

RULS-AD-1980-260

6/19/80

Master's Supplement to Report addressed to Judge

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# RPPW

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REC'D AT CHAMBERS

JUN 20 1980

JUDGE LEAHY

June 19, 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:

This will supplement my first report dated May 27, 1980.

Subsequent to the submission of that report, the Allan-Deane Corporation submitted a list of sixteen additional items which it felt had remained unresolved. At a meeting held on June 10, 1980 in the offices of Edward D. Bowlby, Esq., the Township Attorney of the Township of Bedminster, the sixteen issues were resolved and the necessary amendments to the proposed Land Development Ordinance of the Township of Bedminster were incorporated in Memorandum 15-80, dated June 13, 1980, issued by Mr. Richard Thomas Coppola, the Township's planning consultant. Please be advised that none of the proposed amendments affect adversely the compliance of the Ordinance with your Order. This opinion is based on Mr. Coppola's assurance that the final Land Development Ordinance which is being submitted to you consists of the Draft Ordinance dated May, 1980, Revised, modified only to the extent of the provisions set forth in Mr. Coppola's Memoranda Nos. 14-80 and 15-80, the modifications suggested by John Cilo, Township Engineer, as documented in our communication dated May 22, 1980, and my own previous report to you dated May 22, 1980.

Two provisions were added which, in my opinion, strengthen the assurance that housing for low and moderate-income families will be provided and maintained as such over time. These two provisions are as follows:

- (a) Planned unit developments will be required to construct and/or commit subsidized housing in a phased manner. Approval by the Township of un-subsidized dwelling units

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exceeding 25 percent of the total of such units in any development was made conditional upon the provision of a proportionate number of subsidized units.

- (b) In the absence of subsidies, the rental units provided in fulfillment of the low and moderate-income housing requirement may not rent above the Fair Market Rents established by the Federal Government for Bedminster Township and subsequent rent increases are pegged to the appropriate Consumer Price Index.

In the resolution of the sixteen points raised by the Allan-Deane Corporation the attempt to assure that the publicly-assisted housing component of the community will be as heterogeneous as possible by requiring that a minimum of 20% of all the units intended to satisfy the overall 20% low and moderate income housing requirement consist of sales units was preserved. The issue of future regulation of resale prices was, however, left unresolved. Since I believe that government intervention in the pricing of private housing is only justified if the result is to broaden housing choices for people who otherwise would be deprived of the opportunity to avail themselves of decent housing in locations that are suitably related to their places of employment, I feel that control of initial sales prices, only, would not serve any public purpose since it would simply transfer the profit potential from the developer to the first purchaser. I would therefore advise that, should it not be possible to resolve positively the issue raised by the Township with respect to its possible liability under the anti-trust statutes, Section 606.D.10.c of the Ordinance which contains the 20% sales unit requirement should be amended as follows:

- c. At least twenty percent (20%) of the required twenty percent (20%), and such additional units as may be required to achieve the said requirement within the Planned Unit Development shall be dwellings for sale. Such dwelling units shall be no larger than fifteen percent (15%) greater in area than the minimum net habitable floor area specified for the dwelling unit in this Ordinance. Moreover, the percentage of such dwelling units and the number of bedrooms within such units shall be distributed as follows:

<u>No. of Bedrooms</u>	<u>% Distribution</u>
1 B.R.	40-30%
2 B.R.	40-30%
3 B.R.	10-20%
4 B.R.	10-20%

The corresponding section applicable to Planned Residential Developments (Section 606.C.9.b.) should also be amended to be consistent with the above, as follows:

- b. If enough rental units are not provided to fulfill the required twenty percent (20%), dwelling units for sale in the Planned Residential Development used to fulfill the said requirement shall be no larger than fifteen percent (15%) greater in area than the minimum net habitable floor area specified for the dwelling unit in this Ordinance. Moreover, the percentage of such dwelling units and the number of bedrooms within such units shall be distributed as follows:

<u>No. of Bedrooms</u>	<u>% Distribution</u>
1 B.R.	40-30%
2 B.R.	40-30%
3 B.R.	10-20%
4 B.R.	10-20%

In my previous report, I indicated that dividing the total number of dwelling units for which provision is being made in the proposed Land Development Ordinance by the total area of developable land in the corridor produces a gross density of approximately 8.4 dwellings per acre. I also indicated that it appeared that the gross density throughout the entire corridor would exceed 3 dwellings per acre, but failed to provide an accurate figure and the basis therefor.

In that regard, please be advised that, in my opinion, the inclusion of certain types of lands in the overall computation would distort the practical meaning of the result. As an example, in a 1,000-acre area it cannot be said that the appropriate density on residential land is the same whether non-residential uses cover 100 or 800 acres of the total. I have therefore proceeded to develop the gross density figure as follows:

	<u>Acres</u>
(a) The total area of the corridor, exclusive of roads (rounded) is	1944.0
(b) From this figure I deducted the aggregate of the following:	
. Critical lands	260.0

. Lands owned by the Township and the Board of Education	109.6
. Other institutionally owned lands, including the Cross Roads Public Library (at 1.4 acres) and the YMCA (at 10.2 acres)	11.6
. State owned lands (Highway Department)	12.2
. Land owned by public utilities (N.J. Bell)	7.3
. Major areas in non-residential use	
AT&T	196.7
Research-Cottrell	17.2
Pluckemin Shopping Center (3.1 acres) and the gas station opposite (1.4 acres)	4.5
. Isolated lands totally unsuitable for residential development (which includes mainly small tracts of land surrounded by highways)	4.8
. Land directly adjacent to and impacted by the I-78/I-287 interchange and the narrow strip of land that is cut off from the community by the I-78/I-287 interchange that abuts land zoned for office development in Bridgewater Township	<u>80.5</u>
Total	704.4

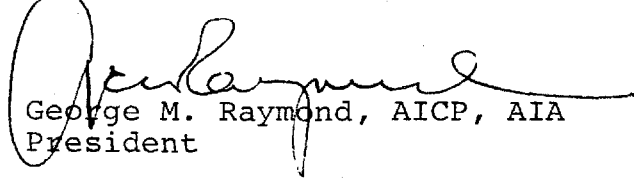
Deducting the above figures (rounded) from the total area of the corridor of 1,944 acres produces a theoretically usable area of 1,240 acres. I estimate that, in addition to the 5,711 units which would be permitted under the proposed zoning ordinance, the corridor contains approximately 325 existing

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dwelling units. Dividing the aggregate of 6,036 existing and potential dwelling units by 1,240 acres produces a density of 4.87 dwelling units per acre throughout the entire corridor.

I trust the above meets with your approval. We are ready to offer such further assistance as may be appropriate.

Respectfully submitted,

  
George M. Raymond, AICP, AIA  
President

GMR:kfv

cc: Alfred L. Ferguson, Esq.  
Henry A Hill, Jr., Esq.  
Charles K. Agle  
Richard T. Coppola  
Gary Gordon, Esq.  
Township Clerk, Bedminster