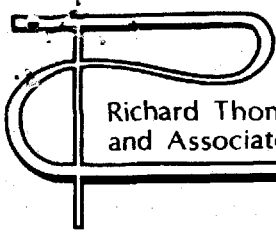


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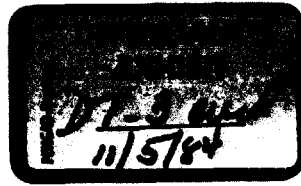
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Letter to Counsel re Dobbs Regional Shopping  
Center Proposal

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Richard Thomas Coppola  
and Associates



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RE: Dobbs Regional Shopping Center Proposal

Gentlemen:

Pursuant to your request, I have reviewed the meeting minutes of the Township Committee, the Planning Board, and the Master Plan Review Committee since April 18, 1980. As you know, it was on April 18, 1980 that a letter from Mr. Basralian was forwarded to the Township Council and Planning Board advising of Mr. Dobbs' desire to construct a regional shopping center on the River Road property. Specifically, as noted on p.3 of the April 18, 1980 letter, a copy of which is attached herewith, the intention of Mr. Dobbs was to construct a "regional retail development" on lands which have "features to render it ideal for regional retail development zoning."

Subsequent to receipt of the letter, the Township Committee, the Planning Board, and the Master Plan Review Committee met on a number of occasions and gave Mr. Dobbs the opportunity to participate. Segments of the various meetings are included herewith. Clearly, Mr. Dobbs' intention always has been to construct a regional shopping center. Indeed, while Mr. Dobbs determined it to be more saleable to the Township to include other development components, including monetary contributions for a by-pass of Pluckemin Village; a Conference Center to be on his site as opposed to a location within The Hills PUD which was being considered; a contribution of land for the location of a municipal complex which was represented to be anywhere between twenty and eighty (20 - 80) acres; and, finally, a representation to build some low and moderate income housing - - all of these ancillary proposals were contingent upon Township approval of a regional shopping center.

° Township Committee Meeting - October 2, 1981

"Mr. Dobbs addressed Mayor Gavin and stated that in the event his Regional Shopping Center comes to pass, he would like to sit down and deliberate about Municipal Facilities. He believes that building here and there for short term use is not sensible. He added that he was not ashamed to discuss this at the appropriate time and that he has done this with others in the past."

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◦ Master Plan Review Committee - March 3, 1982

Mr. Leonard Dobbs introduced himself and described the work he does, including the fact that he was involved with the Short Hills Shopping Mall. He came here tonight to talk about the regional shopping center he proposes for Bedminster, and explained why he chose this particular area. ...Mr. Dobbs then suggested that the Township could use some help in the areas of a municipal building and another school; ..."

Herbert Vogel, Esq., representing three residents of Bedminster, ... discussed the reasons why these residents chose to live on Matthews Drive in Bedminster. He feels very strongly that a shopping center adjacent to their properties would create an extremely adverse impact upon the area. His comments were focused on the presentation made by Mr. Dobbs and his people, stating among other things, that this piece of property that is proposed for a regional shopping center is not within the Court-defined corridor. He added that the present zoning ordinance of this community provides for 800,000 square feet of shopping, which he feels more than adequately meets the needs of Bedminster Township and its expanding population..."

◦ Township Committee Meeting - April 30, 1982

"Mr. Dobbs requested to make some comments. Mayor Gavin gave Mr. Dobbs the floor. Some of his comments were that he was disappointed that no changes have been made to the Master Plan. He was in hopes the community would be acceptable to his project. ...Regarding City Federal, he feels it is speculative. Mr. Dobbs stated that he could help financially with the by pass and has also offered Municipal Facilities..."

◦ Master Plan Review Committee - June 6, 1982

" Mr. Dobbs said "I have just a few observations today that might help the deliberations with regard to school population. Today the House of Representatives passed, by unanimous vote, the Housing Subsidies Bill, it has already been approved by the Senate, which will underwrite the cost of first new home mortgages with the provision that there be a family income of not more than \$30,000. a year, or \$60,000. a year in high-cost areas. This is a high cost area. So anybody making \$60,000. a year family income would be entitled to get a Federal subsidy to bring the cost of their mortgage down to 11%. This has already passed both Houses. Number 2, the Rutgers Council for Urban Policy for Urban Planning have prepared on behalf of the Township of Bedminster some projections based upon what the Township anticipates what its population to be with the Hills Development and I think it would be..." Mr.

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Coppola interrupted by asking when the Township had hired Dr. Sternlieb. Mr. Dobbs replied that he had paid the bill for Dr. Sternlieb to do the work for the Township. Mr. Coppola replied that in other words he was not working for the Township, he was doing a study at Rutgers among his students which he normally does and it's very misleading to say the Township hired him. It was ascertained that Dr. Sternlieb worked for Mr. Dobbs with the condition that Mr. Dobbs would have no voice in what he had to produce.

Mr. Dobbs continued "That study is made available to every member of this Committee...I have for an appropriate use of my property, offered the community 20 acres of land to be used for any purpose that they consider". Mr. Coppola stated that he wanted to make sure the School Board is aware of the facts in the offering. The proposal is to build a million and a half square foot regional shopping center. Mr. Coppola asked if Mr. Dobbs was saying he is willing to give 20 acres to the Town now. Mr. Dobbs reply was "If I had appropriate commercial use on my property I would".

"The following statements are made for the record. Mr. Dobbs: "In view of the fact that this Master Plan Committee at its June 3rd meeting voted approval of a 5-story, 350-room conference center, it was voted 3 to 1..."

Mr. Coppola: "Since this is for the record, the vote was to recommend favorably that this item be discussed at the full Board level."

Mr. Dobbs: "I would like to ask this Committee's consideration, and do what you will with it, for a campus-style conference center on my property, of not more than 300 rooms, with the height restrictions that are already established by your zoning ordinance".

° Planning Board Meeting - June 23, 1982

"Mr. Scher asked if any of the 4 residents who approached the Committee had any additional comments to make. Mr. Dobbs was the only person present, and he had some comments to make. The following is verbatim.

"...You've painted yourself up on the fact that you have a million square feet of commercial development, within the corridor, that has been defined by the Judge. That million square feet of commercial development, to the best of my knowledge lies in 4 separate parcels. This Committee has seen what you have to go through in dealing with one parcel. The City Federal plot, in terms of its traffic access and egress problems. The development of the other 4, or whatever number it may be, will each provide its own problems, will each further compound,

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aggravate the problem and I would predict --- I'm not an expert but as a highly educated person in this field --- that you will have horrendous problems in this so-called Court-appointed corridor, realizing the development of these 4 separate parcels of commercial area. Not to be too dramatic, I think you will need a gas-mask to drive through Pluckemin, if you are able to solve the problems.

My alternative is to place a commercial development someplace with the traffic solution that operates at a high level of service, that does not impact the local streets, and I'm a developer that gets on board and ready to move forward. The other people are not on board and ready to move forward with difficulty. In today's market and with what has happened to the price of land in the village of Pluckemin, in recent sales I believe it was \$200,000. an acre, and you think you're going to satisfy your retail needs out of end prices that are going for \$200,000. an acre you are grossly mistaken. There is not a retail organization, a supermarket, which is what you're dealing with in a \$200,000. block per, not a supermarket, drug store, or any other type of convenience retail facility that can afford to pay those prices for land consumption, and operate, and so what you have is a pie-in-the-sky, same as we have in a million square feet, 4 separate parcels which means potentially 4 discount centers to satisfy a retail and commercial need, and you'll have 4 additional problems similar to what you've had at City Federal, and there'll be 4 additional office-commercial type of uses being proposed, not immediately, but maybe some time in the far future all of which will put traffic on the street the same as 1200 family units in Hills Development, coming to and from work. You will have compounded, rather than taken this opportunity to ease and alleviate your future development property.

In addition, thereto, my proposal has been exaggerated and blown out of proportion. It's alarming for me to hear representatives of your community in terms of your consultants constantly talk about a 1,500,000 square foot shopping center. This has never appeared in any of my documentation. If anybody took the time to read it, it would show that for production purposes in order to determine the impact, we assumed 1,200,000 square feet and no greater, and that would be the greatest possible impact. In my proposal to the community which I was naturally restricted, I said I wanted 400,000 square feet of small tenant space and an appropriate number of additional department stores. I cannot determine the size of department stores, they determine their size, they will examine this market, and certain department stores will probably be 200,000 square feet, another department store will determine to be 100,000 square feet.

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So the ultimate size of my development will be governed for the most part by the number of department stores and the size that they elect to build. And, again, I assure you that I don't make a penny on a department store. They are coming to this community as only a benefit to this community. The department stores will own their own land, will build their own building, most often they will own their own land on a subsidized basis though they will be given the land by me for nothing. And in some cases they will be paid by me to come to this community...

In addition thereto, today with the reality of the taxes in this community going up  $2\frac{1}{2}$  times on a very conservative basis as a result of this 1200 units of housing, I think that members of the Planning Board, and I am a member of the Planning Board in my community, this is a significant thing that you have to face up to. You have to weigh this against pie-in-the-sky, proposed commercial development in 4 places, and all their separate traffic problems, bringing you perhaps another million square feet. I hope that somebody here is ready to move forward with very distinct benefits to the community.

I don't think it's a secret that I propose \$1,000,000. toward the attainment of your bypass and over a period of time which would be \$2,400,000. spread out over 20 years. Plus another \$1,000,000. or \$2,400,000. spread out over 20 years, if I were allowed to add a conference center on my property at a size that is smaller than what has been proposed by HDC; the size that is within the height restriction of your community, that is, nothing over 3 stories in height and a campus type of arrangement, all with recreational facilities and the other facilities which would be available to members of the community where they are not being used by the attendees at the conference center. My proposal was made at a meeting of your Master Plan Committee (and) was not even presented here tonight. It was not even judged.

In addition thereto, this community has a desperate need for facilities. You have Police facilities that you are going to require, you have First Aid facilities that you're going to require, there may be a need for additional school facilities, there will certainly be a need for an expanded municipal building. The general consensus of the Committee is that all of these facilities should be located if possible in one place. The recommendation has been, and I don't think the recommendation is final as yet, to locate most of them in the flood-plain area near the sewer plant. I have proposed as part of the acceptance of my project because I was welcomed (tape inaudible). A centrally focal place to go shop, do your community business, sort of a focal point. And I offered to donate 20 acres to the community for this purpose. At current value for commercial property \$200,000. an acre would be better

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than in Pluckemin for sale, other than offers that are being bandied in this area. That's \$4,000,000. in value in terms of land. In addition too, not any of this has off-set against the taxes that my facility will be paying which will be \$1,200,000. a year. And let me tell you, you're going to need the money.

But aside from that item, a lot of people who live in New Jersey particularly say "well, we don't like shopping centers". And "if I lived in New Jersey and looked at all the shopping centers that exist in this state that you'd...". But I'm not - I haven't come here offering a facility that's going to waste the land. I have on my team Dr. Horden, who is the leading expert in water resources in the State, Mike Greenberg, the leading expert in air quality in this State, David Wallace the leading environmental land use planner and landscape architectural expert in the State. Experts in every field who will never, I will not ask them to, jeopardize their integrity, to do a project that would be anything other than what you would be proud of, and what I can be proud of.

But yet everybody is moving along with an apparent drive to get this over with, live with what the Judge has put upon us, and suddenly after all this conversation, how terrible this thing was, you do in fact have an opportunity to make your own decisions. To turn around and say that this thing is beautiful. In the last analysis what has been imposed upon us is beautiful - it's perfect. This is after you've had the opportunity to make your own decisions. I'm not saying that the things I propose to do can be done overnight. I'm saying that it cannot be saved. I'm saying that I'm willing to sit down and discuss how this would come about. How we can balance development so that you (tape inaudible) your growth, try to keep some semblance of tax-rate structure stability in this community, and I remind you the community's taken a hard-nosed policy in the past and has suffered for it. Well you may not suffer, you suffered from what you had to take from Hills.

And who knows, you may prevail, although I don't think you will, but you may prevail in litigation with me. And what would you be sitting on - taxes would become higher and Pluckemin, with a group of new residents that will sit back and say "hey what happened here. Why do I have so much problems getting to and from my home, while these people on the other side of town are scott free and I'm paying for snow removal, snow cleaning and plowing, and paying to pave my streets through my neighborhood association and Fred here is chipping brush on the west side of town and he's chipping brush out of general tax revenues and I'm paying. I'm a lower income person and I'm paying to have my snow removed (tape inaudible)". You're setting up bounds here to create a future war. I've seen it happen on the Island and you have to show some sensitivity to people who are coming in and some sensitivity to

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reach the balance of people living in your community. I think it's unfair to ask the balance of your community to pay 3 times more taxes than what they're currently paying so that you can keep to some kind of planning corridor that's been set forth by a Judge. Your planner. You have an opportunity to alter that. I guess I'm through now...

You've got a potential of 5,000 new families coming here. They're going to need a place to shop. At \$200,000. an acre, nobody's going to build. And if there's a need for retail space in New Jersey (tape inaudible) there are certainly vacant discount stores but that's the kind of problem that you don't want. It will be a long time in coming and I'm asking you to avoid paying for the expense and coming to some conclusion that at some subsequent time when the offers that I have on the table will be withdrawn. I'm asking you now for an opportunity to sit down and discuss, in a serious way, how I can be helpful to you and be helpful to myself at the same time. You're doing planning for the community that recognizes it's long term needs. I'm sorry I didn't have my consultants here to have given you all the planning reasons and what have you, but thank you for your indulgence".

◦ Master Plan Committee Meeting - July 13, 1982

"In a very informal manner, the Rodenbach land, adjacent to the public library, was discussed as the best place for a municipal complex for many reasons. Other locations were also discussed. Mr. Dobbs commented that if the Township were to use his property for a municipal complex, it would have exceptional access without using River Road. Mr. Coppola does not recommend a municipal facility next to a shopping center. Mr. Dobbs offered to investigate and advise the Committee of locations where this type of complex exists.

Mr. Blakeslee stated that the Committee is waiting for comments from the Fire Companies and the School Board. He asked Mr. Coppola to review the thinking of the past few months with respect to the Community Facilities. He added that there is agreement that the Committee would like the municipal facility to be centralized; it is unfortunate that the land the Township owns is in the flood plain, and would present some problems".

◦ Planning Board Meeting - July 28, 1982

"Dr. Wallace discussed site specific details regarding Mr. Dobbs' property, demonstrating why he thinks the corridor should be redefined by the Township. He thinks this site should be considered as one of the possible sites for a recreational center. Because of all the investigation by Mr. Dobbs, it appears viable. He thinks the general area is appropriate for this kind of recreational center..."



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"Mr. Dobbs presented an alternative to the development plan previously submitted. He proposes to develop 112 acres as the commercial retail center of approximately 850,000 to 950,000 square feet, the size depending upon the particular size of the department stores. Another 20 acres will be a hotel/conference center, to be between 250 and 300 rooms in a campus-style arrangement, with recreational facilities. 20 acres will be reserved for municipal facilities, including fire and first aid. On the 4th parcel he proposes 30 acres for residential, which in all probability will not be developed for at least 10 years. The balance of 20 acres he dedicates to open space, passive recreation. He plans 3 access points which will have a level of service C."

◦ Township Committee Meeting - November 12, 1983

"Mr. Dobbs noted for the record that within his property 20 acres would be set aside for Community facilities and 30 acres for Recreation, assuming no legal action was necessary regarding the use of his property for a shopping center".

◦ Township Committee Meeting - December 30, 1982

"Mayor Gavin requested public comments. Mr. Leonard Dobbs again reiterated his position concerning approval of his proposed shopping center/hotel-motel conference center. His proposition would consist of a 250-300 room center that would be wholly owned by him, built in accordance with existing local ordinances and would have a physical fitness center. Mr. Dobbs mentioned that he has done hotel transactions in the past with Hyatt Corporation and the Ford property. Mr. Dobbs went on to discuss his concerns in reference to the Hills Development proposed hotel/motel conference center..."

◦ Township Committee Meeting - April 29, 1983

"Mr. Leonard Dobbs asked to speak to the Committee and he remarked that of the 211 acres in question for Green Acres, 29 of them were in flood plain and that he offered free to the Township 79 acres for recreation but that the Township had elected to protect the west side of the Township from development and so decided to pursue a Green Acres acquisition. Mr. Dobbs inquired why this is so when 80% of the property is farmland and that the property is owned by Yale University, Sloan Kettering Institute, St. Paul's school and the Schley family. Mr. Dobbs further remarked that his lawyers were preparing letters to Green Acres saying that they were not interested in the Green Acres project, that he felt it was a ridiculous waste of taxpayers money and of the State, Federal and Bedminster money, when the Township can have 79 acres of his property for nothing.

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Mayor Gavin inquired of Mr. Dobbs whether he had anything else he planned to build on the property. Mr. Dobbs replied, a shopping center maybe, and that he could help with the Township's fair share of housing because of Sudler and Beneficial. Mr. Dobbs further commented that the Township would be turning down approximately \$1,200,000 worth of tax money without his shopping center and when he and the Township meet in court and he wins then the Township will receive none of his offers of recreational property".

° Planning Board Meeting - September 23, 1983

"Mr. Dobbs stated that the Township is going too fast in its adoption of these amendments and that his consultants did not receive a copy of the Master Plan until Tuesday, September 20, 1983 and said a more detailed analysis will be forthcoming. Mr. Dobbs said the commercial zone properties proposed will meet a numerical obligation, but not a realistic obligation of housing in the Township. He said that Community Development gave a figure of 1300 low and moderate income housing for Bedminster and he feels that this is a more realistic figure rather than the Township's figures".

° Planning Board Meeting - September 27, 1984

"Mr. Coppola reiterated some of the history of the current ordinance and the Mt. Laurel II decision and gave an overview of how he arrived at the analysis of the Township's obligation and the drafting of an ordinance to address it. Mr. Coppola commented that he considered the proposed amendment as a refinement and clarification of the Township's existing ordinance providing for low and moderate incomes. With the exception of the 35% requirement, the draft ordinance was entirely in concert with his draft in the Housing Element."

"Mr. Leonard Dobbs commented that adoption of this ordinance was unrealistic on the part of the Township and put an unfair burden on developers other than Hills Development".

It is the "Statement of Leonard Dobbs", attached herewith, and read by Mr. Dobbs at the Township Committee Agenda Session of February 4, 1983, which represents the first written evidence that Dobbs intended to file for "Mt. Laurel" housing on the subject site if he did not get his way with the proposed regional shopping center. It appears to me, from a planning viewpoint, that the "Mt. Laurel II" Decision was used by Dobbs as a threat to the Township; i.e. either give me the regional shopping center or I will sue you under "Mt. Laurel II". The last two paragraphs of the February 4, 1983 statement read as follows:

"My attorneys and I have examined in careful detail all that has transpired in connection with my actions and the Township's actions to

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date. I believe that we have made every effort possible to resolve together with the community the problem of the use and development of my property. After 3-1/2 years, however, it does not seem to me that we are close to a satisfactory resolution. I am accordingly exploring with my attorneys a number of options in the event the property is not presently rezoned for appropriate use.

One of the options is, of course, resumption of litigation, in the light of your new Master Plan and the most current legal developments in the State. You and I have until now regarded litigation as the wrong means of resolution of the future development of the property and I have requested my attorneys to make one more effort, in which I would join with them, to achieve early settlement. I request that you join me now in that effort".

The term "most current legal developments in the State" clearly refers to the "Mt. Laurel II" Decision of the State Supreme Court which was rendered during January, 1983.

I trust this information is helpful. The copies of the minutes from which these excerpts were taken are in my files and can be reproduced at your request. Additionally, all of the Township Committee and Planning Board meetings and most, if not all, of the Master Plan Committee meetings were taped with said tapes on file at the municipal building.

Truly yours,



Richard Thomas Coppola, P. P.

RTC:e  
att.

cc: w/att.

Mayor Paul Gavin

J. William Scher, Planning Board Chairman

Anne O'Brien, Committeewoman

Roger W. Thomas, Esq.

John Schoenberg, Township Administrator