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- letter to judge re: B Edmister settlement  
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RE: 3 IT I

JUL 27 1984

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The Honorable Eugene D. Serpentelli, J.S.C.  
Superior Court of New Jersey  
Ocean County Court House  
Toms River, New Jersey 08753

Re: Allan-Deane vs. Township of Bedminster

My dear Judge Serpentelli:

As you requested, I have reviewed the proposed July 6, 1984 agreement in the above-referenced case between the Public Advocate on behalf of the Ceiswick plaintiffs, and Bedminster Township.

1. Fair Share

In his March 21, 1984 Fair Share Housing Analysis, the Township's planner, Richard Coppola, computed the Township's fair share to be 819 units.

The June 1984 report entitled Bedminster Township: Meeting its Mt. Laurel II Housing Obligation, which served as the basis for the proposed agreement between the parties, proposes 656 as the "reasonable fair share number for Bedminster

Township. This number was reached by subtracting 20% from the previously derived number.

The Township has long expressed its concern with the prospect of overly rapid growth. The Township's 1980 population was 2,469 and its total housing units amounted to 938. With a 20% overzoning, to produce the Mt. Laurel 819 units via the 20% set aside technique the Township would have to zone for a total of nearly 5,000 units. Overzoning, as intended by the Supreme Court, would assure that the 5,000 units would be actually built by 1990, at a rate (including the units already built in 1984) of more than some 800 per year for six years.

In my January 10, 1984 report (p. 57) I stated as follows:

I believe that such a rate of growth would be excessive. It would destroy many of the intangible values which invest Bedminster with its present quality. On the other hand, providing 506-665 units of Mount Laurel II-type housing within six years will definitely cause it to lose that negative quality-exclusionary zoning-which the Mount Laurel II decision intends to eradicate.

The number agreed upon by the parties closely approximates the top of the range I believed then, and still believe, to be reasonably achievable by 1990 without deleterious side effects on the character of the community.

I believe therefore that, while there is no reason to modify the Township's fair share, there is every reason not to require it to overzone beyond it. To be "fair," a municipality's responsibility must be determined uniformly with that of all other municipalities. On the other hand, fairness also calls for recognition of the need to not subject municipalities to "drastic or destructive<sup>1</sup>" changes. Therefore, while I disagree with the method used by the Township's planner to arrive at the number of 656 Mt. Laurel units which was agreed upon between the parties, I agree with both the number itself and the proposed overzoning to 850-900 units which will provide a realistic opportunity for the construction of at least 656 units by 1990.'

2 • Proposed Sites

All of the sites proposed to be counted as part of the Township's compliance package were analyzed in my April 11, 1984 report. The basic package (Sites A through G) has a capacity of 770 Mt. Laurel units. To this the Township proposes to add the possibility of a 90-unit senior citizen development on either Site M or Site K for which an

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<sup>1</sup>92 N.J. 220.

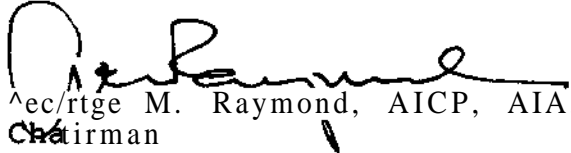
application is to be filed promptly by a non-profit corporation to be established by the Township as part of the settlement. Two additional sites (H and I) , with a capacity of 40 affordable units, would bring the total to 900. I questioned the likelihood that Site I (with a capacity of 33 Mt. Laurel unit) which is comprised of several separately owned parcels can become available in the absence of assurances that it will be marketed as an assembled site. Discounting this site, the total number of affordable units that will be provided for under the proposed agreement will be 867. I believe that this constitutes a sufficient overzoning.

3. The Township's Continuing Mt. Laurel Responsibility

Under the proposed agreement the Township will review its housing needs and obligations in 1990 voluntarily rather than in response to further litigation. It may be appropriate for the Court to require in addition that the difference between the current fair share (819 units) and the

656 units, or as many as may be built by 1990, whichever is greater, be considered to constitute an unsatisfied portion of the Township's responsibility and be added to the Township's fair share for the ensuing decade.

Respectfully submitted,

  
Mec/rtege M. Raymond, AICP, AIA, P.P.  
Chairman

GMR:kfv

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