

RULES AD-1980-195

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Letter to Planning Board of Belmont from
Dobbs.

4 pgs.

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April 18, 1980

Mayor Paul F. Gavin
and Township Council
Township of Bedminster
Hillside Avenue
Bedminster, New Jersey 07921

Planning Board of the
Township of Bedminster
Hillside Avenue
Bedminster, New Jersey 07921

Gentlemen:

We represent Leonard Dobbs, contract purchaser of a tract of land of approximately 200 acres on River Road just west of the junction of River Road and Route 202-206, opposite and across that highway from the facilities of the Long Lines Department Building of American Telephone and Telegraph Co.

We understand that:

1. Pursuant to the judgment of the Superior Court of New Jersey, Law Division, Somerset County, in the action bearing Docket Nos. L-36896-70 P.W. and L-28061-71 P.W., entitled "Allan-Deane Corporation, et al. v. The Township of Bedminster, et al.", and applicable provisions of the New Jersey Land Use Law, you are now engaged in studies looking toward revisions of the Township's Master Plan and Zoning Ordinance.

RULS-AD-
1980-195

2. In connection with such studies you have engaged as consultants, Richard Coppola, and the planning firm of Raymond, Parish, Pine & Weiner.

3. You are considering and studying at this time rezoning of the lands of the Allan-Deane Corporation consisting of a tract of approximately 450 acres located on the east side of the Route 202-206 corridor to permit multi-family housing and non-residential uses, including shopping center facilities.

The Municipal Land Use Law of New Jersey (Chapter 291, Laws of N.J. 1975), which is the source of the power of the Township to adopt and amend zoning ordinances, requires, among other things, that:

1. The "ordinance shall be adopted after the planning board has adopted the land use plan element of a master plan and all of the provisions of such zoning ordinance or any amendment or revision thereto shall either be substantially consistent with the land use plan element of the master plan or designed to effectuate such plan element; provided that the governing body may adopt a zoning ordinance or amendment or revision thereto which in whole or part is inconsistent with or not designed to effectuate the land use plan element, but only by affirmative vote of a majority of the full authorized membership of the governing body with the reasons of the governing body for so acting recorded in its minutes when adopting such a zoning ordinance;"

2. "The zoning ordinance shall be drawn with reasonable consideration to the character of each district and its peculiar suitability for particular uses and to encourage the most appropriate use of land."

3. "The regulations in the zoning ordinance shall be uniform throughout each district for each class or kind of buildings or other structures or uses of land, including planned unit development, planned unit residential development and residential cluster' but the regulations in one district may differ from those in other districts."

It is our opinion, and we respectfully submit, that:

1. The character of the "district" consisting of the Township of Bedminster, has so changed and been so modified by regional and other developments within recent years, particularly the construction of Routes I-78 and I-287, that consideration must be given at this time to providing for a regional retail development district or districts within the Township;

2. The tract of land of which our client, Leonard Dobbs, is the contract purchaser is ideally situated because of its location and has other features which render it ideal for regional retail development zoning.

3. The studies now going on with respect to the revisions of the Township's master plan and zoning ordinance, precipitated by the court in the litigation described above, should include studies of provision for a regional retail

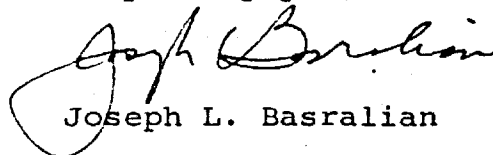
development district in the Township at the location of the lands which our client has contracted to purchase.

4. Zoning the Allan-Deane Corporation tract for multi-family housing and shopping center development and maintaining the west side of the same transportation corridor for large lot single family housing would be inconsistent with the Municipal Land Use Law mandate of "uniform[ity] throughout each district for each class or kind of buildings or other structures or uses of land..." and would pose serious constitutional problems.

5. Arrangements should be made forthwith for the participation of our client and his consultants and attorneys now proceeding with respect to the Allan-Deane Corporation tract, including the participation in meetings and access to all of the relevant documents and background materials. In the course of such meetings, our client and his consultants can make known to you the status of his plans for the property.

We would appreciate early word from you concerning the points made above.

Very truly yours,



Joseph L. Basralian

JLB/kam

cc: Honorable B. Thomas Leahy
Edward D. Bowlby, Esq.
Dean A. Gaver, Esq.
Henry Hill, Esq.
Richard Coppola
Raymond, Parish, Pine & Weiner