

RULS-AD - 1984 - 930

10/22/84

- Order setting sales prices for "The Hills Dev. Co."
- w/letter from Raymond assessing supra
- w/letter to Hall from judge re: supra

pgs. 5

FILED 10-22-84
D. SERPENTELLI, J.S.C.

BRENER, WALLACK & HILL
2-4 CHAMBERS STREET
PRINCETON, NJ 08540
(609) 924-0808
ATTORNEYS FOR PLAINTIFF
ALLAN-DEANE CORPORATION

ALLAN DEANE CORPORATION,

Plaintiff,

and

LYNN CEISWICK, APRIL DIGGS, W.
MILTON KENT, GERALD ROBERTSON,
JOSEPHINE ROBERTSON and JAMES
RONE,

Plaintiff-Intervenors,

vs.

TOWNSHIP OF BEDMINSTER and the
TOWNSHIP OF BEDMINSTER
PLANNING BOARD,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION/SOMERSET COUNTY
DOCKET NOS. L-36896-70 P.W.
L-2801-71 P.W.

CIVIL ACTION

LYNN CEISWICK, APRIL DIGGS,
W. MILTON KENT; GERALD
ROBERTSON, JOSEPHINE
ROBERTSON, and JAMES RONE,

Plaintiffs,

vs.

TOWNSHIP OF BEDMINSTER, THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF BEDMINSTER and the
ALLAN DEANE CORPORATION,

Defendants.

ORDER

This matter having been opened to court by Brener, Wallack and Hill, Henry A. Hill appearing, attorneys for The Allan-Deane Corporation, hereinafter referred to as The Hills Development Company; and by The New Jersey Department of The Public Advocate, Kenneth E. Meiser appearing, attorneys for the Ceiswick plaintiffs; and by McCarter & English, Alfred L. Ferguson appearing, attorneys for the Township of Bedminster; and the court having reviewed the papers and memoranda submitted, and good cause having been shown, it is on this 22 day of October, 1984,

ORDERED :

- The prices for the lower income housing, known as The Village Green at Bedminster, under construction by The Hills Development Company, shall be set as follows:

SALES PRICE

Prior Price To Be Replaced With 1984 Prices

<u>Low</u>	<u>1983</u>	<u>1984 Prices (1983 x 2% Rounded Up To Nearest \$100.00)</u>
1 Bedroom	\$26,500	\$27,100
1 Bedroom w/loft	\$29,500	\$30,100
3 Bedroom	\$33,500	\$34,200
<u>Moderate</u>	<u>1983</u>	<u>(1983 x 4% Rounded Up To Nearest \$100.00)</u>
1 Bedroom w/loft	\$47,000	\$48,900
2 Bedroom	\$52,500	\$54,600
3 Bedroom	\$55,500	\$57,800

2. Households with incomes as set forth below shall be eligible to purchase housing at The Village Green at Bedminster:

1983 Income To Be Replaced With 1984 Income

<u>Low</u>	<u>1983 Ceiling Income</u>	<u>1984 Income Limits (1983 x 3% Rounded Up To The Nearest \$50.00)</u>
2	13,100	13,500
3	14,700	15,150
4	16,350	16,850
5	17,650	18,200

<u>Moderate</u>	<u>1983 Ceiling Income</u>	<u>(1983 x 5% Rounded Up To The Nearest \$50.00)</u>
2	20,150	21,200
3	22,700	23,850
4	25,200	26,500
5	26,750	28,100

This Order supercedes the prices and income limits as set by this court in orders dated November 18, 1984 and December 21, 1984.


 Eugene D. Serpentelli, J.S.C.

- ____ MOVANTS' AFFIDAVITS DATED _____
- ____ MOVANTS' BRIEF DATED _____
- ____ ANSWERING AFFIDAVITS DATED _____
- ____ SUBMITTED ON BEHALF OF _____
- ____ ANSWERING BRIEF DATED _____
- ____ SUBMITTED ON BEHALF OF _____
- ____ CROSS-MOTION DATED _____
- ____ FILED BY _____
- ____ MOVANTS' REPLY DATED _____
- ____ OTHER _____

RECEIVED

OCT 18 1984

GEORGE M. RAYMOND, A.I.C.P., A.I.A.
NATHANIEL J. PARISH, P.E., A.I.C.P.
SAMUEL W. PINE, A.I.C.P.
MICHAEL WEINER, A.I.C.P.

BERNARD J. BULLER, P.E., A.I.C.P.
EDWARD J. RYBCZYK

ROBERT GENESLAW, A.I.C.P.
RICHARD HARRALL
GERALD C. LEMAZ, A.I.C.P., A.I.A.
EDITH LANDAU LITT, A.I.C.P.
PHILIP W. MICHALOWSKI, A.I.C.P.
JOHN JOSEPH SACCARDI
STUART I. TURNER, A.I.C.P.

DAVID B. SCHIFF, A.I.C.P.
NOEL SHAW, JR.
CSABA TEGLAS, A.I.C.P., C.I.P.

JUDGE SERPENTELLI'S CHAMBERS

October 15, 1984

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

Re: Allan-Deane et. al. v. Bedminster

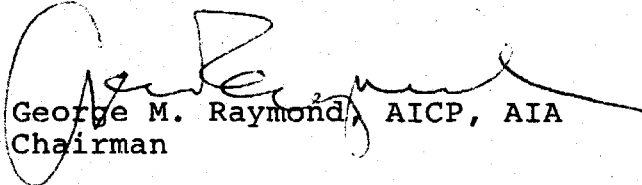
My dear Judge Serpentelli:

As you requested in your letter of October 10, 1984 to Thomas J. Hall, Esq. of Brener, Wallack & Hill, I have reviewed the following modifications to the income levels and sales prices previously established by the Court proposed by The Hills Development Company in its letter of October 2, 1984:

	<u>Low Income</u>	<u>Increase</u>	<u>Moderate Income</u>
Income Ceiling	3%		5%
Sales Price	2%		4%

I agree with Your Honor that neither the method whereby these figures were derived nor the use of the PMSA for the purpose of determining income ceilings should be accepted as precedents for the future. In this particular case, however, given the urgency of arriving at a determination and the complexities of the current stage of implementation of prior Court orders, I concur with the Public Advocate's acceptance of the proposal as a reasonable ad hoc solution to the immediate problem before the Court.

Respectfully submitted,


George M. Raymond, AICP, AIA
Chairman

GMR:kfv

cc: Thomas J. Hall, Esq.
Alfred L. Ferguson, Esq.
Kenneth Meiser, Esq.
Peter J. O'Connor



Superior Court of New Jersey

CHAMBERS OF
JUDGE EUGENE D. SERPENTELLI

OCEAN COUNTY COURT HOUSE
C. N. 2191
TOMS RIVER, N. J. 08753

October 10, 1984

Thomas J. Hall, Esq.
Brener, Wallack & Hill
2-4 Chambers Street
Princeton, N. J. 08540

Dear Mr. Hall:

Re: Allan Deane et als v. Bedminister

I have your letter of October 2, 1984. Subject to the recommended approval of Mr. Meiser and Mr. Raymond, the Court will authorize the modification for the increases set forth in your letter. However, the Court does not approve, at this time, of the use of the PMSA as a method for calculating income levels. Without deciding the issue, I would suggest that the parties evaluate what the effect would be of utilizing income levels based upon a commutershed concept. In light of the fact that the prospective housing is projected to come from a county within the commutershed it will be a reasonable middle position between that taken by your client and the Public Advocate. I emphasize that I am not determining that as a matter of fact or law. I would like to see the comparative figures utilizing the PMSA, the 11 County prospective need region and the commutershed.

Very truly yours,

EDS:RDH
copy to:
Peter O'Connor, Esq.
Kenneth Meiser, Esq.
Alfred Ferguson, Esq.
George Raymond, P. P.

Eugene D. Serpentelli, JSC