IA)

APPROVED BY THE PLANNING BOARD

...development of the Township, it is the judgment of the Planning Board that further development in Bedminster should, until the Basin Plan and Areawide Water Management Plan are approved, be limited to such densities, concentrations, and locations as will permit on-site waste disposal without degradation of ground water quality.

Bedminster recognizes its obligation to provide an opportunity for the construction of its fair share of dwelling units for low and moderate income families, consistent with the environmental constraints of the Township. This Master Plan makes ample provision for accommodating a variety of housing types.

II. LAND USE PLAN

Objectives:

- A. Residential Districts: To make housing possible for persons of all economic levels within the constraints of the environment; to protect natural resources and prevent flooding or degradation of down-stream water quality.

No residential development should be permitted in areas where slopes exceed 15% or where wet lands and flood plains are located. In areas where soils are highly erodible, of prime agricultural value, or where water tables are high and depth to bedrock shallow, careful attention should be given to the extent and location of all structures. Accordingly residential land use development should be guided by the following considerations:

1. The Township's Natural Resources Inventory confirms the basic pattern for the residential areas of Bedminster. This pattern should be preserved by:

- (a) continuation of environmentally-based zoning;
- (b) the containing of commercial and other non-residential areas with natural boundaries with effective buffer screening;
- (c) channeling of traffic to major routes, and its discouragement on local roads and in residential areas; and,
- (d) use of appropriate measures to establish and preserve open spaces.

2. Development patterns within the Township are constrained due to the artificial boundaries established by I-78 and I-287.

3. Sanitary problems have arisen in certain areas due to the poor quality soils underlying a large portion of the Township. Land use patterns must be adjusted accordingly.

4. The Township recognizes that:

- (a) Our average life span has lengthened from 42 to 72 years in this century;
- (b) The birth rate is decreasing and the population is declining in the Northeastern part of the United States;
- (c) Our children are forming independent households earlier;
- (d) There is a continuing shrinkage of family size;
- (e) The Township has an obligation to permit a full range of housing accommodations;
- (f) Energy resources are limited and are becoming increasingly more costly.

Accordingly, these considerations necessitate some evolution of our residential patterns. A balanced response to the present demographic facts in certain areas, approximately equal numbers of one, two, three and four bedroom dwelling units. In order to provide the opportunity for both our children and our late middle-aged couples and singles to remain in their home community, a proportion of small dwelling units must be included in the permitted residential mix. Each neighborhood grouping should have integral usable open space for outdoor recreational activities of all age groups.

Because of (a) existing transportation arteries, (b) the existence of residential support facilities, (c) the least handicapped area for expansion of existing utilities, (d) the availability of land within the boundaries of I-287 and the steep slopes of the Watchung Mountains at the eastern Township boundary, the Pluckemin area is the most appropriate in the Township for the enlarged Village Neighborhood as defined and at a density consistent with the existing Somerset County Master Plan. Lack of land and other essential conditions in Bedminster Village limits the growth potential of that area.

Within the Village Neighborhood, which includes some existing houses, several scattered "Compact Residential Clusters" of higher density should be permitted, to meet the mandate of the New Jersey Supreme Court's decision in Oakwood at Madison v. Township of Madison, 72 N.J. 481.

B. Business Districts

Objectives: To provide essential consumer services to residents of the Township; to contain business activities substantially within their present boundaries; to provide for adequate and safe vehicular access, adequate parking, and adequate loading facilities; to provide adequate pedestrian amenities; and otherwise to encourage the development, within the business district, of functional and aesthetic qualities in harmony with the character of the Township.

Various principles concerning a neighborhood business district are recognized:

- 1. Bedminster's business districts are designed for neighborhood commercial uses only — small retail and service establishments designed to serve residents of the Township.
- 2. Strip commercial development along major highways is hazardous and results in the deterioration of surrounding areas. Provision for roadside restaurants, stores and facilities catering to transient traffic, such

...ance. Also, scale of the establishment i village character.

Certain specific actions and measures, necessary to implement the principles set forth

- (a) Confining business activity to the personal services essential to support and the exclusion of any enterprising services, or administration beyond areas;
- (b) Strict control of signs and lights, and signs and billboards that advertise
- (c) Shielding and landscaping of all business objectionable sights, such as parking commercial vehicles, and loading and
- (d) Exclusion of outside display of all gasoline pumps and cans of lubrication
- (e) Review and approval of plans for all the Planning Boards before a building quality of design and harmony with with the character and best interests

C. Research and Office Districts

Objectives: To make possible the convenient shopping and personal service establishments for administrative, research, development and non-commercial The Township does not want additional regional service and administrative centers.

III. HOUSING PLAN

Objectives:

Any development west of I-287 and Route rural settlements with large open spaces for agricultural critical areas. Residential development on adequate on-site control of run-off as well as sewage effluent.

Density in the Bedminster village area and its be increased modestly to prevent overloading or further limiting the assimilative capacity of Raritan.

In Pluckemin Village, bounded by I-287 on steep slopes of the First Watchung Mountains on the Township Line, a small area should be reserved for shopping and personal service establishments to support local residential use. Residential development in this area should be limited to: that number of housing units whose effluent on-site or into Chambers Brook Raritan River without impairing surface water quality; the capacity of the rivers or the potability of the Confluence Reservoir, or (b) whose collective impact on said waterways, or (c) whatever number of units of the area and with the Township's obligation to provide for housing low and moderate income

General Principles:

A residence should be a place where one can pursue private happiness in a pleasant and healthful

Excessive density, inappropriate scale, and uses in residential areas all contribute to the "Scale" is the relationship of physical objects and their surroundings. The almost universal popularity of shopping centers, and neighborhood shopping centers, indicate a human yearning which must not be overlooked. Appropriateness of scale must be considered in all

Total isolation is also unsatisfying. A neighborhood density and quality is as important as a tight "sanitary" dwelling unit. The Congress and sociologists recognized the neighborhood as a "suitable living

Among the important elements of a Village Neighborhood are recreation and shopping. Recreational facilities provide an immediate supplement to shelter. Location of related dwelling units, and they reduce and resources associated with the use of automobiles.

These principles of small scale neighborhood facilities, and careful control of automobile traffic of independent neighborhood groupings, i.e. Village

Pluckemin Village Details:

A Village Neighborhood will permit a balanced mix of bedroom dwelling units in planned groupings at existing Somerset County Master Plan, as well as separate lots of approximately 1/2 acre each. It provides a balanced selection of dwelling units for economic groups in the population.

Consistent with the principles noted above, an opportunity for less costly housing, a maximum density "Residential Clusters" in which increased density is available within the area designed for Village

Master Plan is a general guide for the orderly growth, development, and improvement of a community. It consists of a number of elements: land use, circulation, employment, utilities service, community facilities, environmental protection, and conservation. The Master Plan provides the fundamentals of the understanding between the citizens and their government for future community development. Unlike other documents such as the Official Map, Zoning Ordinance, and Development Regulations, it is a governing document with the effect of law. New Jersey's Municipal Code, however, requires that each township create such a basic plan. The Master Plan establishes the overall pattern within which more specific regulations must fit. For example, a Zoning Ordinance is now required to be consistent with the Land Use Plan element of the Master Plan.

The Master Plan, once adopted by the Planning Board, also serves to guide the expenditures of the Township. Actions necessitating the expenditure of funds are to be examined against the Master Plan. Thus, through the Master Plan serves as a guide for community development.

Community objectives as established by the Planning Board and the Committee, by this reference, are made part of the Plan, as is the

The Master Plan is the blueprint for the future growth and development of a community. The Master Plan is not a static entity; but rather, as required under the Municipal Land Use Law, must be re-examined at maximum intervals, not to exceed six (6) years to insure it reflects the needs and objectives of the community and its people.

The Master Plan has taken notice of certain social facts. The North Jersey States has lost population and jobs to other parts of the nation in recent years with no reversal of this trend yet apparent. This has resulted in increased density in the cities whose lowered density begins to impede the qualitative rehabilitation in order to attract new persons back to the area. Furthermore, consistent with the objectives of Bedminster, the local and state funding agencies as well as regional planning bodies, are working to improve and consolidate existing infrastructure, such as water and other utilities. This is particularly important at a time of a downturn in the region's population and in the number of jobs coupled with looming shortages and increased costs of energy, and environmental development wasteful and socially irresponsible.

OBJECTIVES

For more than 40 years, Bedminster Township has carefully and prudently directed its development. Citizens of this rural community have environmental resources of the Township so that they could serve a social purpose. It is clear that private ownership of open space is not in New Jersey's future because the State cannot afford to own and maintain the land, water and air. It intends to draw sparingly on its resources to insure their vitality and usefulness for future generations.

Therefore Bedminster seeks—and has sought continuously—to minimize environmental impact from development within the Township's boundaries. To isolate and contain developments, such as Interstate Highways that are unfortunately located on environmentally sensitive areas, Bedminster does not intend to allow in these corridors the urban facilities normally associated with major highways in less sensitive areas.

The Township strives for a harmonious relationship between man and nature. This Master Plan clearly reflects the need to limit development on quality soils, and the "critical areas" within the township, in order to avoid costly mistakes in terms of dollars and degradation of the environment. Bedminster regrets the excessive impacts caused by random Federal and State legislation.

In accordance with N.J.S.A. 40:55D-2 it is recognized that development of land in Bedminster Township should, among other things, serve to:

1. Promote the public health, safety, morals and general welfare;

2. Insure that development of Bedminster does not conflict with the health and welfare of neighboring municipalities, Somerset County and the State as a whole;

3. Promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, and communities, and to the preservation of the environment;

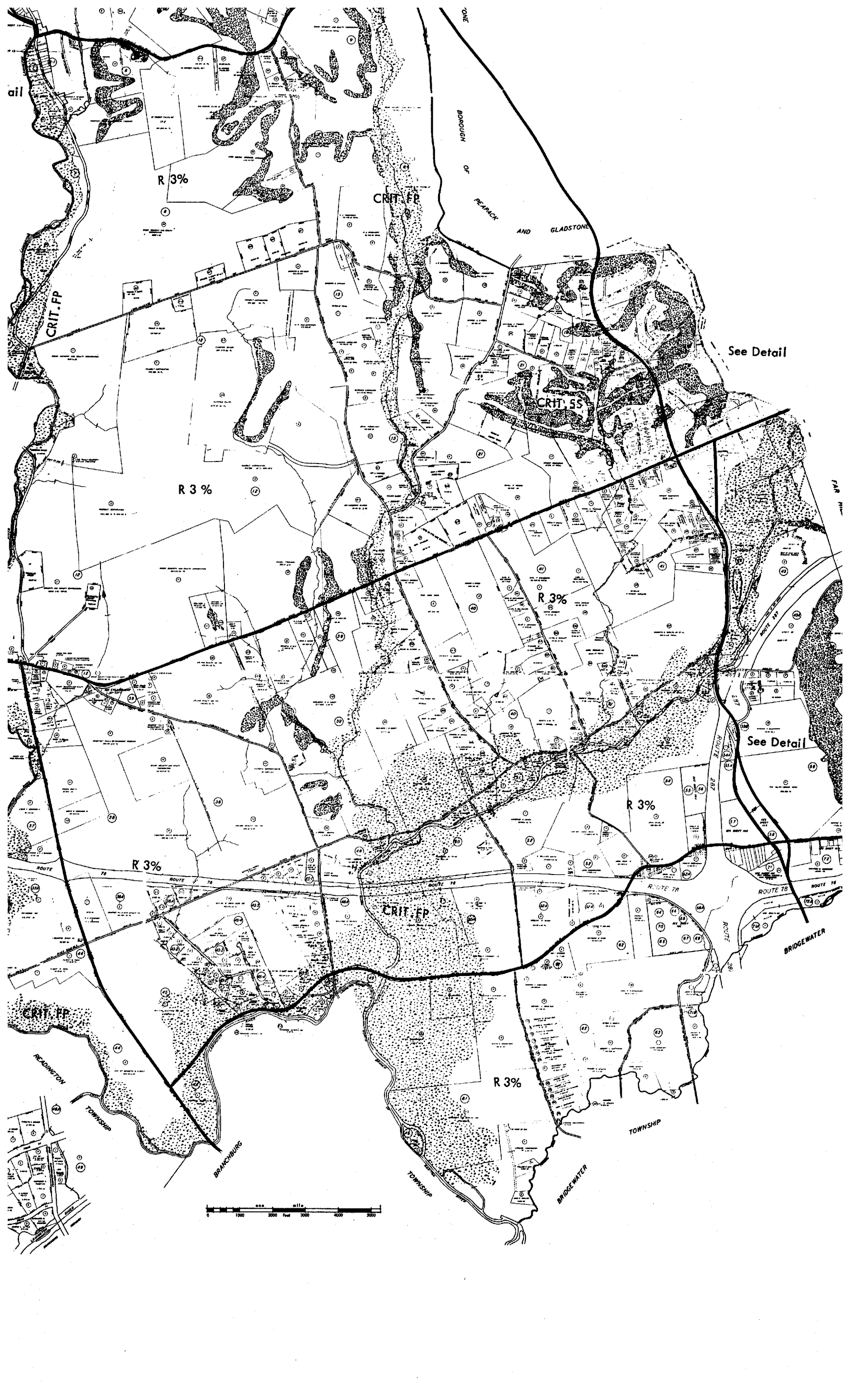
4. Provide sufficient space in appropriate locations for a variety of cultural, recreational, residential and commercial uses and open spaces, both public and private, according to their respective environmental requirements, in order to meet the needs of all of the residents of the township.

5. Promote the conservation of open space and valuable natural resources such as a public water supply derived from the Raritan River and

6. Prevent degradation of the environment through improper use of

7. It is further recognized that, in accordance with the Somerset County Master Plan and Use, zoning and land use practices in Bedminster Township should be designed to protect the water quality of the streams flowing through the Township and the present use of the Raritan River for public water supply and the State's prospective creation of the Confluence

8. In order to insure that the North Branch of the Raritan River can or will not receive additional effluent without causing degradation of the water quality, the standards, will not be determined until completion of the Basin Plan and the 208 Areawide Water Quality Management Plan and the 208 Areawide Water Quality Management Plan and the Basin Plan of the Raritan River as required by the Federal Water Pollution Control Act amendments of 1972, P.L. 92-500, 33 U.S.C.A. Sec. 1361 et seq. and by L.1977, c. 75, N.J.S.A. 58:11A-1 et seq. A permit to construct a new water treatment system will not be issued by the Department of Environmental Protection unless such plant would conform to the Areawide Water



ail

R 3%

CRIT. FP

BOROUGH OF REBACK AND GLADSTONE

See Detail

CRIT. SS

R 3%

R 3%

See Detail

R 3%

CRIT. FP

BRIDGEWATER

CRIT. FP

REDINGTON TOWNSHIP

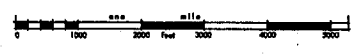
BRANCHBURG TOWNSHIP

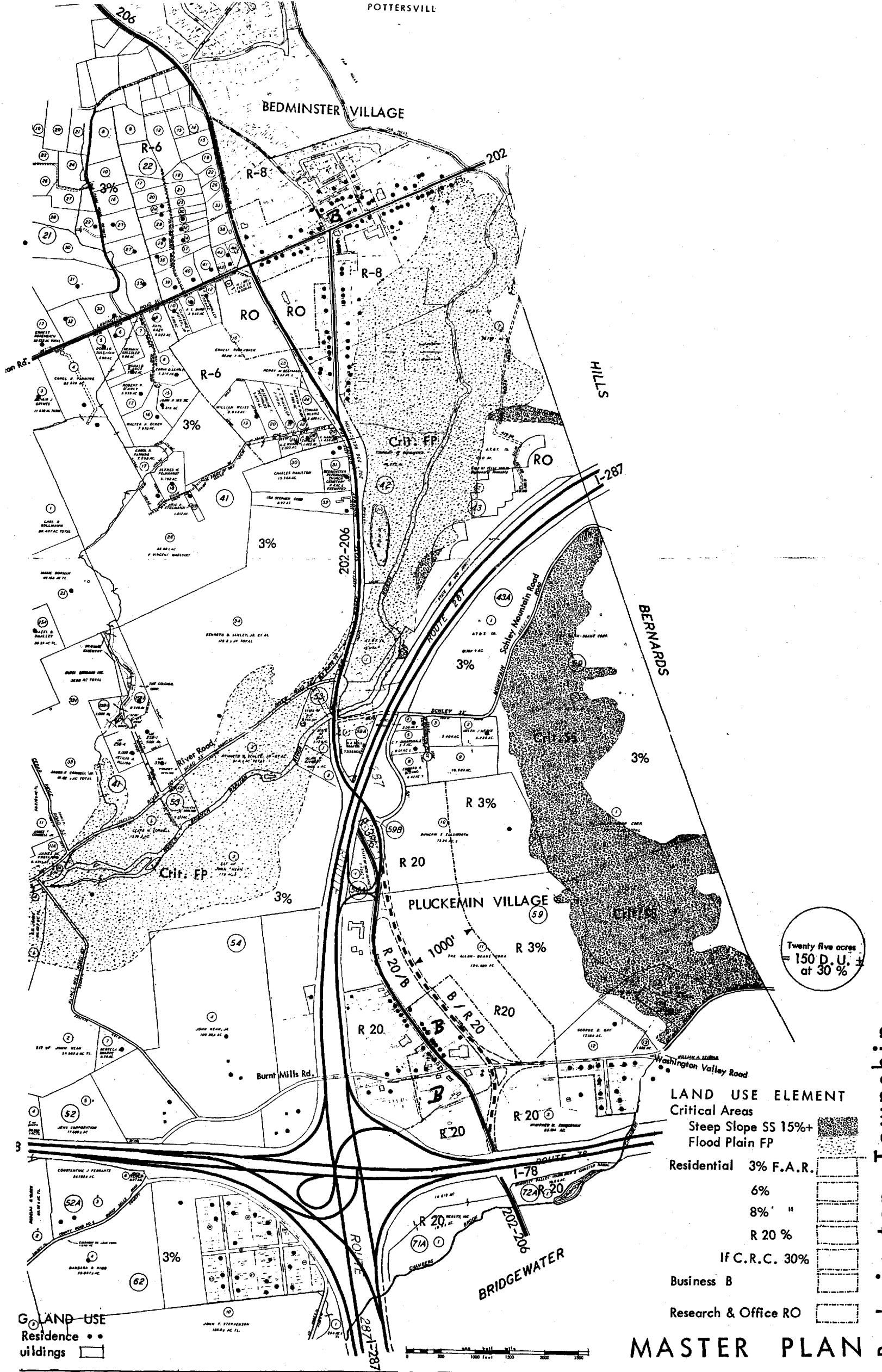
TOWNSHIP

R 3%

TOWNSHIP

BRIDGEWATER

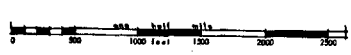




Twenty five acres
= 150 D.U. ±
at 30%

LAND USE ELEMENT	
Critical Areas	
Steep Slope SS 15%+	[Stippled pattern]
Flood Plain FP	[Dotted pattern]
Residential 3% F.A.R.	[Pattern]
6%	[Pattern]
8% "	[Pattern]
R 20 %	[Pattern]
If C.R.C. 30%	[Pattern]
Business B	[Pattern]
Research & Office RO	[Pattern]

LAND USE
Residence ••
Buildings □



MASTER PLAN

Bedminster Township

Exhibit "B"