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Belminster's Report on Meeting Mt Laurel II
obligations

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BEDMINSTER TOWNSHIP
Somerset County' N. J.



MEETING ITS
*MT. LAUREL II!
HOUSING OBLIGATIONS

June 1984

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**BEDMINSTER TOWNSHIP
SOMERSET COUNTY, NEW JERSEY**

MEETING ITS "MT. LALREL II" HOUSING OBLIGATIONS

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Introduction and Summary

INTRODUCTION AND SUMMARY

At the direction of Bedminster Township and in consultation with the Township professional staff and the Public Advocate's office, the material within this document has been prepared in support of the position that Bedminster Township has identified and addressed its "Mt. Laurel II" housing obligations and has formulated a compliance package of Ordinance amendments to fulfill its obligations.

Bedminster Township and the Public Advocate have agreed that, for purposes of finally settling this lengthy litigation, six hundred fifty-six (656) "low" and "moderate" income dwelling units represents a reasonable 'fair share' number for Bedminster Township; being eighty percent (80%) of the 'fair share' number which results from the "consensus" methodology developed in other litigation. Moreover, this number is a reasonable compromise in light of Bedminster Township's opposition to certain aspects of the "consensus" methodology and Bedminster Township's position that its 'fair share' number should be significantly lower. However, rather than litigating these issues, the parties have agreed to the compromise 'fair share' number which is reasonable, workable and achievable from a planning viewpoint. Additionally, Bedminster Township agrees to immediately enact zoning provisions to accommodate the entire 'fair share' number, including a substantial overzoning in order to make realistically possible the construction of six hundred fifty-six (656) "low" and "moderate" income dwelling units.

SITE IDENTIFICATION and DEVELOPMENT POTENTIAL

The map included in this section of the document identifies those thirteen (13) land parcels relevant to Bedminster Township's "Mt. Laurel II" compliance package. An accompanying chart calculates the development potential of the subject properties. The calculations were prepared utilizing tax map information as well as planimetered measurements of "critical areas", as that term is specifically defined in the Land Development Ordinance of Bedminster Township. The chart indicates the total acreage of each identified parcel; its "critical" acreage; and its "non-critical" acreage. Thereafter, the total number of "Mt. Laurel" affordable dwelling units required under the terms of the proposed compliance package are tabulated.

PROPOSED COMPLIANCE PACKAGE and ORDINANCE AMENDMENTS

The final section of this document summarizes in tabulated form the "Mt. Laurel" multiple-family units which will result via the implementation of the proposed compliance package. As noted, parcels A, B, C, D, E, F, and G yield 710 "Mt. Laurel" dwelling units and, the development of any one of the four (4) possible Senior Citizen sites will yield an additional 90 units; generating a total of at least 860 "Mt. Laurel" dwelling units. Parcels H and I will yield an additional 40 "Mt. Laurel" dwelling units; generating a total of at least 900 "Mt. Laurel" dwelling units. The 770 total is 117% of the 656 'fair share' number; 860 is 131% of that number; and the 900 total is 137% of the 'fair share' number.

Certain additional aspects of the compliance package deserve emphasis. First, the Township agrees to cause the creation of a non-profit sponsor for the construction of subsidized senior citizen housing and has identified four (4) potential sites for the construction of the subsidized senior citizen housing; two in Pluckemin Village and two in Bedminster Village. From a planning viewpoint, the preferred site is within the "VN" District in Pluckemin Village. However, recognizing that the cost for land acquisition may be a significant stumbling block, the proposed Ordinance provisions provide a Floor Area Ratio intensity bonus within the "CR" District located at the southwest corner of the Lamington Road/Route 206 intersection. The end result of the F.A.R. bonus will be the dedication of approximately six (6) acres of land area to the Township, which acreage could be used for the location of a subsidized senior citizen housing development.

ADDITIONAL PROPOSED ORDINANCE CHANGES

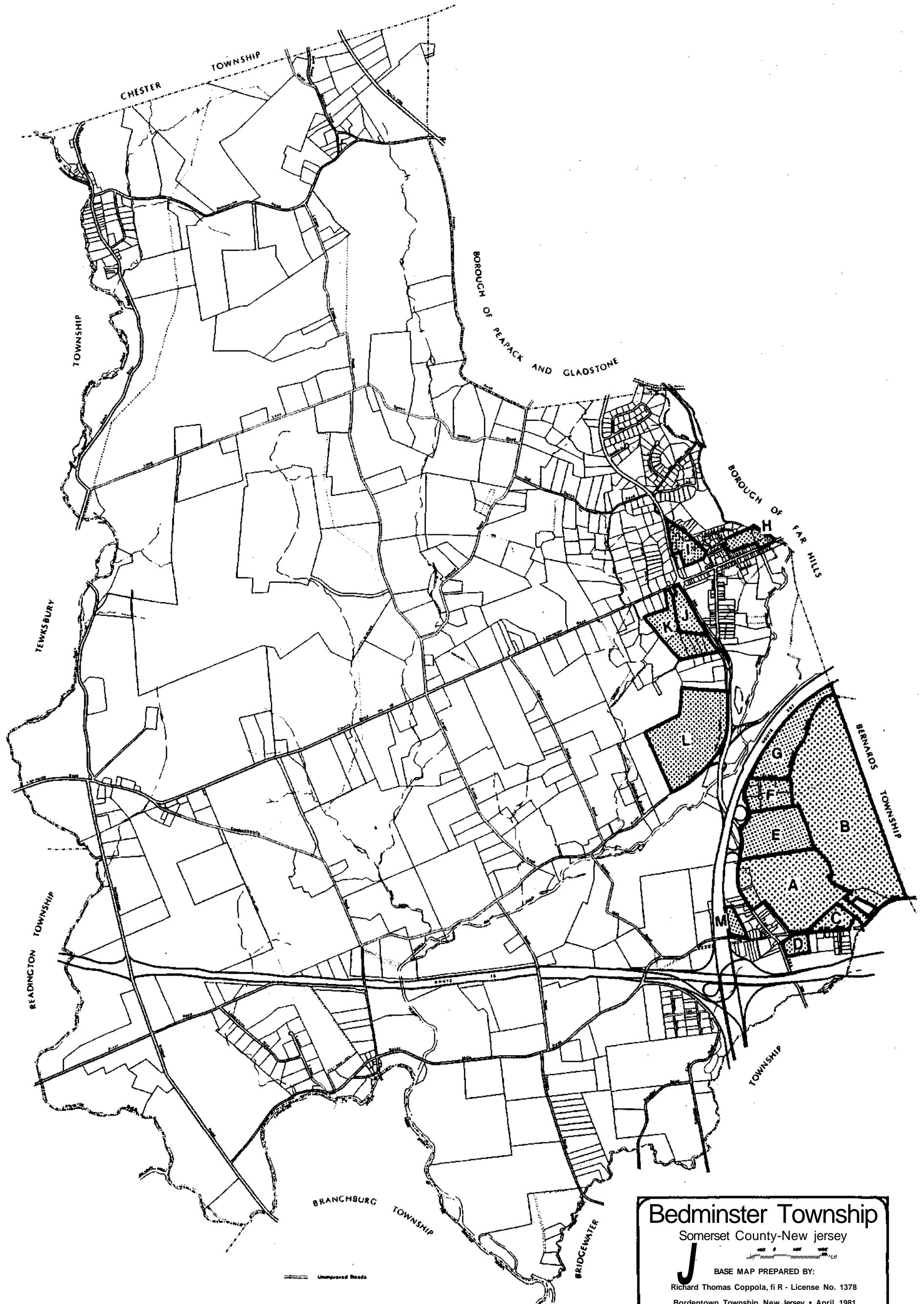
The variable lot size "single family clusters" on a portion of the so-called 'Timbers' property and a portion of the so-called 'Dobbs' property are the outcome of discussions at the Planning Board level which began during the formulation of the "Part II: Development Plan" portion of the Master Plan, dated August 1982. As indicated on page 8 of the Plan, "modification to the cluster options currently permitted within the "R-3%" District" was recognized as an item for further study. The specific provisions included in the proposed Ordinance amendments provide for a gross residential density of one (1) dwelling unit per acre, with the reduction in individual lot sizes to one third to three quarter (1/3 -3/4) acres in area, with an average lot size of one-half (1/2) acre.

It also should be understood, as the minutes of the Master Plan Subcommittee of the Planning Board indicate, that the so-called 'Dobbs' property has been under consideration as the location of a municipal complex since 1982. The advantage of this site for a municipal complex and municipally owned open space and recreational lands is its proximity to the relatively intense and dense residential and non-residential development occurring and expected to occur within Pluckemin Village, coupled with its visual and traffic access separation from the State highway.

Site Identification and
Development Potential

SITE IDENTIFICATION MAP • June 1984

Lands Relevant to Bedminster Township's^M "Mt. Laurel II"
Compliance Package



Bedminster Township
Somerset County-New Jersey

J BASE MAP PREPARED BY:
Richard Thomas Coppola, f i R - License No. 1378
Bordentown Township, New Jersey • April, 1981

**DEVELOPMENT POTENTIAL OF "MT. LAUREL II" COVFUANCE PKKAGE LAND AREAS
BEDMINSTCR TOWNSHIP, SOMERSET COUNTY, NEW JERSEY**

Parcel	Total Acreage	(at 1/5 du/acre)		Acreage: Non-Critical (at max. permitted density)	Total Units	No. of 'Affordable' Units
		Slope 15% or greater	Flood Hazard (500 year)			
<u>A</u> PUD-10			THE HILLS PUD*		1,287 du	260 du
<u>B</u> PRD-8			THE HILLS PRD*		max. 928 du	180 du
<u>C</u> PUD-10	17.180	0	0	17.180 17.180 x 10 = 171.80 du	172 du	34 du
<u>D**</u> MF-12	14.800	0	0	14.800 14.800 x 12 = 177.60 du	177 du	35 du
<u>E</u> PUD-10	73.250	13.552 13.552/5 = 2.71 du	0	59.698 59.698 x 10 = 596.98 du	599 du	120 du
<u>F</u> PUD-10	31.791	6.198 6.198/5 = 1.24 du	0	25.593 25.593 x 10 = 255.93 du	257 du	51 du
<u>G</u> PUD-10	51.767	6.941 6.941/5 = 1.39 du	0	44.826 44.826 x 10 = 448.26 du	449 du	90 du
<u>H</u> PRD-6	13.582	4.958 7.767/5 = 1.55 du	2.809	5.815 5.815 x 6 = 34.89 du	36 du	7 du
<u>I**</u> MF-12	24.769	0.578 0.578/5 = 0.12 du	0	24.191 24.191 x 12 = 290.29 du	290 du (165 prob- able)***	58 du (33 prob- able)***

* See May 25, 1984 Order entered by the Honorable Eugene D. Serpentelli, J.C.S.

** Subsidized Senior Citizen Housing allowed @ 15du/ac.

*** The "probable" numbers are used for purposes of all 'fair share'¹ calculations, based upon discussions with the Public Advocate's Office and reports by the Court Appointed Master.

**DEVEUOPMENT POTENTIAL OF "MT. LAUREL II" COMPLIANCE PACKAGE LAND AREAS
BEDMINSTT3R TOWNSHIP, SOMERSET COUNTY, NEW JERSEY**

(continued)

<u>Parcel</u>	<u>Total Acreage</u>	<u>Development Potential</u>	<u>Total Units</u>	<u>No. of 'Affordable' Units</u>
<u>J</u> JR	approx. 23.5	179,000 sq. ft. * office/research space (0.175 F.A.R.)	*	*
<u>K**</u> Single Family Cluster	approx. 41.2	41 single family detached dwellings in clustered format	41 du	-
<u>L</u> Single Family Cluster	approx. 137.5 (37.5 critical and 100.0 non-critical)	108 single family detached dwellings in clustered format	108 du	-
<u>M**</u> VN	9.8 acres	retail and service commercial and mixed residential	varies	-

* In an effort to generate land area for the development of subsidized senior citizen housing, the developer of Parcel 3 may increase the square footage of the office/research space on the 23.5 acre parcel, provided that for every additional 7,623 square feet of space, an acre of land within Parcel K be dedicated to the Township for 'public purpose uses' and, provided further, that no less than four such acres nor more than six (6) such acres be dedicated in this manner. If the full six acres were dedicated, the total square footage of office/research space permitted on the 23.5 acres would be approximately 225,000 square feet (0.220 F.A.R.).

** Subsidized Senior Citizen Housing allowed @ 15du/ac.

**PROPOSED REZONING OF
IDENTIFIED LAND AREAS**

**BEDMINSTCR TOWNSHIP, NEW JERSEY
JUNE 1984**

<u>PARCEL</u>	<u>EXISTING ZONING</u>	<u>PROPOSED ZONING</u>	<u>PROPOSED TOTAL UNITS MULTI-FAMILY</u>	<u>PROPOSED "MT. LALREL" MULTI-FAMILY</u>
A	R*/PUD	Ri/PUD	1,287 du	260 du
B	R£/Cluster	Ri/RRD-8 (max 928 du)	@ 928 du	180 du
C	Ri/PUD	R£/PUD	172 du	34 du
D	MF	JVF (Senior Cit. Option)	177 du (or 125 Senior Cit. + 7S du)	35 du (or 141 du)
E	R*/PUD	Ri/PUD	599 du	120 du
F	R-3%/PUD	R-3%/PUD	257 du	51 du
G	Ri/PUD	Ri/PUD	449 du	90 du
H	Ri/PRD-6	Ri/PRD-6	36 du	7 du
I	MF	Mf (Senior Cit. Option)	165 du (or 125 Senior Cit. + 65)	33 du (or 138 du)
J	R-i/PRD-8	CR	0	0*
K	R-1/PRD-8	R-1/SF Cluster (and possible Senior Cit. site)	0	0 (or 90 du)
L	R-3%	R-1/SF Cluster	0	0
M	VN	VN (Senior Cit. Option)	0 (or 125 Senior Cit.)	0 (or 125 du)

* Up to six (6) acres of land in Parcel K may be dedicated for a Subsidized Senior Citizen Housing site as a result of the development of Parcel J.

Therefore, Parcels A, B, C, D, E, F, and G yield 778 "Mt. Laurel" dwelling units and the development of any one of the four (4) possible Senior Citizen sites will yield an additional 90 units; generating a total of at least 860 "Mt. Laurel" dwelling units. Parcels H and I will yield an additional 40 "Mt. Laurel" dwelling units; generating a total of at least 900 "Mt. Laurel" dwelling units. The 770 total is 117% of the 656 "fair share" number; 860 is 131% of that number; and the 900 total is 137% of the "fair share" number.

Proposed Ordinance Amendments

PROPOSED ORDINANCE AMENDMENTS
BEDMINSTER TOWNSHIP, NEW JERSEY

1. Add new Subsections 13-404.1 h. and 13-405.1 h.

"h. Senior Citizen Housing as a conditional use under N.J.S.A. 40:55D-67 (see Section 13.601 for standards).

2. Change 13-601.2 in its entirety to read:

13-601.2 Senior Citizen Housing.

- a. No site shall contain less than four acres.
- b. The maximum residential density shall not exceed fifteen dwelling units per gross acre.
- c. No dwelling unit shall contain more than two bedrooms except that a dwelling unit for a resident manager of the building may contain more than two bedrooms.
- d. Individual dwelling units shall meet the minimum design requirements specified by the New Jersey Housing Finance Agency.
- e. The maximum building height shall not exceed 35 feet and three (3) stories.
- f. A minimum 1.0 parking spaces shall be provided for each dwelling unit except that a lesser number, as determined by the subsidizing governmental authority, can be paved.
- g. A land area or areas equal in aggregate to at least 250 square feet per dwelling unit shall be designated on the site plan for the recreational use of the residents of the project; except that where a project is located within 300 feet of any existing or previously approved park or recreational area, the Planning Board may waive this requirement at the time of site plan review.
- h. Prior to any Township site plan approval, the following prerequisites shall have been accomplished:
 - 1. Verification that there are or will be adequate utility services and support facilities for the project, including transportation facilities and commercial establishments serving everyday needs, within a one mile walking distance of the proposed site.
 - 2. Assurance that the occupancy of such housing will be limited to households, the single member of which, or the husband and/or wife of which, or any of a number of siblings or unrelated individuals of which, or a parent of children of which, is/are 62 years of age or older, or as otherwise defined by the Social Security Act, as amended, except that this provision shall not apply to any resident manager and family resident on the premises.

3. Verification of conceptual approval of the project by any State or Federal agency which finances or assists the financing or operation of such housing.

4. A bona fide non-profit or limited dividend sponsor shall have been established and approved by the subsidizing governmental authority to develop the project.

5. Assurance that all dwelling units are rented or sold only to low and moderate income households and that such units will continue to be occupied by low and moderate income households for a period not less than 30 years.

3. Add new Subsection 13-606.1 e. to read:

"e. Single-family clusters are permitted on tracts of land at least fifty acres in area where indicated on the zoning map."

4. Add new Section 134-606.6 to read:

"13-606.6 Single Family Clusters.

a. Principal permitted uses on the land and in buildings.

1. Detached dwelling units.
2. Public playgrounds, conservation areas, parks and public purpose uses.
3. Public utility uses as conditional uses under N.J.S.A. 40:55D-67 (see Section 13-601 for standards).

b. Accessory uses permitted.

1. Private residential swimming pools in rear yard areas only (see Section 13-514).
2. Private residential tool sheds not to exceed 15 feet in height.
3. Boats on trailers and campers to be parked or stored and located in rear or side yards only. Their dimensions shall not be counted in determining total building coverage, and they shall not be used for temporary or permanent living quarters while situated on a lot.
4. Usual recreational facilities.
5. Off-street parking and private garages (see Section 13-508).
6. Fences and walls not exceeding six feet in height in rear and side yard areas and three feet in height in front yard areas (see Section 13-503).

7. Signs (see Section 13-512).
 8. Residential agriculture (see Section 13-201 for definition).
 9. Home office occupations (see Section 13-201 for definition).
- c. Maximum building height. No detached dwelling shall exceed 35 feet and two and one-half stories in height.
- d. Maximum number of dwelling units permitted. The number of dwelling units permitted within a single-family cluster is equal to one dwelling unit per acre of non-critical land on the tract plus a transfer of an additional one-fifth dwelling unit per acre from the critical lands within the tract to the non-critical areas.
- e. Area and yard requirements.

Principal Building

Minimum

Lot area	14,500 sq. ft. minimum <u>and</u> 33,000 sq. ft. maximum, with an <u>average</u> lot size no less than 22,000 sq. ft.
Lot frontage	100'
Lot width	100'
Lot depth	125'
Side yard (each)	20' , except 10' for an attached garage
Front yard	40'
Rear yard	30'

Accessory Building

Minimum

Distance to side line	10'
Distance to rear line	15'
Distance to other buildings	10'

Maximum

Building coverage of principal building	10%
Building coverage of accessory building(s)	2%

f. Minimum off-street parking.

1. Each detached dwelling unit shall be provided with no less than two off-street parking spaces and no parking space or driveway shall be located within six feet of any property line.
2. See Section 13-508 for additional standards.

- g. Permitted signs.
 - 1. Detached dwelling: Information and direction signs as defined in subsection 13-512.1e.
 - 2. See Section 13-512 for additional standards.
- h. Open space requirements. See subsection 13-606.5 hereinabove.

5. Change Subsection 13-606.3.i. in its entirety to read:

- i. Low and moderate income housing requirements. At least twenty percent (20%) of the total number of residential dwellings within a development shall be subsidized or otherwise made affordable to low and moderate income households as discussed and defined in the "Mt. Laurel II"¹¹ Supreme Court Decision (So. Burlington Cty. N.A.A.C.P. v. Mt. Laurel Tp., 92 N. J. 155 (1983)). The applicant shall submit, with the application for development, a narrative description of the mechanism to be used to insure that the required affordable dwelling units are rented or sold only to low and moderate income households and that such units will continue to be occupied by low and moderate income households for a period not less than 30 years. In addition to such description, actual samples of language to be included in the nature of covenants shall be submitted. The submitted description shall detail the entity or entities responsible for monitoring the occupancy of the low and moderate income units and shall provide a detailed discussion concerning resales, permitted increases in price, pre-qualification of occupants, etc. Every affordable unit shall be sold at a monthly carrying cost (including mortgage, taxes, owners association fees and insurance, but excluding utilities) not exceeding 28% of the earning limits calculated for low and moderate income households or rented at a monthly carrying cost (including utilities) not exceeding 30% of those earning limits; provided that the sales prices and rent levels shall be set so that units shall be affordable not only by households at the ceiling income for low income households and moderate income households, respectively, but by a reasonable cross-section of households within each category. For purposes of this Ordinance, "low income households" are those earning less than 50% of the median income calculated for the 11 northern New Jersey counties, utilizing HUD median family income data weighted by the number of families in each county, exclusive of any area outside of New Jersey, and adjusted for household size. "Moderate income households" are those earning between 50% and 80% of the calculated median income figure.
 - 1. At least 25 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 by H.U.D. as a minimum for a particular unit. In any case, the developer shall insure that 50% of said rental units shall be provided for low income households and 50% for moderate income households. Moreover, not less than 20 percent of the units shall have three (3) bedrooms.

2. At least 25 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 development, shall be dwellings for sale. The developer shall insure that 50% of said sale units shall be provided for low income households and 50% for moderate income households. Moreover, not less than 20% of the units shall have three (3) bedrooms.
3. If the Planning Board determines, upon proofs submitted by the applicant, that low and moderate income housing units are more likely to be produced by the waiver of the mix requirements set forth in subsections 13-606.3i-1 and 13-606.3i.2. hereinabove, the Planning Board may, subject to such appropriate conditions as it may impose, permit the applicant to provide only rental or only sale units; provided, however, that if only sale units are proposed, the applicant shall be responsible for eliminating the necessity of down payments to be made on at least twenty-five percent (25%) of the affordable units.
4. A developer may request the Planning Board and/or the Township to waive or modify requirements of the land development Ordinance (except with respect to permitted densities), or to take other actions authorized by law, if the developer believes that such actions are necessary to provide the twenty percent (20%) 'low' and 'moderate' income housing. If such relief is sought, a developer must choose one of three impartial housing experts from a list prepared by the Planning Board and have the expert make recommendations, at the expense of the developer, on the necessity for the proposed waivers, modifications or other actions. The designated housing expert may, if necessary, utilize the services of an accountant, housing economist or similar professional, also at the expense of the developer. The developer shall provide the Township, Planning Board and the expert, and any persons assisting the expert, Township or Planning Board, with copies of, and full access to, all the developer's information and records, including, but not limited to, all financial records, actual costs and projections concerning the proposed development. The expert shall conduct an investigation and make findings with respect to the following:
 - a. The financial feasibility of the proposed development without any modifications of the applicable regulations or other municipal action.

- b. The potential for cost savings through modifications to the proposed development plan which would not require the waiver or modification of applicable regulations or other municipal action.
- c. The potential for cost savings through the waiver or modification of any applicable regulations to the extent not necessary to protect public health or safety or through other municipal actions permitted by law.
- d. The relationship, under the circumstances, between sound principles of land use planning and any potential modifications of the development plan and/or the applicable regulations.

The expert shall prepare a preliminary report setting forth the preceding findings and recommending any modifications of the development plan or the applicable regulations or any other actions deemed necessary in order to provide the twenty percent (20%) lower income housing units. Said recommendations shall give preference to any actions or modifications by the developer before recommending any municipal waivers or actions. The developer, Planning Board and Township may review and comment upon the preliminary report, and the expert may revise the report and recommendations or conduct further studies in response to any comments or criticisms received. In the event that the expert determines that, even after any recommended actions, it is not economically feasible for the developer to provide the full amount of affordable 'low' and 'moderate' income units, the expert may recommend that the developer provide twelve percent (12%) moderate *income* and eight percent (8%) low income units. Such a modification in the 'low' and 'moderate' income obligation shall not be approved unless the Planning Board, Township and developer have substantially complied with the recommendations to reduce costs. The recommendations shall not be binding upon the Township or Planning Board, but in the event that the Planning Board or Township declines to accept one or more recommendations of the expert, it shall detail its reasons in writing. All the costs and expenses of the housing expert and consultant(s) employed by the expert shall be paid by the applicant.

6. Change subsection 13-606.4J. in its entirety to read:

j. Low and moderate income housing requirements. See Subsection 13-606.3 i. for requirements.

7. Add a new subsection 13-404.7 to read:

13-404.7. Low And Moderate Income Housing Requirements. See Subsection 13-606.3 i. for requirements.

8. Add a new footnote "(4)" to the "Floor area ratio" portion of the chart within Section 13-406.4, Area and Yard Requirements for the 'CR' District, to read as follows, and change the existing footnote "(4)" to become footnote "**(5)**":

"(4) A developer may increase the square footage of the office/research space on any tract in excess of twenty (20) acres in size *zoned* "OR", provided that for every additional 7,623 square feet (0.175 F.A.R. X's 43,560 sq. ft. [1 ac.]) of space, an acre of land adjacent to the subject "CR" tract is dedicated to the Township for "public purpose uses" and, provided further, that no less four (4) such acres, nor more than six (6) such acres, be dedicated in this manner.

9. The Zoning Map is changed as attached herewith and dated June 1984.

ZONING MAP

JUNE 1984

