

RULS-AD-1980-230

5/27/80

Report submitted to Judge by Master K Bedminster

Pgs. 27

# RPPW

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Gerald C. Lenaz, AICP, AIA  
Director, New Jersey Office

May 27, 1980

Re: Bedminster Township ads.  
Allan-Deane Corporation

Honorable B. Thomas Leahy  
Superior Court of New Jersey  
Court House Annex  
Somerville, New Jersey 08876

My Dear Judge Leahy:

Pursuant to my assignment under your Order dated March 6, 1980 appointing me as Master with regard to the above-referenced case "to act as a witness, consultant and advisor to the Court," I have the pleasure of submitting this report with regard to the actions taken by the Town of Bedminster pursuant to the above-mentioned Order.

The Township has prepared a proposed ordinance and submitted it to you for review. This ordinance was approved by a subcommittee of the Township Committee and is yet to be reviewed by those members of the Township Committee who were absent during the deliberations which surrounded its formulation. Following approval of its terms by the full Township Committee the ordinance will still have to be submitted to a public hearing. It is consequently possible that changes will be proposed prior to the ordinance becoming effective. Any such changes would have to be weighed as to whether they would affect the basic compliance of the ordinance and map with your Order.

In submitting this report, to the extent that my observations may serve to better conform the provisions of the ordinance to the terms of your Order, I hope that it will be useful to the Township during the remainder of the process leading to final adoption of the ordinance.

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1. THE ZONING MAP

The Township has revised the zoning map within the Bedminster Village - Pluckemin Village Corridor so as to create a number of new districts with the intent of complying with that portion of your Order which mandates that provision be made for

- some moderate and many very small lots for detached one-family units;
- two-family units on small lots; and
- a planned development...zone ... applicable throughout the Corridor ...

(a) R-3% Rural Residential Zone

The R-3% zone in the Corridor remains substantially applicable only to Town or publicly owned lands which are mostly in the flood plains. The only other area mapped in the R-3% district is a small enclave, located between the Allan-Deane property and the AT&T property east of I-287, most of which is already developed with houses on large lots. This area is subject to the planned unit development overlay which provides the owners the option of developing their properties at higher densities. (Please see the discussion of the planned unit development overlay in the R-1/2 Medium Density Residential Section, below.)

(b) R-1 Low Density Residential Zone

This zone has been mapped to include the Rodenbach property and adjacent property in the southwesterly quadrant of the Lamington Road - Route 206 intersection; the almost totally developed large lot subdivision in the northwesterly quadrant of the said intersection; and the substantially developed area generally on either side and to the north of Deer Haven Road. Contained within this zone there are three large vacant and developable properties. Two of these, totalling 64.3 acres, are located north of Deer Haven Road. The third such property, located south of Lamington Road, contains 62 acres.

The basic maximum density permitted in the R-1 district is one dwelling per acre. However, the zoning ordinance provides a planned residential development option for

the vacant developable properties mentioned above, which, on tracts of five acres or larger, would permit a planned residential development option at densities of six dwellings per acre for the properties north of Deer Haven Road and eight dwelling units per acre for the property south of Lamington Road.

The planned residential development provisions of the ordinance permit detached single- and two-family dwellings and town houses on the properties north of Deer Haven Road; and the same plus garden apartments on the Rodenbach and adjacent properties. Single-family detached units in the planned residential developments in the R-1 zone may be erected on 6,000 square foot lots; two-family houses on 7,500 square foot lots; and town houses and garden apartments at six and eight dwelling units per acre as described above. The density calculation is based on the full area of the tract.

(c) R-1/2 Medium Density Residential Zone

This district, with a basic maximum permitted density of two dwellings per acre, was mapped in three locations. The first includes the area between the rear property lines of lots fronting on the south side of Deer Haven Road and Bedminster Village. This area contains only one substantial undeveloped property, most of which is either in a flood plain or characterized by steep slopes. The R-1/2 Medium Density Residential District was also mapped south of Washington Valley Road where it covers a small existing developed subdivision on either side of Oakura Lane. The third area so designated is the relatively steeply sloping AT&T property east of I-287.

With respect to the first of the above three areas, on five acres or more the district provides the option of residential clustering to include detached single- and two-family dwellings and town houses at a density of two dwellings per acre on buildable land plus 1/5th dwelling unit per acre of critical lands within the tract. As for the AT&T tract, the ordinance would permit a planned unit development option that contains the following key provisions: residential development is permitted at a maximum density of ten dwellings per acre, including single-family detached houses on 6,000 square foot lots, two-family houses on 7,500

square foot lots, and town houses and garden apartments at the maximum density. Not more than 20 percent of the total tract area may be devoted to commercial uses permitting a maximum floor area ratio of 25 percent. If this option is exercised, the area covered by commercial uses must be deducted from the total area available for the computation of the permitted residential capacity of the tract.

(d) R-1/4 Medium Density Residential Zone

This district, permitting a basic density of four dwellings per acre, was mapped to cover most of the Bedminster Village residential area north of Lamington Road (including a 13.6 acre undeveloped tract), all of the Allan-Deane holdings east of I-287, and two smaller properties north of Washington Valley Road not controlled by Allan-Deane (the Ray and Connell properties).

The Bedminster Village portion of this district permits, on any tract with an area of five acres or more, residential clusters of four dwellings per acre on non-critical lands plus 1/5th dwelling unit per acre for any critical lands contained within the tract. The 13.6-acre vacant tract in this district is subject to a planned residential development option at six dwellings per acre. This would permit single-family units on 6,000 square foot lots, two-family units on 7,500 square foot lots, and town houses at a density of six dwellings per acre.

The R-1/4 district covering the Allan-Deane properties is subject to two separate sets of regulations as follows: that portion of the tract that includes the relatively level land at the top of the hill adjacent to Bernards Township, as well as the entire critical slope, provides the option of residential clustering at four dwellings per acre of buildable land plus 1/5th dwelling per acre of critical land. This option permits single- and two-family detached homes and town houses, as described above. These provisions cover an area totalling approximately 306 acres within the Allan-Deane tract as well as the 5.6 acre Connell property. The net result of this zoning pattern is to permit a density of development at the top of the hill that is quite comparable with the density you found appropriate for similar lands across the Bernards Township boundary.

The lower portion of the Allan-Deane property, comprising 154.4 acres, as well as the approximately 12-acre Ray property, are also proposed to be zoned R-1/4, at a basic density of four dwellings per acre. In this area, the ordinance would provide a planned unit development option that contains the key PUD provisions described above: residential development is permitted at a maximum density of ten dwellings per acre, including single-family detached houses on 6,000 square foot lots, two-family houses on 7,500 square foot lots, and town houses and garden apartments at the maximum density. Not more than 20 percent of the total tract area may be devoted to commercial uses. If this option is exercised, the area covered by commercial uses is deducted from the total area available for the computation of maximum residential densities.

(e) MF High Density Multi-Family Residential Zone

This district is mapped in four locations as follows: in Bedminster Village, in the triangle between Route 206, Hillside Avenue, and the northerly boundary line of lots fronting on the north side of Lamington Road; in the area straddling Route 202 between 206 and Lamington Road; and an area south of the properties fronting on the southerly side of Lamington Road and extending east of Elm Street as far as the AT&T property along the Northern Branch of the Raritan River. In Pluckemin Village, this district was mapped to cover an area south of Washington Valley Road and east of Route 202-206.

This district, which covers a total of approximately 74 buildable acres, permits by right single-family detached houses on 6,000 square foot lots, and two-family detached houses on 7,500 square foot lots. Town houses and garden apartments, at 12 units per acre, are permitted on lots of three acres or more.

(f) VN Village Neighborhood District

The Village Neighborhood District is mapped on both sides of Lamington Road in Bedminster Village and on both sides of Route 202-206 in Pluckemin Village. This district permits detached single- and two-family dwellings on 6,000 and 7,500 square foot lots, respectively, as well as various neighborhood-type retail and service activities.

(g) OR Office-Research District

The Office-Research District was mapped to cover the Research-Cottrell property between Routes 202 and 206 in Bedminster Village; the principal AT&T property; and the properties adjoining Route I-78 to the north and south. This district, which is mainly intended to permit low-intensity office building development, was mapped in the latter area upon my recommendation, based on my considered opinion that residential zoning of lands this close to the interchange between I-78 and I-287 would sow the seeds of future deterioration of the neighborhood.

The Township was apprehensive that zoning this much property for job generating uses might upset the residential-job balance established in its rezoning of the Corridor. It is my opinion that this fear is unjustified inasmuch as the total residential capacity of the Corridor is designed to accommodate a very considerable number of residential units. If my judgment reflects your views, I recommend that the final Order specifically mention that, in the aggregate, the provisions made for residential development are sufficient to satisfy all the needs for residential development that might be generated by such employment centers as may materialize in those areas where they are proposed to be permitted.

General

The only districts in which single-family and two-family houses on small lots are permitted by right, on tracts of any size, are the Village Neighborhood District and the Multi-Family District. All three planned residential development options can be exercised only on tracts five acres or larger. This conforms with the minimum acreage required by the Municipal Land Use Law for residential clusters and other types of planned developments. This requirement is entirely appropriate as most of the larger tracts, particularly in the Bedminster Village portion of the Corridor, which are developable on a significant scale with one- and two-family houses, are oddly shaped, contain significant environmental constraints, and, in some cases, are characterized by difficulties of access. Since most of these tracts exceed five acres in area, however, the owner or the potential developer should have no difficulty in complying with the five acre minimum requirement.

The Multi-Family Zone requires a three acre minimum lot size for the exercise of the multi-family option (the district also permits, by right, single-family houses on 6,000 square foot lots and two-family houses on 7,500 square foot lots). This is in recognition of the fact that, at the permitted maximum density of twelve dwellings per acre, adequate open space and buffer areas cannot be provided on lots below some minimum lot size. I believe that requiring a three acre minimum lot for multi-family development is reasonable.

In the aggregate, the zoning pattern mapped in the Corridor has the following residential capacities on undeveloped or substantially undeveloped lands:

RESIDENTIAL CAPACITY OF THE BEDMINSTER-  
PLUCKEMIN CORRIDOR UNDER THE PROPOSED REZONING

	<u>No. of Dwelling Units (Rounded)</u>
1. Residential Clusters	558
a) R-1/2 District	59
b) R-1/4 District	499
2. High Density Multi-Family	899
3. Planned Unit Developments (10 dwelling units/acre)	3,304
4. Planned Residential Developments	950
a) PRD @ 6 du/acre	433
b) PRD @ 8 du/acre	517
TOTAL	5,711*

\*Exclusive of single-family and two-family units permitted in the VN-Village Neighborhood District

While your Order mandated a planned unit development zone applicable throughout the Corridor, the proposed ordinance creates a number of residential cluster, planned residential, and planned unit development options. In my opinion, the Township's approach represents a satisfactory implementation of your Order taking into account the



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need for zoning regulations to vary depending upon the nature of the land involved and the character of the areas within which they are intended to apply.

Your Order also required that the Township "permit an ultimate development capacity of not less than five nor more than fifteen units per gross acre throughout the corridor." In the very next clause, however, your Order recognizes the possibility that "in specific areas, for particular reasons, such density (might) constitute improper land use." A detailed study of both the nature of the land throughout the Corridor and the existing development pattern has led me to the conclusion that a uniform gross density of even five dwelling units per acre throughout the Corridor would result in excessive densities on those lands which are developable.

As the above tabulation shows, the total number of dwellings that could be built following the proposed rezoning amounts to over 5,700. This represents a gross density of 8.4 dwellings per acre of developable land. Including the existing dwellings in the Corridor, the gross density for the entire area would exceed 3 dwellings per acre despite the presence of extensive unbuildable lands and areas in non-residential use (AT&T). I believe that proper land use in the Corridor requires that these densities not be exceeded.

Rather than approaching the task of determining the appropriate density of development in the Corridor on the basis of pre-determined numbers, I have attempted to ascertain the development capacity of the principal developable lands by applying good planning standards and have accepted the resultant density as being appropriate. In approaching this task, I was particularly mindful of the character of the Township and of its relative remoteness from urban centers providing a full range of services and facilities. I was also particularly mindful of the need to fully consider the character of the existing development that would be affected by the juxtaposition of new developments. This is particularly true in the Bedminster Village portion of the Corridor where the few tracts of land that can accommodate new development are surrounded by existing development.

It is my considered opinion that the Township has made a good faith effort to develop a zoning pattern that would comply with your Order in a manner which is sensitive to the constraints that must be taken into consideration in the structuring of a development pattern that will result in the creation of a good residential community. This includes not only environmental constraints but also the constraints dictated by the existing character of already developed areas which need to be protected in accordance with the traditional concerns of the zoning statute.

Regarding land capacity, I feel compelled to make the following observations: The number of residential units which can be developed on a given tract of land is limited by availability of sewers. On the Allan-Deane property, the probable realization of the planned capacity is assured by the fact that the developer will provide his own sewerage and sewage treatment systems. In the Bedminster Village portion of the Corridor, however, the development capacity is now limited by the fact that the Town's sewage treatment plant has an excess capacity sufficient to serve only about 300 additional units. Under the circumstances, the efforts of the Township and the Court to assure that the land in the Corridor will accommodate a sufficient and balanced housing supply could be thwarted if the Township took no initiative to develop added sewerage capacity, or if the New Jersey Department of Environmental Protection refused to approve private sewerage treatment plants upon the failure of the Township to expand its plant. I am also not aware of any funding priority on the part of the Department of Environmental Protection favoring Townships which are under Court order to expand their housing supply.

I do not know the limits of the Court's jurisdiction in this regard. I would recommend, however, that, having retained jurisdiction "to the extent necessary to carry out and supervise the acts and procedures" of your Order, you convene a meeting with representatives of the Township and of the State of New Jersey, as well as the American Civil Liberties Union, to explore ways in which the zoning actions of the Township will result in a real probability, rather than a theoretical possibility, that it will be feasible to actually build the housing supply which you found it necessary to mandate be permitted in the Township.

2. ZONING ORDINANCE

The proposed zoning ordinance was carefully examined so as to eliminate to the extent feasible subjective standards and unduly cost generating requirements. I believe that the zoning ordinance now before you complies with your Order in this regard.

3. SUBSIDIZED AND LEAST COST HOUSING

In addition to mandating that provision be made for some moderate and many very small lots for detached one-family and two-family units, your Order also mandated that the planned

development overlay zone guarantee the provision of specific percentages of least cost or subsidized units.

To meet this requirement the ordinance contains the following provisions:

- (a) In planned residential developments, at least 20 percent of all units must be either subsidized or provided in the form of least cost housing. At least 20 percent of all rental units in any such development must be subsidized. If subsidies are unavailable, this requirement is waived and in lieu thereof, 20 percent of the rental units must be no larger than 15 percent above the otherwise permitted minimum dwelling unit area.

Any sales units which are used to satisfy the 20 percent requirement may not be sold above two- and one-half times the median income for units with two or more bedrooms or two- and one-half times 80 percent of the median income for units containing less than two bedrooms.

In planned unit developments, the requirements regarding provision of subsidized or least cost housing are satisfied in a slightly different manner. The overall proportion of all units subject to these requirements is also 20 percent. Of these units, at least 25 percent must be subsidized rental units for senior citizens and at least 35 percent must be subsidized rental family units. If subsidies are unavailable, the subsidy requirement is waived and replaced by the requirement for controlling the size of the unit, as described above.

The subsidy waiver applies to both senior citizen and family housing. If subsidized, the senior citizen units may be built to a height of six stories. This provision ceases to apply if what is provided is merely least cost small units that may be occupied by individuals or families of any age.

The initial sales price of sales units that make up the difference between the aggregate of senior citizen and family rental units and the total 20 percent requirement is to be regulated as described above.

I am very much aware that control over the initial sales price of a privately owned house provides no guarantees against the initial purchaser's reaping windfall profits on resale, with

a resulting escalation of subsequent sales prices beyond the reach of families in the income class for whom they were initially intended. In high quality areas, such as Bedminster Township, controlling the size of a dwelling in no way controls its rental or sales price. Experience shows that the more desirable a community, the more of a premium people are prepared to pay for the privilege of living in it, even at the sacrifice of space standards by comparison with similarly priced units available in less desirable environments. For this reason, I have suggested to the Township a mechanism for precluding such windfall profits by regulating resale prices into the indefinite future. The Township has rejected my suggestion on the advice of its attorneys based on the possibility that such regulation of resale prices would run afoul of anti-trust statutes.

While still unsure that this would be the case, the attorneys nevertheless wished to protect the Township against inadvertently proceeding in a manner contrary to law. Given this fact as well as the fact that the units which would be subject to these provisions will not be actually constructed and available for some time, I agreed that it would be sufficient to incorporate into the ordinance provisions regulating the initial sales price for the time being. I am assuming that, since you have retained jurisdiction over this case, if it were desirable to do so, provisions regulating subsequent resale prices can be inserted later, after the issue is clarified.

My suggestion was as follows: To prevent the reaping of a windfall profit, the first buyer would be limited in the resale price to the purchase price adjusted for inflation plus the cost of improvements, similarly adjusted for the period since their installation. The same resale price limitation would apply to every subsequent owner.

In order to police and implement this resale price limitation mechanism, the Township would create a housing board. It would have five members, and initially one would be appointed by the Public Advocate. After five years, a resident of the subsidized units would be a member. The housing board would determine the resale price with the seller, who would be required to inform the board of his intent to sell. The price would be established between the seller and the board. The board would maintain a waiting list, on a first come-first serve basis (perhaps with Township residents given first priority). The board would notify the first eligible buyer on the list, and after that, the transaction would be between the seller and the buyer at the stipulated purchase price. If the first buyer on the list looks at the unit and doesn't

like it, the next potential buyer on the list gets the opportunity to buy. There would have to be time limits imposed upon notification of intent to sell, and other provisions to protect the seller against unreasonable delays.

4. CONFORMITY WITH THE  
SOMERSET COUNTY MASTER PLAN

I believe that the development pattern which would be brought about over the years as a result of the recommended zoning pattern would conform with the Somerset County Master Plan of Land Use for the Corridor. The Village Neighborhood concept described in the Somerset County Master Plan would be implemented in both the Pluckemin and Bedminster Village portions of the Corridor. There would be a slight departure from the Somerset County Master Plan in the area north of Deer Haven Road where the County Master Plan contemplates neighborhood clusters at an average density of one dwelling per acre. The proposed ordinance would permit two tracts of land zoned at a basic density of one dwelling unit per acre (R-1) to be developed at a density of six dwellings per acre under a planned residential development option available by right. Viewed as a whole, however, given that the existing houses in the area are developed on lots larger than one acre, the overall average density under the proposed zoning throughout this area would approximate the density suggested in the County Plan even if the two tracts of land subject to the higher density option were to be developed accordingly.

5. CONFORMITY WITH THE STATE  
DEVELOPMENT GUIDE PLAN

In the State Development Guide Plan, the Pluckemin portion of the Corridor is designated as a proposed growth area while the Bedminster portion of the Corridor is designated as a proposed limited growth area.

In growth areas, the State plan aims to encourage the attainment of the following objectives, among others:

- "improved housing opportunities for a variety of households and income groups;
- "an improved balance between job locations and housing choices;
- "increased concentration of development to reduce infrastructure costs and facilitate the use of mass transit."

The proposed zoning of the Pluckemin portion of the Corridor is in substantial conformity with the State plan.

In limited growth areas, the State plan aims to prevent development that would be dependent upon major public infrastructure investments. The State plan contemplates the probability that, where a municipality or a private developer has sufficient financial resources, significant growth could occur. The plan also recognizes that some regions within the limited growth area are in need of new or improved sewer systems.

The only infrastructure expansion that would be required to permit the proposed Bedminster Village development to take place would be an expansion of the Town's sewerage and sewage treatment systems. The Bedminster Village area is substantially developed and most of the properties on which more intensive development is contemplated under the terms of the proposed ordinance are complementary to existing development patterns. In my opinion, Bedminster Village is eminently a region "in need of installation or improvements in sewer systems," even though it is designated in the State plan as a limited growth area.

6. CONFORMITY WITH THE TRI-STATE  
REGIONAL PLANNING COMMISSION'S  
REGIONAL DEVELOPMENT GUIDE:  
1977 - 2000

The Pluckemin - Bedminster Corridor is located in an area wherein the Tri-State Regional Development Guide recommends new development densities of between 2 and 6.9 dwellings per net acre. The proposed ordinance would permit development that generally falls within that range. The type of development contemplated under the proposed ordinance would also conform with the basic objectives of the Regional Development Guide of achieving "a variety and quantity of housing sufficient to meet the housing needs of all economic groups ..." as well as a suitable balance among dwellings, jobs, and services.

7. CORPORATE RELIEF FOR  
THE ALLAN-DEANE CORPORATION

Your Order appointing me also required that I attempt to assure that the Town's actions will provide prompt and specific relief to the corporate plaintiff, the Allan-Deane Corporation. In

this regard, please be advised as follows:

- (1) Allan-Deane will be authorized to develop 10 dwelling units per acre on the lower, more level portion of the tract, and 4 dwelling units per acre on the buildable portion, plus 1/5th dwelling unit per acre in the critical slope portion of its upper tract. I believe that the resulting number of units is possible of development on the land in accordance with good planning standards and that the developer should be permitted to develop that number in accordance with the site planning standards embodied in the ordinance.

I believe that a superior pattern would result if at least 100 of the units on the lower tract were to be contained in a mid-rise (six-story) senior citizen unit. The Township prefers to grant the six-story privilege only if the senior citizen building will be subsidized. This preference on the part of the Township should not reduce the number of units to which the developer is entitled should subsidies be unavailable.

- (2) The developer has objected to the environmental and community impact statement requirements in the proposed ordinance -- Sections 804 C and D -- on the grounds that these requirements may serve to merely move the adversary proceedings from the court room to the planning board. Please note that the environmental impact statement requirement contains the following provision:

"It is further recognized that the level of details required for various types of applications will vary depending on the size of the proposal, the nature of the site, the location of the project and the information already in the possession of the Township." (emphasis supplied)

In general, the requirements set forth in the "Environmental Impact Statement" and "Community Impact Statement" sections of the ordinance are appropriate in the case of large scale developments. In view of the history of the Allan-Deane case and the extraordinary amount of information already produced since its inception, however, I feel that their literal application to the Allan-Deane tract would be excessive.

Your Order requires me to "observe and monitor the application process by the plaintiff, Allan-Deane, following the adoption of suitable land use ordinances for a planned development through at least the preliminary approval stage ..." It is my intent to assure that no requirements which are not essential to the processing of the application will be imposed upon the developer during the application process and I will report to you accordingly should I feel that the Township will in any way attempt to use the environmental and/or community impact statement provisions in an arbitrary way.

- (4) The provisions of the ordinance which permits 20 percent of the land in a planned unit development to be used for commercial purposes is, in my opinion, more than sufficient to assure that all commercial services required by the residential development can be provided. The 25 percent floor area ratio limit for commercial development was disputed by the developer who insisted on a 30 percent floor area ratio. It is my experience, however, that if the tract is to be developed for commercial purposes with adequate off-street parking -- particularly in a location totally devoid of mass transit -- and if it is not to be paved from one end to another, the imposition of a maximum floor area ratio of 25 percent is not unreasonable.

I believe that the two meetings called by me subsequent to the submission of the full ordinance on May 16th, and following the submission by the developer, of his detailed analysis of each one of its provisions on May 20th, have resolved all of the objections raised by the developer, paragraph by paragraph. I further believe that I can represent to you that the draft now before you has been accepted by both the Township representatives and the developer with the exception of the environmental and community impact statement requirements, which are discussed above, and the minor points set forth below, all but the last of which were agreed to during the May 20th meeting but inadvertently omitted or inaccurately reflected in the supplement to the final draft of the ordinance dated May 21, 1980:

Section 200: Definitions

The following definition should be added under Dwelling Unit:

Semi-Detached Single-Family: Two buildings on two adjoining lots joined by a party wall, each containing one dwelling unit with its own sleeping, cook-



ing, and sanitary facilities, which is occupied or intended to be occupied for residence purposes by one house-keeping unit.

Section 404 A, 606 B.1, 606 C.1, and 606 D.1

Amend Principal Permitted Uses on the Land and in Buildings to include semi-detached dwelling units.

Section 404 D: Area and Yard Requirements

Add a new column setting forth the requirements for semi-detached dwellings as follows:

	<u>Semi-Detached Dwelling Units</u>
<u>Principal Building Minimum</u>	
Lot area	3,750 sq. ft.
Lot frontage	20 ft.
Lot width	37.5 ft.
Lot depth	90 ft.
Side yard	10 ft. (one side)
Front yard	15 ft.
Rear yard	30 ft.

Note: Other provisions governing accessory buildings and maximum coverages to be the same as shown in the ordinance for two-family units.

Section 606 B.3

Change the Maximum Building Height to read as follows:

No detached, semi-detached or two-family dwelling shall exceed thirty-five (35) feet and two- and one-half (2-1/2) stories, and no townhouse building shall exceed thirty-five (35) feet and three- and one-half (3-1/2) stories in height, except as provided in Section 602 of this ordinance.

Section 606 B.5.a

Change the first line to read:

- a. Detached, semi-detached, and two-family dwelling units ...

Section 606 C.3

Change the Maximum Building Height to read as follows:

No detached, semi-detached, or two-family dwelling shall exceed thirty-five (35) feet and two- and one-half (2-1/2) stories in height; no town-house building shall exceed thirty-five (35) feet and three- and one-half (3-1/2) stories in height; and no garden apartment building shall exceed forty (40) feet and three- and one-half (3-1/2) stories in height. The height limitation exceptions in Section 602 shall apply to all buildings other than garden apartments.

Section 606 C.9, paragraph 10.a

Add at the end of paragraph 10.a, the following:

If no subsidy programs are available, this fact shall be certified to the planning board and the rental units shall be restricted in size to be no larger than fifteen (15) percent greater in area than the minimum net habitable floor area specified for the dwelling unit in this ordinance.

This provision is intended to assure consistency with respect to the consequence of unavailability of subsidies as between senior citizen and family housing.

Section 606 D.3

Change Maximum Building Height to read as follows:

No detached, semi-detached, or two-family dwelling shall exceed thirty-five (35) feet or two- and one-half

(2-1/2) stories in height; no townhouse building shall exceed thirty-five (35) feet or three- and one-half (3-1/2) stories in height; no subsidized Senior Citizen Housing shall exceed sixty (60) feet and six (6) stories in height and no garden apartment buildings shall exceed forty (40) feet or three- and one-half (3-1/2) stories in height. The height limitation exceptions in Section 602 shall apply to all buildings other than garden apartments.

Section 901: Fees

Add a line to read as follows:

Application charge plus Escrow Account

Phase I Preliminary Plan	\$ 100	1/3 of the above
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This change is required in view of what I believe to have been an omission. The Phase I preliminary plan approval section was added subsequent to the preparation of the original ordinance and is not reflected in the proposed fee schedule.

8. THE PROCESS

The process which was followed to arrive at the result which is the subject of this report has been as follows:

- (a) A subcommittee of the Township Committee met weekly with its attorneys and consultants to develop the proposed zoning ordinance and map. All meetings were open and in addition to myself and other members of my firm, were attended by representatives of the developer, the American Civil Liberties Union, other owners of property in the Corridor, and spectators.
- (b) Paralleling this series of meetings, with the assistance of other members of my staff, I met with representatives of Allan-Deane to examine the proposed development plan so as to assure that the ordinance would reflect not only the type of development contemplated, but also the capacity of the land to absorb the proposed intensity of development. These meetings

were also attended by representatives of the Township and its attorneys and consultants as well as representatives of the American Civil Liberties Union.

- (c) Following submission of the final draft of the ordinance, I called two meetings with representatives of the Township, including its attorneys and consultants, as well as representatives of the developer and the American Civil Liberties Union. At these meetings the provisions of the ordinance were reviewed, paragraph by paragraph, to assure that all suggestions and objections would be given full consideration. The Township engineer and the developer's engineer were specifically invited to one of these meetings.
- (d) The provisions of the original draft ordinance were substantially modified as a result of these deliberations. The changes are contained in Memorandum No. 14-80, dated May 21, 1980, from Richard Thomas Coppola, P.P., consultant to Bedminster Township, and a memorandum dated May 22, 1980 from this firm to Mr. Coppola, which supplement the final draft reviewed on May 20th and 21st (which was the same as the draft submitted to you on May 16th).

Due to the time pressure under which the final provisions of the ordinance were worked out, it is quite likely that it contains minor inconsistencies. These can be ironed out following the statutorily-mandated public hearing prior to final adoption by the Township Committee. I will review any such changes for compliance with your Order.

I would like to take this opportunity to commend all parties for their unflinching courtesy and the uncommonly cooperative attitude shown by all throughout a very difficult process, particularly given the tight time constraints and the magnitude and complexity of the task. I wish to particularly single out the efforts of Mr. Richard Thomas Coppola who produced what I believe to be an excellent ordinance and a very imaginative solution to a most difficult set of requirements, as well as those of Mr. Gerald Lenaz, Vice President of my firm, who monitored the process on a day to day basis on my behalf, and who was responsible for all of the technical analyses of the developer's plans and the engineering provisions of the ordinance.

I wish to also take this opportunity to thank you for your confidence in me and my firm in asking me to serve as Master in this case. I

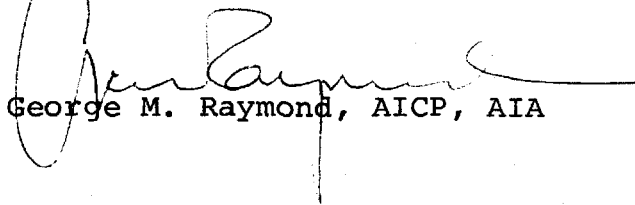
Hon. B. Thomas Leahy

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will continue to observe and monitor the process as it evolves,  
pursuant to paragraph 3C of your Order.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "G. Raymond", written in dark ink. The signature is fluid and extends across the width of the text below it.

George M. Raymond, AICP, AIA