

RULS-AD-1989-220

9/12/89

Letter from Raymond to Davidson re: zoning of Hills  
property in Hill Dev. Co. v. Bernards

PGs - 1

# RPPW

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September 12, 1985

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James E. Davidson, Esq.  
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43 Maple Avenue

Morristown, New Jersey 07960

Re: Hills Development Co. v. Bernards Township

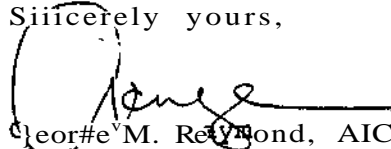
Dear Jim:

At the August 27th meeting of the Township Committee I was informed that all developers except Hills were ready to provide a Mount Laurel set aside without requesting any increase in density. I was also informed that the zoning applicable to these other properties permits 5.5 units/gross acre with the possibility of transferring development rights from any wetlands onto the buildable portion of the tract in an amount that would not cause the density of the latter to exceed 6.5 units/acre.

The present zoning of the Hills property permits its development at a density of 5.5 units/gross acre. The tract contains negligible wetlands. For all practical purposes, therefore, the density which Hills was given for the purpose of achieving a 20% low and moderate income housing set aside is almost identical to that enjoyed by the other developers.

Since Hovnanian is providing only a 12% set aside limited exclusively to moderate income units and Spring Ridge refused to provide any set aside at all, I fail to understand the Township's reasoning in attempting to eliminate or reduce the builder's remedy already granted to the only successful Mount Laurel plaintiff which will produce a full 20% low- and moderate-income housing set aside despite its being no greater in terms of permitted density than that which the Township showed itself willing to grant to others for much less in the way of assistance in achieving compliance with the Mount Laurel mandate.

Sincerely yours,



George M. Raymond, AICP, AIA  
Chairman

GMR:kfv

cc: Henry A. Hill, Esq.  
Hon. Eugene L. Serpentelli, J.S.C.

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