

RULS - AD - 1980 - 380

10/23/1980

- Ltr from A. Ferguson to Judge Leahy reply to Mr. Hill's Ltr to the Court.

2 pgs

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October 23, 1980

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Re: Township of Bedminster ads
Allan-Deane Corporation

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

My dear Judge Leahy:

This letter will reply to Mr. Hill's letter to the Court of October 17, 1980, requesting the vesting of a unit count for its project.

This litigation has consumed 10 difficult years largely because Allan-Deane has constantly attempted to get more than that which the township believes it should have. Under any set of ordinances in effect, or any reasonable proposals made, Allan-Deane wants more.

Specifically, Mr. Raymond suggested a procedure by which these fruitless debates over unit count could be avoided. I believe his thinking is that it doesn't make any sense to talk about unit counts in a vacuum. Even if the Ordinance gives you X units per acre as of right, it is still subject to all the regulations concerning layout, building separation, etc. Furthermore, because of road requirements and the like, it may not be physically possible to squeeze the theoretically permitted units onto a given site because of specific limitations which were impossible to anticipate during the ordinance drafting process.

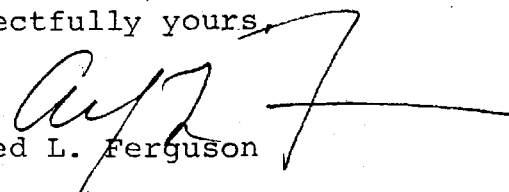
Accordingly, the Township of Bedminster adamantly and inexorably opposes a vesting of the Allan-Deane unit count at this time. The Court should be aware that we still have not received from Allan-Deane its preliminary plan which it is supposed to submit, or at least said it was going to submit (for preliminary phase-1 approval). Allan-Deane wants the vesting of a unit count in a vacuum.

The Court should also realize that the requested unit count of 2,220, is 400 units more than Exhibit P-40, which was their conceptual site plan used at the trial. The town had objections to the 1,849 units on Exhibit P-40, and we have objections to the 2,220 units requested now.

By and large, the rezoning process, under Mr. Raymond's direction, has eliminated many of the problems between the parties. The consultants have acted in good faith and goodwill. Up until this time, I believed the parties had been acting in good faith and good will. I am extraordinarily disappointed to now learn that Allan-Deane is back to its old tricks: overreaching and wanting theoretical approval by this Court of what it wants to build to maximize its profit, and not what is good planning.

In this letter, I have presumed to indicate to the Court what I believe was Mr. Raymond's thinking on this matter. I hope, and specifically request, that he advise the Court directly of his views.

Respectfully yours,


Alfred L. Ferguson

ALF/nw

cc: Henry A. Hill, Jr.
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(w/enc.)