

RWLS-AD-1983-05

2-4-83

Statement of Dollars

7895

COMMITTEE OF BEDMINSTER TOWNSHIP

REGULAR AGENDA MEETING

FEBRUARY 4, 1983

*Read by Mr Dobbs At  
The Township Committee  
Agenda Session of  
2/4/83*

STATEMENT OF LEONARD DOBBS

I am here tonight to read a statement which has been prepared by me with the assistance and advice of counsel. This statement is as follows:

In December 1979, five months after I entered into the contract to purchase my property in Bedminster, I met with Mayor Gavin and Robert Graff to discuss some appropriate commercial use for this land. Coincidentally this was the day after Judge Leahy's decision was issued concerning the Allan-Deane Hills Development litigation. Prior to the implementation of Judge Leahy's Order, my attorneys and planner met with the Chairman of the Planning Board and suggested that this was now an appropriate time to consider the use of my property to satisfy retail commercial needs of the increasing population within the Township of Bedminster and the surrounding region.

We pointed out that our property met the criteria of regional planning agencies in terms of its suitability for more intensive development. These plans include the Somerset County Master Plan, the State Development Guideline and the Tri-State Regional Plan. Notwithstanding this information and with full knowledge of our request, certain municipal officials persuaded Judge Leahy to exclude my property from rezoning because of its purported environmental sensitivity. Although this suggested corridor delineation which excluded my property was questioned

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1983-05

TOWNSHIP OF BEDMINSTER TOWNSHIP COMMITTEE

REGULAR AGENDA MEETING

FEBRUARY 4, 1983

by the Judge, he acceded to the representations of municipal officials as to its environmental sensitivity. As a result, my property remains as the only parcel within the Township on Rt. 202-206 from Pluckemin to Old Dutch Road that continues to be burdened by 3% residential zoning. This issue of environmental sensitivity, however, has been proven to have been based upon misinformation or no information. Seven detailed reports prepared by my consultants affirm the suitability of the property for large scale development. This is supported also by the Background Studies prepared by the Township's experts for the Township's newly adopted Master Plan.

My attorneys and I attended many Planning Board and Township meeting, including sub-committee meetings, during this early period requesting that consideration be given to the appropriate use of my property. We were denied access to your planning consultant who was not authorized to meet with my consultants to discuss planning issues, despite my offer to reimburse the Township for the fees it would incur in permitting its planner to speak with us. As a property owner of 211 acres in the Township, I believe that this was an abrogation of my rights. Upon the appointment of the Planning Master, we again requested an opportunity to meet and discuss appropriate uses for my property. This request too was denied.

TOWNSHIP OF BEDMINSTER TOWNSHIP COMMITTEE

REGULAR AGENDA, MEETING

FEBRUARY 4, 1983

We were told that the Township was under pressure to complete its rezoning in order to comply with the court order and that due consideration would be given to our property upon completion of this process. We could not, however, see how this planning process could be comprehensive without the input of a major landowner in the Corridor. Accordingly, we commenced litigation in November 1980, nearly one year after we had requested to be heard.

In March 1981, the Planning Board agreed to conduct special hearings to consider the use of my property. In anticipation of those hearings, we prepared detailed reports addressing every major discipline affecting proper land use development. This agreement to hold special hearings was not implemented and the hearings were cancelled. In June we were advised that a new Master Plan would be prepared in September 1981 and that we would be given an opportunity to make a full and detailed presentation to the Master Plan Review Committee at that time. Not only were we not provided an opportunity to make our presentation until the Spring of 1982, but when we came forth to make this presentation severe time constraints were placed upon us and we were not able to have each of our consultants fully set forth and explain his findings. Subsequent hearings on the Master Plan by the full Planning Board

REGULAR AGENDA MEETING

FEBRUARY 4, 1983

also limited the scope of the presentation we were allowed to make.

It is disconcerting to me that during this entire period there never has been a question raised by any governmental body concerning the nature and content of the detailed consultant reports which we presented to the Planning Board and the Township Committee. This leads me to two possible conclusions: (1) that these reports were so comprehensive and correct in every respect that they were not subject to question; or (2) that they were never read.

Over the past number of years I have made every attempt to exhaust the due process procedures available to me which would result in rezoning to permit appropriate use of my property. In addition thereto I have attended a number of community meetings in order to personally assess and evaluate legitimate community concerns. In response to broader community concerns, I submitted an alternative proposal to the Planning Board dated August 16, 1982, which was also made a part of a proposal by me to the Township Committee. Again, I have received no comment concerning this alternative.

As you know, my property is zoned 3% residential, the only property in the Corridor which has not undergone some form

TOWNSHIP OF BEDMINSTER TOWNSHIP COMMITTEE

REGULAR AGENDA MEETING

FEBRUARY 4, 1983

of rezoning of a less restrictive nature than 3% residential. The property, as we have proved, is developable in a more intensive zoning mode and will ultimately be developed.

In the course of my proposals, I have offered to dedicate approximately 50 acres for various forms of municipal use and I hold in reserve approximately 30 additional acres for some use subsequently to be determined by the Township and myself. I have further offered under certain circumstances to contribute \$2,000,000.00 for offsite improvement for the construction of a by-pass for the preservation of the historic Village of Pluckemin, this in addition to paying for all road improvements that would be attendant to the use of my property. My reasons for offering to contribute both money and land to the municipality are twofold: Firstly, as a major property owner within the community, I share a long-term sense of responsibility to the Township; and secondly, because of my investment in the Township, I share with you the desire to maintain the continued viability of the Township to meet its growing needs. Needless to say, none of these proposed contributions can be made without the ability to move forward with the economic benefits to me by means of my development plan.

The trustees of the institutions which currently own the property are most anxious to press forward towards the

TOWNSHIP OF EDMINSTER TOWNSHIP COMMITTEE

REGULAR AGENDA MEETING

FEBRUARY 4, 1983

necessary rezoning. Considering the fact that the property has been under contract to me for three and one-half years, this request is not unreasonable.

[ My attorneys and I have examined in careful detail all that has transpired in connection with my actions and the Township's actions to date. I believe that we have made every effort possible to resolve together with the community the problem of the use and development of my property. After 3-1/2 years, however, it does not seem to me that we are close to a satisfactory resolution. I am accordingly exploring with my attorneys a number of options in the event the property is not presently rezoned for appropriate use.

One of the options is, of course, resumption of litigation, in the light of your new Master Plan and the most current legal developments in the State. You and I have until now regarded litigation as the wrong means of resolution of the future development of the property and I have requested my attorneys to make one more effort, in which I would join with them, to achieve early settlement. I request that you join now in that effort.]

Mayor Gavin inquired of Mr. Dobbs what it was he wanted the Committee to do. Mr. Dobbs replied that he wanted a Closed Session meeting with the Committee to discuss use of his property. Mayor Gavin replied that he would be in touch with the Township Attorney and would get back to him. Mayor Gavin further stated he did not know what the status of the lawsuit was between Mr. Dobbs and the Township or the lawsuit of the people on Mathews Drive. Mayor Gavin further replied that he had heard Mr. Dobbs's presentation 3 times and he thought the present zoning the Township has which is monitored by the Courts and the Planning Master is correct. Mayor Gavin went on to state that as a regional shopping center is the basis of his development, it just won't fly.

TOWNSHIP OF BEDMINSTER TOWNSHIP COMMITTEE

REGULAR AGENDA MEETING

FEBRUARY 4, 1983

Mr. Dobbs replied that he had offered 50 acres of his property to the Township, 20 acres for a municipal use and 30 acres for recreational use. He reiterated his past comments that the property should be for dense development and that there was a need for a regional shopping center. Mr. Dobbs went on to state that his proposal was different than Hills Development's Hotel/Motel Conference Center in that his conference center would be for people who were re-locating in the area and needed a place to stay. Mr. Dobbs again requested that he have a Closed Session meeting with the Township Committee and Mayor Gavin responded by giving him a tentative date of March 7, 1983 but that in the meantime he would be checking with the Township Attorney as to the appropriateness of such a meeting.

Other new business of the evening included the following Resolutions.

On a motion by Committeeman Lloyd, seconded by Committeeman Blakelee and a unanimous roll call vote, the following Resolution was approved.

R E S O L U T I O N

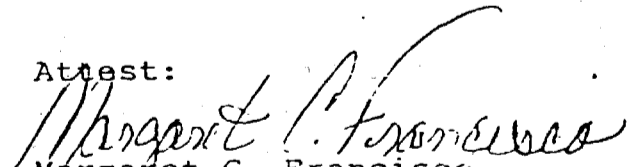
WHEREAS, the Township of Bedminster Recreation Committee wishes to establish fees for certain recreational programs provided by the Township of Bedminster Recreation Committee,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Township Committee of the Township of Bedminster that the following fees be and are hereby established for 1983, effective January 1, 1983:

ADULT FITNESS PROGRAM . . . . . \$10.00 per person per session

  
Paul F. Gavin, Mayor

Attest:

  
Margaret C. Francisco  
Township Clerk

C E R T I F I C A T I O N

I, MARGARET C. FRANCISCO, TOWNSHIP CLERK of the Township of Bedminster in the County of Somerset, New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Committee of the Township of Bedminster at a Regular Meeting of said Township Committee held on February 4, 1983.