

RULS-AD-1984-310

9/4/84

• letter to Judge re: Dobb's plan to
comment

-w/ Bedminster's position on Mt. Laurel obligation report

pgs. 4b

Handwritten notes in left margin:
10/10/84
Hills Development
Bedminster

Peter J. O'Connor, Esquire

September 4, 1984

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SEP 6 1984

Honorable Eugene D. Serpentelli
Ocean County Court House
CN 2191
Toms River, New Jersey 08753

JUDGE SERPENTELLI'S CH.

RULS - AD - 1984 - 310

RE: Hills Development Co. vs. Bedminster Township

Dear Judge Serpentelli:

Leonard Dobbs, as part of his critique of the Bedminster Township Plan, desires to comment on the "affordability" issue as it relates to the Hills Development and the Township ordinance which requires a reasonable range of housing be provided for low and moderate income families. However, the Hills Development Company has not completed its pro forma for its units and also intends to include price revisions. Therefore, we are unable to complete our comments at this time.

Attorneys for Hills Development Company have advised me that the final pro forma and final prices are in preparation at this time and will be available shortly. I have requested the information be sent directly when it is filed with the Court. Leonard Dobbs requests that the court accept his submission on the other issues regarding the Township's attempt to comply with Mount Laurel II and permit Mr. Dobbs a few days to make his comments on the "affordability" issue as soon as the Hills Development Company material is made available.

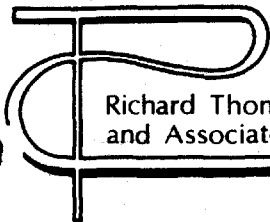
Thank you.

Very truly yours,

Peter J. O'Connor
PETER J. O'CONNOR

PJOC:g

cc: Kenneth E. Meiser, Esquire,
Henry A. Hill, Jr., Esq.
Alfred L. Ferguson, Esq.



Richard Thomas Coppola
and Associates

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11/5/84
RS
609-799-5050

17 Candlewood Drive · P.O. Box 99 · Princeton Junction · New Jersey 08550

September 5, 1984

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JUDGE SERPENTELLI'S CHAMBERS

RULS - AD - 1984 - 320

Hon. Eugene D. Serpentelli, J.S.C.
Ocean County Courthouse
CN 2191
Toms River, New Jersey 08753

Re: Bedminster Township
ads. Allan-Deane.

Dear Judge Serpentelli:

On behalf of Bedminster Township, and as their professional planning consultant since 1979, attached herewith please find the Township's position with respect to the equities which justify a reduction or deferral of the 819 "fair share" number as calculated utilizing the methodology endorsed by the Court in your July 16, 1984 Opinion regarding AMG Realty Company v. Warren Township.

Additionally, the material attached herewith includes a detailing of the various parcels of land included within the proposed compliance package as well as the draft of the implementing Ordinance, which has been modified since the last submission to include the most recent suggestions made by Kenneth Meiser, Deputy Director of the Department of the Public Advocate.

I believe the documentation included herewith is complete and indicates a municipality which, at least since the December 13, 1979 Decision of Judge Leahy invalidating the then existing Bedminster Township Zoning Ordinance, has steadfastly worked with the Courts, its Court appointed Master and the Public Advocate's office to responsively meet its obligation to permit the construction of affordable housing within its bounds. To my knowledge, it is the only municipality in the State which has such housing currently under construction, and this construction is occurring at the request and direction of the Township, even before it has received the Certificate of Compliance which it has zealously sought.

As planner for the Township, and as one of a number of professionals who have worked closely with the municipal officials since December 13, 1979, it is my testimony to the Court that the officials of Bedminster Township have consistently pursued a course of formulating a reasonable and responsible planning program which has forthrightly addressed its housing obligations as interpreted and re-interpreted by the Courts over the years while, at the same time, attempting to balance other important planning objectives.

September 5, 1984
page two.

Hon. Eugene D. Serpentelli, J.S.C.

Moreover, while it is my testimony that the Township has been frustrated over the years with the changes in the legal mandates which have emanated from the Courts, it is not my testimony that the Township officials are enamored with the fact that both their existing and proposed Ordinance provisions invites residential development at such a relatively frenetic rate that the current population of the Township will certainly triple and may quadruple within the next five (5) years.

Nevertheless, even with these misgivings, the municipal officials at both the Township Committee and Planning Board levels have consistently instructed my offices to do what is necessary and reasonable to satisfy the directives of the Court in order that the Township can receive its Certificate of Compliance and put an end to this extended litigation.

The following statement by Bedminster Committeewoman Anne O'Brien aptly and succinctly characterizes the reality of the municipality's stoic approach to the seemingly never-ending series of litigations:

"The good faith of Township officials - however misguided and bumbling it may appear in light of "Mt. Laurel II" - has been enduring and unfaltering in attempting to honestly respond to a series of increasingly demanding court orders.

The Township accepted the loss of control over its zoning with dignity, and worked diligently with the Court-appointed Planning Master to effect land-use regulations responsive to court mandates.

For 13 years Township officials have demonstrated respect for the Court, and forbearance in refusing to respond to the jibes, taunts, and namecalling by the media and the plaintiffs. There has not been a single irresponsible, inflammatory public statement by any local official in all these years. No one in Bedminster is driving around with a bumper sticker saying "Screw Mt. Laurel II"."

Truly yours,



Richard Thomas Coppola, P. P.

RTC:e
att.
cc:w/att.
Mayor Paul F. Gavin
J. William Scher, Planning Board Chairman
Joseph Basralian, Esq.
Alfred L. Ferguson, Esq.
Henry A. Hill, Esq.
Kenneth E. Meiser, Esq.
Daniel F. O'Connell, Esq.
George M. Raymond, P. P.
Roger W. Thomas, Esq.
Raymond R. Trombadore, Esq.

BEDMINSTER TOWNSHIP
SOMERSET COUNTY, NEW JERSEY

MEETING ITS "MT. LAUREL II" HOUSING OBLIGATIONS

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The Uniqueness of the Bedminster
Township "Mt. Laurel" Litigation and
the Good Faith Efforts of the Township...

THE UNIQUENESS OF THE BEDMINSTER TOWNSHIP "MT. LAUREL" LITIGATION
and
THE GOOD FAITH EFFORTS OF THE TOWNSHIP

1. The formulation of the zone plan currently proposed by Bedminster Township to fulfill its "Mt. Laurel II" housing obligations may be considered to have commenced on December 13, 1979, when Judge Leahy of the Superior Court of Somerset County, New Jersey, after forty-four (44) days of trial, issued his Opinion that the then existing zone plan of the Township was arbitrary and exclusionary, and therefore invalid.
2. In March 1980, Judge Leahy followed his Opinion with an Order to the Township to rezone in accordance with specific area and density guidelines under the direction of a Court-appointed Master and instructed the Township to complete the rezoning process within a three (3) month time period.
3. As ordered by the Superior Court, Bedminster Township adopted appropriate Ordinance provisions satisfactory to the Township, the plaintiff, the Court-appointed Master and the Court itself. The Ordinance provisions of Bedminster Township adopted in September 1980 were certified by the Court to be balanced in terms of residential versus non-residential land uses; to provide the opportunity for an appropriate variety and choice of housing types consistent with local and regional obligations; and to be in concert with County, State and regional plans for the Bedminster Township vicinity of New Jersey.
4. On March 20, 1981, as a direct result of Bedminster Township's voluntary compliance and cooperation with all effected parties under Judge Leahy's prior Court Orders, Judge Leahy entered an Order entitled: "Order For Final Judgement Of Defendant's Zoning Obligations and Order For Specific Corporate Relief". Within this Order, Judge Leahy specifically approved the Land Development Ordinance document formulated by Bedminster Township as well as the specific tracts of land which the Township zoned for least cost housing to satisfy the mandates of "Mt. Laurel I". All parties agreed that Bedminster Township had appropriately satisfied its "Mt. Laurel I" obligations with one (1) exception; i.e., the Public Advocate appealed the Order with respect to an alleged lack of affirmative remedies within the Ordinance provisions, which remedies the Public Advocate had asked Judge Leahy to impose but which were considered by Judge Leahy to be beyond his powers. Effectively, therefore, in terms of "Mt. Laurel I" Bedminster Township received a "Certificate of Compliance" from Judge Leahy and there can be no better evidence of the Township's good faith efforts than the March 1981 unilateral approval of the Township's efforts by Judge Leahy.

Moreover, while the Public Advocate filed the limited appeal on the issue of affirmative remedies, Bedminster Township filed no appeal whatsoever. Clearly, had the Township wished to delay its compliance with "Mt. Laurel I" or had it wished to frustrate the Order of Judge Leahy or otherwise prevent the construction of the required housing, it could have, and probably would have, appealed Judge Leahy's decisions and orders. The fact

that Bedminster Township did not appeal during the process, again, is direct and uncontroverted evidence of the Township's desire to comply with the Court's mandates.

5. During the pendency of the Public Advocate's appeal, the developer, Allan-Deane Corporation, was proceeding with its development applications. Bedminster Township realized that if the applications were approved and if the Public Advocate was successful in the pending appeal, the land owned by the Allan-Deane Corporation, and recognized as suitable and appropriate for the construction of affordable housing, might be legally unavailable to be developed with the affirmative remedies sought by the Public Advocate.

Accordingly, Bedminster Township moved on June 15, 1981 before Judge Leahy for a stay of development pending the appeal, in order to preserve the land for appropriate development with the sought for affirmative remedies, should the Public Advocate be successful in the appeal. The Township's motion was successful, and on November 16, 1981, Judge Leahy entered an Order In Lieu of Stay, which allowed Allan-Deane to proceed with development but, under which any and all approvals granted to the Allan-Deane Corporation (or its successor The Hills Development Company) were subject to the future Orders of the Superior Court of New Jersey which might be entered as a result of the success of the Public Advocate's appeal to include affirmative remedies. As we all know, the Public Advocate was successful on the appeal and the case was remanded to the "Mt. Laurel" Court for Compliance under "Mt. Laurel II".

If Bedminster Township had not overtly acted to assure that the pending development of The Hills Planned Unit Development was subject to the future orders of the Superior Court, the 260 units of "low and moderate" income housing being constructed at this time probably would not be occurring. Moreover, the additional 180 units of "low and moderate" income housing on the 'top of the hill' would not have been the subject of the recent Order agreed to among the parties.

6. When the pending matter was remanded to the "Mt. Laurel" Court on August 3, 1983, Bedminster Township took immediate measures to amend its Land Development Ordinance to include the affirmative remedy provisions which the Public Advocate desired and which the "Mt. Laurel II" Decision mandated. In accordance with the requirements of the Final Order For Judgement issued by Judge Leahy, Bedminster Township gave notice of its intention to amend its Ordinance provisions to both the Public Advocate and to the Allan-Deane Corporation. Bedminster Township conferred with the Office of the Public Advocate and, in general, the Public Advocate was supportive of the Township proposed amendment. However, since the inclusion of "affirmative measures" within municipal ordinances was a totally new circumstance in New Jersey, the Public Advocate advised Bedminster Township that, while it was generally supportive of the Township's intent, it could not state that the proposed Ordinance amendments were precisely what the Public Advocate wished since, at that time, the Public Advocate was not precisely sure what could or should be included within the municipal Ordinance provisions. The plaintiff developer, Allan-Deane Corporation, opposed the proposed Ordinance amendments and after communication to the Court, a Case Management conference was scheduled for October 6, 1983 to discuss the matter.

7. At the October 6, 1983 Case Management conference, the Court specifically requested Bedminster Township to withhold the imposition of affirmative measures pending resolution of the many issues identified at the conference. On November 3, 1983, a Case Management Order was issued detailing the issues identified at the October 6, 1983 conference. Clearly, from that date until the present, Bedminster Township has cooperated with the developer, the Public Advocate and the Court to process the Allan-Deane application for the construction and regulation of 260 "low and moderate" income units and has provided the basis for the construction and regulation of an additional 180 "low and moderate" income housing units. The laborious and extended process has resulted in the establishment of the first and only non-profit housing corporation to administer the affordability and eligibility measures mandated by "Mt. Laurel II", which housing corporation and which affordability and eligibility requirements already are serving as a model to be considered by both municipalities and developers alike.
8. In a December 23, 1983 report to the "Mt. Laurel" Court, Court-appointed Master George Raymond analyzed the zone plan of Bedminster Township formulated under Judge Leahy's Court Order and recommended that the Township's zoning, modified to include a set-aside provision for 'low' and 'moderate' income housing, "be found to comply with the "Mt. Laurel II" mandate that, by 1990, Bedminster provide a reasonable opportunity for the construction of its "fair share" of the present and perspective 'low' and 'moderate' income housing need in its housing region."

However, the Court questioned the appropriateness of crediting those sites within Bedminster Village proper, since the existing inter-municipal sewer was at or near capacity and since, therefore, it would be required that two (2) sewer plants (the Bedminster/Far Hills plant and the Environmental Disposal Corporation Plant) would have to be expanded in order for the projected number of "Mt. Laurel II" units to be constructed and occupied. Therefore, the Court requested the Township to reconsider its zone plan in order to structure a 'compliance package' which more readily would assure that sewerage treatment facilities would be available to serve the lands zoned for "Mt. Laurel II" housing at the earliest possible time. It was at this time (on or about March 1, 1984) that representatives of The Hills first suggested that their land holdings on the top of Schley Mountain be considered for the construction of "Mt. Laurel II" housing.

9. On March 21, 1984, this office submitted a revised zone plan in response to the suggestions offered by the Court and its Court-appointed Master which included the elimination of a number of previously zoned multiple-family sites in Bedminster Village; the inclusion of The Hills development company's land holdings as a PRD on the top of the hill; and the inclusion of provisions for the construction of subsidized Senior Citizen housing.
10. In an April 11, 1984 report to the Court, the Court-appointed Master, George Raymond, reviewed the Township's revised 'compliance package' and again recommended to the Court that the Township be found to have satisfied its "Mt. Laurel II" housing obligations. Additionally, the Public Advocate's office found the prepared zone plan appropriately responsive to the mandates of the Supreme Court Decision and recommended that the Court approve it.

At this time, the Court requested that the Township and the Public Advocate's office convene to formulate a settlement proposal, addressing the appropriate "fair share" number for Bedminster Township as well as the specifics of proposed Zoning Ordinance provisions.

11. During the course of all this effort expended during the current calendar year, Bedminster Township responsively worked with the Court, the plaintiffs, the Court-appointed Master and the Public Advocate's office in determining the appropriate methodology to be utilized for "fair share" housing calculations; in structuring a nonprofit authority to monitor the affordability requirements of the "Mt. Laurel II" housing; in pursuing and accomplishing an agreement with the EDC Sewer Utility to insure that the lands included within the proposed 'compliance package' will receive sewerage treatment facilities at the earliest possible date; and in the actual approval of two hundred sixty (260) 'low' and 'moderate' income housing units, the first set-aside "Mt. Laurel II" units to be constructed in the State of New Jersey.
12. Communications between representatives of the Township and the Public Advocate's office occurred during the latter part of May and early June at which time the "fair share" number of 656 was determined to be an appropriate "fair share" for Bedminster Township to absorb prior to 1990, based upon the documentation within the Court-appointed Master's reports of December 23, 1983, January 10, 1984, and April 11, 1984.
13. Clearly, the 656 "fair share" number for Bedminster Township was established between the Public Advocate's office and the Township prior to the settlements in both Lawrence and West Windsor Townships and long before the July 16, 1984 AMG ads. Warren Township Decision.
14. During June 1984, this office prepared a report entitled "Bedminster Township: Meeting Its "Mt. Laurel II" Housing Obligations". The report included a draft Ordinance which addressed all of the concerns voiced to the Township prior to that date regarding what should and should not be incorporated within the proposed Ordinance amendments.
15. At a subsequent case management hearing, during the latter part of July 1984, the Court questioned the 656 "fair share" number given the fact that the Decision in the Warren Township litigation had been already issued and, in accordance with the "fair share" methodology endorsed in the Decision, Bedminster Township's obligation would be 819 'low' and 'moderate' income dwelling units by the year 1990.
16. There are a number of special reasons for considering the Bedminster Township litigation separately from a traditional "Mt. Laurel II" litigation:
 - a. The Court indicated as early as October 1983 that the Bedminster case would not have precedential status because of its unique characteristics. Therefore, if a "fair share" number is assigned to Bedminster Township, other than via the methodology endorsed by the Court in the Warren Township Decision, such an action should have no negative impact upon other pending or future "Mt. Laurel II" litigations;

- b. The settlement in the instance of the Bedminster Township litigation was delayed beyond the July 16, 1984 date simply because of the attempt of all the involved parties, including the Court, the Township, the plaintiff, the Court-appointed Master and the Public Advocate's office, to work out all of the details of the settlement in advance of formalizing any part of the settlement, including the specification of the "fair share" number.
- c. Therefore, months of work have been spent determining such major issues, which will serve as models for future "Mt. Laurel II" litigations, including the institution and establishment of the non-profit corporation which, indeed, is operating at this time; the methodology for the funding of the corporation to assure its continued life; the criteria for establishing priorities for 'low' and 'moderate' income individuals; methodologies for insuring that the pricing structure for the 'low' and 'moderate' income housing units will be maintained over time; and formal agreements to insure that sewerage facilities will be made available for the construction and occupancy of 'low' and 'moderate' income housing. This effort on the part of the Township in cooperation with the other parties goes far beyond anything accomplished, or even pursued, by any other municipality in the State.
- d. Bedminster Township, in fact, will be the first municipality in the State of New Jersey to provide set aside 'low' and 'moderate' income housing under the edicts of "Mt. Laurel II". By the end of this current calendar year, even before the Township has received its Certificate of Compliance, probably all of the 260 'low' and 'moderate' income dwelling units under construction at this time will be occupied. This has been accomplished not because of any recalcitrance of the Township as may be perceived, but rather by the willingness of the Township and its various municipal bodies to fully cooperate with the Court and the other interested parties in providing the units.
- d. It should be noted that Bedminster Township granted final approval to the 260 units of 'low' and 'moderate' income housing plus some additional 350 market units, within less than a month and a half after receipt of the affordability information approved by the Court, in order to permit The Hills Development Company to make application for Mortgage Finance Agency monies which was the 'key' to the establishment of the overall construction package. Without this cooperation of the Township, neither the Court nor the Public Advocate's office could have hoped to have provided actual housing under the "Mt. Laurel II" Decision during the current calendar year.
- e. The proposed settlement must be placed within the context of the overall litigation between Allan-Dean and Bedminster Township. Indeed, many of the requirements of the "Mt. Laurel II" Decision were implemented by Bedminster Township as a result of prior Orders of Judge Leahy some three (3) years before the Supreme Court's rendering of the "Mt. Laurel II" Decision. The Township at that time provided

for the development within the Court defined 'corridor' of substantial densities which was determined by Judge Leahy, the Planning Master and the plaintiff as providing sufficient density bonuses to ensure that affordable housing could and would be built. No other municipality in New Jersey that had been involved in litigation had gone so far so fast. Bedminster Township also should have been first to receive a Certificate of Compliance and should not be penalized because of its efforts to cooperate.

Site Identification Map
and
Site Development Potential.....

**SITE IDENTIFICATION MAP
and
DEVELOPMENT POTENTIAL**

The Bedminster Township "Mt. Laurel II" compliance package discussed herein was first proposed to the Court in a report issued by this office on March 21, 1984. Later, during June 1984, a report entitled "Bedminster Township: Meeting Its 'Mt. Laurel II' Housing Obligations" was furnished the Court, including modifications and refinements to the proposed compliance package and the implementing Ordinance amendments which resulted from the Court requested consultations with the office of the Public Advocate and its expert.

Therefore, the identification of the various parcels included within the proposed compliance package and the anticipated yield of "Mt. Laurel II" housing from each of the identified parcels is not new information being disseminated at this time. However, in an effort to assure that the Township's "Mt. Laurel II" compliance package is accurately understood and fairly viewed, the following brief descriptions of the parcels identified on the accompanying "Site Identification Map" and described on the accompanying charts are offered herewith.

PARCELS A and B - THE HILLS DEVELOPMENT COMPANY

These parcels have been the pivotal subject of the pending litigation and, most recently, have been the subject of a Court Order which includes the model provisions for the non-profit corporation which will oversee the affordability and eligibility requirements of the set-aside "Mt. Laurel II" housing, including both the 260 "low and moderate" units already approved and under construction as well as the additional 180 "low and moderate" units to be situated on the 'top of the hill'.

All of these units have the immediate availability of both public water and public sewerage facilities and, in aggregate, account for 67% of the 656 "fair share" number or 54% of the 819 "fair share" number.

PARCEL C - REY

This relatively small parcel of land approximately 17.18 acres in size is surrounded on three (3) sides by The Hills PUD currently under construction, with the remaining southerly side of the property fronting upon Washington Valley Road. The property is a logical extension of The Hills PUD and its inclusion as part of the PUD will serve to obviate an evident site design constraint of Parcel A; i.e., the long narrow sliver of land extending between the central portion of the PUD and Washington Valley Road. The inclusion of Parcel C with Parcel A would enable the redesign of the currently proposed and approved straight line roadway extending down the central portion of this long and narrow piece of land.

Representatives of The Hills Development Company have indicated that dialogue is currently under way for The Hills to purchase the property. However, it should be noted that the minimum acreage for a Planned Unit Development under the current Bedminster Township Ordinance provisions is a tract of land only ten (10) acres in size; therefore, although it would be desirable to have Parcel C integrated within The Hills PUD on Parcel A, Parcel C could be planned and developed as a free-standing PUD.

Parcel C is not encumbered by any steep slope or flood hazard lands and has excellent roadway access. Moreover, the property is within the franchise service area of the Environmental Disposal Corporation and can be served via the current capacity existing in the sewage treatment plant.

When developed, Parcel C will yield an additional thirty-four (34) "low and moderate" income housing units.

PARCEL D - REY

Parcel D consists of 14.88 acres and is proposed to be continued within the "MF" Multiple Family District which permits development of multiple family housing at a gross density of twelve (12) dwelling units per acre. The site is located at the southeastern corner of the Washington Valley Road/Route 202-206 intersection and has frontage along both roadways. The existing and proposed Ordinance provisions governing development within the "MF" District particularly differ with those of the Planned Unit Development provisions in that the requirements for open space within the "MF" District are significantly less than that which is required within a PUD. The relaxation of open space requirements is necessary within the "MF" District in order to permit reasonable flexibility of site design at the allowed densities.

Additionally, as with all parcels zoned "MF" Multiple Family, Parcel D may be developed, all or in part, with subsidized senior citizen housing. The location of Parcel D is well suited for such housing given its close proximity to the Village of Pluckemin proper and its location across the street from the shopping center within the Village. However, while it is possible that the entirety of Parcel D will be developed for subsidized "low and moderate" senior citizen housing, it is more likely that only a portion of the subject site will be so developed.

As with most of the parcels earmarked for "Mt. Laurel II" housing development, Parcel D is situated within the franchise area of the Environmental Disposal Corporation which currently has the capacity to enable the construction of the permitted multiple family dwelling units.

The number of "Mt. Laurel II" housing units resulting from the development of the parcel without any subsidized senior citizen housing will be thirty-five (35) "low and moderate" dwellings. However, if it is assumed that six (6) acres are devoted to the construction of ninety (90) subsidized senior citizen units, then the total "Mt. Laurel II" yield of the property will be one hundred eleven (111) "low and moderate" units.

PARCEL E - ELLSWORTH

Parcel E consists of 73.25 acres located directly north and adjacent to The Hills PUD under construction. The property, with its varying terrain and tree cover, is particularly attractive for development purposes. The property has extensive frontage along State Route 202/206 and will be connected to The Hills PUD to the south via a road already approved as part of The Hills PUD which extends from Hills Drive to the north, along the easterly side of the commercial portion of The Hills PUD, to an abutment with Parcel E along its southern border. As a result, Parcel E not only has direct road accessibility to State Route 202/206 for outgoing vehicular traffic, but will have the benefit of the connecting road with The Hills PUD to the south which will not only enable an integration of site design but, importantly, will enable direct vehicular and pedestrian access from the residents of the multiple family dwellings within Parcel E to the proposed and preliminarily approved 350,000 square feet of retail and office space within The Hills PUD.

Parcel E is situated within the franchise area of the Environmental Disposal Corporation and is located across State Route 202/206 from the sewerage treatment plant facility. Sufficient capacity currently exists in the plant to service the proposed number of dwelling units. All relevant planning factors considered, the property is one of the more attractive sites for the construction of multiple family housing.

Parcel E is currently zoned for Planned Unit Development construction and the PUD designation is proposed to be continued as part of the proposed compliance package. In accordance with the existing and proposed implementing Ordinance provisions, and appropriately discounting the lands exhibiting steep slopes which reduces the total number of dwelling units that can be constructed on the property, Parcel E will yield an additional 120 "low and moderate" income housing units.

PARCEL F - WASHINGTON COURT

Parcel F contains six (6) individual lots plus a small cul-de-sac known as Washington Court, all situated adjacent Schley Mountain Road and abutting Parcel E (Ellsworth) to the south and Parcel B (The Hills 'top of the hill') to the east. Two (2) of the lots are vacant and the remaining four (4) have existing single family detached dwellings situated thereon. In aggregate, excluding the area devoted to the Washington Court cul-de-sac, the six (6) lots total 31.791 acres in area. The property is currently zoned and is proposed to continue to be zoned for Planned Unit Development construction at a density of ten (10) dwelling units per acre. Parcel F is situated within the franchise area of the Environmental Disposal Corporation and is located a relatively short distance south of a portion of The Hills 'top of the hill' along Schley Mountain Road which is proposed by The Hills Development Corporation for Planned Unit Development construction. Therefore, Parcel F is readily serviceable by the Environmental Disposal Corporation sewerage treatment facility.

The six (6) individual lots consists of the following acreages: 2 acres; 3.7 acres; 4.42 acres; 5.404 acres; 5.284 acres; and 10.983 acres. The Court-appointed

Master recently has raised questions as to the reasonableness of crediting the development potential of Parcel F towards fulfillment of Bedminster Township's "Mt. Laurel II" housing obligations. In support of the Township's contention that this parcel is reasonable to be included and fully credited as part of the Township's compliance package, we note the following:

- The 2.0 acre lot, which has a residence situated thereon, has already been sold to The Hills Development Company.
- The 10.983 acre lot is vacant and is located at the southeastern corner of Parcel F directly abutting both Parcels E and B.
- The 5.40 acre lot is also vacant and is situated between the two acre lot already purchased by The Hills Development Corporation and the vacant 10.983 acre lot noted above.
- The ten (10) dwelling unit per acre density attributed to the parcels are thirty-seven times (37x) the density of the 3.7 acre lot; forty-four times (44x) the density of the 4.42 acre size lot; and almost fifty-three times (53x) the density of the 5.284 acre lot. Certainly there is a financial incentive for the owners to sell their lots.

Approximately twenty percent (20%) of the aggregate acreage of Parcel F exhibits slopes fifteen percent (15%) or greater; therefore, the total credited development potential for multiple family housing must be discounted in accordance with the terms and conditions of the Bedminster Township Land Development Ordinance provisions. As a result, when developed, Parcel F will yield an additional fifty-one (51) "low and moderate" income units.

PARCEL G - AT&T

Parcel G contains approximately 51.767 acres of land area situated between Schley Mountain Road and Interstate 287 directly across Schley Mountain Road from The Hills Development Corporation's 'top of the hill' proposed PUD property.

As a result of the development of the 'top of the hill' by The Hills Development Corporation, as well as because of the proposed relatively dense development within adjacent Bernards Township, road improvements will necessarily be made to Schley Mountain Road. Since these necessary improvements will also aid the development of Parcel G, the inclusion of Parcel G within the compliance package is particularly logical from an economy scale viewpoint.

However, Parcel G is not within the franchise area of the Environmental Disposal Corporation. This fact was one reason why Bedminster Township negotiated the agreement with the Environmental Disposal Corporation which has been submitted to the Court. A part of the agreement is that the Environmental Disposal Corporation will petition the Public Utilities Commission to include Parcel G within the franchise area and, Bedminster Township will provide its cooperative support.

Construction of "Mt. Laurel II" housing on Parcel G will require the expansion of the existing Environmental Disposal Corporation sewerage treatment plant. Bedminster Township has pledged to support an application for the expansion of the treatment plant and it is expected that the EDC plant expansion will be more readily and quickly accomplished than either the expansion of the existing Bedminster-Far Hills treatment plant or the construction of a new plant anywhere else in the Township. Moreover, and most importantly, the Environmental Disposal Corporation has represented that once approval for the treatment plant expansion is given by the N. J. State Department of Environmental Protection, it will consider the added sewerage treatment capability in hand prior to actual construction for the purpose of capacity allocation; thereby providing the opportunity for development of the "Mt. Laurel II" housing to continue at a market absorption rate without the necessity of waiting for the actual design and construction of an expanded or new sewer plant facility.

Parcel G is heavily treed and exhibits a variety of topographic elevations and contours which serve not so much as an impediment to development as the do as a design asset. Nevertheless, in accordance with the existing and proposed Ordinances governing development within Bedminster Township, the extent of either steep slope or flood plain critical land areas reduces the numerical yield of multiple housing family units that can be constructed on the property and therefore, the calculations for the development potential of Parcel G, as is true with all of the calculations presented within the compliance package, appropriately discount the development potential when any critical lands are situated on a property.

When developed, in accordance with the existing and proposed Planned Unit Development Ordinance provisions, Parcel G will provide an additional ninety (90) "low and moderate" income housing units.

PARCELS H & I - BEDMINSTER VILLAGE

Parcel H and I are two (2) relatively small land areas which will yield a relatively small number of "low and moderate" income housing units, unless Parcel I is developed for the permitted subsidized senior citizen housing. The parcels are included in the compliance package because of their locational assets, situated within Bedminster Village proper where the relatively small-scale development of multiple family housing is appropriate in order to provide an overall diversity of housing opportunities.

Parcel H contains a total area of approximately 13.582 acres with approximately 7.767 of these acres designated either as steep slope or flood hazard lands. Therefore, the overall number of units expected to be developed on the property is relatively small (thirty-six [36] total dwelling units) compared to the property's overall acreage. Nevertheless, the property is situated directly within Bedminster Village and has access capabilities to State Route 202.

When developed, in accordance with both the "FRD" zoning regulations currently existing and proposed to continue, a total of seven (7) "low and moderate" income units will be constructed.

Parcel I, on the other hand, has only one-half ($\frac{1}{2}$) acre of its total 24.769 acre area situated within designated "critical" lands. However, the tract contains a large number of parcels at varying sizes, most of which are under different ownership. As a result of this fact, and in accordance with consultations with the Court-appointed Master during the latter part of 1983, while the total 24.769 acres is currently zoned for "MF" Multiple Family development, only a small portion of the parcel is considered "developable" for purposes of the computations of proposed "low and moderate" income housing as part of the Township's compliance package.

Specifically, Lots 7, 8, 12 and 14 of Block 27 are included in the yield calculations for "Mt. Laurel II" housing. The specific lots are sized as follows:

Lot 7	at	3.118 acres
Lot 8	at	0.686 acres
Lot 12 (part)	at	5.580 acres
Lot 14	at	4.400 acres

Therefore, the total acreage which has been credited within Parcel I for "Mt. Laurel II" housing development is 13.784 acres. None of the acreage is within any designated "critical" lands. Moreover, it should be noted that Lots 7 and 8 are owned by the same individual. The end result, therefore, is three (3) properties, the minimum size of which is 3.594 acres in area, each with its own access to either Hillside Avenue or State Route 206.

Moreover, it is important to understand that the subject parcels of land are zoned and are proposed to be zoned within the "MF" Multiple Family District designation, which zoning permits multiple family construction at a density of twelve (12) dwelling units per acre on tracts of land three (3) acres in area. Therefore, each of the three properties credited within the Bedminster Township "Mt. Laurel II" compliance package can be developed individually without the necessity of the adjacent property owners selling to one another or developing in a joint venture.

When developed, Parcel I, as zoned in its entirety, could yield 290 total multiple family dwelling units, of which fifty-eight (58) would be "low and moderate" income housing units. However, for purposes of the compliance package, only the 13.784 acres of land noted above is credited and a total 165 multiple family dwelling units can be constructed thereon, thirty-three (33) of which will be "low and moderate" income units.

Clearly, an outstanding difficulty impeding the development of both Parcels H and I is the existing infiltration problem within the Bedminster-Far Hills sewerage treatment plant. Moreover, it is possible that the sewerage treatment plant will have to be expanded or a new facility built in order to accommodate both Parcels H and I. Therefore, it is not assumed that these parcels will be developed as rapidly as many or all of the parcels previously discussed hereinabove unless the infiltration problems are rectified and/or an expanded or new sewerage treatment plant is constructed. In light of this understanding, the proposed Bedminster Township compliance package includes an invitation for the development of Parcel J, discussed hereinbelow, for intensive non-residential development, which development is expected to provide the economies of scale for a developer to provide sewer treatment capabilities to Parcels H and I as well as for the intensive non-residential development.

PARCEL J - RODENBACK (TIMBERS, PORTION)

Parcel J consists of approximately 23.5 acres of land situated at the southwestern intersection of State Route 206 and Lamington Road. The 23.5 acres of land area represents a portion of a lot in excess of sixty-one (61) acres, another a portion of which is situated within Parcel K discussed hereinbelow and the remainder of which is to the west of Parcel K in the "R-3%" Low Density Single Family zoning classification.

The 23.5 acres of land labeled 'Parcel J' has extensive direct frontage upon State Route 206, is flat and treeless, and is extremely visible from vantage points along the State Highway, both north and south of the property. Moreover, Parcel J is situated directly across State Route 206 from an office research facility known as 'Research-Cottrell' which is the single largest land use within this portion of Bedminster Township and which, because of its visibility, predominates the prevailing character of land uses immediately surrounding the Lamington Road/Route 206 intersection.

Parcel J is proposed to be included within the "CR" Office Research District designation. In accordance with the permitted development intensity at a floor area ratio of 0.175, the 23.5 parcel could be the location of a 179,000 square foot office-research building. While the development of an office-research facility on the site will not in itself result in the construction of any "Mt. Laurel II" housing, an intensity bonus provision is included within the proposed compliance package which will enable the developer of Parcel J to increase the permitted square footage of building from the 179,000 square feet (0.175 F.A.R.) to 225,000 square feet (0.220 F.A.R.). However, in order to increase the intensity of the development on Parcel J, the developer must dedicate to the Township one (1) acre of land within Parcel K (under the same ownership as Parcel J) for every additional 7,623 square feet added to the building to be constructed on Parcel J. Essentially, therefore, the proposed Ordinance provisions will enable a transfer of allowable square footage for "CR" construction from Parcel K to Parcel J.

The specific purpose of this intensity transfer mechanism is to enable Bedminster Township to acquire, at no cost, four to six (4 - 6) acres of land to be turned over to a non-profit sponsor of senior citizen housing, envisioned at this time to be a consortium of religious groups within the municipality.

It should be noted that the intensity bonus provisions included within the compliance package and proposed implementing Ordinance provisions were formulated with direct input from the Public Advocate's office and its consultant, who felt it important for the Township to ensure that lands would be available for the construction of subsidized senior citizen housing at no cost to a non-profit sponsor.

In addition to the "Mt. Laurel" objective of providing a favorable situation for the acquisition of public subsidies for the construction of the subsidized senior citizen housing, a second "Mt. Laurel" rationale for the proposed "CR" zoning of Parcel J and the accompanying intensity bonus provision is to provide an incentive for a developer to improve the Bedminster-Far Hills sewerage treatment plant which will thereby provide sewerage treatment capabilities not only for the office-research building to be located on Parcel J, but also for the subsidized senior citizen development to be located on a portion of Parcel K and the development of multiple family housing on Parcels H and I as described above.

PARCEL K - RODENBACK (TIMBERS, PORTION and OTHERS)

Parcel K consists of approximately 41.2 acres and is located west of Parcel J and the proposed office-research facility, with primary access via Lamington Road adjacent the Bedminster-Far Hills library. From a planning viewpoint, the property is appropriate for development as a transition between the more dense and intensive development along the State highway corridor proper and the prevailing rural country development which begins almost immediately west of State Route 206.

Specifically, the development of a residential cluster of single family detached dwellings is proposed with variable and average lot size provisions. While the gross density of development is proposed to be one (1) dwelling unit per acre, the minimum lot size may be as little as 14,400 square feet (approximately 1/3 acre) and the maximum lot size as much as 33,000 square feet (approximately 3/4 acre), provided that the average lot size of all residential lots within the cluster development be no less than 22,000 square feet (approximately 1/2 acre). These recommended variable and average lot size provisions will enable approximately forty percent (40%) of the tract of land to be left undeveloped in its natural state or improved for desired recreational or open space purposes.

PARCEL L - SCHLEY (DOBBS, PORTION)

Parcel L is located outside of the corridor of development defined by Judge Leahy and consists of approximately 137.5 acres of land. The parcel has limited direct frontage on State Route 202/206; most of what appears from a casual look at a map to be direct frontage on the State highway is, in fact, frontage upon a grade separated slip-road off of State Route 202/206 to River Road. The remaining frontage of the property along River Road is improved only for a distance of approximately 150', after which the improvement abruptly ends and a relatively unimproved country road begins to extend into the central and western portions of the Township.

Access to Parcel L is further encumbered by a 200' wide strip of Green Acre buffer easement extending along the entire easterly border of the property. The easement is heavily treed and effectively screens the visibility of the property from any vantage point along the State highway. Moreover, approximately 37.5 acres of Parcel L are considered "critical" lands because they are situated within the flood plain area designated by the Federal Emergency Management Agency.

From a planning viewpoint, the property is naturally removed from the corridor of proposed dense residential and intense non-residential development as defined by Judge Leahy. The property is visually screened from State Route 202/206 by the stand of trees protected by the Green Acre easement and the grade separated slip-road; traffic accessibility will be difficult for anything more than relatively low intensity land uses because of the buffer easement and the flood plain area along River Road; and, of course, the property is not now served by either public water or public sewerage treatment facilities. Therefore, the property is not readily available or appropriate for dense residential construction nor, in fact, for the intensive commercial development proposed for the property until relatively recently.

It is proposed that the identical residential cluster transitional zoning discussed hereinabove for Parcel K be permitted on Parcel L. The end result will be the development of the property compatible with the current conditions towards the east of the property along the Court defined corridor, as well as being compatible with lands to the west which are distinctly characterized by rural low density land uses. Moreover, the ability to preserve approximately forty percent (40%) of the tract in its natural state will serve to protect the flood plain area on-site.

It also should be emphasized that the Township Planning Board, and particularly its designated Master Plan Committee, has held numerous meetings over the last two (2) years in order to plan for the community facility needs of the municipality, which, as documented in the adopted Master Plan of the municipality, are currently deficient and which, upon the development of the multiple family housing mandated by "Mt. Laurel II" and provided within the proposed compliance package, will be totally deficient. Bedminster Township has not sought financial assistance or land dedication from The Hills Development Corporation in this regard but, instead, has recognized its own responsibilities.

The designated Master Plan Committee of the Planning Board studied a number of potential sites which might be appropriate and feasible for purchase as the location of a future municipal complex, including a new municipal building with adequate meeting rooms; court facilities; a central park and recreational area; the location of a new or satellite first aid squad and fire company; and the possible location of a new police building. An overriding criterion for the location of such a municipal complex was proximity to the Court defined corridor and the relatively dense and intense development occurring and proposed to continue within it, but, additionally, a location that would provide access to the central and western portions of the municipality in order to serve as a focal point for all of Bedminster.

For reasons cited above, Parcel L was considered uniquely appropriate for the location of the municipal complex. Indeed, action already has been taken by the Township Committee to condemn and purchase Parcel L as the site for the municipal complex and central park area. From a not too-long-term planning viewpoint, the acquisition of the property by the Township is essential to the well being of the existing and future residents residing in Bedminster Township as a result of the "Mt. Laurel" Decisions.

PARCEL M - JOHNSON

Parcel M consists of approximately 9.8 acres within Pluckemin Village between the properties abutting Route 202/206 and Interstate 287. The property is zoned "VN" which permits a variety of residential and non-residential uses.

From a land use planning viewpoint, the property would be an excellent location for subsidized senior citizen housing and the compliance package provides the opportunity for such construction.

Critical Areas: Flood Plains

NOVEMBER 1983



FLOODWAY

- 500 YEAR FLOOD BOUNDARY
- 100 YEAR FLOOD BOUNDARY
- FLOODWAY FRINGE
- 100 YEAR FLOOD BOUNDARY
- 500 YEAR FLOOD BOUNDARY

Unimproved Roads

SOURCE: FLOOD INSURANCE RATE MAPS AND FLOOD BOUNDARY-FLOODWAY MAPS
 PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, SEPT. 30, 1982.

Bedminster Township
 Somerset County - New Jersey

BASE MAP PREPARED BY:
 Richard Thomas Coppola, P.P. - License No. 1378
 Bordentown Township, New Jersey April, 1981

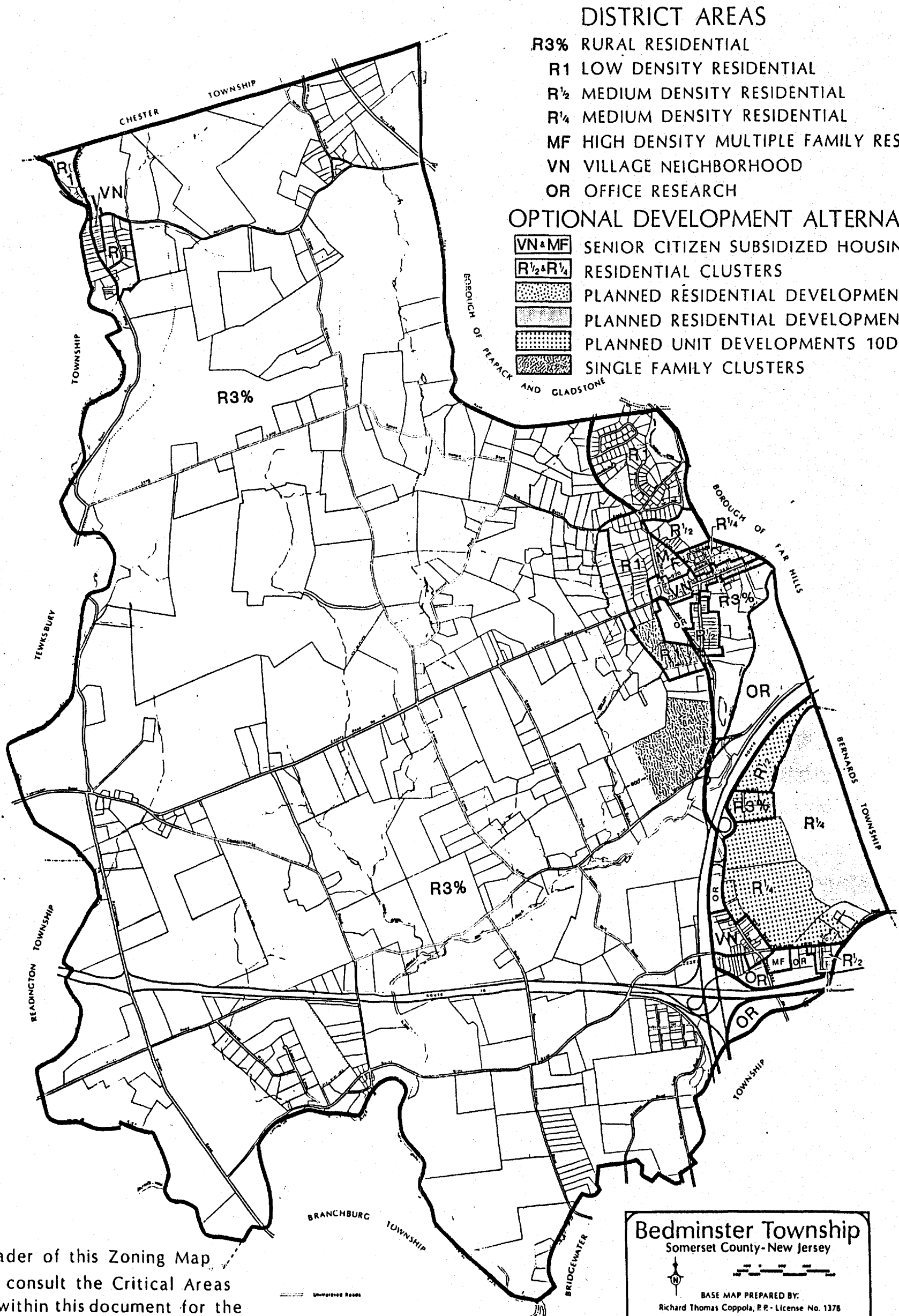
Critical Areas : Steep Slopes November 1983



SOURCE: U. S. Geological Survey Maps; Raritan, Gladstone and Bernardsville Quadrangles, 1970 Revision With Slope Overlay of Same.

ZONING MAP

JUNE 1984



DISTRICT AREAS

- R3% RURAL RESIDENTIAL
- R1 LOW DENSITY RESIDENTIAL
- R $\frac{1}{2}$ MEDIUM DENSITY RESIDENTIAL
- R $\frac{1}{4}$ MEDIUM DENSITY RESIDENTIAL
- MF HIGH DENSITY MULTIPLE FAMILY RESIDENTIAL
- VN VILLAGE NEIGHBORHOOD
- OR OFFICE RESEARCH

OPTIONAL DEVELOPMENT ALTERNATIVES

- VN&MF** SENIOR CITIZEN SUBSIDIZED HOUSING
- R $\frac{1}{2}$ &R $\frac{1}{4}$** RESIDENTIAL CLUSTERS
- PLANNED RESIDENTIAL DEVELOPMENTS 6DU//A
- PLANNED RESIDENTIAL DEVELOPMENTS 8DU//A
- PLANNED UNIT DEVELOPMENTS 10DU//AC
- SINGLE FAMILY CLUSTERS

NOTE: The reader of this Zoning Map should consult the Critical Areas Maps within this document for the location of "critical areas" as defined and controlled by Section 13-605 of the Land Development Ordinance of the Township of Bedminster.

Bedminster Township
Somerset County - New Jersey

BASE MAP PREPARED BY:
Richard Thomas Coppola, P.E. - License No. 1378
Bordentown Township, New Jersey - April, 1981

Development Impacts
and Need for
Moderated Construction Rate

DEVELOPMENT IMPACTS
and
NEED FOR MODERATED CONSTRUCTION RATE

The accompanying table summarizes the dwelling unit and population numbers which will result from the construction of those housing units included in Bedminster Township's compliance package. Considering the 656 'fair share' number determined appropriate for Bedminster Township by the Public Advocate's office and the Court-appointed Master and also considering the 819 'fair share' number derived from the "consensus" methodology endorsed in the Court's AMG Realty ads. Warren Township Decision, the following observations are offered to the Court:

- The total 900 "Mt. Laurel II" dwelling units is 137% of the 656 'fair share' number and 110% of the 819 'fair share' number.
- Excluding Parcels H and I in their entirety reduces the number of "Mt. Laurel II" units to 860, which is 131% of the 656 'fair share' number and 105% of the 819 'fair share' number.
- Also excluding Parcel G reduces the number of "Mt. Laurel II" units to 770, which is 117% of the 656 'fair share' number and 94% of the 819 'fair share' number.
- Also excluding the 13.404 acres comprising the three (3) non-vacant and unsold lots within Parcel F reduces the number of "Mt. Laurel II" units to 756, which is 115% of the 656 'fair share' number and 92% of the 819 'fair share' number.
- Finally, also excluding the ninety (90) subsidized senior citizen housing units reduces the number of "Mt. Laurel II" units to 666, which is 102% of the 656 'fair share' number and 80% of the 819 'fair share' number.

The 666 number of "low and moderate" income housing units is the worst case situation and assumes that no subsidy monies for the construction of senior citizen housing are approved for Bedminster Township and that Parcel G and the remaining portion of Parcel F experience no construction activity prior to 1990. However, assuming the worst case 666 number of "low and moderate" income housing and assuming that the market for multiple family housing within Bedminster Township is incredibly strong, the result will be that 3,330 multiple family dwelling units will be constructed in Bedminster Township by the year 1990.

Indeed, the market demand for multiple family residential construction in Bedminster Township will have to be incredibly strong for the next five and one-third (5 1/3) years in order for the 3,330 multiple family dwelling units to be constructed. As an example, assuming that 200 of the multiple family units constructed within The Hills PUD have been occupied, an additional 3,130 multiple family dwelling units would have to be constructed during the next sixty-three (63) months. Therefore, approximately 49.5 dwelling units will have to be constructed, sold and occupied per month for every month between October 1, 1984 and January 1, 1990.

POPULATION AND "MT. LAUREL II" UNITS
 RESULTING
 FROM BEDMINSTER'S COMPLIANCE PACKAGE

<u>Parcel</u>	<u>Proposed Total Units Multi-Family</u>	<u>Projected Population @ 2.25 Persons/Hshld. Except Sr. Citizens @1.25 Persons/Hshld.</u>	<u>Number of "Mt. Laurel" Units Excluded</u>
Sr. Citizen	90 du	112 persons	90 du
A	1,287	2,896	260
B	@ 928	2,088	180
C	172	387	34
D	177	398	35
E	599	1,348	120
F	257	578	51
G	449	1,010	90
H	36	81	7
I	<u>165</u>	<u>371</u>	<u>33</u>
TOTALS:	4,160 du	9,269 persons	900 du

Furthermore, assuming an average of 2.25 persons per household, 3,330 multiple family dwelling units will result in an added population to Bedminster of approximately 7,493 people. The 7,493 additional people expected to reside in Bedminster by the year 1990 represents a 303% increase over the 1980 population level of 2,469 people. It must be kept in mind that these figures are based on the construction of 666 "low and moderate" income units; not the 900 "Mt. Laurel II" housing units provided for in the Township's proposed compliance package.

A consideration of the increase in the total number of dwelling units within Bedminster Township required to provide even the worst case 666 number of "low and moderate" income housing units by 1990 also indicates a quick and dramatic transformation of the character of life within the municipality. In 1980, Bedminster Township contained a total 938 housing units. The additional 3,330 multiple family units needed to be constructed in the Township by 1990 in order to provide the 666 number represents a 355% increase over the 938 dwellings situated within the municipality in 1980.

Should the Township be successful in producing the 819 'fair share' number of "low and moderate" income housing by 1990, and considering all of the units to be set-aside at the 4:1 twenty percent (20%) ratio, the identical analysis provided above for the 666 number will result in a population by 1990 of 9,214 persons, a 373% increase over the 1980 population, and 4,095 additional dwelling units, a 437% increase over the 938 number of households existing in Bedminster Township in 1980.

Compared to the percentage increases of dwelling units experienced between 1970 and 1980 by the four (4) municipalities in the State which exhibited the largest percentage increases, the projected growth of Bedminster Township, considering either the 3,330 dwelling units needed to provide the 666 number of "low and moderate" income housing or the 4,095 dwelling units needed to provide the 819 number of "low and moderate" income housing units, gives evidence to the necessity for moderating the construction rate within the Township:

Plainsboro:	513%
Manchester Township:	335%
Berkeley Township:	198%
Voorhees Township:	188%
versus	
Bedminster Township:	355% (for the 666 number) or 437% (for the 819 number)

Mr. Raymond, the Court-appointed Master, discussed the impacts that an excessive growth rate would have upon Bedminster Township in his January 10, 1984 report to the Court:

"It would destroy many of the intangible values which invest Bedminster with its present quality. On the other hand, providing 506-665 units of Mt. Laurel II-type housing within six years will definitely cause it to lose the negative quality --- exclusionary zoning --- which the Mt. Laurel II Decision intends to eradicate."

In his July 26, 1984 communication to the Court, Mr. Raymond reiterated this observation and stated:

"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 over-zoning to 850-900 units which will provide a realistic opportunity for the construction of at least 656 units by 1990."

Summarily, Bedminster Township's proposed compliance package is comprehensive and real. "Low and moderate" income housing units are currently being constructed in the Township. The Township helped create a non-profit corporation which is already operating to monitor the sale and occupancy of the "Mt. Laurel II" units. Additionally, the proposed compliance package is accompanied by an agreement assuring that sewerage treatment capabilities will be made available to the principal parcels of land to be developed with "low and moderate" income housing. Finally, the compliance package includes an Ordinance including all those provisions requested by the Public Advocate's office.

The Township of Bedminster has consistently acted in good faith to settle the extended litigation. The 'fair share' number of 656 is appropriate for Bedminster Township and was established prior to the AMG Realty vs. Warren Township Decision. The fact that the cooperative and time consuming efforts of the Township to work with the Court, the Public Advocate's office and the plaintiff on builder's remedy issues, which issues are usually dealt with at the later stages of a "Mt. Laurel II" litigation, after a 'fair share' number is agreed upon, should not now place the Township in the same position as those municipalities which have done none of these things and are only now attempting to comply with the Supreme Court directives.

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; except that if approval of the project by the subject State or Federal agency requires prior approval by the Township, then the Township may approve the site plan conditioned upon approval of the project by the appropriate State or Federal Agency.

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; except that if the subsidizing governmental authority requires prior approval by the Township, then the Township may approve the site plan conditioned upon the establishment of a bona fide sponsor approved by the governmental authority.

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 and 33,000 sq. ft. maximum, with an average 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" Supreme Court Decision (So. Burlington Cty. N.A.A.C.P. v. Mt. Laurel Tp., 92 N. J. 158 (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 (20%) of the units shall have three (3) bedrooms, and at least one-third (1/3) of these three (3) bedroom units shall be set aside for occupancy by low income households.
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 twenty percent (20%) of the units shall have three (3) bedrooms, and at least one-third (1/3) of these three (3) bedrooms shall be set aside for occupancy by low income households.
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 propose a program for eliminating the necessity of down payments on up to 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 "CR", 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. Change Section 13-805.3.h. to read:

h. In the case of "MF", "FRD" and "PUD" developments only, final approval shall not be granted for any section of the development unless the following phasing plan for the construction and occupancy of required 'low' and 'moderate' income units to market dwelling units has been adhered to (see Subsection 13-606.3.i.):

1. The developer may construct and occupy up to twenty-five percent (25%) of the total number of market units within the development prior to constructing any 'low' or 'moderate' income units.

2. The developer may thereafter construct and occupy an additional twenty-five percent (25%) of the market units

within the development, provided that at least twenty-five percent (25%) of the 'low' and 'moderate' income units are being constructed.

3. The developer may thereafter construct and occupy an additional twenty-five percent (25%) of the market units within the development, provided that an additional fifty percent (50%) of the 'low' and 'moderate' income units are being constructed.
4. The developer may thereafter construct and occupy the remaining twenty-five percent (25%) of the market units within the development, provided that the remaining twenty-five percent (25%) of the 'low' and 'moderate' income units are under construction and, provided further, that an equal percentage of 'low' and 'moderate' income units versus market units shall have received certificates of occupancy at any time.

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

DEVELOPMENT POTENTIAL OF "MT. LAUREL II" COMPLIANCE PACKAGE LAND AREAS
BEDMINSTER 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					1,287 du	260 du
		THE HILLS PUD*				
<u>B</u> PRD-8					max. 928 du	180 du
		THE HILLS PRD*				
<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' calculations, based upon discussions with the Public Advocate's Office and reports by the Court Appointed Master.

DEVELOPMENT POTENTIAL OF "MT. LAUREL II" COMPLIANCE PACKAGE LAND AREAS
BEDMINSTER 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> <u>OR</u>	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> <u>VN</u>	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 J 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 (4) 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

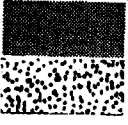
BEDMINSTER TOWNSHIP, NEW JERSEY
AUGUST 1984

<u>PARCEL</u>	<u>EXISTING ZONING</u>	<u>PROPOSED ZONING</u>	<u>PROPOSED TOTAL UNITS MULTI-FAMILY</u>	<u>PROPOSED "MT. LAUREL" MULTI-FAMILY</u>
A	R $\frac{1}{2}$ /PUD	R $\frac{1}{2}$ /PUD	1,287 du	260 du
B	R $\frac{1}{2}$ /Cluster	R $\frac{1}{2}$ /FRD-8 (max 928 du)	@ 928 du	180 du
C	R $\frac{1}{2}$ /PUD	R $\frac{1}{2}$ /PUD	172 du	34 du
D	MF	MF (Senior Cit. Option)	177 du (or 90 Senior Cit. + 106 du)	35 du (or 111 du)
E	R $\frac{1}{2}$ /PUD	R $\frac{1}{2}$ /PUD	599 du	120 du
F	R-3%/PUD	R-3%/PUD	257 du	51 du
G	R $\frac{1}{2}$ /PUD	R $\frac{1}{2}$ /PUD	449 du	90 du
H	R $\frac{1}{2}$ /FRD-6	R $\frac{1}{2}$ /FRD-6	36 du	7 du
I	MF	MF (Senior Cit. Option)	165 du (or 90 Senior Cit. + 93)	33 du (or 109 du)
J	R-1/FRD-8	OR	0	0*
K	R-1/FRD-8	R-1/SF Cluster (and possible Sr. Cit. site)	0 (or 90 Senior Cit.)	0 (or 90 du)
L	R-3%	R-1/SF Cluster	0	0
M	VN	VN (Senior Cit. Option)	0 (or 90 Senior Cit.)	0 (or 90 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 770 "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.

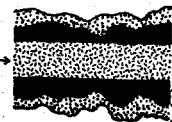
STEEP SLOPES



25% or Greater
15% to 25%

FLOOD PLAIN

FLOODWAY



500 YEAR FLOOD BOUNDARY
100 YEAR FLOOD BOUNDARY
FLOODWAY FRINGE
100 YEAR FLOOD BOUNDARY
500 YEAR FLOOD BOUNDARY



approx. scale: 1" = 1400'

A PORTION OF BEDMINSTER TOWNSHIP

AUGUST 1984

SITE IDENTIFICATION MAP
Lands Relevant to Bedminster
Township's "Mt. Laurel II"
Compliance Package

PREPARED BY: Richard Thomas Coppola and Associates Princeton Junction, N.J.

(See accompanying Charts for property descriptions)