

KULS - AD-1980-370

10/17/1980

- Henry A. Hill, Jr.'s Ltr. to Judge T. Leahy
Re: accepts the new fee schedule from Mr. Raymond
& agrees w/ Raymond's observations & conclusions about Zoning Ord.

2 pgs

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October 17, 1980

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

Re: Allan-Deane Corporation v.
Township of Bedminster

Dear Judge Leahy:

We are in receipt of two letters from George M. Raymond, the Court-appointed Master in the above entitled matter.

With respect to the letter concerning Mr. Raymond's proposed new fee schedule, please be advised that the Allan-Deane Corporation has no objection to the revised fee schedule and has authorized me to both endorse and approve this application.

We also concur generally with Mr. Raymond's observations and conclusions, in the second letter, concerning the Bedminster Zoning Ordinance as finally amended on October 6, 1980. I am pleased to advise you therefore, that the Allan-Deane Corporation will take the position at the hearing scheduled for October 31, 1980, that Bedminster has finally complied with respect to their legislative obligation under this Court's previous Orders.

Our only comment concerning this second letter is that Allan-Deane would like the final Court Order to go further towards insuring that Allan-Deane is granted "prompt and specific corporate relief" than the general language proposed by Mr. Raymond to the effect 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."

RULS - AD - 1980 - 370

Hon. B. Thomas Leahy
October 17, 1980
Page 2

Allan-Deane will request at the hearing on October 31, 1980, that the final Court Order discharging Bedminster from its legislative responsibility under the previous Orders of this Court contain a residential unit count specifying what Allan-Deane is entitled to build. According to Allan-Deane engineers, Allan-Deane owns 161 acres within the present PUD Zone where a density of 10 units per acre is permitted. It further owns 296.9 acres within the R 1/4 Zone of which 145 acres have slopes of 15% or less and 151.9 acres have a topographic slope in excess of 15% grade. According to our interpretation of the Land Use Ordinances which Bedminster has enacted, Allan-Deane is now entitled to build on its 457.9 acres within Bedminster Township a total of 2,220 dwelling units. This number is calculated as follows:

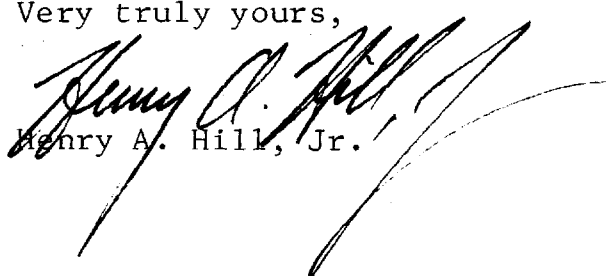
<u>Zone</u>	<u>Acerage</u>	<u>Zoned Capacity</u>
PUD	161	1,610 units
R 1/4 (15% or less)	145	580 units
R 1/4 (15% or more)	151.9	<u>30 units</u>
Total Dwelling Units		2,220

Allan-Deane has now completed a meticulous survey of the property and is prepared to file with the Court on October 31, 1980, an engineering map certifying to the number of acres in each zone and the acreage with a slope of 15% or less within the R 1/4 Zone.

For the Court's information Allan-Deane presently intends to make full use of the PUD commercial option and will therefore, be using 32.2 acres within the Pluckemin Plain for commercial development. This will have the effect of reducing the number of housing units in that area by 322.

Finally, we would like to advise the Court how satisfied the Allan-Deane Corporation has been with the rezoning process conducted under the supervision of the Court-appointed Master. This was a difficult and complex task and I am sure it never could have been achieved if the Court had not had the foresight to design this process and had Mr. Raymond not exercised the patience and wisdom which he displayed throughout. I am proud to have been able to participate in the judicial resolution of such a complex and touchy task.

Very truly yours,


Henry A. Hill, Jr.

HAH/vwa

cc: George M. Raymond, P.P.
Alfred L. Ferguson, Esq.