

RULS-AD-1978-70

4/28/78

Plaintiff's Interrogatories and Request for Admissions  
(Exhibits)

pgs 127

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REC'D AT CHAMBERS

MAY 1 - 1978

JUDGE LEAHY  
TELEPHONE  
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AREA CODE 609

RULS - AD - 1978 - 70

April 28, 1978

McCarter & English  
550 Broad Street  
Newark, New Jersey 07102

Attention: Alfred L. Ferguson, Esquire

Re: Allan-Deane Corporation, et als v.  
Township of Bedminster, et als.  
Docket Nos. L-36896-70 P. W. and  
L-28061-71 P. W.

Dear Al:

Please find enclosed an original and three (3) copies of Interrogatories in the above-entitled matter in accordance with Judge Leahy's instructions at the hearing on April 19, 1978. We are also enclosing an original and one (1) copy of our Request for Admissions pursuant to the Court's direction.

I hope you have enjoyed your weekend.

Very truly yours,

  
Henry A. Hill, Jr.

HAH:ab

Enclosures

cc: Hon. B. Thomas Leahy  
E. James Murar, President  
Mr. John Kerwin  
Gary Sargeant, Esquire

REC'D AT CHAMBERS

MAY 1 - 1978

JUDGE LEAHY.

MASON, GRIFFIN & PIERSON  
201 NASSAU STREET  
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ATTORNEYS FOR Plaintiff

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION-SOMERSET COUNTY  
DOCKET NO. L-36896-70 P.W.  
L-28061-71 P.W.

THE ALLAN-DEANE CORPORATION,	)	
et al.,	)	
	)	Civil Action
Plaintiff,	)	
	)	
vs.	)	INTERROGATORIES
	)	
THE TOWNSHIP OF BEDMINSTER,	)	
et al.,	)	
	)	
Defendants.	)	

TO: McCarter & English, Esquires  
550 Broad Street  
Newark, New Jersey 07102

SIRS:

PLEASE TAKE NOTICE that the undersigned demand  
that the Defendants, THE TOWNSHIP OF BEDMINSTER, IN THE COUNTY  
OF SOMERSET, THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF

BEDMINSTER and THE PLANNING BOARD OF THE TOWNSHIP OF BEDMINSTER, give certified answers to the following Interrogatories, based upon the knowledge and information available to them and to their agents and attorneys, within the time period allowed by the rules of Court.

MASON, GRIFFIN & PIERSON  
Attorneys for Plaintiff

By:

  
Henry A. Hill, Jr.

Dated: April 28, 1978

## DEFINITIONS

Whenever any of the following terms are used in the within Interrogatories, such term shall have the following meaning:

**PLAINTIFF:** shall mean THE ALLAN-DEANE CORPORATION and any of its agents, servants or employees, including any attorneys it may have employed or still employs.

**DEFENDANT:** shall include THE TOWNSHIP OF BEDMINSTER, THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BEDMINSTER and THE PLANNING BOARD OF THE TOWNSHIP OF BEDMINSTER and any individual member of the COMMITTEE or PLANNING BOARD, including any attorneys it may have employed or still employs.

**PERSON:** shall mean any individual, corporation, partnership, or unincorporated association, or sole proprietorship.

**DOCUMENT or WRITING:** shall mean all documents as defined in Rule 4:18-1 of the New Jersey Rules of Civil Procedure, all writings of any nature whatsoever and all non-identical copies of different versions of the same document (e.g. copies of a printed document with different handwritten notations), in your possession, custody or control or to which you have or have had access, regardless of location, and includes, but is not limited to, agenda, agreements, analyses, announcements, articles, assignments,

bills, books, books of account, brochures, bulletins, calendar and diary entries, charts, checks, communications, computer output or input, contracts, correspondence, data sheets, drawings, handwritten notes, inserts, instructions, invoices, indexes, labels, magazines, magnetic tapes, manuals, maps, memoranda of agreements, mechanical reproductions, memoranda, minutes, motion picture film, notebooks, notes, notices, orders, packages, pamphlets, papers, periodicals, pictures, price lists, receipts, recordings, records, reports, samples, schedules, statements, statistical or informational accumulations, studies, summaries, tabulations, tape recordings, telegrams, teletypes, video tapes, vouchers, working papers, or any other written, recorded, transcribed, taped or photographic matter, however produced or reproduced.

Whenever the words IDENTIFY THE SOURCE are used, they mean:

1. If the source material is written, specify the author, publisher, date of publication and all information sufficient to identify the writing. If the writing is a letter or other document not exceeding fifteen pages, attach a copy of it to your answers to these Interrogatories. If the writing exceeds fifteen pages, state where the writing may be inspected and copied and the name and address of the person who has possession of it.

2. If the source material was orally given or

submitted, state:

(a) the name and address of the person who gave it;

(b) the date, time and place when given;

(c) the name and address of all persons present when the oral information was given;

(d) exactly what was said by each person present; and

(e) whether Defendant has a memorandum or any other writing evidencing said oral material given and, if so, attach a copy thereof to your answers to these Interrogatories.

IDENTIFY or IDENTIFICATION: when used in reference to an individual person, shall mean to state his full name, residence address and his present or last known business affiliation; when used in reference to a document, shall mean to state the type of document (e.g. letter, memorandum, telegram, chart, tape recording, etc.), or some other means of identifying it, and its present location or custodian. If any such document was, but is no longer in your possession, or subject to your control, state what disposition was made of it.

1. a. Set forth all facts which support or pertain in any way to the township's contention that the 1977 Zoning Ordinance satisfies the Court Orders to rezone.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to question (a) above.

2. a. Section 4.4.6 of the 1977 Zoning Ordinance states: "To provide an opportunity for "Least Cost Housing," special Compact Housing Clusters are permitted on a first come, first served, basis in the R-20 District, up to an aggregate total of 300 Dwelling Units." Set forth all facts



which support the limitation of 300 Least Cost Dwelling Units. Without limitation to the foregoing specify:

(i) the zoning purpose or purposes as permitted in N.J.S.A. 40:55D-2 which such limitation is intended to promote;

(ii) all facts which support the selection of the figure of 300 Dwelling Units as the maximum number of "Least Cost Housing" units permitted;

(iii) all expert or technical reports, studies, findings or data of any kind which supports such limitation or the selection of the figure of 300 as the extent of the limitation;

(iv) the manner in which the limitation is consistent with the Somerset County Master Plan; and

(v) the manner in which the limitation is consistent with the "Least Cost Housing" needs of the Bedminster Township housing region.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed such limitation;

(ii) drafted the sections of the zoning ordinance including such limitation; and

(iii) communicated with Defendants in support of or in opposition to the limitation, and the substance of the communication.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to question (a) above.

3. a. Set forth the acreage in each of the seven zones established in the 1977 Zoning Ordinance.

b. Set forth the extent (percentage) of development in each zone.

4. a. Section 8.3.1 of the 1977 Zoning Ordinance states: "No portion of a tract of land located in a Critical Area shall be used in calculating the Floor Area Ratio for any portion of a tract or land located in any other district." Set forth all facts which support or pertain in any way to the above prohibition. Without limitation of the foregoing, specify:

(i) the zoning purpose or purposes as permitted in N.J.S.A. 40:55D-2 which such prohibition is intended to promote;

(ii) the manner in which the prohibition is consistent with the objectives of the Township's master plan;

(iii) all expert or technical reports, studies, findings or data of any kind which supports such prohibition; and

(iv) any fact which would, in view of the inconsistency of this provision with the Bedminster Township 1977 Master Plan, tend to justify the Township's failure to comply with N.J.S.A. 40:55D-62 and state the reasons for so acting within the minutes of the meeting of December 19, 1977.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question 4(a) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

- (i) first proposed such prohibition;
- (ii) drafted the sections of the zoning ordinance including such prohibition; and
- (iii) communicated with defendants in support of or in opposition to the prohibition, and the substance of the communication.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to questions (a) and (b) above.

5. a. Zoning Ordinance Section 10.3.2 prohibits studio efficiency apartments. Set forth all facts which support, or pertain in any way to the validity of this prohibition. Without limitation of the foregoing specify:

- (i) the zoning purpose or purposes as permitted in N.J.S.A. 40:55D-2 which such prohibition is intended to promote;
- (ii) the manner in which the prohibition is consistent with the Township's master plan;
- (iii) the manner in which the prohibition is consistent with the County Master Plan;
- (iv) all facts which support the distinction in treatment between studio efficiency apartments and other permitted uses with respect to the imposition of such prohibition; and

(v) all expert or technical reports, studies, findings or data of any kind which supports such prohibition.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed such prohibition;

(ii) drafted the sections of the zoning ordinance including such prohibition; and

(iii) communicated with defendants in support of or in opposition to the prohibition, and the substance of the communication.

6. a. Set forth all facts, documents, communications and studies which pertain in any way to the 202-206 Pluckemin Bypass proposed in the Township Master Plan. Without limitation of the foregoing, specify:

(i) any documents, studies, or communications (written or oral) received from or delivered to any state agency which support, rebut or pertain to such a bypass; and

(ii) any documents, studies, or communications (written or oral) received from or delivered to any county agency which support, rebut or pertain to such a bypass.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed the proposed bypass;

(ii) drafted the sections of the Master Plan including the proposed bypass; and

(iii) communicated with defendants in support of or in opposition to the proposed bypass, and the substance of the communication.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to questions (a) and (b) above.

7. a. Set forth all facts which support or in any way pertain to the validity of the Minimum Net Habitable Floor Areas as imposed by Sec. 10.3.1 of the Ordinance. Without limitation of the foregoing, specify:

(i) the zoning purpose or purposes as permitted in N.J.S.A. 40:44D-2 which such impositions are intended to promote;

(ii) all facts which support the selection of the figures specified in Sec. 10.3.1.; and

(iii) all expert or technical studies, findings, reports or data which supports the selection of the figures specified in Sec. 10.3.1.

b. Set forth any justification the Township may have for requiring minimum net habitable floor areas in excess of the minimum floor area regulations promulgated by the U.S. Department of Housing and Urban Development.

c. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to questions (a) and (b) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed such impositions and specific figures;

(ii) drafted the sections of the zoning ordinance including such impositions; and

(iii) communicated with defendants in support of or in opposition to the impositions and specific figures, and the substance of the communication.

8. a. Set forth all facts which support or pertain in any way to the validity of the required distribution of dwelling units based on number of bedrooms as set forth in Sec. 10.3.4 of the 1977 Zoning Ordinance. Without limitation of the foregoing, specify:

(i) the zoning purpose or purposes as permitted in N.J.S.A. 40:55D-2 which such a required distribution is intended to promote;

(ii) the manner in which the limitation follows the objectives of the Township's Master Plan;

(iii) all facts which support the selection of the specific figures pertaining to the required distribution;

(iv) all expert or technical reports, studies, findings or data of any kind which supports such required distribution or the selection of the figures pertaining to the distribution; and

(v) all economic, fiscal, market, or other data which supports the selection of the figures pertaining to the distribution.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed such a required unit distribution;

(ii) drafted the sections of the zoning ordinance including such a required distribution; and

(iii) communicated with defendants in support of or in opposition to the required distribution, and the substance of the communication.

9. a. Set forth all facts which support or pertain in any way to the validity of the limitation on apartments to one bedroom as set forth in Sec. 10.3.4. Without limitation of the foregoing, specify:

(i) the zoning purpose or purposes as permitted in N.J.S.A. 40:55D-2 which such limitation is intended to promote;

(ii) the manner in which the limitation is consistent with the objectives of the Township's Master Plan;

(iii) the manner in which the limitation is consistent with the objectives of the County Master Plan; and

(iv) all expert or technical reports, studies, findings or data of any kind which supports such limitation.



b. Set forth all facts which rebut or pertain in any way to Plaintiffs contention that two and three bedroom garden apartments involve approximately 10% less brick and mortar costs than the conditionally permitted townhouses for comparable accommodations.

c. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to questions (a) and (b) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed such prohibition of apartments with more than one bedroom;

(ii) drafted the sections of the zoning ordinance including such prohibition; and

(iii) communicated with defendants in support of or in opposition to the prohibition, and the substance of the communication.

d. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answers to questions (a) and (b) above.

10. a. Set forth all facts which support or pertain in any way to the validity of the limitation on row houses to no more than 3 bedrooms as set forth in Sec. 10.3.4. Without limitation of the foregoing, specify:

(i) the zoning purpose or purposes as permitted in N.J.S.A. 40:55D-2 which such limitation is intended to promote;

(ii) the manner in which the limitation is consistent with the objectives of the Township's Master Plan;

(iii) the manner in which the limitation is consistent with the objectives of the County Master Plan; and

(iv) all expert or technical reports, studies, findings or data of any kind which supports such limitation.

b. Set forth all facts which rebut or pertain in any way to Plaintiffs contention that four bedroom row houses are approximately 10% less expensive in direct construction costs than detached or twin houses.

c. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to questions (a) and (b) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed such prohibition of four bedroom row houses;

(ii) drafted the sections of the zoning ordinance including such prohibition; and

(iii) communicated with defendants in support of or in opposition to the prohibition, and the substance of the communication.

d. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to questions (a) and (b) above.

11. a. Set forth all facts which support or pertain in any way to the validity of the requirement that all detached, twin, and townhouse units be "susceptible to sale on an individual lot." Without limitation of the foregoing, specify all expert or technical reports, studies, findings, or data of any kind which supports such a requirement.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

- (i) first proposed such requirement;
- (ii) drafted the sections of the zoning ordinance including such requirement; and
- (iii) communicated with defendants in support of or in opposition to the requirement, and the substance of the communication.

12. a. Set forth all facts which support or pertain in any way to the validity of the requirement that one parking space, 10' x 20', shall be provided for each bedroom of any unit. Without limitation of the foregoing, specify:

- (i) the zoning purpose or purposes as permitted in N.J.S.A. 40:55D-2 which such requirement is intended to promote;
- (ii) the manner in which the requirement follows the objectives of the Township's Master Plan; and
- (iii) all expert or technical reports, studies, findings or data of any kind which supports such requirement.

b. Set forth all facts which support or pertain in any way to the validity of the stipulation that such parking spaces as required shall be included in the floor area ratio computations whether or not such parking spaces are under roof. Without limitation of the foregoing, specify:

(i) the zoning purpose or purposes as permitted in N.J.S.A. 40:55D-2 which such reduction of permitted FAR is intended to promote;

(ii) the manner in which this requirement is consistent with the objectives of the Township's Master Plan; and

(iii) all expert or technical reports, studies, findings or data of any kind which supports such requirement.

c. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to questions (a) and (b) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed such requirement;

(ii) drafted the sections of the zoning ordinance including such requirement; and

(iii) communicated with defendants in support of or in opposition to the requirement, and the substance of the communication.

13. a. Set forth all facts which support or pertain in any way to the validity of imposing a Gross Floor Area Ratio. Without limitation of the foregoing, specify:

(i) the zoning purpose or purposes as permitted in N.J.S.A. 40:55D-2 which such imposition is intended to promote; and

(ii) the manner in which the imposition follows the objectives of the Township's Master Plan.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed such imposition;

(ii) drafted the sections of the zoning ordinance including such imposition; and

(iii) communicated with defendants in support of or in opposition to the imposition, and the substance of the communication.

14. a. Set forth all facts which support or pertain in any way to the validity of the requirement that the area under a roofed section must be multiplied by the number of stories under such roof section to arrive at the Gross Floor Area. Without limitation of the foregoing, specify:

(i) the zoning purpose or purposes as permitted in N.J.S.A. 40:55D-2 which such requirement is intended to promote;

(ii) the manner in which the requirement follows the objectives of the Township's Master Plan; and

(iii) all expert or technical reports, studies, findings or data of any kind which supports such requirement.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed such requirement;

(ii) drafted the sections of the zoning ordinance including such requirement; and

(iii) communicated with defendants in support of or in opposition to the requirement, and the substance of the communication.

15. a. The Allan-Deane Corporation submitted "A Proposal for an Open Space Community" to Bedminster Township on February 9, 1976. Describe all meetings, conversations, or communications (written or oral) between or among defendants during the period from February 9, 1976 to December 19, 1977 which related to the Allan-Deane proposal. Without limitation of the foregoing, specify:

- (i) the date, parties and place;
- (ii) the general substance of what was said or written by each person; and
- (iii) the identities of all persons present during each meeting or conversation.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to questions (a) and (b) above.



16. a. Describe all communications to Defendants from township residents which commented upon Plaintiff's "Proposal for an Open Space Community." Without limitation of the foregoing, specify:

(i) the date, manner and source of the communication;

(ii) the general substance of the communication;

(iii) if the communication was verbal, identify all persons present during the conversation; and

(iv) what response, if any, was made by defendants to the communication.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to questions (a) and (b) above.

17. a. In a letter dated November 28, 1977, counsel for the Plaintiffs advised the Defendants that "the proposed Master Plan and Zoning ordinance is patently exclusionary and does not comply with Judge Leahy's decision or the Supreme Court's mandates in the Mt. Laurel and Madison decisions." Describe all meetings or conversations of Defendants at which said letter was a subject of discussion. Without limitation of the foregoing, specify:

(i) the time, place, and persons present;

(ii) the general substance of what each person said; and

(iii) the conclusions or instructions which resulted.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to questions (a) and (b) above.

18. a. In a letter dated April 7, 1977 to Mr. Robert D. Graff from Mr. John H. Kerwin, Mr. Kerwin stated: "We would like the opportunity of meeting with you and the Planning Board without our legal representatives for the purpose of disclosing a preliminary site plan, acquainting you with the densities which we anticipate and getting whatever input we can from you in the development of our land. It is our desire to proceed in a manner consistent with your goals and I feel that we should be able to come to a satisfactory resolution of the zoning of our tract." Describe all meetings, conversations, or memorandums in which said letter, or the contents therein, was the subject of discussion. Without limitation of the foregoing, specify:

(i) the time, place and persons present;

(ii) the general substance of what each person said; and

(iii) the conclusions or instructions which resulted.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to questions (a) and (b) above.

19. a. State:

(i) the date when the Zoning Ordinance adopted on December 19, 1977 was submitted to the Planning Board;

(ii) the date or dates of any and all public hearings by the Planning Board relating to the Zoning Ordinance; and

(iii) whether the Planning Board provided a report or other evaluation of the Zoning Ordinance. If written, attach a copy of such report; if oral, state the full substance, by and to whom communicated, and the date or dates of the communication.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to questions (a) and (b) above.

20. a. Describe all communications between Defendants and Mr. Charles Agle which relate to the proposed zoning of Plaintiff's property. Without limitation of the foregoing, specify:

(i) the date, place, manner and source of the communication;

(ii) the persons present during the communication; and

(iii) the general substance of what each person said or wrote.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to questions (a) and (b) above.

21. a. Identify those persons who were retained to provide expert or other technical services with respect to the Township's present master plan or zoning ordinance. Without limitation of the foregoing, specify:

(i) the persons directly or indirectly employed or retained in research, drafting, planning or other functions relating to the master plan or zoning ordinance;

(ii) any other expert or technical firms or persons retained or consulted;

(iii) the particular studies, services or other functions which each person provided;

(iv) the date when each person was retained; and

(v) the professional qualifications of each such person, including his education, prior employment and publications.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to question (a).

22. a. Identify all those persons or firms who were contacted, employed or retained on or after March 22, 1978 to provide comment, opinion, expert services, or technical services by either the Township, its counsel, or any intermediaries with respect to defense of the Township's present master plan, zoning ordinance, site plan ordinance or subdivision ordinance at the hearings to be held pursuant to the Order to Show Cause dated March 22, 1978. Without limitation of the foregoing, specify:

(i) the particular comments, opinions, studies, services, or other functions which each person or firm provided;

(ii) the data when each person or firm was contacted;

(iii) the date when each person or firm was retained;

(iv) the professional qualifications of each such person, including his education, prior employment and publications; and

(v) identify those persons or firms which have been selected to testify at the hearings.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to question (a) above including a copy of all reports furnished to the Township or its counsel regarding the 1977 Zoning Ordinance by persons who were not retained to assist in Bedminster Township's defense.

23. a. Describe all objections and comments (written or oral) relating to the densities permitted in any or all residential zones received by the Planning Board or the Township Committee between November 14, 1977 and March 22, 1978. Without limitation of the foregoing, specify:

- (i) the date, parties and place;
- (ii) the general substance of what was said or written by each person; and
- (iii) the identities of all persons present during each meeting or conversation.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge.



24. a. Describe all actions, meetings, conversations, or communications (written or verbal) pertaining to the Township Committee's decision to remove the R-20 Zone from the village of Bedminster. Without limitation of the foregoing, specify:

(i) the date, parties and place;

(ii) the general substance of what was said or written by each person; and

(iii) the identities of all persons present during each meeting or conversation.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge.

25. Set forth the minimum tract size required for a Village Neighborhood when all provisions of both the Zoning Ordinance and the Subdivision Ordinance have been complied with.

26. Set forth all procedures (including all necessary reviews and impact statements) required prior to receiving a conditional use permit.

27. a. Set forth all actions taken or proposals (written or verbal) made by the Township Committee, any member thereof, or any other official or body of officials of the governing body of the Township, to adopt a Resolution of Need as required by the New Jersey Housing Finance Agency Act for State subsidy eligibility. Without limitation of the foregoing, specify:

(i) the date or dates of any and all such actions or proposals; and

(ii) the identity of any and all persons involved in such actions or proposals.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to questions (a) and (b) above.

28. a. Set forth all actions taken or proposals (written or verbal) made, by the Township Committee, any member thereof, or any other official or body of officials of the governing body of the Township with respect to the provision of tax abatement (payments in lieu of taxes) for housing receiving either Federal or State subsidies. Without limitation of the foregoing, specify:

(i) the date or dates of any and all such actions or proposals; and

(ii) the identity of any and all persons involved in such actions or proposals.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to questions (a) and (b) above.

29. a. Set forth all facts which support or pertain in any way to the prohibition of mobile homes from all zones in the Township. Without limitation of the foregoing, specify:

(i) the zoning purpose or purposes as stated in N.J.S.A. 40:55D-2 which such prohibition is intended to promote;

(ii) the manner in which the prohibition is consistent with the objectives of the Township's master plan;

(iii) the manner in which the prohibition is consistent with the objectives of the Somerset County Master Plan;

(iv) all facts which support the distinction in treatment between mobile homes and other permitted uses with respect to the imposition of such prohibition; and

(v) all expert or technical reports, studies, findings or data of any kind which supports such prohibition.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed such prohibition;

(ii) drafted the sections of the zoning ordinance including such prohibition; and

(iii) communicated with Defendants in support of or in opposition to the prohibition, and the substance of the communication.

30. a. Set forth all facts which support or pertain in any way to the validity of the requirement that all internal roads in a Compact Residential Cluster serving other than detached single-family dwellings have "right-of-way" widths of at least 70 feet (if parking is permitted). Without limitation of the foregoing, specify:

(i) the zoning purpose or purposes as stated in N.J.S.A. 40:55D-2 which such requirement is intended to promote;

(ii) the manner in which the requirement is consistent with the objectives of the Township's master plan;

(iii) all facts which support the selection of 70 feet as the required width for such internal roads; and

(iv) all expert or technical reports, studies, findings or data of any kind which supports such requirement or the selection of 70 feet as the required width for such internal roads.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed such requirement;

(ii) drafted the sections of the zoning ordinance including such requirement; and

(iii) communicated with Defendants in support of or in opposition to the requirement, and the substance of the communication.

31. a. Set forth the number of acres in the Township presently zoned so as to permit residential densities of five or more dwelling units per acre.

b. set forth the number of acres in the Township presently zoned so as to preclude residential densities of five or more dwelling units per acre.

c. Set forth all facts which support or pertain in any way to the selection of the number of acres in the Township presently zoned so as to permit residential densities of five or more dwelling units per acre. Without limitation of the foregoing, specify:

(i) the zoning purpose or purposes as stated in N.J.S.A. 40:55D-2 which the selected number of such acres is intended to promote;

(ii) the manner in which the selected number of such acres is consistent with the objectives of the Township's master plan;

(iii) the manner in which the selected number of such acres is consistent with the objectives of the Somerset County Master Plan;

(iv) all facts which support the selected number of such acres;

(v) all expert or technical reports, studies, findings or data of any kind which supports the selected number of such acres; and

(vi) all economic, market or other studies or data which supports the Township's contention that the selected number of such acres will provide the opportunity for "Least Cost Housing".



d. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (c) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed the selected number of such acres;

(ii) drafted the sections of the zoning ordinance limiting the quantity of such acres to the selected number; and

(iii) communicated with Defendants in support of or in opposition to the selected number of such acres, and the substance of the communication.

e. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to questions (a), (b), (c) and (d) above.

32. a. Set forth any and all ways in which the current zoned density of all residential zones is consistent with and supports the Somerset County Master Plan.

b. Set forth any and all ways in which the current zoned density of the Township is consistent with and supports the Tri-State Regional Development Plan.

c. Set forth any and all ways in which the current zoned density of the Township is consistent with the mandate of Mt. Laurel and Madison.

d. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to questions (a), (b), (c), and (d) above.

33. a. Set forth any and all ways in which the Township Zoning Ordinance is not consistent with or departs from the content of the Township Master Plan, and the Land Use Plan Element of the Master Plan.

b. Set forth any and all reasons or justifications for any such departures or inconsistencies cited in response to (a) above.

c. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to questions (a) and (b) above, together with the general substance of their knowledge.

d. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to questions (a) and (b) above.

34. a. State whether the Defendants have ever prepared, contracted to have prepared, or otherwise obtained, an estimate concerning Bedminster Township's "fair share" of the region's low and moderate housing needs and/or least-cost housing need.

b. If the answer to (a) above is affirmative, identify those persons who were retained to provide expert or other technical services with respect to such a "fair share" estimate. Without limitation of the foregoing, specify:

(i) all persons, planning firms, or associations employed, retained or volunteered to do research, computations or other functions relating to such an estimate;

(ii) any other expert or technical firms or persons retained or consulted;

(iii) the particular studies, services or other functions which each person provided;

(iv) the date when each person was retained; and

(v) the professional qualifications of each such person, including his education, prior employment and publication.

c. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to questions (a) and (b) above, together with the general substance of their knowledge.

d. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to questions (a) and (b) above, which is not more than ten pages in length.

35. a. If the answer to Interrogatory 34(a) is in the negative, set forth any and all reasons Defendants may have for not having undertaken to obtain an estimate of Bedminster's "fair share" of the region's low and moderate income housing needs and/or least-cost housing need.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge.

36. a. Identify all documents which were referred to or relied upon in any way in the preparation of the current Township Master Plan. Without limitation of the foregoing, specify:

(i) the particular section of each document identified which was relied upon or referred to in the preparation of each section of the current Township Master Plan; and

(ii) whether the document identified is deemed by the Defendant to support or contradict the particular finding or conclusion within the Township Master Plan to which it is relevant.

b. In accordance with Rule 4:17-4(a) attach a copy of all documents relevant to the facts set forth in your answer to question (a) above.

37. a. Identify all documents which were referred to or relied upon in any way in the preparation of the Township Zoning Ordinance. Without limitation of the foregoing, specify:

(i) the particular section of each document identified which was relied upon or referred to in the preparation of each section of the current Township Zoning Ordinance; and

(ii) whether the document identified is deemed by the Defendant to support or contradict the particular finding or conclusion within the Township Zoning Ordinance to which it is relevant.

b. In accordance with Rule 4:17-4(a) attach a copy of all documents relevant to the facts set forth in your answer to question (a) above.



38. a. Set forth all facts which support or pertain in any way to the validity of imposing a Floor Area Ratio on Net Site Area. Without limitation of the foregoing, specify:

(i) the zoning purpose or purposes as permitted in N.J.S.A. 40:55D-2 which such imposition is intended to promote;

(ii) the manner in which the imposition follows the objectives of the Township's Master Plan; and

(iii) all expert or technical reports, studies, findings or data of any kind which supports such imposition.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed such imposition;

(ii) drafted the sections of the zoning ordinance including such imposition; and

(iii) communicated with Defendants in support of or in opposition to the imposition, and the substance of the communication.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to question (a) above.

39. a. Set forth all facts which support or pertain in any way to the validity of the selected figures of 12%, 26% and 40% as the Floor Area Ratio on Net Site Area for the R-8, R-20 and R-30 districts, respectively.

(i) the zoning purpose or purposes as permitted in N.J.S.A. 40:55D-2 which such selection is intended to promote;

(ii) the manner in which the selection follows the objectives of the Township's Master Plan; and

(iii) all expert or technical reports, studies, findings or data of any kind which supports such selection.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed such selection;

(ii) drafted the sections of the zoning ordinance including such selection; and

(iii) communicated with Defendants in support of or in opposition to the selection, and the substance of the communication.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to question (a) above.

40. a. Set forth all facts which support or pertain in any way to the validity of the selected figures of 18%, 20% and 30% as the maximum Floor Area Ratio on Gross Site Area for the R-8, R-20 and R-30 districts, respectively.

(i) the zoning purpose or purposes as permitted in N.J.S.A. 40:55D-2 which such selection is intended to promote;

(ii) the manner in which the selection follows the objectives of the Township's Master Plan; and

(iii) all expert or technical reports, studies, findings or data of any kind which supports such selection.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed such selection;

(ii) drafted the sections of the zoning ordinance including such selection; and

(iii) communicated with Defendants in support of or in opposition to the selection, and the substance of the communication.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to questions (a) and (b) above.

41. a. State the designed hydraulic capacity of the Bedminster sewerage treatment plant.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to question (a) above.

42. a. State the designed processing capacity of the Bedminster sewerage treatment plant.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to question (a) above.

43. With respect to the Bedminster Sewerage Treatment Plant, state:

a. The designed influent loads (or concentrates) of B.O.D., non-filterable residues, total residue, phosphorous, T.K.N., and ammonia-nitrogen.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to question (a) above.

44. a. State the current average and peak daily flow to the Bedminster Sewerage Treatment Plant.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to question (a) above.

45. With respect to the Bedminster Sewerage Treatment Plant:

a. State the current inflows diurnal pattern.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to question (a) above.



46. With respect to the Bedminster Sewerage Treatment Plant:

a. State the current inflows average concentrations of B.O.D., non-filterable residue, total residue, phosphorous, T.K.N., ammonia-nitrogen, and alkalinity.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to question (a) above.

47. With respect to the Bedminster Sewerage Treatment Plant:

a. State the diurnal variation pattern of each of the constituents itemized in Interrogatory No. 46.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to question (a) above.

48. With respect to the Bedminster Sewerage Treatment Plant:

a. State the PH and temperature range of the plant inflow since operations began.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to question (a) above.

49. a. State when the designed capacity of the Bedminster Treatment Plant is expected to be fully utilized.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to question (a) above.

50. a. State the capacity of electric, service, voltage and phase to the Bedminster Treatment Plant.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to question (a) above.

51. With respect to the Bedminster Treatment Plant:

a. State the average and daily electrical load.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to question (a) above.

52. a. State the peak day electrical load experienced during the Bedminster Treatment Plant's operating history.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to question (a) above.

53. In his opinion dated February 24, 1975 Judge Leahy determined that "the village of Pluckemin has a definite sewage disposal problem, and a sub-regional plant, involving ground disposal or lagoon sediment, to serve Pluckemin, Bedminster and Far Hills would be advisable."

a. What action or studies has Bedminster undertaken to address the sewage problems in Pluckemin identified by the trial court in its first decision?

b. Has Bedminster Township undertaken any consideration of the feasibility of sewerage Pluckemin either through an extension of the Chambersbrook trunk sewer in Bridgewater or through an extension to the proposed Middlebrook Sewer trunk in Bridgewater?

c. What actions or studies has Bedminster undertaken to determine the feasibility of expanding the existing sewage treatment plant serving A.T.&T. Long Lines and portions of Far Hills to serve Pluckemin?

d. What action has Bedminster Township taken to review the application for conceptual approval of a treatment works submitted on behalf of the Allan-Deane corporation by Clinton Bogert Associates on December 19, 1977 to Bedminster Township and the New Jersey Department of Environmental Protection, Division of Water Resources and endorse or reject said application as required by Section 7:14-2.17 of the New Jersey Water Pollution Control Act Regulations?

e. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to questions (a), (b), (c) and (d) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed such action or studies;  
and

(ii) communicated with the Department of Environmental Protection in support of or in opposition to their conceptual review of the application described in question (d) above.

f. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to question (a) above including all correspondence with the Department of Environmental Protection concerning question (d) above.

54. a. State to what extent existing development in Bedminster Township meets the water quality standards as required for new development by the Township.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to question (a) above.



55. a. Set forth the scope of all studies, evaluations, or other services presently under contract to Wapora, Inc. and Jason M. Cortell & Associates, Inc.

b. Set forth all data, studies, conclusions, and the nature of all communications (written or verbal) received from or supplied to either Wapora, Inc. or Jason M. Cortell & Associates, Inc.

c. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to questions (a) and (b) above, together with the general substance of their knowledge.

d. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answers to questions (a) and (b) above.

56. a. State whatever measurable impact the Bedminster treatment plant has had upon water quality since the time it commenced operations.

b. State the names and addresses, and otherwise identify all persons having knowledge of the facts set forth in the answer to question (a) above, together with the general substance of their knowledge.

c. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to question (a) above.

57. a. Identify all proposed expert witnesses, together with the field of their expertise and their qualifications.

b. Identify all books, articles and other writings or documents, or part thereof, that each such expert witness ever authored or which in any way touch upon the area of his or her expertise upon which he or she will testify at trial.

c. In accordance with the Rules, attach a copy of all reports or provide a summary of all oral reports received together with the date thereof.

58. State the names and addresses of all persons having knowledge of the facts set forth in the Complaint or the answer to the Complaint other than those names in the answers to any Interrogatories hereinabove set forth, stating as to each such person a general substance of the facts of which he or she has knowledge.

59. a. State whether there are in existence any documents in any way discussing or pertaining to any matters referred to in the within action, other than those identified in the answers to Interrogatories hereinabove set forth, or not enclosed herein for any reason whatsoever, and if so, state the description, nature, custody, contents, location and otherwise identify the same, including, but without limitation of the foregoing, the date of each and the name of each addressee or recipient thereof, where applicable.

b. In accordance with the Rules, attach a copy of all documents identified in the answer to question (a) above.

60. a. Section 4.46 of the 1977 Zoning Ordinance states: "To assist in making construction economically feasible and yet to forestall overcrowding of these units in one location, a cluster will comprise no less than 50 dwelling units and not more than 150 units, and the clusters must be separated either by interstate or state highways or a distance of  $\frac{1}{2}$  mile between the center of each cluster."

b. Set forth all facts which justify the range of 50 to 150 units per cluster. Without limitation of the foregoing, specify:

(i) the zoning purpose or purposes as permitted in N.J.S.A. 40:55D-2 which such limitation is intended to promote;

(ii) the manner in which the limitation is consistent with the objectives of the Township's master plan;

(iii) all facts which support selection of the minimum number of 50;

(iv) all facts which support the selection of the maximum number of 150; and

(v) all expert or technical reports, studies, findings or data of any kind which supports such range of 50 to 150 units per cluster.

c. Set forth all facts which justify the requirement that clusters be separated by interstate or state highways or a distance of  $\frac{1}{2}$  mile between the center of each cluster. Without limitation of the foregoing, specify:

(i) the zoning purpose or purposes as permitted in N.J.S.A. 40:55D-2 which such limitation is intended to promote;

(ii) the manner in which the limitation is consistent with the objectives of the Township's master plan;

(iii) all facts which support the separation of clusters by state or interstate highways;

(iv) all facts which support the separation of clusters by  $\frac{1}{2}$  mile between the centers of clusters; and

(v) all expert or technical reports, studies, findings or data of any kind which supports such limitations.

d. State the names and addresses and otherwise identify all persons having knowledge of the facts set forth in the answer to question 60(b) and (c) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed such limitation;

(ii) drafted the section of ordinance including such limitation; and

(iii) communicated with Defendants in support of or in opposition to the limitation, and the substance of the communication.

e. In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to questions (b), (c) and (d) above.

REC'D AT CHAMBERS

MAY 1 - 1978

JUDGE LEAHY

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

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION-SOMERSET COUNTY  
DOCKET NO. L-36896-70 P.W.

THE ALLAN-DEANE CORPORATION, )  
a Delaware corporation )  
qualified to do business in )  
the State of New Jersey, )  
Plaintiff, )

Civil Action

vs. )

PLAINTIFF'S REQUEST FOR  
ADMISSION

THE TOWNSHIP OF BEDMINSTER, )  
in the County of Somerset, )  
a municipal corporation of )  
the State of New Jersey, )  
et al., )  
Defendants. )

TO: McCARTER & ENGLISH, ESQS.  
Attorneys for Defendants  
550 Broad Street  
Newark, New Jersey 07102

SIRS:

Plaintiff herewith requests Defendants to admit  
within thirty (30) days of service hereof upon you in  
accordance with Rule 4:22 the following:



1. That on November 30, 1977 the Bedminster Township Planning Board adopted the Master Plan of the Township of Bedminster.

2. That Exhibit "A" attached hereto is a genuine copy of that Master Plan.

3. That on December 5, 1977 the Bedminster Township's Zoning Ordinance was introduced at a meeting of the Township Committee of the Township of Bedminster and passed on first reading.

4. That on December 19, 1977 the Bedminster Township's current Zoning Ordinance was adopted by the Township Committee.

5. That Exhibit "B" attached hereto and made a part hereof is a genuine copy of the 1977 Zoning Ordinance of the Township of Bedminster and that said ordinance is presently in effect.

6. That the Bedminster Township Planning Board received a letter dated November 28, 1977 advising it that "the proposed Master Plan and Zoning Ordinance is patently exclusionary and does not comply with Judge Leahy's decision or the Supreme Court's mandate in Mt. Laurel and Madison."

7. That Exhibit "C" attached hereto is a full, genuine and complete copy of the minutes of the Bedminster Township Committee meeting of December 19, 1977 at which the 1977 Zoning Ordinance was adopted.

8. That the minutes of the meeting of December 19, 1977 contain no statement as to why the Zoning Ordinance of Bedminster Township is in whole or in part inconsistent with or not designed to effectuate the land use plan element of the Master Plan attached hereto as Exhibit "A".

9. That counsel for the Defendants (McCarter and English) represented to Judge Leahy in a letter dated September 6, 1977 that "Bedminster has been hard at work on the preparation of the new Master Plan and amendments to the Zoning Ordinance since early last spring".

10. That Chairman of the Bedminster Township Planning Board Robert Graff stated at the December 19, 1977 Township Committee meeting that work on the Master Plan and Zoning Ordinance revisions began in March of 1977.

11. That Ann O'Brien in an affidavit dated September 9, 1977 stated that prior to May 3, 1977 "Bedminster Township created a special zoning committee consisting of both Township officials and citizens at large to study in depth problems of amending the Township's Master Plan and Zoning Ordinance".

12. That in a letter from John Kerwin, Project Administrator for the Allan-Deane Corporation, to Mr. Robert Graff, Chairman of the Bedminster Planning Board, Mr. Kerwin stated "Accordingly, we would like the opportunity of meeting with you and the Planning Board without our legal representatives for the purpose of disclosing a preliminary site plan acquainting you with the densities which we anticipate and getting whatever input we can from you in the development of our land. It is our desire to proceed in a manner consistent with your goals and I feel that we should be able to come to a satisfactory resolution of the zoning of our tract".

13. That the law firm of McCarter and English represented in a brief submitted by Defendants in response to Plaintiff's motion for an order to lift a stay that, "Bedminster officials accept the court's ruling, know their duty, and have been and are proceeding diligently to discharge that duty."

14. That in the minutes of the agenda meeting of the Township Committee of Bedminster Township on March 4, 1978 it is stated "The Committee also agreed that the R-20 Zone should be removed in the village of Bedminster".

15. That the 1977 Master Plan and Zoning Ordinance are the sole official actions taken by the Bedminster Planning Board and governing body in response to the Court Order to make realistically possible an appropriate variety of housing.

16. That Exhibit "D" attached hereto and made a part hereof is a genuine copy of the 1978 Site Plan Ordinance of the Township of Bedminster and that said ordinance is presently in effect.

17. That Exhibit "E" attached hereto and made a part hereof is a genuine copy of the 1969 Subdivision Ordinance of the Township of Bedminster and said Subdivision Ordinance is currently in effect.

18. That the only ordinances regulating the use of land in the Township of Bedminster are the Zoning Ordinance, the Site Plan Ordinance and the Subdivision Ordinance; Exhibits "B", "D" and "E" respectively.

19. That Mr. Charles Agle was the principal planner engaged to provide Bedminster, during 1977, with assistance in preparing the 1977 Master Plan and Zoning Ordinance.

20. That Mr. Charles Agle was the only professional planning consultant employed by the Township in the drafting of the Zoning Ordinance.

21. The Bedminster Township Zoning Ordinance adopted on December 19, 1977 establishes seven (7) zoning districts including four residential districts, namely R-3, R-6, R-8 and the R-20 Zone, one business district, a research and office district and a critical area district.

22. The 1977 Bedminster Township Zoning Ordinance does not permit any portion of a tract of land located within a critical area district to be used in calculating the Floor Area Ratio for any portion of a tract of land located in any other district.

23. Single-family open space clusters in the R-3, R-6, R-8 and R-20 are conditional uses under the 1977 Bedminster Township Zoning Ordinance.

24. Village Neighborhoods of "twin" houses with Common Open Space are conditional uses in the R-3 Zone under the 1977 Bedminster Township Zoning Ordinance.

25. Village Neighborhoods involving a variety of housing types in R-6, R-8 and R-20 are conditional uses under the 1977 Bedminster Township Zoning Ordinance.

26. Compact Residential Clusters at 30% floor area ratio of gross site area are conditional uses in the R-20, in the Pluckemin area, only under the 1977 Bedminster Township Zoning Ordinance.

27. The sole use permitted by right in all four residential zones under the 1977 Zoning Ordinance is that of detached single-family houses.

28. The 1977 Bedminster Township Zoning Ordinance states that "to provide an opportunity for "Least Cost Housing," special "Compact Residential Clusters" are permitted on a first come first served, basis in the R-20 District, up to an aggregate total of 300 Dwelling Units."

29. Compact Residential Clusters are permitted to be located in clusters of 50 to 150 units in the R-20 Zones in Pluckemin Village only.

30. Zoning Ordinance Section 10.3.1 requires a net habitable floor area which exceeds minimum floor area regulations promulgated by the U.S. Department of Housing and Urban Development.

31. Zoning Ordinance Section 10.3.2 prohibits studio efficiency apartments.

32. Zoning Ordinance Section 10.3.4 limits garden apartments to one bedroom and row houses to no more than three bedrooms.

33. Zoning Ordinance Section 11.6.3 applies only to multi-family units of three or more bedrooms and prohibits such units from being constructed one above another.

34. The Bedminster Township Master Plan adopted November 14, 1977 states, within the section entitled "Environmental Protection Plan," "Steep slopes in excess of 15% grade have been designated for permanent open space and should be left wild or devoted to timber stand improvement to prevent erosion."

35. The only uses permitted in the critical area district established by Bedminster's 1977 Zoning Ordinance are set forth in Article 8 of said ordinance.



36. As an alternative to public ownership of critical areas, the 1977 Bedminster Township Master Plan suggests "The possible inclusion of minimal credit in the gross Floor Area Ratio calculations for the usable (non-critical) land on the same parcel or on one immediately adjacent to the critical parcel."

37. The Bedminster Land Use Plan element of the 1977 Master Plan states that "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."

38. The area designated for Village Neighborhood on the Somerset County Master Plan at a residential density of 5 to 15 dwelling units per acre, within Bedminster Township includes approximately 722.94 gross acres in Bedminster Village and 427.47 gross acres in Pluckemin Village, not including the Interstate right-of-ways for Routes 287 and 78.

39. Historical Zone District of the 1977 Bedminster Zoning Ordinance is not listed in Section 3.1 of the Ordinance as one of the seven zoning districts.

40. Article V, paragraph 4 of the Land Subdivision Ordinance of the Township of Bedminster requires the completion of all improvements prior to final approval of subdivision.

41. The 1977 Bedminster Township Subdivision Ordinance requires that all internal roads serving other than detached single-family dwellings have right-of-way widths of at least 70 feet (if parking is permitted).

42. On February 9, 1976 a revised Development Plan entitled "A Proposal for an Open Space Community" was presented by Allan-Deane to Bedminster Township.

43. During October, 1977 a meeting was held between Allan-Deane Corporation and the planners and consultants of the Ad-Hoc Committee of the Bedminster Planning Board preparing a revised zoning ordinance for the purpose of reviewing the specific site plan being prepared by Allan-Deane.

44. At that meeting the Allan-Deane Corporation presented a site plan for the development of this property.

45. The R-3 Zone as delineated in the Bedminster Township Zoning Ordinance covers almost 20 square miles and represents approximately 74% of the total Township area.

46. The R-3 Zone is about 22% developed. The minimum lot size for conventional development single family house lots in the R-3 Zone is approximately 2.8 acres.

47. The R-6 Zone comprises about 363 acres and represents approximately 2% of the total Township area.

48. The R-6 Zone is about 74% developed. The minimum lot size for conventional development single family house lots in the R-6 Zone is approximately 1.2 acres.

49. The R-8 Zone comprises approximately 240 acres and represents about 1.4% of the total Township area.

50. The R-8 Zone is about 55% developed. The minimum lot size for conventional development single family house lots is approximately 22,500 square feet.

51. The R-20 Zone contains approximately 262 acres and comprises about 1.5% of the total Township area.

52. The R-20 Zone is approximately 35% developed. The minimum lot size for single lots in the R-20 Zone is approximately 10,000 square feet.

53. The 1977 Bedminster Township Zoning Ordinance requires that Village Neighborhoods be located only on parcels adjacent to a business district with at least one retail store serving the needs of the neighborhood.

54. The Bedminster Township Zoning Ordinance prohibits multi-family housing on tracts of less than 9 acres.

55. That when all requirements of the zoning and subdivision ordinances are met, the minimum tract size required for multi-family housing is in excess of 11 acres.

56. That the 1977 Zoning Ordinance prescribes a distribution of dwelling units by number of bedrooms within a Village Neighborhood development or Compact Residential Cluster development.

57. Subdivision fees are listed in Article V., Section 8 of The Land Subdivision Ordinance of the Township of Bedminster are as follows:

- a. \$50 for sketch layout
- b. \$50 for design layout plus \$10 for each lot
- c. \$100 for construction plat plus \$300 per lot if new street improvements are involved
- d. \$100 for final plat plus \$10 for each lot

58. Site Plan review fees are listed in Sec. 12A.11 of the Site Plan Review Ordinance of the Township of Bedminster and are \$50 per acre and two cents per square foot of floor area.

59. Procedural Requirements for all Village Neighborhood and Compact Residential Clusters in Bedminster Township include a (4) stage subdivision review (sketch, design, construction and final) plus site plan review which must include an Environmental Impact Statement.

60. All townhouses must be located on individual lots susceptible to sale fronting a public street.

61. Bedminster Township's zoned capacity for multi-family housing is lower under the 1977 Zoning Ordinance than it was under the 1973 Zoning Ordinance.

62. The R-20 Zone amounts to less than 2% of the Township's total land area.

63. The 1977 ordinance requires that, in the absence of an existing public sewerage system of sufficient capacity, an applicant for a conditional use must provide on-site treatment.

64. The 1977 Zoning Ordinance requires one 10' x 20' parking space for each bedroom within a residential unit and the area of such parking spaces is included in the building's gross floor area of whether or not such parking spaces are under a roof.

65. The 1977 Zoning Ordinance prohibits mobile homes.

66. The Township has not adopted a resolution of need, as required by the New Jersey Housing Finance Agency Act for subsidy eligibility.

67. Bedminster Township through their attorneys have contacted at least three professional planners who have refused to testify that the 1977 Ordinance is in compliance with the Municipal Land Use Law and satisfies the mandate of Madison and Mt. Laurel.

68. The Critical Area Zone comprises approximately 19.5% of the Township.

69. The requirement that Village Neighborhoods be adjacent to a business (B) district prohibits all multi-family housing other than "twin" houses from otherwise eligible vacant parcels in the R-6 Zone.



70. The requirement that Village Neighborhoods be adjacent to a business (B) district prohibits all multi-family housing from all but approximately 24 acres in the R-8 Zone.

71. The Pluckemin Historic Zone covers a significant portion of the acreage zoned R-20 for "least cost" housing.

72. In December of 1977 Allan-Deane submitted to the Township of Bedminster a report entitled "Conceptual Wastewater Alternatives for the Allan-Deane Development."

73. Bedminster Township comprises 17,088 acres or 26.70 square miles.

74. The Business (B) and Research (RO) Zones together comprise 1.6% of the Township area.

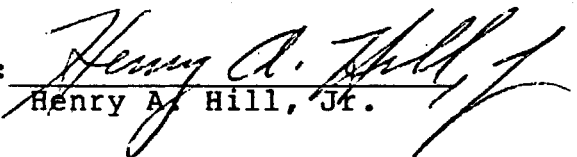
75. The permitted uses for the Critical Area Zone (C) apply to both flood plain areas and areas having slopes 15% or greater.

76. That the current Zoning Ordinance of the Township is substantially consistent with the Land Use Plan Element of the current Master Plan.

77. The current Zoning Ordinance of Bedminster Township is not consistent with the Growth Area Strategy set forth at pages 107 to 110 of the State Development Guide Plan.

78. The current Master Plan of Bedminster Township is not consistent with the Growth Area Strategy set forth at pages 107 to 110 of the State Development Guide Plan.

MASON, GRIFFIN & PIERSON  
Attorneys for Plaintiff

BY:   
Henry A. Hill, Jr.

Dated: April 28, 1978

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%.

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

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 W. 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 Zoning 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.

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

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 Crumney, 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-O 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-O 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-

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.



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(Continued)

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 sewered 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.

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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 it's 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 laid 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 use...

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



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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 anywhere 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



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

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.

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 will 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:

From

To

Recreation, Salary & Wages ..... \$200.00 ..... Recreation, 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 Mowder 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.

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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 178 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*

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), 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 for 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 may 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, on a scale 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 any other agency by the Municipal Agency.

12A.7 Site Plan Pending.

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 approval by the Board except as permitted in 12A.8. The Site Plan shall remain in force 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 seeding shall be given 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 a relationship may include the elimination 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

REC'D AT CHAMBERS

MAY 1 - 1978

JUDGE LEAHY

convenient and do not detract from the design of proposed buildings and structures and the neighboring properties. Elevated and planted dividing islands may be required.

**12A 12.4 Connections to Public Streets:** All entrance and exit driveways to a public right-of-way shall be located and designed to afford maximum safety to traffic both on private and public rights-of-way. Sight triangle, extra right-of-way, and widths for acceleration, deceleration or storage lanes shall be provided where appropriate. The Board may require location and design of entrances to the development to direct traffic away from residential areas.

**12A 12.5 Surface Water Drainage:** Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be retained on site to the greatest extent possible. Storm water detention facilities shall be provided wherever practical or needed. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create ponding in the paved areas.

**12A 12.6 Utility Services:** Electric and telephone lines shall be underground.

**12A 12.7 Advertising Features:** The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features as permitted by the zoning ordinance shall not detract from the design of proposed buildings and structures and the surrounding properties.

**12A 12.8 Special Features:** Outdoor parking and storage areas, outdoor and roof mechanical equipment, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

**12A 12.9 Sanitary Drainage:** Sanitary sewage must be processed and effluent retained and treated on the site of the proposed development unless connections are provided to a public sewer approved by the Township Committee. All features of either system shall be subject to the approval of the Board of Health.

**12A 13 Application of Design Standards:** The standards of review outlined hereinabove shall also apply to all accessory buildings, structures, free-standing signs and other site features, as permitted under the zoning ordinance, however related to the major building or structure.

**12A 14 Delegation by the Board.**

**12A 14.1** The Municipal Agency may by resolution create a Site Plan Committee, consisting of members of the Board, to review and act upon minor site plans.

**12A 14.2** The Site Plan Committee shall be appointed by the Chairman of the Municipal Agency to serve for a purpose and a period specified at the time of appointment.

**12A 14.3** To be considered a minor Site Plan for review by the Site Plan Committee, a proposed improvement must meet all of the following requirements:

- a. No new buildings may be included. Additions to existing buildings are permitted.
- b. No new uses may be involved.
- c. The total estimated cost of the improvement may not exceed \$50,000.
- d. The total additional lot coverage including parking in the Site Plan, may not exceed 2,500 sq. ft. (232.3 Sq. M).
- e. The land may not be located either in whole or in part in a critical area.

**12A 14.4** The action of the Site Plan

Committee shall be regarded as being the decision of the Board.

**12A 14.5** The Site Plan Committee may for any reason refer a site plan to the Board for consideration and action.

**12A 15 Environmental Impact Statement.** In the review of an applicant's plan, the Board shall consider potential adverse and positive environmental impacts of the proposed project as major factors in its findings. The environmental appraisal will include, but will not necessarily be limited to, volumes of wastewater and solid wastes to be generated and methods of disposition, demands for, and sources of, potable or process water, potential for soil erosion, potential effects on streams and water quality and the potential for effects on aquifer outcrop areas; potential effect on the acoustic environment; techniques to preserve or to restore native vegetation and wildlife habits, anticipated generation of air contaminants and their effect on air quality, and protection of critical areas. Attention also will be given to the potential creation of any nuisance conditions.

The Board shall approve a submission hereunder only when it is determined and found that the proposed project, (a) will not result in a significant adverse primary or secondary impact on the environment; (b) has been conceived and designed in such a manner that it will not significantly impair natural processes; and (c) will not place a disproportionate or excessive demand upon the total natural resources available to the project site, the municipality and the region.

To facilitate the environmental appraisal, the plan submission must include an Environmental Impact Statement (EIS). The EIS shall describe the project in a manner sufficiently explicit to permit the Municipal Agency to assess fully the probable environmental impact should the proposed project be implemented.

The EIS shall be prepared pursuant to the then current "Guidelines For the Preparation of Environmental Impact Statements" as adopted by the Planning Board. Items which do not apply in particular cases shall be so stated and shall be shown to the satisfaction of the Environmental Commission.

**Section 4.** The municipal clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the County Planning Board and to all others entitled thereto pursuant to the provisions of C 40 55D-15. Upon the adoption of this ordinance after public hearing thereon the municipal clerk is further directed to publish notice of the passage thereof and to file a copy of this ordinance as finally adopted with the Sussex County Planning Board as required by C 40 55D-16.

**Section 5.** This Ordinance shall take effect after publication and passage according to law.

#### 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

12-811

Exhibit E

REC'D AT CHAMBERS

MAY 1 - 1978

JUDGE LEAHY

THE LAND

SUBDIVISION ORDINANCE

of the

TOWNSHIP

of

BEDMINSTER

---

Revision of 1969

AN ORDINANCE ESTABLISHING RULES, REGULATIONS AND STANDARDS GOVERNING THE SUBDIVISION OF LAND WITHIN THE TOWNSHIP OF BEDMINSTER, SETTING FORTH THE PROCEDURE TO BE FOLLOWED BY THE PLANNING BOARD IN APPLYING AND ADMINISTERING THESE RULES, REGULATIONS AND STANDARDS, PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING THE LAND SUBDIVISION ORDINANCE OF THE TOWNSHIP OF BEDMINSTER ADOPTED JUNE 21, 1954, AND HERETOFORE AMENDED AND SUPPLEMENTED

**ARTICLE I**

**SHORT TITLE**

This ordinance shall be known and may be cited as: The Land Subdivision Ordinance of The Township of Bedminster, Revision of 1969.

**ARTICLE II**

**PURPOSE**

The purpose of this ordinance shall be to provide rules, regulations and standards to guide land subdivision in The Township of Bedminster in order to promote the public health, safety, convenience and general welfare of the municipality. It shall be administered to insure the orderly growth and development, the conservation, protection and proper use of land and adequate provision for circulation, utilities and services.

**ARTICLE III**

**APPROVING AGENCY**

The provisions of this ordinance shall be administered by the Planning Board of the Township of Bedminster, which shall have the power of approval of all plats, acting in lieu of the Township Committee.

**ARTICLE IV**

**GENERAL DEFINITIONS**

**Agricultural Purposes.** Farming and related pursuits not including the erection, alteration, enlargement, occupancy or use of any building designed for or susceptible to occupancy for residential purposes.

**Circulation.** Provision for the movement of people, goods, water, sewage, or power by means of streets, highways, railways, waterways, airways, pipes, conduits, or other means, and including facilities for transit, transportation and communication.

**Construction Plat and Specifications.** The working plans and drawings of a subdivision prepared in accordance with the requirements of Article VI of this ordinance and used for the execution of the work required upon the lands and for the installation of improvements thereon.

**Design Layout.** A map of a subdivision, with related data, prepared in accordance with the requirements thereof as set forth in Article VI of this ordinance and submitted to the Planning Board for public hearing.

**Drainage right-of-way.** The lands required for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage in accordance with Chapter I of Title 58 of the New Jersey Statutes.

**Final Plat.** The final map of all or a portion of the subdivision which is presented to the Planning Board for final approval in accordance with this ordinance and which, if approved, shall be filed with the Somerset County Clerk.

**Governing Body.** The Bedminster Township Committee

**Lot.** A parcel or portion of land separated from other parcels or portions by description as on a subdivision or record of survey map or by metes and bounds, for purpose of sale, lease or separate use.

**Maintenance Guarantee.** Any security that is acceptable to the governing body to assure the maintenance of any improvement installed by a subdivider for a period of two (2) years after final acceptance of such improvement.

**Master Plan.** A composite of the mapped and written proposals recommending the physical development of the municipality which shall have been duly adopted by the Planning Board.

**Official Map.** A map adopted in accordance with the Official Map and Building Permit Act (1953) (R.S. 40:55-1.30 et seq.). Such a map shall be deemed to be conclusive with respect to the location and width of the streets, public parks and playgrounds, and drainage rights-of-way shown thereon.



**Owner.** Any individual, firm, association, syndicate, co-partnership, corporation, having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this ordinance.

**Partition** Any subdivision containing not more than two (2) lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Zoning Ordinance or this ordinance or any Master Plan or official map now or hereafter adopted.

**Performance Guarantee.** Any security which may be accepted pursuant to the provisions of N.J.S. 40:55-1.22 in lieu of a requirement that certain improvements be made before the Planning Board approves a plat, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

**Plat.** The map of a subdivision including, where appropriate to the context, Sketch Layout, Design Layout, Construction Plat and Specifications and Final Plat

**Sketch Layout.** A map of a subdivision with related data, prepared in accordance with the requirements therefor as set forth in Article VI of this ordinance, and presented to the Planning Board for discussion and review as the initial proposal of the subdivider.

**Street.** Any street, avenue, boulevard, road, lane, parkway, viaduct, alley or other way which is an existing state, county or municipal roadway, or a street or way shown upon a plat heretofore approved pursuant to law or approved by official action, or a street or way on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the street lines.

**Subdivider.** Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this ordinance to effect a subdivision of land hereunder for himself or for another.

**Subdivision.** The division of a lot, tract, or parcel of land into two or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development; except that the following divisions shall not be considered subdivisions within the meaning hereof; provided, however, that no new streets or roads are involved: divisions of land for agricultural purposes where the resulting parcels are three acres or larger in size, divisions of property by testamentary or intestate provisions, or divisions of property upon court order. Subdivision also includes resubdivision, and where appropriate to the context, relates to the process of subdividing or to the lands or territory divided

**Subdivision Committee:** Any three members of the Planning Board appointed by the Chairman with the approval of the Board to review subdivisions, pursuant to the provisions of N.J.S. 40:55-1.15.

## ARTICLE V

### PROCEDURE AND FEES

#### 1. Submission of Sketch Layout

(a) Any owner of land within The Township of Bedminster shall, prior to subdividing or resubdividing land, as defined in this ordinance, submit to the secretary of the Planning Board at least two weeks prior to the regular meeting of the Board, three copies of an application for approval, together with twelve copies of a Sketch Layout, as herein defined, of the proposed subdivision for purposes of examination by the appropriate officials and agencies and for preliminary discussion.

(b) The secretary shall forward one copy of the application and of the Sketch Layout to (1) the Township Clerk and (2) the Township Engineer. The Township Engineer shall examine the Sketch Layout to determine as closely as possible whether in his opinion it meets the requirements of this ordinance and that the proposed subdivision as shown thereon is in conformance with the minimum standards and requirements of this ordinance and the Zoning Ordinance of the Township of Bedminster; and he shall thereupon file a written report of his findings and recommendations with the secretary of the Planning Board. No action shall be taken by the Planning Board in respect to approval or disapproval of such Sketch Layout until receipt of such written report. If the Sketch Layout is approved by the Planning Board, a notation to that effect shall be made upon one copy thereof which shall be returned to the subdivider for use in complying with the procedure hereinafter set forth in Sections 2, 3, 4, and 5 of this Article.

## **2. Submission of Design Layout**

(a) At least 12 prints of the Design Layout as herein defined shall be submitted to the secretary of the Planning Board at least three weeks prior to the Planning Board meeting at which consideration is desired.

(b) The secretary shall forward a copy of the Design Layout to the Township Clerk and to the Township Engineer. The Township Engineer shall examine such Design Layout as in the case of a Sketch Layout, and shall file a written report of his findings and recommendations with the secretary of the Planning Board. If the Township Engineer's examination reveals that the Design Layout lacks any of the data required under the terms of this ordinance, he shall so advise the subdivider, who shall thereupon make any appropriate additions or revisions, filing twelve copies of the same with the secretary of the Planning Board. After receipt of the written report of the Township Engineer, the report and the Design Layout shall be considered by the Planning Board.

(c) 1. A public hearing on a date set by the Planning Board shall be given to all interested persons before the Planning Board takes formal action in respect to approval or disapproval of the Design Layout.

2. The subdivider shall notify by registered mail at least ten days prior to the date set for the hearing by the Planning Board all property owners within 200 feet of the extreme limits of the subdivision as their names appear on the most recent Township tax records. The subdivider shall also notify, in accordance with the applicable statutes, the County Planning Board, the Clerk of any adjoining municipality, the Commissioner of Transportation, or any other official or agency upon which notice of such a hearing is required by law to be served. Said notice shall state the time and place of hearing, a brief description of the subdivision and that a copy of said subdivision has been filed with the Township Clerk for public inspection. Proof of mailing or of personal service of said notice shall be presented to the Planning Board at the time of the public hearing. The secretary of the Planning Board shall cause notice of the hearing to be published in the official newspaper or a newspaper of general circulation in the Township at least ten days prior to the hearing.

(d) Copies of the Design Layout shall be forwarded by the secretary of the Planning Board prior to the hearing to the following:

1. Somerset County Planning Board.
2. Township Engineer.
3. Secretary of Board of Health.
4. Such other municipal, county or state officials as directed by the Planning Board.

(e) The Planning Board shall take action in respect to the approval or disapproval of a Design Layout after considering the results of the public hearing and the recommendations, if any, made by the County Planning Board, the Township Board of Health, the Township Engineer, and any other official or agency. If the Planning Board disapproves the Design Layout, the subdivider shall be advised, in writing, if he so requests, of the reasons for such disapproval, and the Design Layout shall be further considered by the Planning Board only after the objections stated in such reasons for disapproval shall have been remedied. If the Planning Board approves the Design Layout, a notation to that effect shall be made thereon and signed by the Chairman, and a copy thereof shall be returned to the subdivider for use in complying with the procedure hereinafter set forth in Sections 3, 4, and 5 of this Article.

## **3. Submission of Construction Plat and Specifications**

a) At least five copies of the Construction Plat and Specifications, as herein defined, shall be submitted to the Secretary of the Planning Board at least three weeks prior to the meeting at which consideration is desired. The secretary shall forward a copy thereof to the Township Engineer, who shall examine the same to determine if in his opinion the proposals shown thereon are in compliance with the requirements of all Township ordinances and other applicable laws regarding such construction, are feasible and sound from an engineering standpoint, and are in conformity with the proposals shown on the Design Layout. The Township Engineer shall thereupon file a written report of his findings and recommendations with the Planning Board. No formal action shall be taken by the Planning Board until the receipt of such report. The Planning Board, where it deems it advisable before any formal action is taken, may require the approval of any other appropriate official, board or agency. Upon approval, the Construction Plat and Specifications shall be signed by the Chairman and returned to the subdivider for use in complying with the procedure hereinafter set forth in Sections 4 and 5 of this Article. Copies thereof shall be filed by the secretary with the Township Engineer, the Township Clerk and with such other officials, boards or agencies as shall be directed by the Planning Board.

b) Approval of the Construction Plat and Specifications shall constitute tentative approval and shall confer upon the subdivider the following rights for a three year period from the date of approval:

- (1) That the general terms and conditions under which the tentative approval was granted will not be changed.
- (2) That the subdivider may submit on or before the ex-

piration date the whole or part or parts of the plat for final approval.

**4. Improvements or performance guarantees prior to Final Approval.**

No Final Plat shall be approved until all of the improvements required by the Planning Board pursuant to the provisions of Article VII of this ordinance have been completed, inspected and certified as satisfactorily completed by the Township Engineer, accepted by the Township, and if required by The Planning Board, a maintenance guarantee acceptable to the Township Committee has been posted; provided, however, that in the case of a road or street that has been completed except for the application of the surface course thereon, the Planning Board may grant approval of the Final Plat if the subdivider files with the Township Clerk a performance guarantee in an amount sufficient to cover the cost of such improvement as estimated by the Township Engineer, plus 15% of such cost to cover contingencies, assuring the satisfactory installation of such improvement on or before an agreed date. Such performance guarantee may be in the form of a performance bond which shall be issued by a bonding or surety company approved by the Township Committee; a certified check, returnable to the subdivider after full compliance; or any other type of surety approved by the Township Attorney. The performance guarantee shall be approved by the Township Attorney as to form, sufficiency and execution. Such performance guarantee shall run for a period to be fixed by the Planning Board but in no case, for a term of more than three years. However, with the consent of the owner and the surety, if there be one, the Township Committee may by resolution extend the term of such performance guarantee for an additional period not to exceed three years. The amount of the performance guarantee may be reduced by the Township Committee by resolution when portions of such improvement have been installed.

If the required improvement has not been installed in accordance with the performance guarantee, the obligor and surety shall be liable thereon to the Township for the reasonable cost of the improvement not installed and upon receipt of the proceeds thereof the Township shall install such improvement.

A maintenance guarantee for any improvement may be required by the Planning Board in a form acceptable to the Township Committee for a period not to exceed two years after final acceptance of the improvement in an amount not to exceed 15 per cent of the cost of the improvement.

**5. Submission of Final Plat**

a) The original tracing and seven copies of the Final Plat, together with application for approval thereof on forms prescribed by the Planning Board, shall be submitted to the secretary of the Planning Board for final approval within three years from the date of approval of the Construction Plat and Specifications; otherwise such approval shall become null and void. The secretary shall immediately deliver a copy of the application and of the Final Plat to the Township Clerk and the Planning Board shall act thereon within 45 days of such delivery, or within such further time as may be agreed to by the subdivider. The secretary shall also, forthwith upon receipt of the Final Plat, forward a copy thereof to the Township Engineer, who shall examine the same to determine if in his opinion it is in all respects accurate, meets the requirements of this ordinance and other applicable laws, and is in conformance with the Construction Plat and Specifications. The Township Engineer shall thereupon report his findings and recommendations in writing to the Planning Board. If the Planning Board disapproves the Final Plat, it shall return one copy thereof to the subdivider, stating its reasons for disapproval. If approved, copies of the Final Plat shall be filed by the secretary of the Planning Board with (1) the Township Clerk, (2) the Township Building Inspector, (3) the Township Engineer, (4) the Township Tax Assessor, (5) the Somerset County Planning Board, and (6) such other official or agency as may be directed by the Planning Board.

b) The Final Plat, after its approval, shall be filed by the subdivider with the Somerset County Clerk within 90 days of such approval; otherwise, such approval shall expire, unless the Township Committee extends the time for filing for an additional period, not to exceed 90 days, and the Final Plat is so filed within such period of time.

**6. Submission of Plats to County Planning Board**

A copy of every application, plat, specifications or other document submitted to the Planning Board by a subdivider shall be forwarded by the secretary to the Somerset County Planning Board for its review, and if required by law, for its approval; and no action upon any plat shall be taken until either (1) a report thereon from the Somerset County Planning Board has been received and considered; or (2) the time has expired within which the Somerset County Planning Board is required by law to furnish such report. If after the initial submission of a subdivision application or plat to the Somerset County Planning Board, its written report indicates that the filing with it of any further documents in respect to such subdivision is unnecessary, no such filing shall thereafter be required.

**7. Waiver of requirements — Partitions and Boundary Lines**

In the case of an application for a partition as herein de-

lined, or for approval of a subdivision creating no additional lots but only adjusting or straightening the boundaries between adjoining owners, the Planning Board may waive any of the requirements governing the submission of a Sketch Layout, Design Layout, or Construction Plan and Specifications in respect to such application; but the Planning Board shall in such case require as a minimum that the subdivider comply with all of the provisions herein governing the preparation, submission and filing of a Final Plat for approval.

#### 8 Fees

Upon submission of any plat for approval, the following fees shall be paid by the subdivider:

Sketch Layout:	\$50.00
Design Layout:	\$50.00 plus \$10.00 for each lot shown thereon
Construction Plat and Specifications:	\$100.00 plus \$20.00 for each lot shown thereon (If new street improvements are involved, an additional \$300.00 per lot to cover costs of inspection.)
Final Plat:	\$100.00 plus \$10.00 for each lot shown thereon.

### ARTICLE VI

#### PLAT DETAILS

##### 1. Sketch Layout

The purpose of the Sketch Layout is to afford the subdivider the opportunity of presenting his proposals to the Municipal Engineer and Planning Board for discussion. At least the following data must be presented:

- a) Scale no smaller than 1"=400'.
- b) Dimensions according to Tax Map.
- c) Contours at 20 ft. intervals secured from a photographic enlargement of the standard U. S. G. S. quadrant maps or similar sources.
- d) The location of that portion which is to be subdivided in relation to the entire tract. (Key Map)
- e) All existing structures and wooded areas within the portion to be subdivided and within 200 ft. thereof.
- f) The name of the owner and of all adjoining property owners as disclosed by the most recent Municipal tax records.
- g) All streets or roads, drainage rights-of-way and streams within 400 ft. of the subdivision
- h) Proposed lot and street lines roughly sketched with about 10% accuracy.
- i) Title Block, with at least the following information shown thereon; if not otherwise shown on the Sketch Layout:
  1. Title of map.
  2. Name of subdivision, if any.
  3. Tax Map sheet, block and lot number(s) of the tract to be subdivided as shown on the latest Tax Map.
  4. Acreage of tract to be subdivided to the nearest tenth of an acre.
  5. Date (of original and all revisions).
  6. Names and addresses of owner and subdivider, so designated.
  7. North point.
  8. Written and graphic scales

##### 2. Design Layout

The purpose of the Design Layout is to transfer the proposals of the Sketch Layout to a precise base to verify their feasibility and merit before proceeding with construction engineering. The following data must be presented:

- a) A key map at a scale not smaller than 1"=1000' showing the relation of the portion to be subdivided to the entire tract, and the relation of the entire tract to its neighborhood for at least 1000 ft. beyond its boundaries.
- b) Proposed subdivision layout at a scale of 1"=100 ft., using a land survey as a base, and showing sections of street improvements and profiles in critical locations.
- c) Contours of 5-ft. intervals where slope exceeds 10%, and at 2-ft. intervals where slopes are less.
- d) Names of all adjacent and facing owners within 200 ft. of any property line.
- e) All proposed lot lines, dimensioned in feet and tenths, and the areas of all lots in square feet. The areas and dimensions specified shall be accurate to within plus 5 per cent (e.g. a lot line specified as 250 ft. long may not be less than 250 ft. but may be as long as 262.5 ft.)
- f) The location of existing and proposed set-back lines, streets within 200 ft. of the subdivision, buildings, water courses, railroads, bridges, culverts, drain pipes, and any natural features such as wooded areas and rock formations.
- g) Plans of proposed utility layouts (sewers, storm drains, water, gas, and electricity) showing feasible connections to existing or any proposed utility systems.
- h) Location of existing generally wooded areas and exact location of existing trees with a callper of 9 inches or more in and within 25 ft. of street rights-of-way.

l) The locations of all stakes placed on the property to aid in on-site inspections. The stakes shall be placed at the center of all cul-de-sacs, at all street intersections and at such additional locations as the Planning Board may deem necessary. The locations indicated on the plat shall be accurate within 5 ft.

j) One percolation test plus one for each lot of the tract to be subdivided, unless immediate connection to a public sewer is planned.

k) A true copy of any existing or proposed covenants or deed restrictions applying to the land being subdivided; or certification that no such covenants or restrictions exist and none will be imposed upon the land by the subdivider.

l) Title Block, with at least the following information shown therein, if not otherwise shown on the Design Layout:

1. Title of map.
2. Name of subdivision, if any.
3. Tax Map sheet, block and lot number(s) of the tract to be subdivided as shown on the latest Tax Map.
4. Acreage of tract to be subdivided to the nearest tenth of an acre.
5. Date (of original and all revisions).
6. Names and addresses of owner and subdivider, so designated.
7. North point.
8. Written and graphic scales.

### 3. Construction Plat and Specifications

The Construction Plat is to serve as the working drawing which will be followed precisely in the preparation of the land for subdivision and for the installation of all improvements. It shall include at least the following:

a. All data required in the Design Layout, but dimensioned exactly with reference to monuments.

b. Location of proposed monuments.

c. Bearings, distances in feet and hundredths, radii, points of curvature and tangency of property lines, lot widths and depths, and acres in square feet.

d. Paving widths and locations, sections and profiles.

e. Dimensioned location of all underground facilities.

f. Dimensioned location of all required improvements above ground, e.g. sidewalks, shade trees, street signs, lights, etc.

g. All existing streets and streams within the proposed subdivision and within 500 ft. of the boundaries thereof, both the width of the paving and the width of the right-of-way of each street, and existing public easements and municipal borders within 500 ft. of the subdivision.

h. All existing structures, an indication of those which are to be demolished or removed, and the front, rear, and side yard dimensions of those to remain.

i. The boundaries, nature and extent of wooded areas and the location of extensive rock formations within the proposed subdivision and within 200 ft. thereof.

j. All proposed public easements or rights-of-way and the purposes thereof, and proposed streets within the proposed subdivision. The proposed streets shall show the right-of-way width.

k. The maximum anticipated extent of the areas of cuts and fills where grade changes are proposed, including those for streets.

l. The natural flow of surface drainage (indicated with arrows) and the final disposal of surface waters.

m. The location of existing and proposed watercourses, culverts, bridges, drain pipes, lakes and ponds.

n. The tops of the banks of all watercourses (if defined) and boundaries of the related flood plains (if defined).

o. Specifications, locations, profiles and detailed cross-sections of proposed storm drains, including all inlets and the size of the drainage area of each, streets, including grades, and all other improvements. These shall be signed by the Engineer and attached to the Plat.

p. Certification of approval of plans for drainage or watercourse diversion or that none is required by the State Water Policy Commission.

q. The locations of existing railroad rights-of-way (showing dimensions).

r. Name(s), signature(s), address(es) and license number(s) of the Engineer or Land Surveyor who prepared the Map. The plat shall bear the embossed seal of said Engineer or Land Surveyor.

s. Location and names of adjacent streets and proposed names of new streets.

t. All parcels proposed for either general or limited public use, such as parks, playgrounds, building sites; with a statement of the purpose of each.

u. Plans and profiles of proposed improvements and utility layouts (sewers, water, gas, electricity, etc.) showing feasible connections to any existing or proposed utility systems. If private utilities are proposed, they shall comply fully with all local, county and state regulations.

### 4. Final Plat

The Final Plat shall be designed to provide for the legal conveyance of the lots and all other lands shown thereon, and to provide information to the Township and to any subsequent owner as to the physical dimensions, contours and shape of the land and the type and location of the improvements as built or in-

stalled thereon. The Final Plat shall be drawn in ink on cloth, mylar, or equivalent material acceptable to the Township Engineer, and shall in all respects comply with the provisions of the Map Filing Law, N. J. S. 46:23-9.9 et seq. so as to be complete and suitable for filing in the Somerset County Clerk's Office. Each lot and block shown thereon shall be numbered as specified by the Township Assessor, and there shall be attached thereto an official Tax Search signed by the Township Tax Collector indicating that all taxes have been paid to date. All improvements built or installed within the subdivision shall be shown at their exact locations as so built or installed; and the Final Plat shall contain the certification of the engineer of the owner or subdivider, that all improvements required by this ordinance and by the Planning Board pursuant hereto, have been built or installed as shown on the Final Plat.

#### ARTICLE VII

##### 1. IMPROVEMENTS

Prior to the approval of the Final Plat, the Planning Board may require the installation of any or all of the following improvements, all of which shall be installed in conformance with the applicable provisions of this Article VII and of Article VIII of this ordinance, governing design, standards for improvements: paving and marking, curbs, gutters, street signs, sidewalks, bicycle paths, street lights, shade trees, topsoil protection, monuments, water mains and fire hydrants, storm drainage systems, sanitary sewers, retaining walls, ground cover, cribbing.

a) Gutters or paved swales shall be used wherever, in the judgment of the Planning Board, with the advice of the Municipal Engineer, they are necessary to avoid erosion.

b) No topsoil shall be removed from the site or used as spoil. Topsoil moved during the course of construction shall be redistributed so as to provide at least six inches of cover in all areas of the subdivision and shall be stabilized so as to remain in place.

c) Monuments shall be of the size and shape required by "The Map Filing Law" (R.S. 46:23-9.9 et seq.) and any other applicable statutes.

d) Water mains and fire hydrants, if required by the Planning Board with the recommendations of the Township Engineer, shall be installed where an approved public water supply is readily available, and in all other cases where a menace to health exists because of soil conditions unsuitable for septic tanks.

e) Sanitary sewers, when required by the Planning Board, shall be installed leading to a municipal plant or an approved package plant. When an individual water supply or sewage disposal system is proposed, the plan for such system must be approved by the appropriate local, county or state health agency.

f) Retaining walls, cribbing, ground cover, diversionary swales, and guard rails shall be installed as necessary to prevent erosion, hazard, and unusual problems of maintenance in steeply rolling terrain.

g) All of the above improvements shall be subject to inspection and approval by the Township Engineer who shall be notified by the subdivider at least 24 hours prior to the start of construction. No underground installation shall be covered until inspected and approved by the proper municipal official.

#### ARTICLE VIII

##### DESIGN STANDARDS

Subdivisions shall conform to the following requirements and principles of design:

##### 1. GENERAL

The design of the subdivision shall be in harmony with and in furtherance of the purposes set forth in Article I of this Ordinance and shall in all respects (including the extent, if any, to which access lanes are included in the layout) be subject to approval by the Planning Board in accordance with the procedure set forth in Article V of this Ordinance. The design of the subdivision shall conform in general to the Master Plan of the municipality and in detail to the Official Map of the Township, if any.

##### 2. DETAILED SPECIFICATIONS

###### 2.1 Streets, Sidewalks, Alleys

a) **Street Extensions.** The arrangement of collector and primary streets shall be such as to provide for the extension of existing collectors and primaries. Minor streets shall not be made continuous or so aligned that one subdivision adds to the traffic generated by a minor street in another subdivision.

b) **Design of Minor Streets.** Minor streets shall be either loops or, where necessitated by shape of a parcel of land, cul-de-sacs. Loops shall return to the same collector or primary, and be so shaped that there is no possibility for their use by traffic having neither origin nor destination on the loop. Other requirements and characteristics are shown on Diagram B, attached hereto and made a part hereof.

c) **Classification of Streets.** In any major subdivision it shall be the duty of the Planning Board to classify proposed streets according to their types. In making a determination as to the classification of a particular street, the Planning Board shall take into consideration the provisions of the Master Plan, the existing and proposed conditions within the subdivision and the

area in proximity thereto, and shall use as a guide the following definitions:

(1) **A Minor (Local, Destination) Street** (design speed 25 mph) is one serving only single-family detached houses, and is either a cul-de-sac serving no more than 15 lots or a loop street, with both ends intersecting the same collector, serving no more than 30 lots. It shall be designed only for traffic having either origins or destinations on the street. If it can serve traffic having origin and destination other than on the street, it shall be considered a collector street.

(2) **A Collector (Feeder, Circulation) Street** (design speed 40 mph) is one gathering traffic from more than one minor or collector street and leading it to a primary street. Generally, no properties should have driveway access to a collector street. Even if laid out as a minor street, the street shall be considered a collector street if it serves, or can serve, either more than 30 lots, or, in the case of a cul-de-sac, 15 lots; or a use or uses other than residential.

(3) **A Major (Artery, Primary) Street:** Any federal, state or county highway, street or road intended to carry traffic through the Township or any municipal road intended to carry traffic among various neighborhoods in the Township or from such neighborhoods to destinations outside the Township, specifically including the following as realigned or extended where applicable: Pluckemin By-pass and Route 206, Rattlesnake Bridge, Black River Road, Lamington Road and Route 202, Pottersville Road, Fowler Road, unnamed parallel to Long Lane between Long Lane and Pottersville Road, Long Lane, Old Dutch Road, Holland Road, Larger Cross Road, unnamed parallel to Long Lane between Long Lane and Lamington Road, Cowperthwaite Road and its extension to Pottersville Road, Cedar Ridge Road, River Road, Kiline's Mill Road, Bunn Road-Airport Road, Country Club Road.

d) **Lots Abutting Primary Highways.** In a subdivision abutting a major highway or primary street, one of the following shall be required:

(1) a marginal service road shall be provided along such major highway or primary street and shall be separated from it by a raised divider strip at least eight (8) feet in width, or

(2) the frontage shall be reversed so that the lots contiguous to such major highway or primary street will front on an internal street, with a buffer strip at least fifty (50) feet in width for planting provided along the major highway or primary street, or

(3) such other means of separating through and local traffic and of providing a suitable buffer shall be provided as the Planning Board may determine to be appropriate.

e) **Lots Abutting Collector Streets.** No lot created by a subdivision shall abut a collector street only. Access shall be provided only by reverse frontage on a minor street or by a marginal service road, but no additional screening or set back is required.

f) **Table of Street Dimensions.** Street dimension requirements shall be not less than those shown on the following Table of Dimensions and on Diagrams C and D attached hereto and made a part hereof, unless otherwise indicated on the Master Plan or on the Official Map, if any.

**TABLE OF DIMENSIONS**

	Minor Residential	Collectors	Primaries
<b>Paving Widths:</b>			
One lane with turnouts	12 ft	—	—
No parking, or with lots			
1/2 acre or more	20 ft.	24 ft.	24 ft.
Parking one side	27	—	—
Parking two sides	34	40	46
<b>R.O.W. (Right of Way Width):</b>			
If no parking	50	60	80
If parking	50	70	100
<b>Curb radii at intersections</b>	25	35	35
<b>Tangents between reserve curves</b>	100	200	300
<b>Radial to inside curb on curves</b>	100**	500	1000
<b>Sight distances at centerlines</b>	200	300	500
<b>Maximum dwelling units served</b>	30*		
If cul-de-sac-	15*		
<b>Maximum sight line at centerline</b>	1000	3000	4000
<b>Size of letters on street signs</b>	4"	4"	6"
<b>Acceleration-Deceleration lanes</b>	—	200	350
<b>Maximum centerline grades</b>	10%	8%	6%
<b>Minimum centerline grades</b>	3/4%	3/4%	3/4%
<b>Maximum grades at intersection</b>			
— 3% for distance from cross street of	50 (0)	100 (0)	100
<b>Cul-de-sac ROW diameter</b>	110		
<b>Cul-de-sac paving diameter</b>			
—except for 40' diameter circle	90		

\*Streets serving more houses or other types of residential living units than indicated must also follow "Collectors" standards.

\*\*Where, because of shape of tracts to be subdivided or topography, it is not feasible to adhere to a minimum radius of 100 feet, the minimum pavement shall be widened as the radius

decreases to accommodate the widened path of a turning vehicle, as follows:

Radius	Added pavement width
100'+	0 ft
75-99	3
50-74	6
25-49	10

g) **Curved Minor Streets.** Curved minor streets are preferred to discourage speed and monotony. The maximum straight line between points on the centerline shall not exceed those specified on the Table of Dimensions.

h) **The Crown Slope.** The slope of the crown in minor streets shall not be less than one-quarter inch per foot nor more than one-half inch per foot in order to provide for proper surface drainage.

i) **Cut and Fill Slopes.** To prevent gulleying and erosion, street cuts and streets on fill shall be provided with side slopes no steeper than one vertical to two horizontal, or shall be equipped with cribbing, loose concrete blocks, or other form of retaining wall. Such slopes, including cribbing and blocks, shall be suitably planted with perennial grasses or other vegetation in accordance with a plan approved by the Planning Board, and shall be maintained to the satisfaction of the Municipal Engineer for a period of two years following final acceptance of the street.

j) **Limit of Improvements.** The subdivider shall improve all streets to the limits of the subdivision.

k) **Street Names.** Street names and subdivision names shall not duplicate or nearly duplicate the names of existing streets or subdivisions in the Township or in surrounding communities, and shall be subject to the approval of the Township Committee. The continuation of an existing street shall have the same name.

l) **Alleys.** The following shall apply to the design and location of alleys:

(1) Public alleys shall not be permitted in residential developments except by permission of the Planning Board. Where public alleys are permitted in residential developments, they shall be twenty (20) feet wide and paved for the full width.

## 2.2 Street Intersections

a) **Angle of Intersections.** No more than two streets shall cross the same point. Street intersections shall be at right angles wherever possible, and intersections of less than 60 degrees (measured at the centerline of streets) shall not be permitted.

b) **Spacing.** Only one point of access and egress may be allowed each lot except where such lot has a road frontage of at least 1000 feet. In such case, streets shall not enter the same side of collector streets at intervals of less than 800 feet, primary streets at intervals of less than 1200 feet, or throughways at intervals of less than two thousand feet; measured from centerline to centerline. Streets which enter a minor or major street from opposite sides shall be directly opposite to each other or, if necessary, in the opinion of the Planning Board, they shall be separated by at least 150 feet between their centerlines measured along the centerline of the intersected street.

c) **Approaches.** Approaches of any collector street to any intersection of another collector street or a primary street shall follow a straight line course within 100 feet of the intersection.

d) **Extra Widths.** Where a non-residential collector street or a collector street serving more than 100 lots intersects with another collector street or a primary street, both the right-of-way and the pavement shall be widened by 24 feet for a distance of 200 feet back from the intersection of the centerlines of both streets as shown on Diagram E attached hereto and made a part hereof.

e) **Sight Triangles.** In addition to right-of-way widths required for full length of streets and wider intersections as specified above, easements for sight rights at intersections in the shape of triangles and in a form approved by the Township Attorney shall be dedicated to cover the area bounded by the right-of-way lines and a straight line connecting "sight points" on street centerlines which are the following distances from the intersection of the centerlines:

(1) Where a minor street intersects another minor street, 90 feet.

(2) Where a minor street intersects a collector street, 90 feet on the minor street and 200 feet on the collector street.

(3) Where a minor street or a collector street intersects a primary street, 90 feet on the minor street or collector street, and 300 feet on the primary street.

f) **Property Access.** Unless necessary to provide access to a lot in separate ownership existing before the effective date of this ordinance, no driveway access to property or additional street intersection may be permitted within the "Extra Widths" or "Sight Triangles" as specified above.

g) **Street Signs.** Street signs shall have reflectorized white letters on a green background. Letters shall be 4 inches high except those marking collector streets along arterials, which shall be 6 inches high. Signs shall be placed 8 feet back from the curb or pavement. At the discretion of the Planning Board similar Neighborhood or Directional signs, with letters 3 inches high, may be permitted.

## 2.3 Curbs



Straight-face curbs constructed of either 3000 lb. concrete or Belgian block, shall be installed:

- (1) On the radii of all intersections and back from intersections far enough to meet sight triangle lines.
- (2) Wherever the grade is 8% or greater.
- (3) Wherever parking is permitted as shown on Diagram C attached hereto and made a part hereof.
- (4) Wherever, in the judgment of the Planning Board on the advice of the Municipal Engineer, curbs are necessary to control storm water and prevent erosion.

In other locations, mountable curbs of an approved design shall be installed. These may be "rolled" curbs or curbs with sloping sides 45° or flatter, so that cuts are not necessary for driveways. Curbs may be omitted as noted on Diagram C, attached hereto and made a part hereof.

#### 2.4 Culverts

Culverts shall have headwalls and railings, where necessary, placed on street right-of-way lines unless the stream flow is adjudged minor by the Planning Board and the Township Engineer. In such case, at the option of the subdivider, pipes may be extended no less than 25 feet beyond the street right-of-way line, and a single headwall may be built to grade on the upstream side without a railing. Intruding curbs and abutments shall not be installed near the paving line.

#### 2.5 Sidewalks.

The Planning Board may require the installation of sidewalks in locations designated by it, in accordance with the following standards:

- (1) No sidewalks shall be required on a minor residential street whereon the lots average one acre or more each in area.
- (2) No sidewalks shall be required continuously on any street which is more than 2 miles from a school site either existing or shown on the Master Plan.
- (3) On collector and primary streets within 2 miles of school sites, sidewalks shall be required on one side in residential areas, and on both sides in non-residential areas.
- (4) As required by the Planning Board, sidewalks may be either 6 feet wide on one side of a street or 5 feet wide on both sides thereof, and shall be constructed of either 4-inch concrete with continuous reinforcing, or 3-inch stone base and 2-inch rolled black top, or 3¼-inch plant mix approved by the Municipal Engineer.
- (5) Sidewalks installed by the subdivider on one side of the street only, shall be placed one foot within the boundary of the dedicated right-of-way line of the street, and the vehicular paving shall be centered upon the area remaining between the inner (street) edge of such sidewalk and the opposite right-of-way line of the street.

#### 2.6 Lots

a) **Lot Size.** The minimum lot size shall be not less than that required by the Zoning Ordinance of the Township of Bedminster as presently in force or as may from time to time be amended and supplemented.

b) **Lot and House Numbers.** House and Lot numbers shall be assigned each lot by the Municipal Engineer with the advice of the Assessor.

c) **Side Lot Lines.** Insofar as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.

d) **Lot Frontage and Width.** In all lots, whether or not of an irregular shape, it must be possible to inscribe a circle of a diameter equal to the minimum lot width specified in the Zoning Ordinance, as shown on Diagram F attached hereto and made a part hereof.

e) **Lot Line on Widened Streets.** Where extra width is provided for the widening of existing streets, lot measurements shall begin at such extra width line and all setbacks shall be measured from such line unless otherwise provided by the Zoning Ordinance.

f) **Unsuitable Lots.** All lots shall be adaptable for the purpose for which they are intended to be used without danger to health or peril from flood, fire, erosion, or other menace.

g) **Storm Drainage.** Lots shall be graded to secure proper drainage and to prevent the collection of storm water in pools. Grading shall be performed in a manner which will minimize the damage to or destruction of trees growing on the land. Topsoil shall be redistributed on the surface as cover and shall be stabilized by seeding or planting. Catch basins, curbs, culverts, and storm sewers shall be installed where required by the Planning Board, and to the satisfaction of the Municipal Engineer.

h) **Structure Location and Driveways.** All lots shall be such that a structure conforming to the intended use and setback requirements of the Zoning Ordinance can be constructed in an area of the lot that is (1) subject to flood at a frequency of less than 25-year intervals, (2) at an elevation of more than 5 feet above mean water level of an adjacent stream or drainage course, and (3) otherwise in conformity with the provisions of the Zoning Ordinance and all other ordinances or regulations of the Township and any other governmental authority.

Any structure must be accessible by means of a paved driveway not less than 10 feet wide and having a grade not in excess of 12%. Driveways and any related parking and turn-around areas shall be designed and installed so as to prevent the necessity of any vehicle's backing out of such driveway into the street.

## 2.7 Easements

a) **Utility Installation Easements.** Easements at least 25 feet wide for utility installations may be required in such locations as shall be determined by the Planning Board.

b) **Drainage Easements** If the property on which a proposed subdivision is to be located is traversed by a water course of any kind, including but not limited to, a channel or a stream, the Planning Board may require that a storm water and drainage easement along said water course be provided by the subdivider. The land which is the subject of such easement shall be a strip, which conforms substantially to the flood plain of such water course along both sides of the water course, or extends along both sides of the water course to a width of 50 feet in each direction from the centerline of the water course, or is not less than any encroachment line established by a competent governmental authority, whichever is the greater; except, however, that if the location of such water course is at or near the boundary of the subdivision, the dimensions of the easement shall be modified so as to limit it to the confines of the subdivision. Said easement shall be in a form approved by the Township Attorney and shall include provisions assuring the following: preservation of the channel of the water course; prohibition of alteration of the contour, topography or composition of the land within the easement; prohibition within the boundaries of the easement of construction which will obstruct or interfere with the natural flow of the water course; and a grant to the Township of a right of entry for the purpose of maintaining the natural flow or drainage of the water course, of maintaining any and all structures related to the exercise of the easement and of installing and maintaining a storm or sanitary sewer system or other public utility.

c. **Conservation Easements.** Easements may be required along all drainage and storm water rights-of-way in the subdivision and may be required also along all streams or other water courses along which drainage rights-of-way are not required. Such easements are intended to help prevent the siltation of streams and other water courses and the erosion of stream banks, other water courses and adjacent lands. The land subjected to a conservation easement shall be a strip at least 25 feet in width running adjacent to each side of the required drainage or storm water rights-of-way or adjacent to each side of the stream if no drainage right-of-way is reserved. Such conservation easement shall contain provisions to restrict the removal of trees and ground cover except for the following purposes: removal of dead or diseased trees, thinning of trees and other growth to encourage the most desirable growth, removal of trees to allow for structures designed to impound water, and removal of trees in areas to be flooded for the creation of ponds or lakes. The easement shall also prohibit filling or grading of the land or the disposal or refuse or waste material of any type within the limits of the easement. The easement shall be indicated on the plat and shall be marked on the land by iron pipes wherever the lines of such easement change direction or intersect lot lines.

## 2.8 Areas for Public Use

a) Any land shown on the Master Plan as intended for parks, playgrounds, school site, or other public use shall be designated and reserved for such use. The Planning Board shall be permitted to reserve any such land for public use in accordance with the provisions of N.J.S. 40:55-120.

b) Wherever possible, subdividers shall preserve trees, groves, waterways, scenic points, historic spots, and other community assets and landmarks.

## 2.9 Buffer Areas

If a subdivision abuts an area zoned for a use different from the use permitted in the area of the subdivision, the Planning Board shall consider the possibility of providing a separation to promote the public safety and general welfare of the Municipality, and where feasible shall require that the lots within such a subdivision be so laid out that the rear yards of such lots abut any area zoned other than for residential use.

## 2.10 Utilities

a) All properties shall be connected to a sanitary sewer system and to the public water supply if available.

b) Installation of all sewer, water and other utilities shall be in strict accordance with the engineering standards and specifications of the Municipal Engineer, Municipal Authority, or utility company concerned.

c) Electric and telephone lines shall either be underground or located on rear property lines with as few street crossings as possible.

## 2.11 Shade Trees

Unless a special plan has been worked out with the Planning Board in collaboration with the Shade Tree or Park Commission, if any, the developer shall plant, maintain for two years after acceptance, and replace where necessary, shade trees which shall be selected by the Planning Board from a list entitled "Excerpts from TREES FOR NEW JERSEY STREETS, New Jersey Federation of Shade Tree Commissions, 1965 Edition" a copy of which list shall be filed with the Township Clerk and shall be available for inspection. Such trees shall be a minimum 2-inch caliper, staked and guyed, and planted 50 feet apart as shown on Diagram C attached hereto and made a part hereof; and shall be located.

if no sidewalk is required, two feet within the street right-of-way line. Where desired for special interest or shelter purposes, evergreens may be substituted for deciduous plants on the north and northwest sides of streets, and smaller decorative trees, such as dogwoods, may be used in any subdivision. At least two trees shall be planted in the center island of all cul-de-sac turn-arounds.

#### ARTICLE IX

##### PENALTY

If, before final approval has been obtained, any person transfers or sells or agrees to sell, as owner or agent, any land which forms a part of a subdivision on which, by ordinance, the Planning Board is required to act, such person shall be subject to a fine not to exceed two hundred dollars (\$200.00) or to imprisonment for not more than thirty days and each parcel, plot or lot so disposed of shall be deemed a separate violation.

In addition to the foregoing, if the streets in the subdivision are not such that a structure on said land in the subdivision would meet requirements for a building permit under section three of the Official Map and Building Permit Act (1953) the township may institute and maintain a civil action:

(a) For injunctive relief

(b) To set aside and invalidate any conveyance made pursuant to such a contract or sale if a certificate of compliance has not been issued in accordance with section twenty-four of Chapter 433 of the Laws of 1953.

In any such action the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land from which the subdivision was made that remains in the possession of the subdivider or his assigns or successors, to secure the return of any deposit made or purchase price paid, and also a reasonable search fee, survey expense and title closing expense, if any. Any such action must be brought within two years after the date of the recording of the instrument of transfer, sale or conveyance of said land, or within six years if unrecorded.

#### ARTICLE X

##### VALIDITY

1. If any article, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

#### ARTICLE XI

##### ADMINISTRATION

1. These rules, regulations and standards shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of The Township of Bedminster. Any action taken by the Planning Board under the terms of this ordinance shall give primary consideration to the above mentioned matters and to the welfare of the entire community. However, if the subdivider or his agent can clearly demonstrate that, because of peculiar conditions pertaining to his land, the literal enforcement of one or more of these regulations is impracticable or will exact undue hardship, the Planning Board may permit such variance or variances as may be reasonable and within general purpose and intent of the rules, regulations and standards established by this ordinance.

No relief may be granted or action taken under the terms of this section unless such relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of any zone plan now or hereafter adopted and the township zoning ordinance.

2. All ordinances or parts of ordinances, other than the Zoning Ordinance of the Township of Bedminster, which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency; and the ordinance known as "The Land Subdivision Ordinance of the Township of Bedminster," adopted June 21, 1954, as heretofore amended and supplemented, is specifically repealed.

3. This ordinance shall take effect immediately upon passage and publication according to law.

Albert E. Winkler, Mayor

Attest:  
Frank P. Robertson  
Township Clerk

##### NOTICE

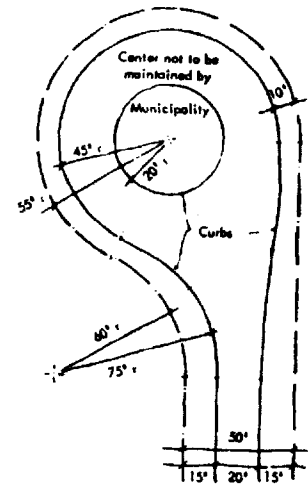
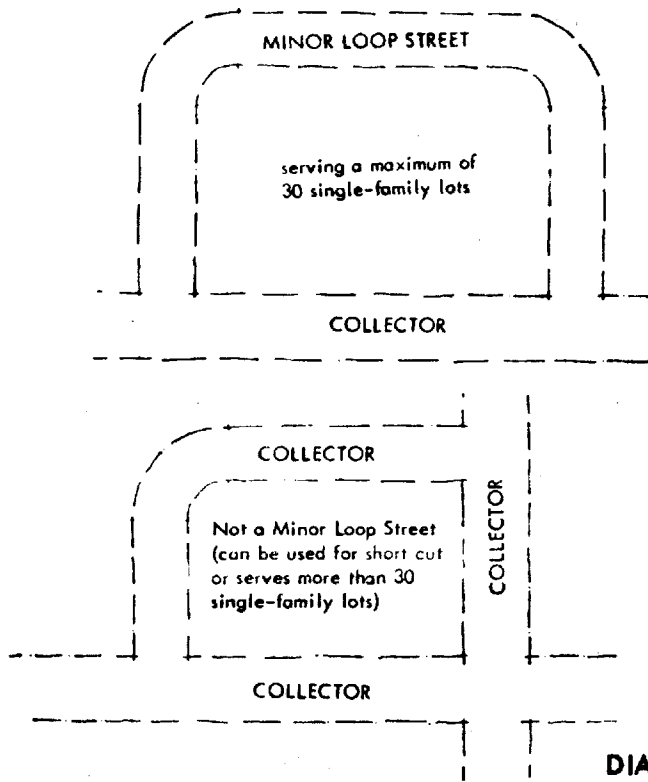
Notice is hereby given that the foregoing ordinance was introduced at a meeting of the Township Committee of the Township of Bedminster on the 3rd day of November, 1969 and passed on first reading; and the same was then ordered to be published according to law; and such ordinance will be further considered for final passage at a meeting of the Township Committee, to be held at the Municipal Building, Bedminster, in said Township, on the 1st day of December, 1969 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

\$839.25

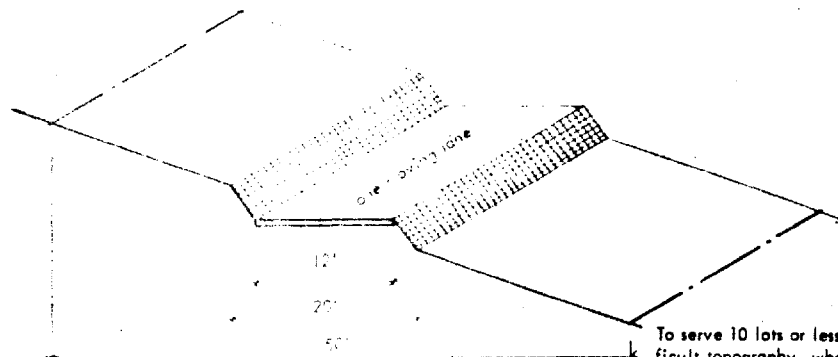
46-1t-Nov. 13



**PREFERRED CUL-DE-SAC DESIGN**  
Serving a maximum of 15 single-family lots.

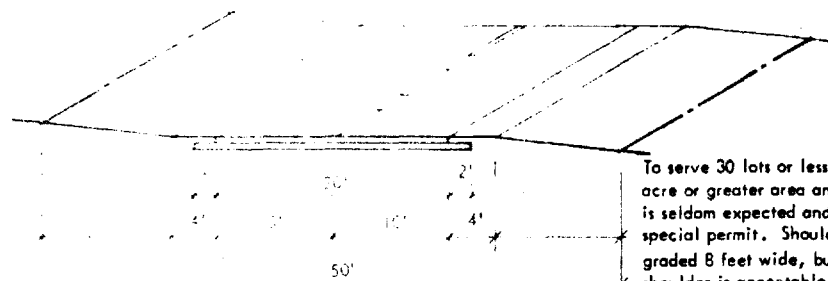
**B**  
**DIAGRAM OF MINOR STREET TYPES**

# C DIAGRAM OF STREET SECTIONS



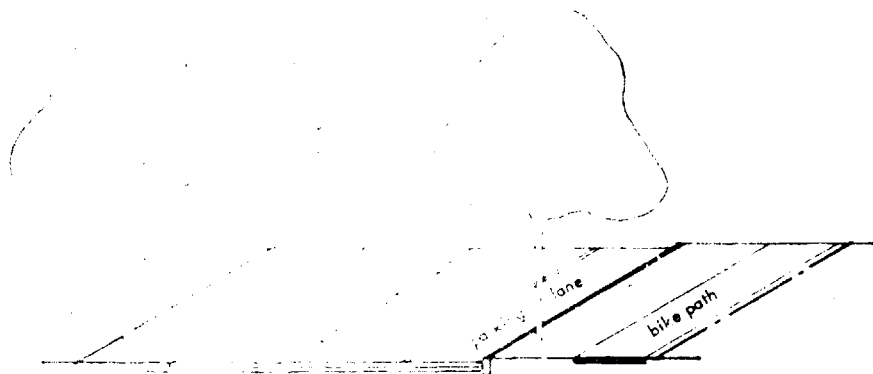
MINOR RESIDENTIAL LANE

To serve 10 lots or less in areas of difficult topography, where transverse slope exceeds 15%. Must be one way, one lane, with turnouts.



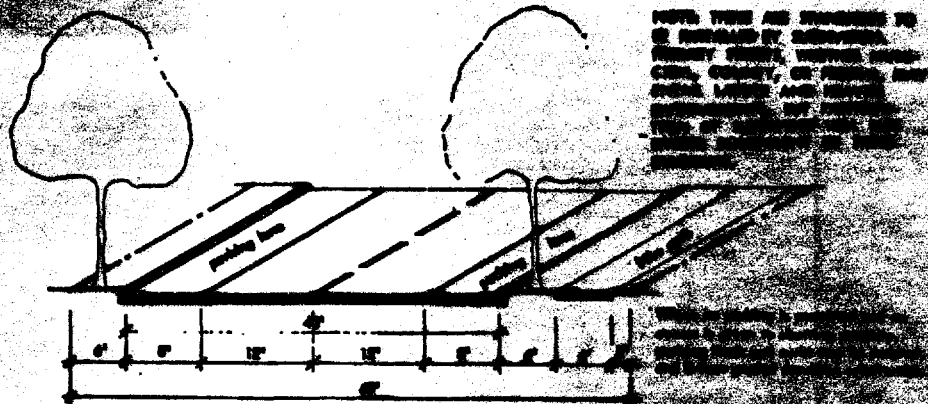
MINOR RESIDENTIAL Large Lots

To serve 30 lots or less, each of 1/2 acre or greater area and where parking is seldom expected and is granted a special permit. Shoulder should be graded 8 feet wide, but a 4-foot shoulder is acceptable in difficult topography or to preserve trees in wooded terrain.

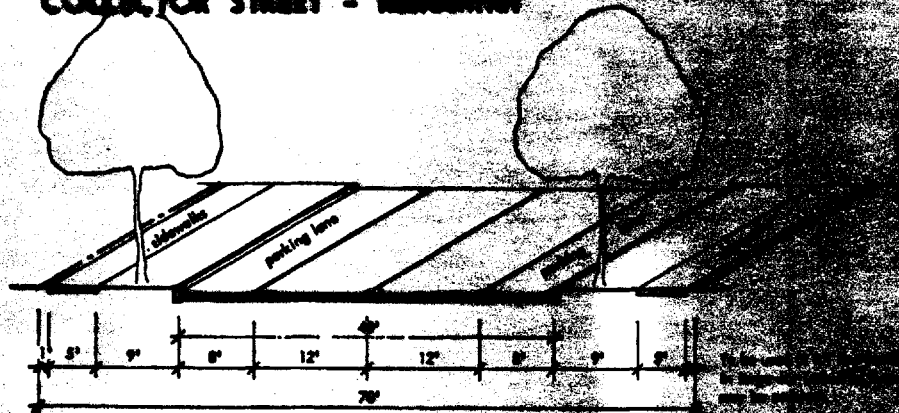


MINOR RESIDENTIAL Small Lots

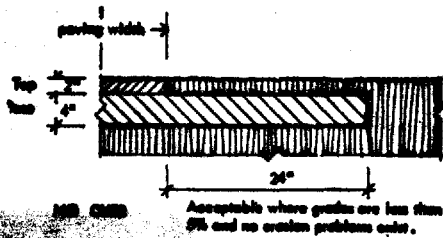
To serve 30 lots or less, smaller than 1/2 acre each, where parking is permitted on one side, and a bike path or sidewalk is required.



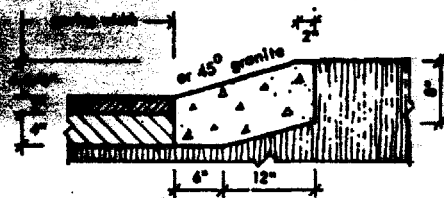
**COLLECTOR STREET - Residential**



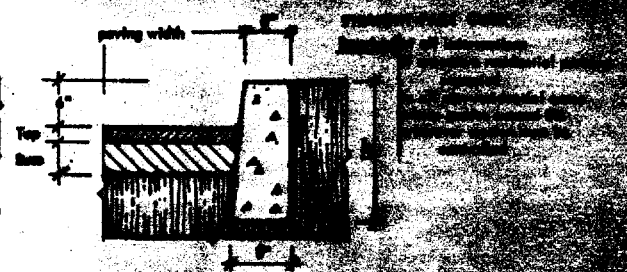
**COLLECTOR STREET - Commercial**



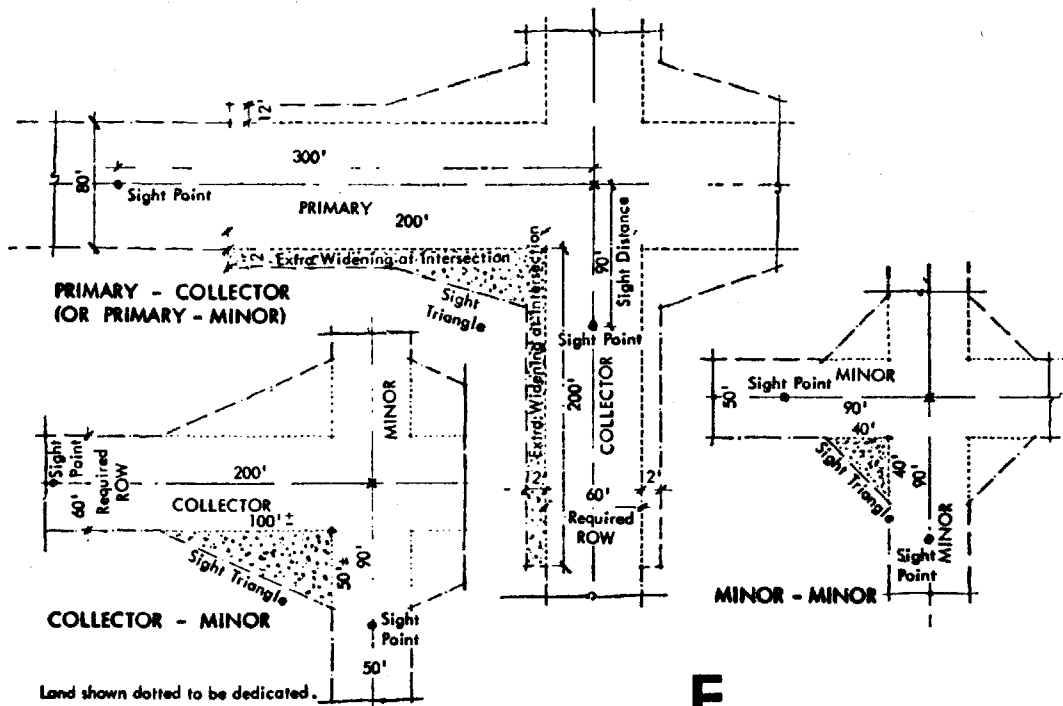
**MB CURB** Acceptable where grades are less than 5% and no erosion problems exist.



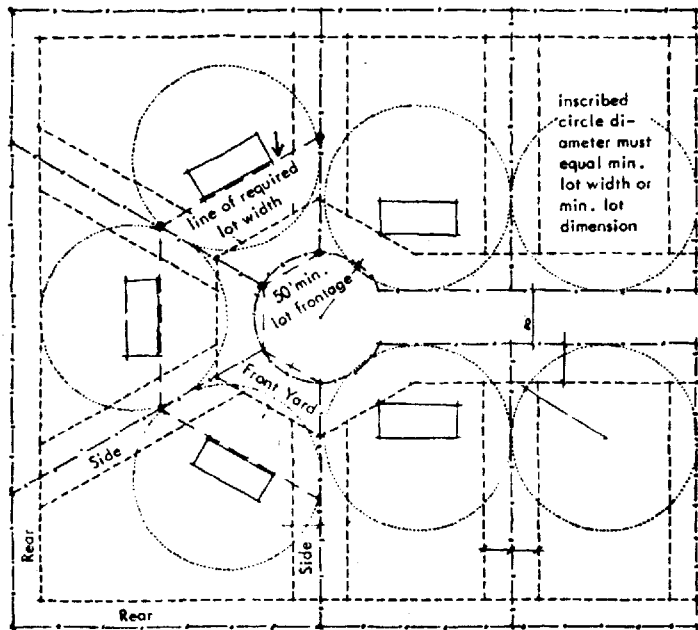
**MOUNTABLE CURB** Required where grades are less than 5% and erosion is probable.



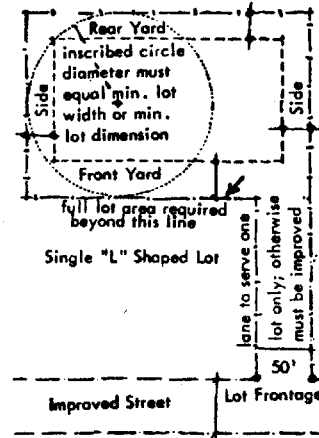
**EDGE TREATMENT OF PAVEMENTS**



**E** DIAGRAM OF INTERSECTIONS



ILLUSTRATIVE DIAGRAMS OF CORNER OR IRREGULAR LOT TREATMENT



building line  
property line  
required yard lines  
Req'd inscribed circle line

**F**