

RULS - AD - 1984 - 420

10/15/84

• Letter re: Bernards Ordina #704

Pgs. 3



MEMORANDUM

To: John Kerwin
Henry Hill
Thomas Hall
Pegi Schnugg

From: Ken Mizerny

Date: October 15, 1984

Re: Ordinance 704, Bernards Township
Project No. 840200

I have reviewed the above captioned ordinance and have the following comments.

1. Section 1106, Schedule of Area, Bulk and Yard Requirements.

My main objection here is the establishment of a maximum building coverage requirement for all unit types. Specifically, I have a problem with the 20% standard for one and two family dwellings and 35% for multifamily. The twenty percent for the single family will prohibit the Hills from developing the small lot product they are thinking about using. The 35% in the multifamily is very marginal assuming a Village Green type product at 20-25 units per acre net density. If I recall correctly, the original 1981 settlement with Bernards excluded any type of building coverage requirement. We should stick to this. There is really no rational basis for having a building coverage requirement because stormwater runoff is computed using total impervious cover, not just building cover. Total impervious cover is a function of gross density, which in this case is established at 5.5 du/ac. The only thing a building coverage requirement does when coupled with other reasonable bulk standards is to place a back door limit on achievable net densities. In effect, it undermines the integrity of other bulk standards.

Additionally, I would like to see the front yard requirement of 25 feet reduced to 20 feet with the option in certain instances for a further reduction to 10 feet. This would enable us to use some of the site planning techniques we employed in Knollcrest.

MEMORANDUM

Ordinance 704, Bernards Township

October 15, 1984

Page 2

2. Section 1107, Building Separation Requirements

I would recommend the following changes:

- a. Reduce the front to front window wall to window wall separation from 75 to 60 feet.
- b. Reduce the 25 foot requirement between any building face to R.O.W. to 20 feet with the ability to reduce further to 10 feet.
- c. A new category should be added which allows that any building face with attached garages be permitted to be 5 feet from the edge of a cartway. This is the same as we have been doing in Fieldstone and Crestmont.

3. Section 1110F, Phasing for Lower Income Units

This should be modified to bring it in line with the requirement for Bedminster Township.

4. Section 1111, Common Open Space

Twenty percent common open space is required for all but single family detached housing. While this could work to our advantage since the Hills contemplates mostly single family, I think this provision could cause some contention during site plan and subdivision review. I'm sure the town is going to want to see more open space than the Hills is obliged to provide. I think it would be better to set out the standard for the whole project at the outset and avoid the inevitable controversy later.

5. Section 1112D, Streets

This provision requires that all streets provide a 40-50 foot minimum R.O.W. There is no relief for private streets. This could be particularly problematic in a townhouse product similar to Stone Run and Knollcrest.

6. In addition to the ordinance provisions above I would offer the following comments:

- a. Unit Count: The ordinance puts a cap on the number of units in the Raritan Basin at 2,750 units; assuming 501 acres in the Raritan at 5.5 du/ac., the cap falls short by 5.5 units. Additionally, we can't get credit for that portion of the Water Tank site which falls in Bernards Township.

MEMORANDUM

Ordinance 704, Bernards Township

October 15, 1984

Page 3

- b. They did not give us any relief from the extensive submission requirements for Concept, Preliminary and Final approvals. Additionally, there is no accelerated approval process for developments containing lower income housing.
- c. There is no waiver of fees for lower income housing.
- d. There has been no adjustment to the Off-Tract Improvement Ordinance. With the new density we would be more than doubling our contribution.
- e. The design standards for the commercial still have some strange requirements concerning number and sizes of buildings. We should ask that these be revised.
- f. We should clarify, perhaps in letter agreement, that the Hills is no longer obliged to provide a school site or a 100 acre park.
- g. The original consent judgement should be reviewed to identify those cost generative design standards which were excluded in the Judgement but, nevertheless, found their way into the Bernards Ordinance. These should be removed from the ordinance, at least for developments with lower income housing.



Kenneth J. Mizerny
Associate/Project Manager

KJM/cr