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- Archtlet letter to judge supporting AD's position

Pgs. 15

January 13, 1984

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The Honorable Eugene D. Serpentelli
Ocean County Courthouse, CN 2191
Toms River, New Jersey 08753

Re: Bedminister Regional Center as it Relates to Allen-Deane vs.
Bedminister Township and Dobbs vs. Bedminister Township

Dear Judge Serpentelli:

This letter is to put forward to the Court in more detail the Proposal of our client, Leonard Dobbs, contract purchaser of a 211.6 acre property in Bedminister Township. Mr. Dobbs' property is almost entirely within the "growth area" of the State Development Guide Plan (see maps attached as Exhibits A and B)* and is eminently suitable for development of low and moderate income housing, subject to certain conditions.

The Proposal is to build up to 264 units of low and moderate income housing as part of a regional retail or office center. The Proposal is consistent with and elaborates previous submissions to the Township Planning Board and Township Committee. To date neither the Board nor the Committee has formally responded to Mr. Dobbs' Proposal.

This submission includes a description of the proposed land uses,

* Attached as Exhibits C and D are maps showing the Dobbs site in the context of the Somerset County Master Plan and the corridor definition made by Judge Leahy.

an outline of the proposed low and moderate income unit component, evaluation of the benefits of the regional retail center as a generator of the low and moderate income housing, and a summary of site suitability.

OUTLINE OF THE DEVELOPMENT PROPOSAL

The proposed uses for the site are as follows:

<u>Use</u>	<u>Acres</u>
Residential	40
Municipal	10
Open Space	31.8
Commercial	<u>129.8</u>
	211.6 acres

The site is proposed to be rezoned to a PUD category. This category recommended by the Bedminister Township Master Plan, Part II Development Plan, August 1982, pp. 7-8 (but not yet adopted), would allow a regional retail center, or equivalent office use, residential and related uses. The Master Plan reads:

"Planned Unit Developments are recommended on tracts of land at least ten (10) acres in area where indicated on the Land Use Plan map. Both residential and commercial uses are permitted, and it is specifically intended that sufficient retail and office development be provided to satisfy the needs of the intended population within the PUD as well as the nearby population in neighboring municipalities. Single family detached dwellings (6000 sq. ft. lots); semi-detached dwelling units (3750 sq. ft. lots); townhouses and

garden apartments are to be permitted, provided that the total number of dwelling units is no more than ten times (10X) the number of total acres within the tract, excluding those acres devoted to the permitted commercial activities."

The site is currently zoned R-3%.

Residential Component

The 40 acres of residential land is proposed to be developed at 22 units of low and moderate income units per 100,000 square feet of leased commercial area. This would result in 264 units phased in accordance with the commercial development. Of these units, 245 would be applicable to the Township's Fair Share obligation and 19 would satisfy the internal requirement.*

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* The commercial portion of the site when developed as a regional retail center will require its own contribution to Fair Share housing, the calculation of which follows. When fully developed, the regional retail center will contain 1.2 million sq. ft. of retail space. Using a standard 400 sq. ft. per employee ratio (2.5 employees per 1,000 sq. ft.), there will be 3,000 employees. The majority (roughly 70%) of the employees surveyed for the Ocean County Mall in a recent study were secondary rather than primary wage earners, thus most employees would be existing area residents. The critical number is the number of employees who move into the area to take retail jobs. According to the same survey, only 3.7% people moved to the area to take a job at the mall. Applying this percentage to the anticipated number of full time jobs (50% or 1,500 employees) would yield 56 jobs for which housing would be needed. Based on a report by Abeles Schwartz Assoc., commissioned by Kenneth Meiser, the Public Advocate (Abeles Schwartz, Memo to Kenneth Meiser, November 21, 1983, forwarded to George Raymond, November 28, 1983), 39.6% of all households in the State earned 80% or less of the median income. Of this total, 61% were low income, 39% were moderate income. Applying these percentages to the potential housing demand of 56 units (this assumes a 1 to 1 job to house ratio) would yield 13 low income units and 6 moderate income units, for a total of 19 units.

The internal subsidy from the regional commercial center would be composed of the following:

- provision of land at no cost to housing component
- provision of all off-site improvements and utilities to the site
- financial subsidy of \$10,000/year/100,000 square feet of occupied space aggregating to \$120,000 per year when the commercial space is completed and leased

This internal subsidy, together with Township assistance, should enable the housing units to be available to persons below the upper limits of income eligibility for low and moderate income persons, thus providing a realistic housing opportunity for such group.*

The Township assistance with regard to the housing component should take the form of abatement of taxes, the waiver or reduction of construction permit, inspection, and review fees, an application by the Township for Federal Community Development Block Grant funds to be used to assist the Dobbs housing project, and the creation of a Township-wide entity to administer the housing (screen applicants, insure resale to other qualified residents, etc.). The current Township requirements for 20-25% low and moderate income units on small, scattered sites requires each developer

* George M. Raymond, the Court Master, and Alfred Ferguson made a public statement reported in The Courier News 4/29/83 to the effect that commercial developers could be charged a fee to support low and moderate income housing.

to market and administer the housing units, which procedure is inefficient on small, scattered sites and will inhibit performance by developers under Mt. Laurel II.

Municipal

New Municipal facilities will soon be needed to accommodate the Township's requirements to be generated as a result of its anticipated growth. Ten (10) acres in a suitable location would be donated to the Township for municipal purposes.

Open Space

The 31.8 acres south of River Road will be kept as open space in perpetuity for passive recreation.

Commercial Component

The commercial portion of the site will be utilized as a regional retail or commercial center which when fully developed will contain approximately 1.2 million square feet of retail or equivalent office space. The scale of the Dobbs development will be directly comparable to Hills development in Bedminster in terms of scale of development related to the number of low and moderate income housing units produced.

BENEFITS OF PROPOSAL

Adoption of this Proposal will enable the Township to make a substantial contribution to its Fair Share of low and moderate income housing without the normally high service costs of large residential developments. The regional center will provide

several benefits:

1. Minimized impact of population change: The commercial retail center can provide 264 low and moderate income housing units without the attendant population change which would occur if the 264 low and moderate income housing units were a 20% set aside from a larger residential development (264 being 20% of 1320 units).
2. Tax revenue in excess of internal service demand and high enough to offset the service demand of the Hills development: Dr. George Sternlieb et al., in their report Alternative Fiscal Futures, Bedminister Township, NJ, (March 1981, Center for Urban Policy Research), have calculated that the Hills development will generate a \$2.53 million dollar municipal deficit annually and would require a doubling of the 1980 tax rate (p. 167, 192). The regional center, assuming valuation at \$120,000,000 when completed (p. 194), would provide \$1,389,600 per year in property tax for the Township and the schools at the 1983 rate of \$1.158.
3. Reduced municipal service demand compared to an equivalent residential development: The commercial retail center and 264 low and moderate income housing units will require far fewer municipal services than any residential development that would generate the same number of Fair Share units. The specific services most heavily impacted for the equivalent

housing units would be sewer, school capacity and fire and police service.

4. Practical realistic opportunity to meet Bedminister's Fair Share obligations: Dobbs is a willing developer prepared to move forward immediately and provide substantial subsidy for both construction costs and subsequent operating expenses.

As outlined herein, the proposed development would be a benefit to the community as a whole and is appropriate to the site.

SITE SUITABILITY

Wallace Roberts & Todd and a team of consultant specialists that include civil, soils, and transportation engineers, noise and air quality analysts, water resources specialists (water and sewer) and market analysts have evaluated all aspects of this site and its suitability for this development. The following is a summary of the suitability findings:

Existing Site Uses

The Dobbs property is vacant and has been allowed to go to second growth woodland. The only building is a house of reputed historic value and will be preserved.

Adjacent Land Uses

The proposed use for the site is compatible with the office research zoning across U.S. 202-206 immediately to the east, owned and occupied by the AT&T Long Lines World Headquarters. To the

North is a kennel, a cemetery and the former municipal garage. To the south lies the North Branch of the Raritan River and the proposed open space of 31.8 acres to be used as a passive recreational area. To the west are five existing single family houses on 3-5 acre lots (R-3% zone) which will be buffered from the regional center by the 40 acre residential development as a transitional use.

Access, Traffic Circulation*

The Commercial Center is located where the highway system has available capacity. The planning principle is to put relatively intensive development on a property where traffic capacity already exists or can easily be supplied, rather than where major changes in the road network are necessary.

Access to the Tract from U.S. 202-206 would entail the following improvements to be made at Dobbs' expense:

One, a two-lane inbound ramp over U.S. 202/206 coming from the south going north into the north part of the Tract.

Two, an additional northbound lane widening U.S. 202/206, including a bridge-widening between the North Branch of the Raritan River and the northern boundary of the Tract.

Third, a reconstruction of the "jug handle" intersection

* Gorove/Slade Associates Inc., Traffic Analysis For A Proposed Regional Retail Center in Bedminister, NJ, July 1981.

connecting U.S. 202/206 to River Road to increase its storage capacity.

Fourth, a widening of River Road from its intersection with U.S. 202/206 to the western boundary of the Tract. Measures will be taken to protect the rural nature of River Road to the west beyond the Tract itself.

Fifth, construction of a free-flow southbound right-turn lane from River Road to U.S. 202/206.

Sixth, installation of a traffic signal at the intersection of the southbound I-287 off-ramp and U.S. 202/206.

Noise and Air Quality

The special studies of noise* and air quality** resulted in conclusive findings that there was no negative impact as a result of the proposed commercial development.

Water, Gas and Electricity

Water, gas and electricity are immediately available.

Sewer Availability***

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- * Gorove/Slade Associates, Inc., Bedminster Center, Preliminary Noise Impact Analysis, July, 1981.
 - ** Berger, Louis and Associates Inc., Air Quality Report, Bedminster Regional Center.
 - *** Greenberg, Michael and Hordon, Robert Water Resource Issues In the Development of the Proposed Bedminster Center: Initial Findings, July 1, 1981.

The site is not currently served by any treatment plants, but is within a short distance of both the Bedminister/FH plant and the EDC plant.

The effluent generation for the Dobbs site is estimated as follows:

Commercial:	1,200,000 square feet (0.125 gpd/square foot)	=	150,000 gpd
Residential:	264 DU @ 240 gpd/DU	=	<u>63,360</u>
			213,360

Note that the assumption of 240 gpd/DU is the same as the value used by G. Raymond in his January 10, 1984 report to the Court.

The estimated effluent of approximately 213,000 gpd can be accommodated by an appropriate expansion of the Bedminister/FH plant, the EDC plant, and by existing new technology or combinations thereof.

Soils and Subsurface Characteristics*

Site-specific subsurface investigation by borings indicates excellent foundation and bearing conditions assuming care is taken for the relatively high water table. Therefore, soils are not a constraint for foundations. On site storm water management measures will insure no downstreams impact from either quality or quantity of storm water runoff.

* Site Engineering Inc., Consulting Engineers, Preliminary Soil and Foundation Investigation Bedminister Regional Shopping Center, Bedminister, NJ, September 23, 1980.

Critical Areas

There are no steep slopes on the site. 21.4 acres of the 179.8 acre parcel north of River Road are within the Department of Environmental Protection 500 Year Flood Boundary. The 31.8 acres below River Road is all within the Flood Hazard Area and will remain in open space. The configuration of the development is such that no structure will be within the 500 year Flood Boundary.

CONCLUSION

The Dobbs site is well suited for high density development. The fact that the land is not divided into multiple parcels is a key factor in its development potential. An equally compelling factor is that Mr. Dobbs is willing and able to develop 264 low and moderate income housing units.

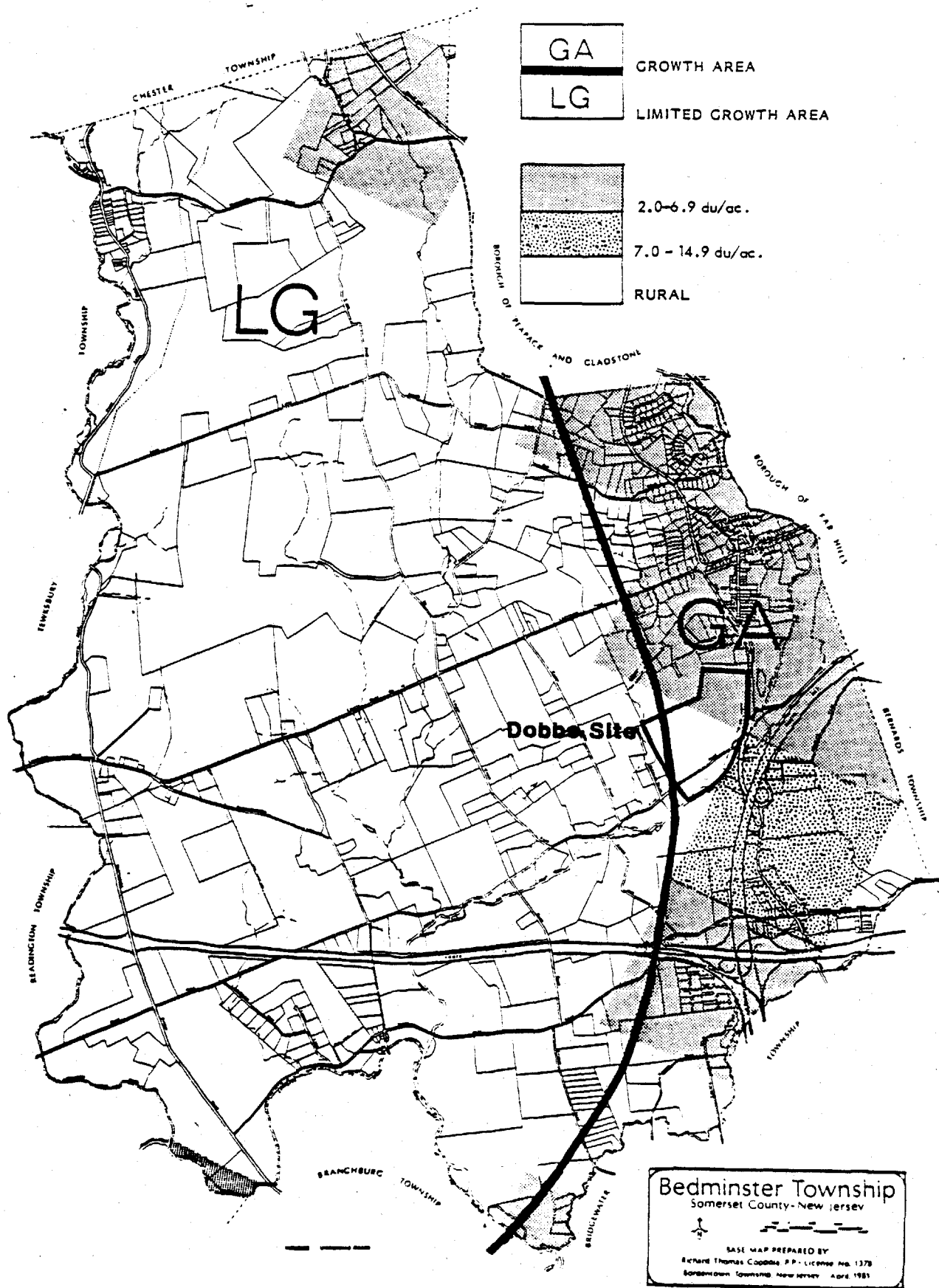
The Dobbs site offers Bedminister a practical and realistic opportunity for meeting a substantial amount of its Fair Share housing obligation and offers the potential of an internal subsidy for the low and moderate income housing units.

Respectfully submitted,

David A. Wallace

DAVID A. WALLACE, FAIA, AICP, PP

Tri-State & State Development Guide Plan · January, 1982

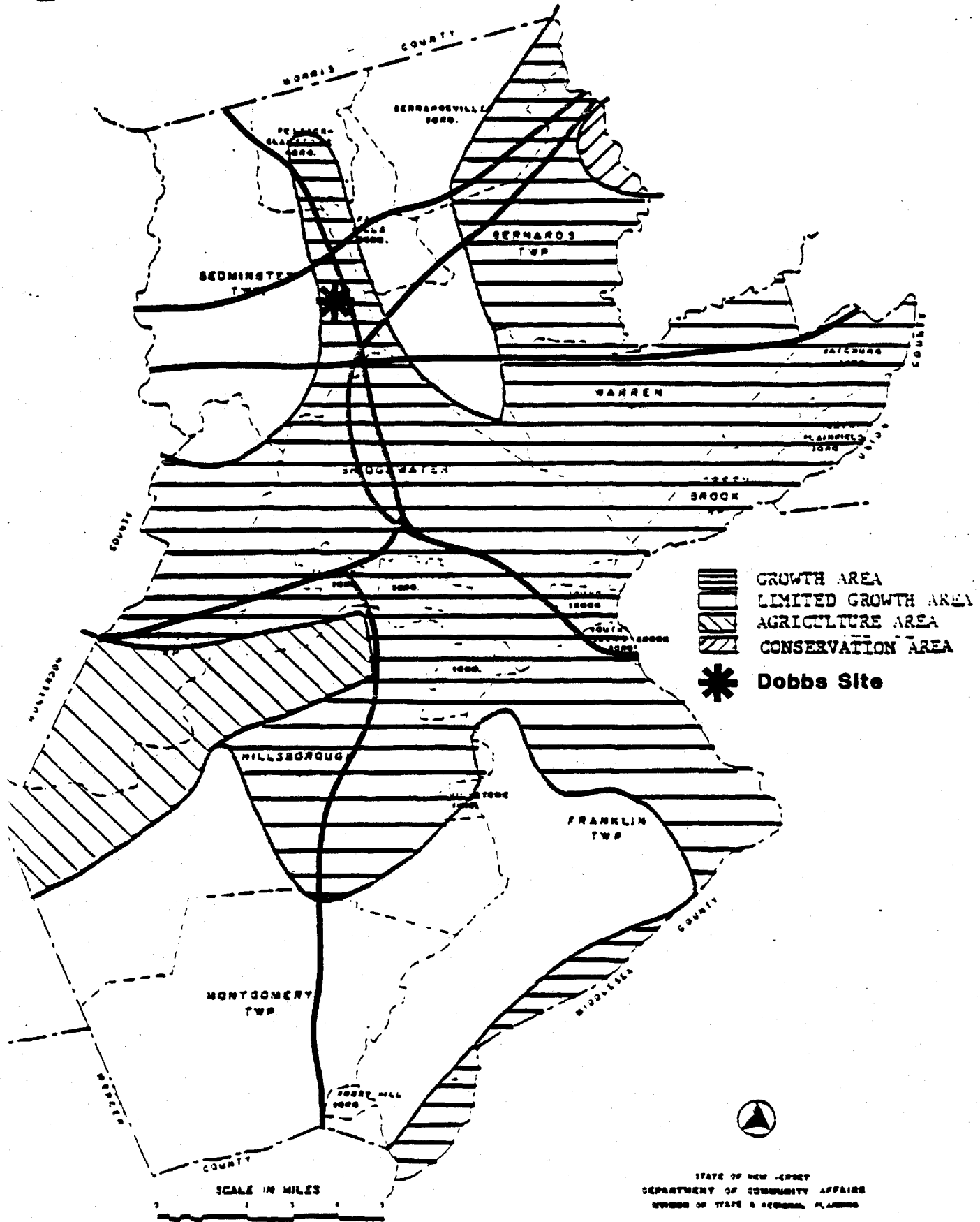


SOURCE: Tri-State Regional Development Guide, dated August 14, 1979 and Revised State Development Guide Plan dated May 1980.

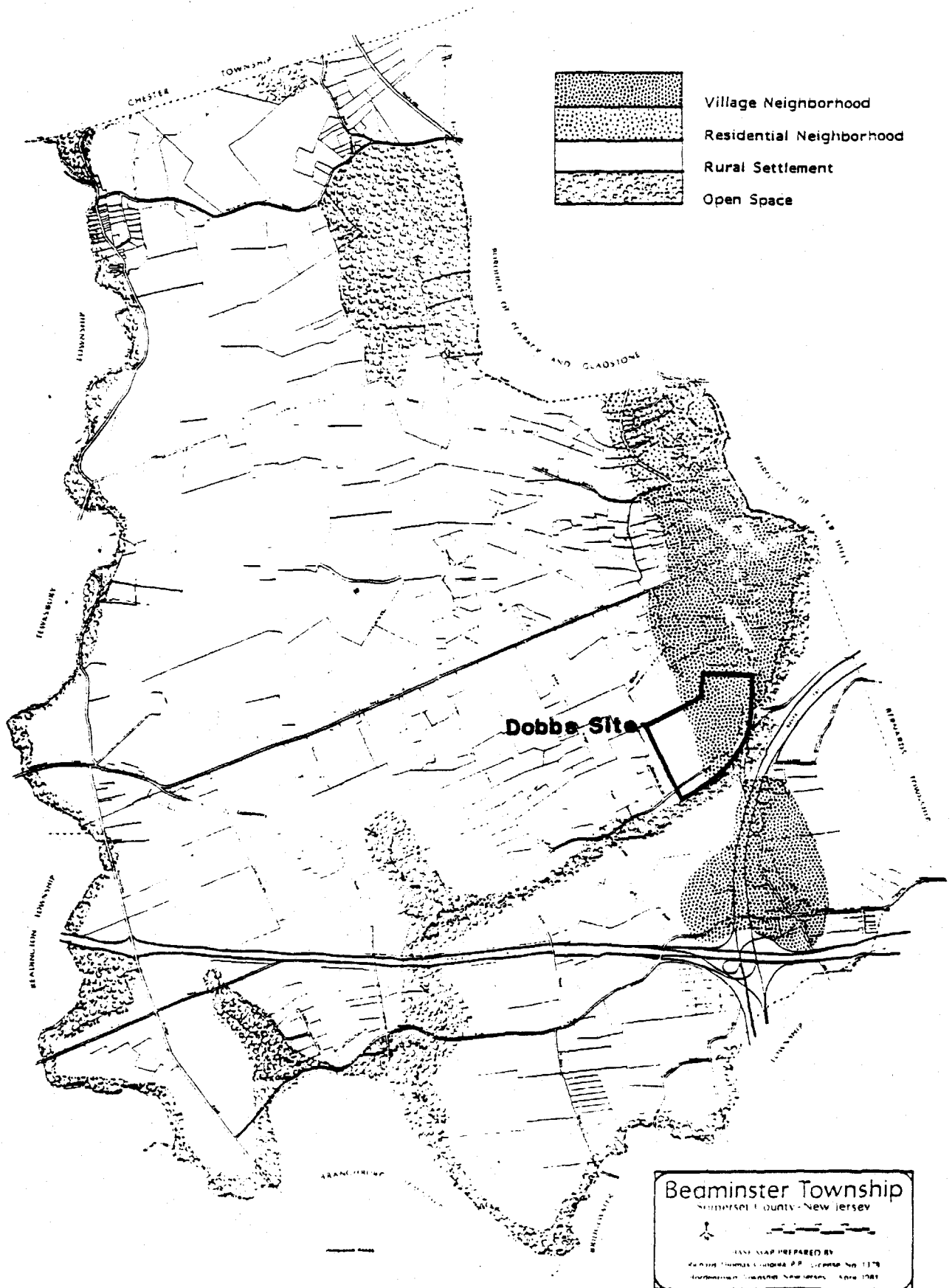
PLATE REG. 2

SOMERSET COUNTY

State Development Guide PLAN



Somerset County Master Plan of Land Use



SOURCE: Master Plan of Land Use adopted November 24, 1970 by the Somerset County Planning Board.

Beadminster Township
Somerset County - New Jersey

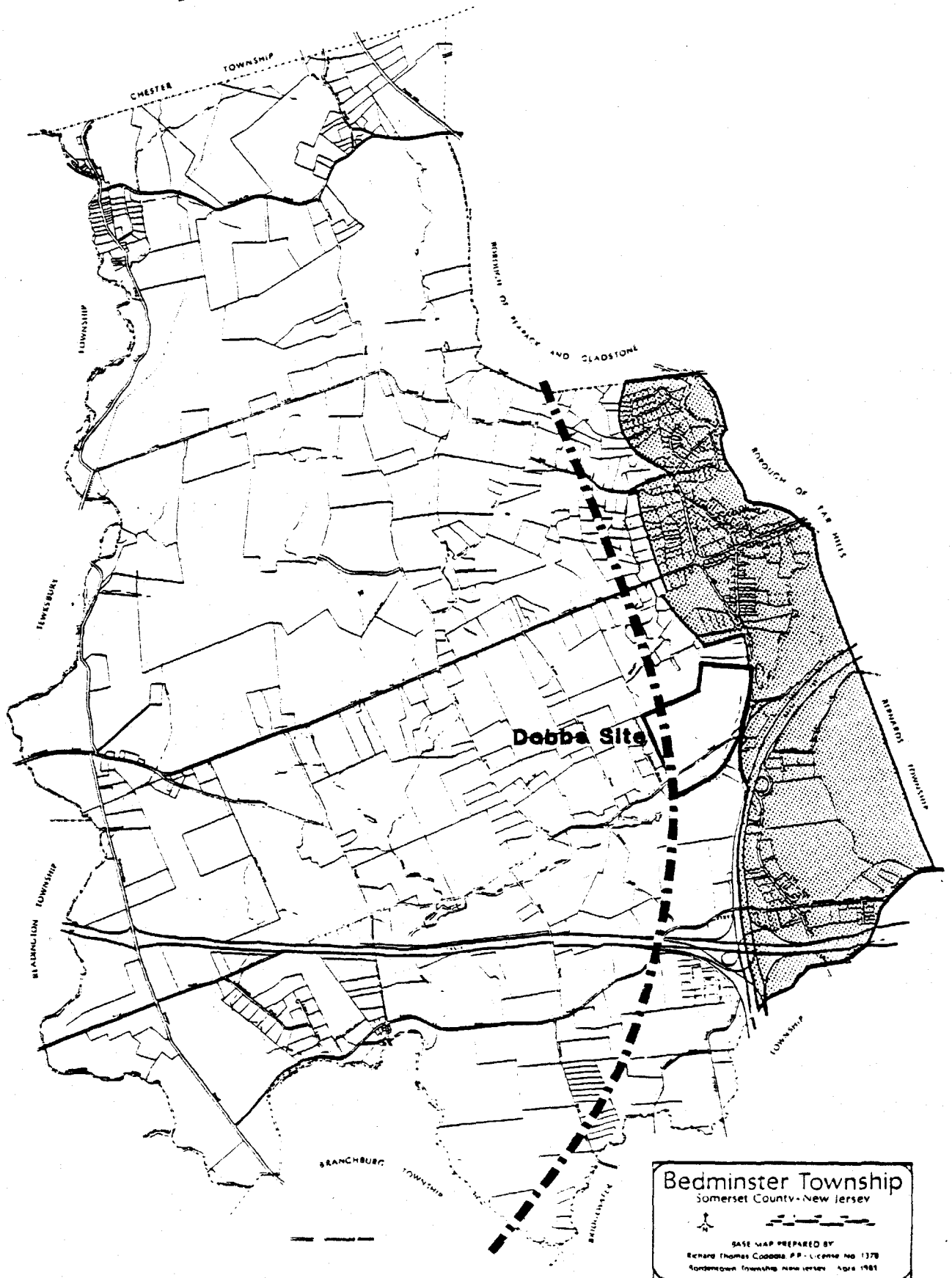
SCALE MAP PREPARED BY
Karl A. Thomas Company, P.P. License No. 1178
Lansdowne, Delaware, New Jersey, April 1981

PLATE REG. 1

EXHIBIT C

Court Defined Corridor Area

■■■■ State Development Guide Plan Growth Area



SOURCE: Order For Remedy, March 1980;
Superior Court of New Jersey, Somerset County, N. J.,
re: The Allan-Deane Corporation et al., vs. The Township
of Bedminster, et al., Judge B. Thomas Leahy, presiding.

PLATE REG. 3

EXHIBIT D