

RULS - AD - 1980 - 350

10/9/1980

- Ltr from George M. Raymond to Judge T. Leahy
Regarding amendments adopted by Twp Committee of
Bedminster Twp. on 10/6/1980

pgs. 3

Notes

The blank pg. is not counted in the page #

GEORGE M. RAYMOND, A.I.C.P., A.I.A.
NATHANIEL A. PARISH, P.E., A.I.C.P.
SAMUEL W. PINE, A.I.C.P.
MICHAEL WEINER, A.I.C.P.

BERNARD J. BULLER, P.E., A.I.C.P.
WILLIAM R. M. GRATH, P.E.
EDWARD J. RYBCZYK

ROBERT GENESLAW, A.I.C.P.
GERALD C. TENAZZ, A.I.C.P., A.I.A.
EDITH LAMBLAU LITT, A.I.C.P.
JOHN JOSEPH SACCARDI
STUART I. TURNER, A.I.C.P.

RICHARD A. HARRALL
NOEL SHAW, JR.
CSABA TEGLAS, A.I.C.P., C.I.P.

October 9, 1980

RULS - AD - 1980 - 350

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:

I am very pleased to be able to report to you that, on October 6, 1980, the Township Committee of Bedminster Township adopted the amendments to the Land Development Ordinance which it had previously adopted on September 2, 1980. This completes the actions required of the Township under your Order for Remedy dated March 6, 1980, namely:

- (a) The rezoning of the "Corridor" defined in the said Order so as to make provision for a variety of housing types, including least cost and subsidized units; and
- (b) The revision of its land development ordinances and regulations so as to replace subjective standards with objective ones.

As I reported to you in my June 19, 1980 report, it is my opinion that the rezoning was carried out in full compliance with the terms of your Order. The only change made as a result of the public hearing was very minor: it replaced an originally proposed Multi-Family District (permitting a maximum density of 12 dwellings per acre) with an R-1/4 Residential Cluster District (which permits a maximum density of 4 dwellings per acre). This change affected a five- and one-half acre tract, and thereby reduced the previously established "ultimate development" capacity of the Corridor by 44 units, from 6,036 to 5,992. Divided by the 1,240 acres of useable land, this produces an overall density of 4.83 dwellings per acre, as against the previously computed ratio of 4.87 units per acre. Since the change was made to achieve greater compatibility with an existing established residential community,

Honorable B. Thomas Leahy
October 9, 1980
Page 2

and thereby avoid an instance of "improper land use," I believe it to have been justified and in accordance with the terms of your Order.

I have also examined whether the regulations are free of unnecessarily subjective standards and am pleased to be able to report that I find them to be in compliance with your Order. In this regard, I feel it necessary to state that, since land development regulations are intended to apply to the development of sites with a potentially large variety of sizes and shapes, and topographic and subsoil conditions, it would be unrealistic to deny approving authorities all discretion. In stating that I find the regulations to be free of subjective standards I mean that I found them to use objective standards whenever it was possible to do so.

I feel that it would be useful for me to report to you, and give you my opinion on, two other matters that were of concern to the parties.

(1) As I reported to you in my May 27, 1980 report, the Township was apprehensive that the few acres it mapped in an OR Office-Research classification might upset the residential-job balance in the Corridor, thereby justifying future judicial pressure on it for the further intensification of permitted residential development. I am fully aware of the fact that the Mt. Laurel and Madison decisions require developing municipalities to contribute to the satisfaction of regional, as well as internally generated, housing needs. To that extent, I understand that the Township cannot be totally insulated against the impact of developments that may materialize in adjoining areas as a result of the land use policies governing the evolution of other municipalities. I do feel, however, that it would be fair to establish in the final Order the fact that the 5,992 dwelling unit capacity of the Corridor and the variety of densities and housing types now permitted therein, are sufficient to satisfy those of the Township's housing responsibilities that are generated by the 3,000 or so jobs provided by the AT&T Long Lines Headquarters and the potential several hundred additional jobs in the areas mapped in the OR District.


(2) The Allan-Deane Corporation, whose plans will still be subject to site plan approval by the Township,

Honorable B. Thomas Leahy
October 9, 1980
Page 3

is apprehensive of any possible future attempts on the part of the reviewing authority to deny them the full capacity of the site as measured by multiplying the acreage by the permitted number of dwellings per acre. I believe that, by insisting that the ordinance be free of "subjective standards," by retaining jurisdiction to assure that the Allan-Deane Corporation is granted "prompt and specific corporate relief," and by requesting that I monitor the approval process at least until the plaintiff receives preliminary approval of its plans, you have already precluded the Township from arbitrarily denying the applicant the ability to achieve the full zoned capacity of its land. Nevertheless, it would be helpful if your final Order explicitly stated that it is the intent of the Court that the applicant receive the full benefit of the applicable zoning so long as his plans comply with the provisions of all applicable regulations.

The applicant intends to officially begin the application process later this month. I will monitor that process and report to you in the event of any dispute involving the application.

Respectfully submitted,


George M. Raymond, AICP, AIA, P.P.

GMR:kfv

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