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Township of Bedminster

Somerset County · New Jersey

Master
Plan
Program

August 1983

Part III
Housing Element

PREPARED BY: Richard Thomas Coppola
and Associates
Princeton Junction N.J.
License No. 1378

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HOUSING PLAN ELEMENT
BEDMINSTER TOWNSHIP MASTER PLAN

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HOUSING PLAN ELEMENT

INTRODUCTION

According to the Decision of the New Jersey Supreme Court known as "Mt. Laurel II" of January 20, 1983, every municipality in the State has a constitutional obligation to provide opportunities for affordable housing. However, in the Decision, the Court distinguishes between municipalities in "growth areas" and outside "growth areas" in determining the nature of this housing obligation. Municipalities located outside "growth areas", as delineated in the State Development Guide Plan (SDGP) of the New Jersey Department of Community Affairs, are obligated only to provide affordable housing to meet the needs of their resident poor (indigenous housing need). Municipalities within "growth areas" on the SDGP are obligated to provide not only for the present needs of the resident poor, but also for their fair share of the future need for affordable housing in the housing region of which they are a part (prospective housing need).

The Court Decision also states that "Mount Laurel litigation will ordinarily include proof of the municipality's fair share of low and moderate income housing in terms of the number of units needed... 'Numberless' resolution of the issue... will be insufficient." (p.28)

As indicated on Plate 1, a small portion of Bedminster Township is designated as a "growth area", i.e. the corridor along State Route 202-206 in the easternmost portion of the municipality. Its Mt. Laurel housing obligation, therefore, includes both present, indigenous need and a proportionate share of the future, prospective need of its housing market region.

INDIGENOUS HOUSING NEED

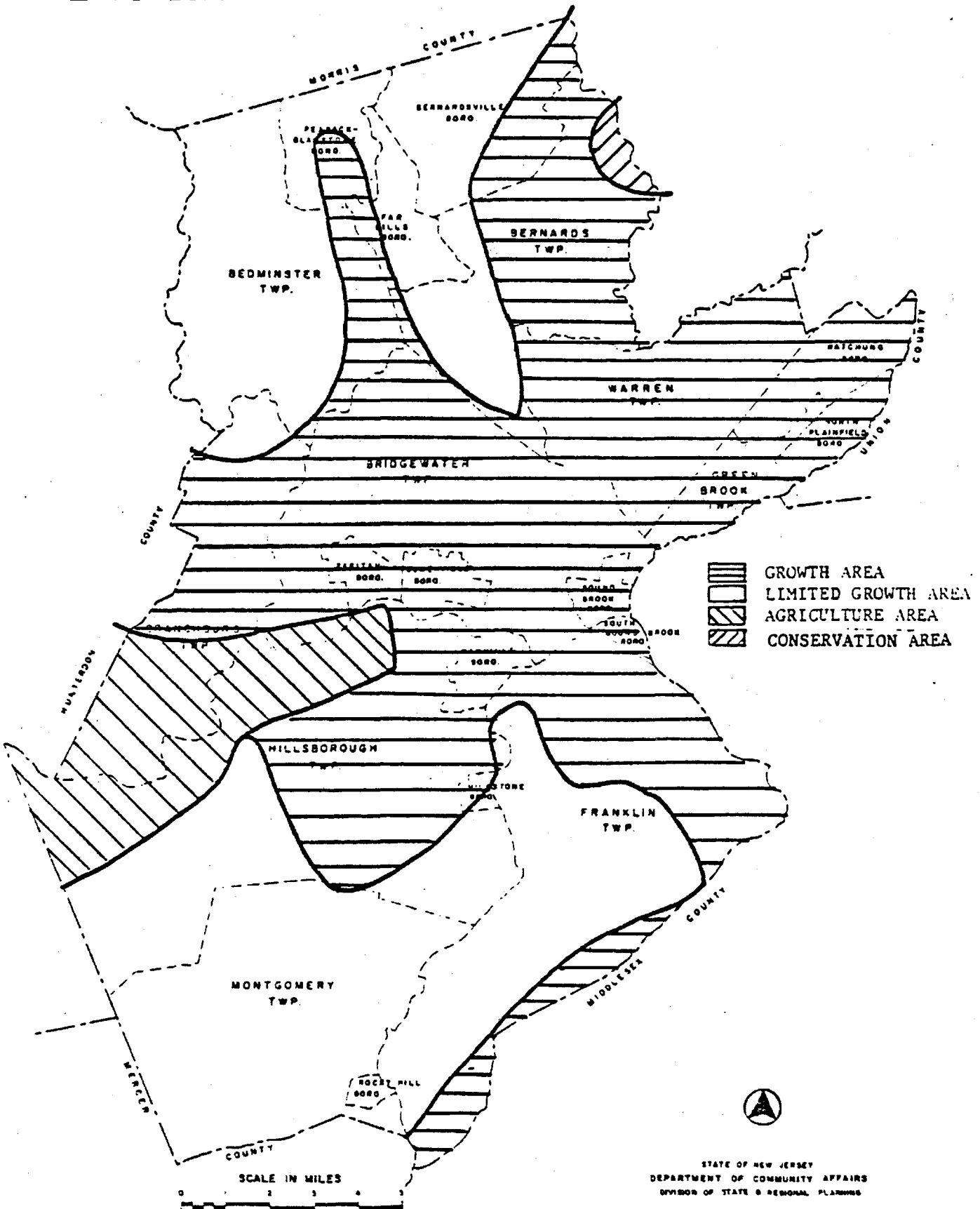
The Mt. Laurel II Decision states that every municipality in New Jersey is responsible for meeting its indigenous housing need. The language of the Court references two components of indigenous need, including dilapidated housing and overcrowded housing units.





The minimum level of indigenous housing need is based on the amount of dilapidated housing in the Township. The Court states: "Every municipality's land use regulations should provide a realistic opportunity for decent housing for at least some part of its resident poor who now occupy dilapidated housing." (p.26) In the absence of current data on housing conditions in the Township, it is recommended that this component of housing need be based on two indicators of inadequate housing in the 1980 Census: housing units with no bath or only a half-bath, and units with no kitchen facilities. There were 33 such units in the Township in 1980, according to the U. S. Census.

Note: All page citations herein refer to the New Jersey Supreme Court Opinion of January 20, 1983, known as "Mt. Laurel II".

SOMERSET COUNTY

State Development Guide Plan



-  GROWTH AREA
-  LIMITED GROWTH AREA
-  AGRICULTURE AREA
-  CONSERVATION AREA

SCALE IN MILES
 0 1 2 3 4 5



STATE OF NEW JERSEY
 DEPARTMENT OF COMMUNITY AFFAIRS
 DIVISION OF STATE & REGIONAL PLANNING

In another reference, the Court includes overcrowded housing in defining indigenous housing need: "...all municipalities' land use regulations will be required to provide a realistic opportunity for the construction of the region's present lower income housing need generated by present dilapidated or overcrowded lower income units, including their own." (p.72) According to the 1980 Census, there were 6 housing units in the Township with more than one person per room, the standard definition of overcrowding in housing programs.

Dilapidated housing plus overcrowded housing units constitute the maximum indigenous housing need which is clearly applicable to every municipality in New Jersey. As indicated on Plate 2, the maximum indigenous housing need for Bedminster Township is 39 dwelling units.

It should be noted that some advocates, usually plaintiffs or developers, have suggested that indigenous need for "growth" municipalities also include a financial component. Specifically, the Court's discussion of Mt. Laurel Township's own housing suit refers to the inclusion of a "financial" component in the method used by that municipality to calculate its indigenous need.

Financial housing need in Bedminster Township similarly could be calculated from data in the U. S. Census on housing expenditure as a percentage of annual income. However, this represents a need which may more appropriately and effectively be met with subsidies for housing expenditures, if available, rather than with construction of new housing and displacement of households from suitable homes. Moreover, utilizing a financial need component does not account for the choice of particular households to expend relatively large portions of their disposable income for their household costs; including, for example, "empty nesters", retirees, widows, and widowers. In addition, the number of low income households reported in the Census is probably an inflated figure, as people tend to under-report income to official sources. Moreover, there is a double-counting between overcrowded and physically substandard dwelling units versus low income households paying more than twenty-five percent (25%) of income for housing. Additionally, it must be remembered that the financial data in the Census is already four (4) years old; household income and housing costs may have changed significantly in the interim and some of the households may no longer reside in the municipality. Finally, the financial need calculation tends to increase the housing obligations of those municipalities already housing a substantial number of relatively poor households.

REGIONAL HOUSING NEED

Currently, no definitive quantitative procedures exist for determining the regional need for low and moderate income housing, or a municipality's fair share of that need. A "Statewide Fair Share Housing Allocation Plan" was prepared in 1978 by the New Jersey Department of Community Affairs in response to the first Mt. Laurel Decision. This plan, however, has been effectively repudiated by an Executive Order issued in 1982, rescinding the prior Executive Orders under which the 1978

PLATE 2

Indigenous Housing Need

Bedminster Township

• Units with no kitchen facilities (1)	11
• Units with no bath or half-bath only (2)	22
• Overcrowded units (3)	<u>6</u>
<u>Maximum Indigenous Housing Need</u>	39 units

SOURCES:

- (1) U. S. Census 1980, STF-3 series, Sheet X, Table 16.
- (2) U. S. Census 1980, STF-3 series, Sheet X, Table 15.
- (3) U. S. Census 1980, STF-1 series, Characteristics of Households and Families, Table 18.

plan was prepared. Therefore, the Mt. Laurel II Decision notes that the use of the 1978 plan in Mt. Laurel litigation would be inappropriate and "not in keeping with the spirit of the Governor's Executive Order." The Court, however, anticipates that future Mt. Laurel litigation will produce determinations of regional housing need (which will then be presumptively valid), as well as fair share allocations. The Court also provides some guidelines in the Decision about what will, and what will not, be acceptable in these determinations. The Court's guidelines have been used in this analysis of regional housing need.

The Mt. Laurel II Decision discusses three (3) separate issues to be resolved in determining a municipality's fair share of regional housing need: 1) identifying the relevant housing region; 2) determining the region's present and prospective housing need; and 3) allocating this housing need to the municipalities in the region (p.80). Using the guidelines set forth by the Court, this report addresses these three issues, and establishes the following four (4) criteria for the determination of future housing need: 1) a housing region definitive with respect to Bedminster; 2) projections of future housing need within that region; 3) the Township's fair share allocation of the region's total housing need; and 4) the percentage of total housing need required for low and moderate income households.

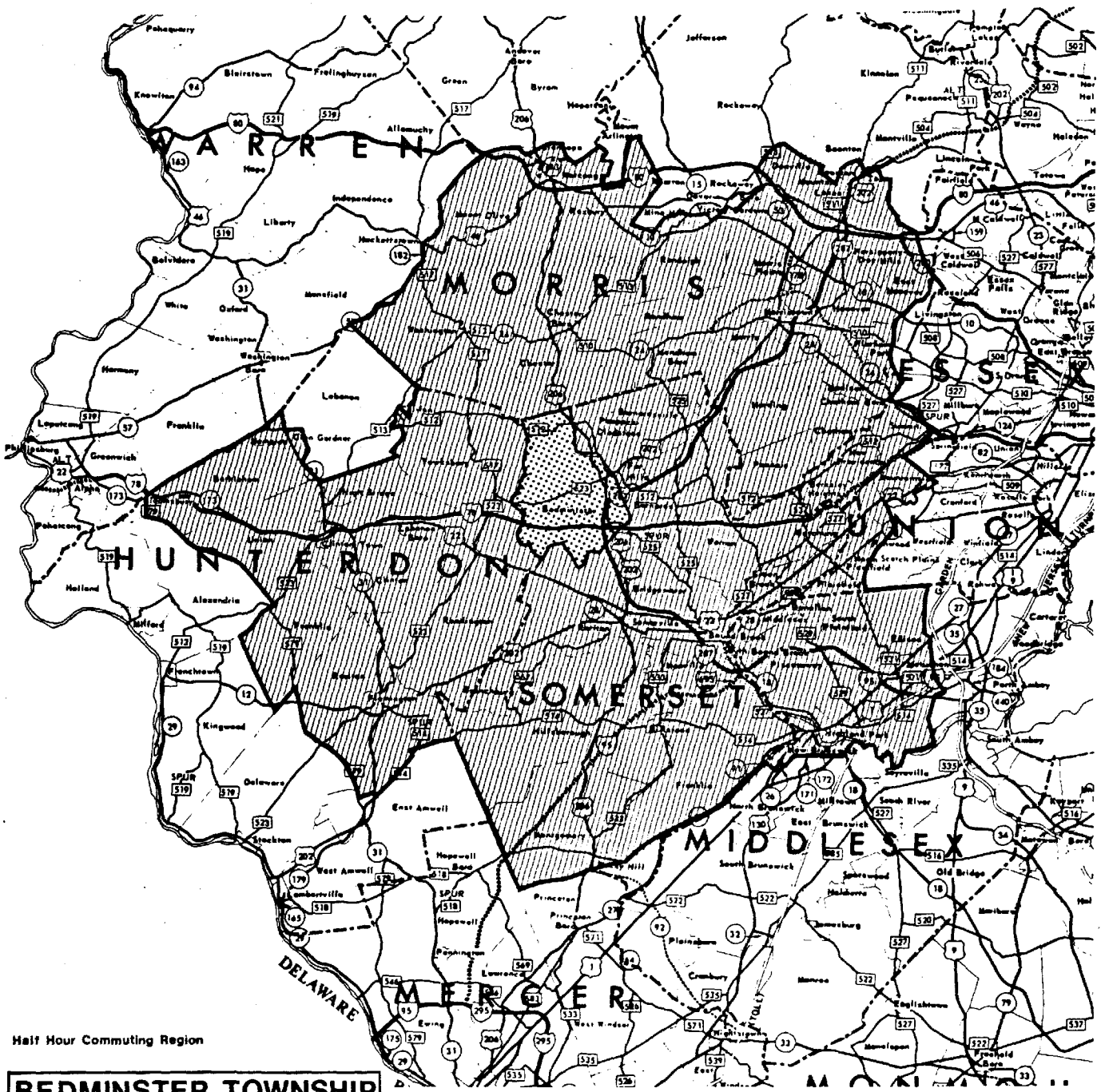
DEFINING THE HOUSING REGION

The Mt. Laurel II Decision cite's the Court's previous approval of the definition of region in the Oakwood v. Madison case: "that general area which constitutes, more or less, the housing market area of which the subject municipality is a part, and from which the prospective population of the municipality would be drawn, in the absence of exclusionary zoning." (p.92) Since most families choose their housing to be near employment, the housing market region for a given municipality may be defined by employment opportunities within a reasonable time-distance commuting radius from the municipality. Using a half-hour as a reasonable maximum commuting time, we can define the housing region for Bedminster as including all municipalities which can be reached by an automobile trip of thirty (30) minutes or less. Data on residents' commuting time in the 1980 Census (see Appendix A) confirms that this standard is reasonable: 57.3 percent of employed Bedminster Township residents who reported commuting time had trips of less than 30 minutes, with an average (mean) travel time of 27.5 minutes for all employed residents.

Plate 3 indicates that the 30 minute commuting region around Bedminster Township includes seventy three (73) municipalities in five (5) counties. Appendix B lists the municipalities in the region and describes the procedures used to delineate it.

DETERMINATION OF PROSPECTIVE HOUSING NEED

Housing need projections for the Bedminster Township housing region are based on regional employment growth, which reflects potential housing demand rather than existing housing market conditions. The housing need figures are not necessarily the housing that will be built to provide for projected job growth,



Half Hour Commuting Region

BEDMINSTER TOWNSHIP

but rather the housing that would be built if the housing market were operating effectively. Projections of housing need should not be based on projected municipal population growth, which may reflect the continuance of exclusionary zoning practices.

Employment growth was calculated for each municipality in the housing region using data on private sector jobs covered by the New Jersey Unemployment Compensation Program. The base years for the projections are 1972 to 1981; 1981 is the most recent year for which data is available, and 1972 is the earliest year in which the definition of covered jobs is consistent with current years. Furthermore, the period from 1972 to 1981 includes years of expansion and contraction in the State's economy, and therefore provides a sufficiently broad data base for the extrapolation of employment trends.

Job and household growth are projected for the years 1982 to 1990, a reasonable time period for planning and producing housing. The year 1990 will also be a convenient benchmark year for reassessing housing need, as it is the date of the next comprehensive U. S. Census of Population and Housing. Growth is projected on a straight-line basis, assuming that the region's average annual job growth from 1972 to 1981 will continue during the period 1982 to 1990. Although this is a simplification, it is statistically sound as it reflects a broad data base of general economic trends and avoids the need for complex economic analysis. Plate 4 indicates, for each county sector and for the entire region, total and average annual job growth between 1972 and 1981, and projected job growth to 1990.

Projected employment growth was then converted into housing demand, with a conversion factor obtained from the ratio of household growth to job growth between 1970 to 1980 in New Jersey as a whole. During that ten year period, private sector covered jobs increased in the State by 434,758 and households increased by 330,043, resulting in a conversion factor of 0.759; i. e., for every new private sector job, 0.759 new households were created (see Appendix C for calculations).

The difference between private sector job growth and household growth is attributable to various causes, including job growth in the public sector, households with no members in the job market (e.g., retirees), and households with more than one wage earner. For a county or municipality, the difference between jobs and households might also reflect its local characteristics, either as a job center, with more in-commuters than out-commuters, or a 'bedroom' community with net out-commuting. Using a statewide ratio of job-to-household growth avoids these local variations which might otherwise skew the housing obligations in favor of those municipalities which have practiced exclusionary zoning.

Housing demand for 1982 to 1990 is projected by applying the job/household conversion factor to projected employment growth in the region. As this represents only occupied housing, an additional four percent (4%) is added to the total to account for vacant housing and housing losses through demolition, fire, etc. Plate 5 shows the total projected housing demand for the region.

PLATE 4

Employment (*): Recent Growth and Projections
Bedminster Township Housing Region

	<u>Jobs 1972</u>	<u>Jobs 1981</u>	<u>Avg. Annual Job Growth</u>	<u>Projected Job Growth 1982 - 1990</u>	<u>Projected Jobs - 1990</u>
Somerset County Sector	57,156	82,496	+ 2,816	+ 25,344	107,840
Morris County Sector	71,824	124,747	+ 5,880	+ 52,920	177,667
Middlesex County Sector	83,099	122,606	+ 4,390	+ 39,510	162,116
Hunterdon County Sector	10,140	14,999	+ 540	+ 4,860	19,859
Union County Sector	<u>39,254</u>	<u>43,760</u>	+ <u>500</u>	+ <u>4,500</u>	<u>48,260</u>
REGION TOTALS	261,473	388,608	+14,126	+127,134	515,742

(*) Private sector employment covered by the N. J. Unemployment Compensation Program.

SOURCE: New Jersey Employment Trends, 1972 and 1981,
 New Jersey Department of Labor & Industry.

NOTE: See Appendix E for annual breakdown of job growth in region vs.
 job growth in Bedminster Township.

PLATE 5

Prospective Regional Housing Need, 1982 - 1990
Bedminster Township Housing Region

Projected Employment Growth, 1982 - 1990:	127,134 jobs
Projected Household Growth, (employment growth x .759):	96,495 households
Additional Units for Vacancy and Housing Loss (4%):	3,860 units
Total Prospective Regional Housing Need:	100,355 units

ALLOCATION OF PROSPECTIVE HOUSING NEED

The Mt. Laurel II Decision offers the following "suggestions" (the Court's word) for determining a municipality's "fair share" of the prospective regional housing need: "Formulas that accord substantial weight to employment opportunities in the municipality, especially new employment accompanied by substantial ratables, shall be favored; formulas that have the effect of tying prospective lower income housing needs to the present proportion of lower income residents to the total population of a municipality shall be disfavored; formulas that have the effect of unreasonably diminishing the share because of a municipality's successful exclusion of lower income housing in the past shall be disfavored". (p.93)

Clearly, the Court would not accept fair share allocation formulas based on a municipality's present share of the region's population or housing since these might reflect current or past exclusionary housing practices. To meet the intent of the Court, it is recommended that municipal fair share allocations be based on three (3) factors: 1) the portion of the region's total "growth area" located within Bedminster Township; 2) Bedminster's current share of total covered employment in its region; and 3) Bedminster's share of recent employment growth in its region.

The first factor in the fair share allocation is the proportion of the region's total "growth area" in Bedminster Township. This was determined by outlining the 30 minute commuting region on the State Development Guide Plan map and measuring the growth areas (in square miles) within the region and within the Township (see Appendix D for calculations). This factor meets the Court's intent to channel intensive development into the State Development Guide Plan "growth areas".

Within the defined region for Bedminster Township, the State Development Guide Plan designates 423.74 square miles as "growth area", of which 4.56 square miles are in Bedminster. The Township's fair share allocation based on this factor is therefore 1.08 percent of the projected regional housing need.

Factor 1:	Growth area in Township:	<u>4.56</u> square miles
	Growth area in region:	<u>423.74</u> square miles
	Percent share:	<u>1.08%</u>

The second allocation factor is the Township's share of total employment in the region. This allocates housing to municipalities in accordance with their ability to provide jobs. A large employment base also indicates that a municipality has existing infrastructure - - public utilities, transportation facilities, and municipal services - - as well as a substantial ratable base.

In 1981, the most recent year for which employment data is available, Bedminster Township had 4,396 private sector covered jobs, a 1.13 percent share of the 388,608 private sector covered jobs in the commuting region.

Factor 2:	Employment in Township (1981):	<u>4,396</u> jobs
	Employment in region:	<u>388,608</u> jobs
	Percent share:	<u>1.13%</u>

The third allocation factor is the Township's share of the region's employment growth, in accordance with the Court's support of allocation formulas which give "substantial weight to employment opportunities...especially new employment accompanied by substantial ratables..." (p.93)

The fair share factor is determined from growth in private sector covered employment between 1972 and 1981. Employment in Bedminster Township increased by 3,844 jobs, and employment in the region increased by 127,135 jobs, for a fair share allocation of 3.02 percent.

Factor 3: Employment growth in Township (1972-81):	<u>3,844</u> jobs
Employment growth in region:	<u>127,135</u> jobs
Percent share:	<u>3.02%</u>

Each of the three (3) fair share factors distributes housing need within the region on a different basis. If the factors are equally important, the final allocation would assign them equal weight. Alternatively, if one of the factors is more important, it would be assigned greater weight. In order to assess the impact of alternate weightings on fair share allocation, four weightings were developed, as follows:

- Weighted Fair Share A:
(All Factors Equal) 1.74%
- Weighted Fair Share B:
(Factor 1 - 40%;
Factors 2 and 3 - 30%) 1.68%
- Weighted Fair Share C:
(Factor 2 - 40%;
Factors 1 and 3 - 30%) 1.68%
- Weighted Fair Share D:
(Factor 3 - 40%;
Factors 1 and 2 - 30%) 1.87%

The resulting range of fair share allocations for Bedminster Township falls between 1.68 percent and 1.87 percent of the regional housing need, or between 1,686 and 1,877 dwelling units. This range of total housing allocation numbers constitutes the "target area" for municipal efforts to meet the Township's Mt. Laurel housing obligation.

The proportion of total housing need required for low and moderate income households is based upon the percentage of low and moderate income households in the total population, using a definition of low and moderate income which is standard in many housing programs and was approved by the Court in the Mt. Laurel II Decision. According to this definition, households earning fifty percent (50%) or less of the area's median income are low income and households earning between fifty percent and eighty percent (50% - 80%) of the area's median income are moderate income.

The percentage of households in these income categories is based on statewide distribution figures appearing in the 1980 Census. State income figures were used because the housing region includes all or part of several counties. In addition, the distribution of households by income level varies among counties. This is partly because of county differences in the distribution of lower cost housing. Moreover, utilization of statewide income distribution figures avoids incorporating the effects of exclusionary zoning into the allocation methodology, which would result in lower affordable housing obligations to those municipalities which have practiced exclusionary zoning.

According to the 1980 Census, 39.5% of all households in the State had annual incomes of eighty percent (80%) or less of the statewide median household income, and 23.6% of all households had incomes of fifty percent (50%) or less of the median.

The Township's share of prospective low and moderate income housing need is determined by applying these percentages to its share of total regional housing need. The four weighted allocations of total housing need result in four corresponding allocations of low and moderate income housing. The Township's regional Mt. Laurel prospective housing obligation, presented on Plate 6, is as follows:

- Moderate income housing need: 268 to 298 units
- Low income housing need: 398 to 443 units
- TOTAL PROSPECTIVE REGIONAL HOUSING NEED (LOW AND MODERATE) FOR BEDMINSTER TOWNSHIP: 666 to 741 units

DETERMINATION OF SURPLUS PRESENT HOUSING NEED

As previously noted, the "Mt. Laurel II" Decision states that every municipality in the State of New Jersey is responsible for meeting its indigenous housing need; i.e., ". . . a realistic opportunity for decent housing for at least some part of its resident poor who now occupy dilapidated housing." (p.26) As calculated from 1980 Census data, Bedminster Township's maximum indigenous housing need is thirty-nine (39) dwelling units.

However, the "Mt. Laurel II" Decision continues to state that a municipality's "present" lower income housing need, comprised of dilapidated and overcrowded units, may be more than its "fair share" obligation. In such a case, the Court suggests that municipalities located within "growth areas" are obligated to provide housing units, in addition to their indigenous need, in order to satisfy the surplus present housing need in the region that cannot fairly be satisfied within those municipalities currently overburdened by a disproportionate number of dilapidated and overcrowded housing units.

Specifically, the Court states: "Municipalities located in "growth areas" may, of course, have an obligation to meet the present need of the region that goes far beyond that generated in the municipality itself; there may be some municipalities, however, in growth areas where the portion of the region's present

PLATE 6

Prospective Fair Share Allocations

Bedminster Township

	Weighted Fair Share Allocation			
	A	B	C	D
Total Regional Housing Need	100,355	100,355	100,355	100,355
Weighted Fair Share	1.74%	1.68%	1.68%	1.87%
Prospective Fair Share Allocation, Total Prospective Housing Need For Bedminster Township	<u>1,746</u>	<u>1,686</u>	<u>1,686</u>	<u>1,877</u>
Prospective Fair Share Allocation, Moderate Income Housing (15.9% of total)	278	268	268	298
Prospective Fair Share Allocation, Low Income Housing (23.6% of total)	<u>412</u>	<u>398</u>	<u>398</u>	<u>443</u>
Prospective Fair Share Allocation, Total Low and Moderate Income Housing For Bedminster	690 du	666 du	666 du	741 du

need generated by that municipality far exceeds the municipality's fair share. The portion of the region's present need that must be addressed by municipalities in growth areas will depend, then, on conventional fair share analysis, some municipality's fair share being more than the present need generated within the municipality and in some cases less." (p.72)

Plate 7 tabulates the present indigenous housing need for each municipality in Bedminster Township's 30 minute commuting region. Plate 7 also tabulates the total number of housing units within each municipality and each municipality's percentage of the total housing units within the defined region. It is the percentage ratio of total housing units in a municipality versus total number of housing units in the region that becomes a municipality's "fair share" multiplier. The basic premise is that a municipality's "fair share" of indigenous housing need should not be more than its current share of the total housing stock within the defined region. Therefore, in those municipalities whose proportion of the region's total indigenous housing need is larger than its proportion of the region's total housing stock, a "surplus" of present housing need is generated which must be met by the municipalities which are located in "growth areas".

As noted on Plate 7, seventeen (17) municipalities within the Bedminster Township 30 minute commuting region have such a surplus of present housing need and the total surplus for the region is 3,889 dwelling. Interestingly, 3,275 of the surplus units, or 84% of the total for the region, are located within the three (3) municipalities of New Brunswick, Plainfield and Morristown.

ALLOCATION OF SURPLUS PRESENT HOUSING NEED

The 3,889 surplus present housing units within the Bedminster Township 30 minute commuting region must be allocated among the municipalities in the region. Because the dwelling units represent existing households functioning as part of neighborhood and community networks, the method of allocating the housing units must consider the well-being of the involved people. Moreover, since the identification and allocation of prospective households within the region is specifically linked to the projected employment growth within the region, and contemplates the full absorption of the projected jobs, the method chosen for allocating the surplus present need units should not have the effect of displacing people from their homes and forcing them to move to distant places where they will be separated from friends, relatives and acquaintances and where there may not be sufficient job opportunities.

However, it can be assumed that some households will desire to change their environment; therefore, any method of allocating surplus present housing need should disperse the affected households to the extent that a housing marketplace will be created where individual households can find housing of their choice in locations of their choice.

With these observations in mind, it nevertheless appears reasonable to allocate the surplus present housing need within the 30 minute commuting region in accordance with the same "fair share" criteria previously utilized to allocate the prospective housing need. First, it is noted that Bedminster Township is in the approximate center of the 30 minute commuting region. Additionally, it is noted that the seventeen (17) municipalities contributing the surplus units to be allocated are distributed throughout the region and surround Bedminster; therefore the effected households will not be unreasonably displaced. Finally, it is noted that the utilized "fair share" criteria emphasizes the location of "growth areas" within the region as prescribed by the Court.

PLATE 7

Computation Of Surplus Present Housing Need
In Bedminster Township Housing Region

	Overcrowded (footnote a)	No Kitchen (footnote b)	No Bath or Half-Bath (footnote c)	Total Physical Need	Total Year-Round Housing Units (footnote d)	% of Total Housing Units In Region	Maximum Share of Total Physical Need	'Surplus' to be Redistributed
<u>Somerset County Sector</u>								
Bedminster	6	11	22	39	937	0.32	40	
Bernards Township	16	12	10	38	3,784	1.30	163	
Bernardsville	11	6	28	45	2,339	0.80	100	
Bound Brook	134	62	75	271	3,707	1.27	159	112
Branchburg	17	33	0	50	2,469	0.85	107	
Bridgewater	97	47	30	174	8,977	3.07	385	
Far Hills	1	0	2	3	254	0.09	11	
Franklin	265	69	135	469	10,460	3.58	449	20
Green Brook	15	31	0	46	1,408	0.48	60	
Hillsborough	49	60	47	156	6,867	2.35	295	
Manville	111	89	80	280	3,949	1.35	169	111
Millstone	2	0	2	4	173	0.06	8	
Montgomery	17	7	22	46	2,166	0.74	93	
North Plainfield	143	76	68	287	7,718	2.64	331	
Peapack-Gladstone	5	6	14	25	742	0.25	31	
Raritan	55	12	91	158	2,282	0.78	98	60
Rocky Hill	0	2	5	7	269	0.09	11	
Somerville	119	24	43	186	4,835	1.65	207	
South Bound Brook	52	15	33	100	1,614	0.55	69	31
Warren	20	19	4	43	3,074	1.05	132	
Watchung	11	0	7	18	1,671	0.57	72	
<u>Morris County Sector</u>								
Boonton Town	92	32	81	205	3,129	1.07	134	71
Chatham Borough	15	0	6	21	3,225	1.10	138	
Chatham Township	7	0	0	7	3,049	1.04	131	
Chester Borough	5	9	6	20	491	0.17	21	
Chester Township	14	14	20	48	1,584	0.54	68	
Denville	60	14	17	91	4,668	1.60	201	
East Hanover	19	11	21	51	2,614	0.89	112	
Florham Park	5	6	0	11	2,396	0.82	103	
Hanover	26	7	17	50	3,606	1.23	154	
Harding	7	0	0	7	1,136	0.39	49	
Madison	73	54	59	186	4,994	1.71	215	
Mendham Borough	7	14	6	27	1,589	0.54	68	
Mendham Township	3	0	0	3	1,449	0.50	63	
Morris Township	45	17	34	96	6,135	2.10	264	
Morris Plains	17	20	10	47	1,843	0.63	79	
Morristown	225	143	128	496	6,773	2.32	291	205
Mt. Olive	82	51	60	193	6,774	2.32	291	
Mountain Lakes	4	0	3	7	1,200	0.41	51	
Parsippany	275	87	116	478	17,672	6.04	758	
Passaic	25	6	21	52	2,387	0.82	103	
Randolph	76	8	13	97	6,153	2.10	264	
Roxbury	102	55	52	209	5,818	2.00	251	
Washington Township	35	17	10	62	3,552	1.21	152	
				2,464	92,237	31.55		

	Overcrowded (footnote a)	No Kitchen (footnote b)	No Bath or Half-Bath (footnote c)	Total Physical Need	Total Year-Round Housing Units (footnote d)	% of Total Housing Units In Region	Maximum Share of Total Physical Need	'Surplus' to be Redistributed
<u>Middlesex County Sector</u>								
Dunellen	46	77	85	208	2,476	0.85	107	101
Edison	446	110	154	710	24,311	8.32	1,044	
Highland Park	109	27	56	192	5,746	1.96	246	
Metuchen	70	56	26	152	5,049	1.73	217	
Middlesex	91	21	24	136	4,528	1.55	195	
New Brunswick	1,042	782	871	2,695	14,126	4.83	606	2,089
Piscataway	393	56	95	544	12,683	4.34	545	
South Plainfield	114	22	21	157	6,295	2.15	270	
<u>Hunterdon County Sector</u>								
Bethlehem	12	6	8	26	971	0.33	41	
Bloomsbury	7	4	17	28	319	0.11	14	14
Califon	3	0	9	12	368	0.12	15	
Clinton Town	5	12	9	26	738	0.25	31	
Clinton Township	26	34	41	101	2,208	0.76	95	6
Flemington	30	28	27	85	1,847	0.63	79	6
Franklin	15	9	11	35	780	0.27	34	1
Glen Gardner	8	5	7	20	308	0.11	14	6
Hampton	12	4	7	23	593	0.20	25	
High Bridge	18	16	33	67	1,192	0.41	51	16
Lebanon Borough	5	3	4	12	296	0.10	13	
Raritan Township	40	45	88	173	2,657	0.91	114	59
Readington	54	17	33	104	3,474	1.19	149	
Tewksbury	8	2	3	13	1,359	0.46	58	
Union	9	7	11	27	1,139	0.40	50	
				752	18,249	6.25		
<u>Union County Sector</u>								
Berkeley Heights	10	11	6	27	3,746	1.28	161	
Fanwood	20	17	0	37	2,519	0.86	108	
Mountainside	8	12	6	26	2,395	0.82	103	
New Providence	19	22	15	56	4,213	1.44	181	
Plainfield	985	313	377	1,675	16,152	5.53	694	981
Summit	75	103	95	273	7,903	2.70	339	
				2,094	36,928	12.63		
REGION TOTALS				12,549	292,323	100.00		3,889

SOURCES:

- (a) U. S. Census 1980, STF-1 Series, Volume II, Characteristics of Households and Families, Table 18.
- (b) U. S. Census 1980, STF-3 Series, Sheet X, Table 16.
- (c) U. S. Census 1980, STF-3 Series, Sheet X, Table 15.
- (d) U. S. Census 1980, STF-1 Series, Volume III, Characteristics of Housing Units, Table 3.

Plate 8 tabulates the fair share allocation of surplus present housing need to Bedminster Township and indicates the range of obligation to be between 65 and 73 dwelling units.

TOTAL "MT. LAUREL" HOUSING OBLIGATION FOR BEDMINSTER TOWNSHIP

Under the stipulations of the State Supreme Court's Mt. Laurel II Decision, the Township's total lower cost housing obligation consists of combining the indigenous need component, the regional prospective need component, and the surplus present need component.

Indigenous Housing Need: 39 units

Regional Propsective Housing Need:

Minimum: 666 units
Maximum: 741 units

Surplus Present Need:

Minimum: 65 units
Maximum: 73 units

Therefore, the total housing obligation for Bedminster Township is within the following range:

- ° BETWEEN 770 (indigenous plus minimum prospective regional
plus minimum share of surplus present need)
- and
- 853 (indigenous plus maximum prospective regional
plus maximum share of surplus present need)

BEDMINSTER TOWNSHIP: MEETING ITS HOUSING OBLIGATION

Bedminster Township's current zone plan was divised under the perview of the Superior Court which required that Bedminster Township satisfy its regional housing obligations. Specifically, a March 1980 Court Order listed a number of directives regarding the rezoning process of the Township. Four (4) of the directives are particularly relevant to the Master Plan process of the Township:

1. The Order mandated that the revised ordinance provide for the following types of development within the specified "Corridor" area:
 - a. Some moderate sized and many very small lots for detached one family dwelling units;
 - b. Two-family units on small lots; and
 - c. A planned development zone (PUD or PRD overlay mechanism as provided by N.J.S.A.40:44D-45 et seq.).

PLATE 8

Fair Share Allocation of Surplus Present Housing Need
To Bedminster Township

	Weighted Fair Share Allocation			
	A	B	C	D
Total Regional Surplus Physical Housing Need	3,889	3,889	3,889	3,889
Weighted Fair Share	1.74%	1.68%	1.68%	1.87%
Fair Share Allocation Of Surplus Present Housing Need To Bedminster Township	68	65	65	73

2. In accordance with the "Village Neighborhood" concept of the Somerset County Master Plan, the Order stipulated that the revised ordinance regulations permit an ultimate density of between five (5) and fifteen (15) dwelling units per gross acre throughout the "Corridor", unless in specific areas and for particular reasons such densities would constitute improper land use development.
3. The Order provided for the appointment of a planning expert as a Master to serve as a witness and consultant in order to aid the Court and the parties in the revisions of the ordinance regulations.
4. The Order specified an exact definition of the "Corridor" area, thereby indicating that portion of Bedminster Township to be rezoned for high density residential and high intensity non-residential uses versus those lands to remain zoned for low density residential development.

With the directives of the March 1980 Court Order in hand, Bedminster Township formulated appropriate Ordinance provisions satisfactory to the Township, the plaintiff, and the Court appointed Master. The Ordinance provisions include densities for multiple-family residential development appropriate from a planning and development viewpoint to achieve the construction of the affordable housing units; therefore, the Ordinance provisions implicitly contain the so-called "density bonuses" referred to in the "Mt. Laurel II" Decision. The Land Development Ordinance of the Township of Bedminster was approved by the Somerset County Superior Court, was adopted by the Township Committee on September 2, 1980, and was amended on October 6, 1980, incorporating minor modifications and refinements.

The Township designated lands within the Bedminster and Pluckemin Village Route 202/206 corridor for the high density residential development, as required by the Court and in accordance with sound planning criteria. As specifically documented in the "Regional Analysis" Background Study of the Township Master Plan, a total of 4,902 multiple family dwelling units can be developed in Bedminster Township under the prevailing Ordinance provisions. Considering only the "MF" Multiple Family District, the "PRD" Planned Residential Development areas, and the "PUD" Planned Unit Development areas, and excluding the Residential Cluster Option within both the "R- $\frac{1}{4}$ " and the "R- $\frac{1}{2}$ " Residential Districts, a total of 4,415 multiple family dwelling units can be constructed within Bedminster Township at this time.

The adopted Land Development Ordinance of Bedminster Township stipulates inclusionary language applicable to the Planned Residential Development and the Planned Unit Development areas. Specifically, a minimum of twenty percent (20%) of the total number of residential units within a planned development must be subsidized and/or least cost housing, in accordance with the specific provisions included within Sections 13-606.4j. and 13-606.3i. of the Ordinance. The end result is that the prevailing Ordinance provisions require the construction of 730 subsidized and/or least cost housing units as part of the development of the designated Planned Residential Development and Planned Unit Development areas.

The prevailing inclusionary zoning provisions within the Bedminster Township Land Development Ordinance were reviewed and commented upon by the participating parties in the litigation including the Township, the plaintiff and the Public Advocate's office as well as the Court appointed Master. However, since the formulation of the Ordinance predated the "Mt. Laurel II" Supreme Court Decision, the provisions are not in full accord with the current constitutional obligations of municipalities within the State of New Jersey. As a result, the Township is considering the adoption of revised Ordinance provisions (see Appendix F) so that the Township will be in full compliance with the directives of the Court.

In addition to other modifications and refinements, the Ordinance amendment being considered by the Township requires a mandatory set-aside of affordable housing units within the "MF" Multiple Family District as well as within the Planned Residential Development and Planned Unit Development areas. The end result is that a total of 998 low and moderate income housing units must be constructed as part of the development of the designated "MF", "PRD" and "PUD" areas; which favorably compares to the Township's total "Mt. Laurel" housing obligation of between 770 and 853 dwelling units.

Nevertheless, even though the Township may have affirmatively zoned for 998 low and moderate income housing units, there is always the possibility that the Township may be required to provide more low and moderate income units than its "fair share" analysis concluded or, alternatively, the areas currently zoned for multiple family development may be discounted. While these possibilities are not likely, it nevertheless behooves the Township to make certain that its planning and zoning actions remain consistent with its housing obligations; the Township should plan ahead in order to make certain that it has the necessary capacity for the construction of the low and moderate income housing that it may be required to provide.

One particular concern during the formulation of the current Ordinance provisions was that there should be a balance between housing opportunities and employment opportunities within the Township. As noted by the Court appointed Master in his report to Hon. B. Thomas Leahy dated May 27, 1980:

"The Township was apprehensive that zoning this much property for job generating uses might upset the residential-job balance established in its rezoning of the Corridor. It is my opinion that this fear is unjustified inasmuch as the total residential capacity of the Corridor is designed to accommodate a very considerable number of residential units."

The "Mt. Laurel II" Decision emphasizes the need for a balance between housing opportunities and employment opportunities, both within a region and within an individual municipality. Moreover, it appears that if a municipality increases its employment base, it commensurately may be required to increase its housing opportunities. Therefore, even though the currently zoned non-residential development within Bedminster Township received specific sanction from the Court appointed Master and the Superior Court itself, the Township should consider changing some of the currently zoned non-residential areas to a relatively high density residential district designation. As a first step, it is recommended that the Township review its currently zoned non-residential land areas in the context of changed circumstances since the adoption of its Master Plan in 1982 and provide the opportunity for additional housing construction within the Corridor.

The parcels of land south of Interstate-78 and east and west of Route 202/206 (known as Lot 1, Block 71A and Lot 1, Block 72A) are particularly appropriate for residential development. The two (2) lots total approximately 29.5 acres and are located next to a 167-acre tract of land in Bridgewater Township which has recently been rezoned to allow the construction of approximately 1.6-million square feet of office space. Moreover, the 29.5 acres are located at the centerpoint of the Route 202/206 corridor extending between I-287 in Bridgewater Township to the south and I-287 in Bedminster Township to the north; a stretch of land that is earmarked for intense physical development.

It is therefore suggested that the Zoning Map of Bedminster Township be changed to include Lot 1 of Block 71A and Lot 1 of Block 72A in the "R- $\frac{1}{4}$ " District designation with the Residential Cluster Option. If, in the future, Bedminster Township is required to provide more low and moderate income housing units, then it is suggested that such housing be provided on these land parcels. Clearly, it is not possible to make any specific recommendations until the Township knows what its additional housing responsibilities might be. However, until and if such modifications to the Ordinance provisions of the Township are deemed necessary, the "R- $\frac{1}{4}$ " District designation is appropriate from a comprehensive planning viewpoint.

APPENDIX

APPENDIX A

1980 Journey-to-Work Data

Employed Residents of Bedminster Township

Place of Work

	<u>Number</u>	<u>Percent</u>
Somerset County	670	57.3
New Jersey: all other Counties	417	35.6
Outside New Jersey	83	7.1
Total	<u>1,170</u>	<u>100.0</u>

Travel Time to Work

Under 30 minutes	710	56.6
30-44 minutes	324	25.8
45-59 minutes	72	5.8
60 minutes or more	148	11.8
Total	<u>1,254</u>	<u>100.0</u>

Mean travel time: 27.5 minutes

Mode of Transportation to Work

Car (including carpool)	989	75.8
Public transportation	60	4.6
Walked to work	112	8.6
Worked at home	95	7.3
Other	49	3.7
Total	<u>1,305</u>	<u>100.0</u>

SOURCE: U. S. Census of Population, 1980.

APPENDIX B

PROCEDURES FOR DELINEATING THE HOUSING REGION

The housing region around Bedminster Township was determined by identifying those municipalities within thirty (30) minutes travel time from the Township. Travel time was measured along all principal roads into the Township, from a point approximately in the center of the municipality. Driving time was calculated by assuming different speed for different types of roads, as follows:

Interstate highways	-	50 miles/hour
State and Federal numbered highways	-	40 miles/hour
County roads	-	30 miles/hour

If only part of a municipality was within thirty (30) minutes driving time, it was included in the region if more than half fell within the 30-minute radius, but was excluded if less than half fell within the 30-minute radius.

The following municipalities are included in the Bedminster Township housing region:

<u>Somerset County:</u>	All municipalities.
<u>Morris County:</u>	Boonton Town, Chatham Borough, Chatham Township, Chester Borough, Chester Township, Denville, East Hanover, Florham Park, Hanover, Harding, Madison, Mendham Borough, Mendham Township, Morris Township, Morris Plains, Morristown, Mt. Olive, Mountain Lakes, Parsippany, Passaic, Randolph, Roxbury, and Washington Township.
<u>Middlesex County:</u>	Dunellen, Edison, Highland Park, Metuchen, Middlesex, New Brunswick, Piscataway, and South Plainfield.
<u>Hunterdon County:</u>	Bethlehem, Bloomsbury, Califon, Clinton Town, Clinton Township, Flemington, Franklin, Glen Gardner, Hampton, High Bridge, Lebanon Borough, Raritan Township, Readington, Tewksbury, and Union.
<u>Union County:</u>	Berkeley Heights, Fanwood, Mountainside, New Providence, Plainfield, and Summit.

APPENDIX C

Job-Household Ratio, New Jersey, 1970-80

	<u>Households</u>	<u>Covered Jobs</u>	<u>Ratio Household-Job</u>
1970	2,218,182	2,095,798	1.06
1980	<u>2,548,225</u>	<u>2,530,556</u>	<u>1.01</u>
Change 1970-1980	+ 330,043	+ 434,758	0.759

SOURCE: U. S. Census of Population & Housing, 1970 and 1980; and New Jersey Employment Trends, New Jersey Department of Labor and Industry, 1970 and 1980.

APPENDIX D

Growth Area by County Sector
Bedminster Township Housing Region

<u>County Sector</u>	<u>Growth Area (sq. miles)</u>
Somerset	156.96
Middlesex	72.29
Union	27.39
Morris	125.29
Hunterdon	<u>41.81</u>
<u>Total Region:</u>	423.74
Bedminster Township:	4.56
Township Share of Region:	1.08%

SOURCE: Planimetric measurements,
Richard Thomas Coppola and Associates.

APPENDIX E

Annual Job Growth
Bedminster Township Housing Region
 vs.
Bedminster Township

	<u>Covered Employment In Region</u>	<u>Annual Increase In Region</u>	<u>Annual % Increase In Region</u>	<u>Covered Employment In Bedminster</u>	<u>Annual Increase In Bedminster</u>	<u>Annual % Increase In Bedminster</u>
1972	261,473			552		
1973	281,458	+ 19,985	+ 7.6%	665	+ 113	+ 20.5%
1974	294,014	+ 12,556	+ 4.5%	680	+ 15	+ 2.3%
1975	283,637	- 10,377	- 3.5%	838	+ 158	+ 23.2%
1976	305,617	+ 21,980	+ 7.7%	802	- 36	- 4.3%
1977	329,369	+ 23,752	+ 7.8%	3,597	+ 2,795	+ 348.5%
1978	355,900	+ 26,531	+ 8.1%	4,289	+ 692	+ 19.2%
1979	365,623	+ 9,723	+ 2.7%	4,854	+ 565	+ 13.2%
1980	370,272	+ 4,649	+ 1.3%	4,642	- 212	- 4.6%
1981	388,608	+ 18,336	+ 5.0%	4,396	- 246	- 5.3%
		<u>+ 127,135</u>			<u>+ 3,844</u>	

SOURCE: New Jersey Employment Trends, 1972 through 1981,
 New Jersey Department of Labor and Industry.

August 29, 1983

TO: Bedminster Township

FROM: Richard Thomas Coppola, P. P.

SUBJECT: Suggested "Mt. Laurel II" Amendments to
"The Land Development Ordinance of the Township of Bedminster".

The following amendments to the Land Development Ordinance of Bedminster Township are suggested in order for Bedminster to comply with the mandates of "Mt. Laurel II". The proposed language has been formulated in consideration of the comments received from Messrs. Furguson and Thomas following their review of previously issued Memorandum 5-83.

I. Change Section 13-606.4j. in its entirety to read:

j. Low and moderate income housing requirements.

At least 20 percent of the total number of residential dwellings within a planned unit development shall be subsidized or otherwise made affordable to low and moderate income households as discussed and defined in the "Mt. Laurel II" Supreme Court Decision (So. Burlington Cty. N.A.A.C.P. v. Mt. Laurel Tp., 92 N.J.158 [1983]). It shall be the responsibility of the applicant to propose the scheme to be used in order to insure that the required number of affordable dwelling units are rented or sold only to low and moderate income households and that the units will continue to be occupied by said households over time. Every affordable unit shall be rented or sold at a cost not exceeding 25% of the earning limits calculated for low income households and moderate income households. For purposes of this Ordinance, "low income households" are those earning less than 50% of the median income figure published for Somerset County and "moderate income households" are those earning between 50% and 80% of said published median income figure.

1. At least 25 percent of the required 20 percent shall be subsidized senior citizen housing units in accordance with subsection 13-601.2 of this chapter. The applicant shall diligently apply to the Federal Department of Housing and Urban Development and the New Jersey Housing Finance Agency for subsidies; if no subsidies are available, this fact shall be certified to the Planning Board and the required percentage of low and moderate income housing in the planned unit development shall be provided in accordance with subsections 13-606.4j.2. and 13-606-4j.3. hereinbelow. The height, parking and other provisions specified for subsidized senior citizen housing units in subsection 13-601.2 of this chapter shall not be applied to any other housing within the planned unit development.

2. At least 35 percent of the required 20 percent shall be rental units subsidized in accordance with available subsidy programs authorized and regulated by the Federal Department of Housing and Urban Development or the New Jersey Housing Finance Agency. If no subsidy programs are available, this fact shall be certified to the Planning Board, and the rental units shall be restricted in size to be no larger than 15 percent greater in area than the minimum net habitable floor area as specified in this chapter. In any case, 50% of said rental units shall be provided for low income households and 50% for moderate income households. Moreover, not less than 5 percent of the units shall have four (4) bedrooms and not less than an additional 20 percent of the units shall have three (3) bedrooms.

should seek subsidies to available.

3. At least 20 percent of the required 20 percent, and such additional units as may be required to achieve the low and moderate income housing requirements within the planned unit development, shall be dwellings for sale. 50% of said sale units shall be provided for low income households and 50% for moderate income households. Moreover, not less than 5 percent of the units shall have four (4) bedrooms and not less than an additional 20 percent shall have three (3) bedrooms.

II. Change Section 13-606.3i. in its entirety to read:

i. Low and moderate income housing requirements.

At least 20 percent of the total number of residential dwellings within a planned residential development shall be subsidized or otherwise made affordable to low and moderate income households as discussed and defined in the "Mt. Laurel II" Supreme Court Decision (So. Burlington Cty. N.A.A.C.P. v. Mt. Laurel Tp., 92 N.J.158 [1983]). It shall be the responsibility of the applicant to propose the scheme to be used in order to insure that the required number of affordable dwelling units are rented or sold only to low and moderate income households and that the units will continue to be occupied by said households over time. Every affordable unit shall be rented or sold at a cost not exceeding 25% of the earning limits calculated for low income households and moderate income households. For purposes of this Ordinance, "low income households" are those earning less than 50% of the median income figure published for Somerset County and "moderate income households" are those earning between 50% and 80% of said published median income figure.

1. At least 35 percent of the required 20 percent shall be rental units subsidized in accordance with available subsidy programs authorized and regulated by the Federal Department of Housing and Urban Development or the New Jersey Housing Finance Agency. If no subsidy programs are available, this fact shall be certified to the Planning Board, and the rental units shall be restricted in size to be no larger than 15 percent greater in area than the minimum net habitable floor area as specified in this chapter. In any case, 50% of said rental units shall be provided for low income households and 50% for moderate income households. Moreover, not less than 5 percent of the units shall have four (4) bedrooms and not less than an additional 20 percent of the units shall have three (3) bedrooms.
2. At least 20 percent of the required 20 percent, and such additional units as may be required to achieve the low and moderate income housing requirements within the planned residential development, shall be dwellings for sale. 50% of said sale units shall be provided for low income households and 50% for moderate income households. Moreover, not less than 5 percent of the units shall have four (4) bedrooms and not less than an additional 20 percent shall have three (3) bedrooms.

III. Add a new Section 13-404.7 to read:

13-404.7. Low And Moderate Income Housing Requirements. At least 35 percent of the total number of residential dwellings within an "MF" High Density Multiple Family Development shall be subsidized or otherwise made affordable to low and moderate income households as discussed and defined in the "Mt. Laurel II" Supreme Court Decision (So. Burlington Cty. N.A.A.C.P. v. Mt. Laurel Tp., 92 N.J.158 [1983]). It shall be the responsibility of the applicant to propose the scheme to be used in order to insure that the required number of affordable dwelling units are rented or sold only to low and moderate income households and that the units will continue to be occupied by said households over time. Every affordable unit shall be rented or sold at a cost not exceeding 25% of the earning limits calculated for low income households and moderate income households. For purposes of this Ordinance, "low income households" are those earning less than 50% of the median income figure published for Somerset County and "moderate income households" are those earning between 50% and 80% of said published median income figure.

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- a. At least 25 percent of the required 35 percent shall be rental units subsidized in accordance with available subsidy programs authorized and regulated by the Federal Department of Housing and Urban Development or the New Jersey Housing Finance Agency. If no subsidy programs are available, this fact shall be certified to the Planning Board, and the rental units shall be restricted in size to be no larger than 15 percent greater in area than the minimum net habitable floor area as specified in this chapter. In any case, 50% of said rental units shall be provided for low income households and 50% for moderate income households. Moreover, not less than 5 percent of the units shall have four (4) bedrooms and not less than an additional 20 percent of the units shall have three (3) bedrooms.
- b. At least 25 percent of the required 35 percent, and such additional units as may be required to achieve the low and moderate income housing requirements within the "MF" Multiple Family Development, shall be dwellings for sale. 50% of said units shall be provided for low income households and 50% for moderate income households. Moreover, not less than 5 percent of the units shall have four (4) bedrooms and not less than an additional 20 percent shall have three (3) bedrooms.