

Hillsborough Lit.

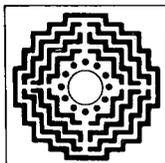
9-26-97

Letter re: Matter of the petition for substantive  
Certification of the housing element & fair  
Share plan of Twp. of Hillsborough

- Attach - Hillsborough Twp. planning board general  
applicatn form

Pgs. 7

HI 000061L



## KINSEY & HAND

14 Aiken Avenue  
Princeton, NJ 08540  
Tel (609) 924-4990  
Fax (609) 924-4107

September 26, 1997

John M. Payne, Esq.  
Professor of Law  
Rutgers School of Law-Newark  
15 Washington Street, Room 805  
Newark, New Jersey 07102

Re: In the Matter of the Petition for Substantive Certification of the Housing Element and Fair Share Plan of the Township of Hillsborough, Somerset County, Substantive Certification 31-99, Docket No. A-005349-95T1

Dear John:

As we discussed this week, my client in Hillsborough, SKP Land, Inc., early last month filed an application with the Hillsborough Township Planning Board seeking classification of the 240 acre Gateway at Sunnymead project as a PAC/HCF under the PAC/HCF overlay zone provisions of the Township's Development Regulations. As requested, I am by this letter providing you and the Rutgers Environmental Law Clinic with information on this project and application, for your consideration and use in responding, to the Appellate Division, when COAH files its forthcoming brief in this matter, which is now expected in late October 1997.

The Gateway at Sunnymead project is now a 240 acre joint venture of SKP Land, Inc., and P.E.C. Builders, Inc., two adjacent land owners. P.E.C. Builders, Inc. (Anatol Hiller, et al.) was the developer-objector before COAH in 1995-1996, and owns an approximately 118 parcel. SKP Land, Inc., owns an approximately 122 acre adjoining parcel to the north. SKP Land, Inc., is represented in this matter by Glenn S. Pantel, Esq. P.E.C. Builders, Inc. continues to be represented by Ronald L. Shimanowitz, Esq.

The key point, of course, is that the Gateway project was a realistic, viable alternative to the Hillsborough Alliance for Adult Living, L.P., PAC/HCF project that was offered to COAH and the Township in 1995-1996, and that the current, expanded Gateway project is still a realistic, viable alternative to the Greenbriar project, that is still offered to COAH and the Township.

Attached is a copy of the completed Hillsborough Township Planning Board General Application Form for this project, submitted August 7, 1997. The proposed development would be a planned adult community, as permitted under the PAC/HCF overlay zone ordinance, with a total of 800 dwelling units and 240 beds in health care facilities, including 40 non age-restricted units. The applicant's proposal is to set-aside 10% of the 800 dwelling units, i.e., 80 units, for low and moderate income households. The applicant seeks classification of the



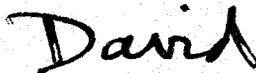
John M. Payne, Esq.  
Re: Hillsborough  
September 26, 1997  
page 2

project as a PAC/HCF and three variances: (a) relief from the ordinance requirement that a PAC/HCF tract have a minimum of 450 acres, (b) relief from the building height restriction to allow 32.9' high, three story buildings, and (c) relief from the required set-aside of low, moderate, and least cost housing at 50% of age-restricted units (which constitute 95% of a PAC/HCF's units), to provide instead 10% low and moderate income units. I am also attaching my "Planner's Report," dated August 1, 1997, which was also submitted to the Township Planning Board. This report describes the site and project in more detail and presents my analysis of the project's compliance with the PAC/HCF ordinance and entitlement to the requested variance relief.

In addition, the Hillsborough Township Committee by proposed Ordinance No. 97-28 is proposing to repeal the PAC/HCF Ordinance that is basis for the pending Gateway application before the Township Planning Board. A public hearing before the Township Committee on the proposed ordinance is scheduled for October 14, 1997. SKP Land, Inc. has opposed the proposed repeal (see the attached letter from Glenn S. Pantel, Esq., to the Mayor and Township Committee, dated September 8, 1997).

Please call if you need additional information or have any questions about the Gateway proposal.

Sincerely yours,



David N. Kinsey

Enclosures

cc: Edward Lloyd, Esq., Rutgers Environmental Law Clinic (w/enc.)  
Mr. Henry Stein  
Mr. Joel Schwartz  
Mr. Anatol Hiller  
Glenn S. Pantel, Esq.  
Ronald L. Shimanowitz, Esq.

GENERAL APPLICATION FORM

I. APPLICATION TYPE - Check appropriate item(s) in each column.

Check one or more:

- Minor Subdivision
- Major Subdivision
- Minor Site Plan
- Major Site Plan
- Planned Development
- Variances
- Conditional Use(s)
- Other (specify) \_\_\_\_\_

Check one or more:

- Informal Review (no fee)
- Sketch Plat Review
- Preliminary Approval
- Final Approval
- PAC/HCF Classification

II. APPLICATION NAME Gateway at Sunnymeade

APPLICATION NUMBER \_\_\_\_\_

III. APPLICANT'S NAME SKP Land, Inc.

ADDRESS 90 Woodbridge Center Drive, Woodbridge PHONE NO. (908) 750-1111

CORPORATION  PARTNERSHIP  INDIVIDUAL  OTHER (SPECIFY) \_\_\_\_\_

If applicant is a corporation or partnership, N.J. Municipal Land Use Law requires listing of all stockholders with 10% of stock or 10% interest in the partnership. If this application requires such disclosure, please note all pertinent names on the reverse side of this application.

OWNER OF PREMISES SKP Land, Inc.

ADDRESS 90 Woodbridge Center Drive, Woodbridge PHONE NO. 908-750-1111

STATEMENT OF LANDOWNER WHERE APPLICANT IS NOT THE LANDOWNER:

I, P.E.C. Builders, Inc., the owner of Lot(s) 7.01, 30, 31.02 Block(s) 141 in the Township of Hillsborough, Somerset County, New Jersey, hereby acknowledge and give my consent to this application.

*Anatol Hiller*  
Landowner's  
By: Anatol Hiller - president

AUTHORIZED REPRESENTATIVE Henry Stein

ADDRESS 90 Woodbridge Center Drive, Woodbridge PHONE NO. 908-750-1111

ENGINEER/SURVEYOR Brokaw FG NJ 07095

ADDRESS P.O. Box 5192, Clinton, NJ 08809 PHONE NO. 908-735-7746

IV. PROPERTY DESCRIPTION: ZONING DISTRICT RA & R SIZE OF LOT 240.2 acres

STREET Sunnymeade Road & Falcon Road \* BLOCK(S) \_\_\_\_\_ LOT(S) (see Rider)

EXISTING USE Vacant Land

PROPOSED USE (Be specific. Continue on reverse side.) PAC/HCF (see attached Project Summary)

V. VARIANCES NEEDED See attached Project Summary.

VI. TYPE OF IMPROVEMENT: NEW STRUCTURE  EXPANDED AREA  IMPROVED PARKING

AREA  ALTERATION TO STRUCTURE  ADDITION TO STRUCTURE  CHANGE OF USE  SIGN  OTHER (SPECIFY) \_\_\_\_\_

VII. ITEMS ACCOMPANYING APPLICATION: SURVEY  SITE PLAN  EIS  NA DRAINAGE

PLAN  LIGHTING PLAN  LANDSCAPE PLAN  ELEVATIONS  OTHER  Planner's Report

Existing Utilities Plan  Critical Areas Map  Land Use Plan

VIII. Does the site in question involve any special concerns (i.e. historic or other man-made structures, critical area, natural resources)? If yes, specify: wetlands, transition areas, flood plains, DRCC buffer

IX. I, Henry Stein certify that property taxes have been paid up to date of this application's submission. (Block 140, Lot 1 and Block 141, Henry Stein for SKP Land, Inc.)

X. FEE PAID \$ 300.00 (Indicate Calculations) Lots 2, 01, 7, 01, 30, and 31, 02 Variances @ \$100. (52000. Escrow)

FORM: PBA

RIDER TO APPLICATION FOR VARIANCE APPROVAL  
AND PAC/HCF CLASSIFICATION

III. Listing of stockholders with 10% or greater interest in the following corporations:

A. SKP Land, Inc.:

1. Sam Halperin  
90 Woodbridge Center Drive  
Woodbridge, NJ 07095
2. Arie Halperin  
90 Woodbridge Center Drive  
Woodbridge, NJ 07095
3. David Halperin  
90 Woodbridge Center Drive  
Woodbridge, NJ 07095
4. Fred Halperin  
90 Woodbridge Center Drive  
Woodbridge, NJ 07095
5. Josef Paradis  
90 Woodbridge Center Drive  
Woodbridge, NJ 07095
6. Henry Stein  
90 Woodbridge Center Drive  
Woodbridge, NJ 07095
7. David Kahane  
90 Woodbridge Center Drive  
Woodbridge, NJ 07095

B. P.E.C. Builders, Inc.

1. Anatol Hiller  
812 Central Avenue  
Westfield, NJ 07090
2. Gerry Miller  
812 Central Avenue  
Westfield, NJ 07090

IV. PROPERTY DESCRIPTION:

Block 140, Lot 1; Block 141, Lots 2.01, 7.01, 30, and 31.02.

INTRODUCTION TO PAC/HCF  
VARIANCE APPLICATION FOR GATEWAY AT SUNNYMEADE

Project Summary

Gateway at Sunnymeade entails the proposed development of a Planned Adult Community/Health Care Facilities project ("PAC/HCF") on a 200+ acre site situated along Sunnymeade Road and Falcon Road, with direct access onto Route 206.

Gateway at Sunnymeade will provide age-restricted residential units (generally, 55 years of age or over), along with recreational facilities for the use of residents and their guests; shopping and service facilities for the everyday needs of the residents; and health-care facilities and related support services.

In short, Gateway at Sunnymeade will be a well planned community enabling residents to live with the maximum degree of independence possible. At the same time, support facilities will enable dependent individuals to remain in their community, rather than necessarily requiring removal to remote, sometimes overly specialized, medical complexes.

The concept is not totally new. Indeed, it is recognized, permitted and regulated in detail by the Development Regulations of Hillsborough Township (the "Ordinance"), with which Gateway at Sunnymeade shall comply, except that variances are sought to allow (a) a minimum tract size of 200 acres, rather than 450 acres, (b) limited relief from the 30' height limitation for sloped roofs, and (c) a set aside of 10% of the residential units for a low and moderate income housing, as defined by COAH Regulations, rather than a 50% set aside of low, moderate, and least cost housing.

This proposed PAC/HCF would meet important public needs, and given the nature of this site, result in virtually no negative impact.

The project site is particularly well suited for the proposed PAC/HCF, given the presence of available infrastructure, including existing sanitary sewer facilities, public water, electric, gas, and cable television services. While the site has limited public road frontage and natural features which will combine to provide visual buffers, the development will also have safe and suitable access via Falcon Road and Route 206.

The proposed development will have a very beneficial impact on net tax revenues for Hillsborough Township, generating an

annual \$1.5 million surplus. Finally, by adhering to sound engineering and land planning practices, it is not expected that the project will have any appreciable, adverse environmental impact.

#### Conclusion

In light of the clear public need for the proposed type of development, its consistency with the purposes of the Ordinance (and with almost all applicable Ordinance provisions), and the opportunity for creative and visually pleasing development afforded by the site, it is believed that approval would be very much in keeping with the character and community interests of Hillsborough Township.

RIDER  
TO  
PAC/HCF VARIANCE APPLICATION

This application seeks certain variance relief to enable development of a Planned Adult Community/Health Care Facilities (PAC/HCF), pursuant to Chapter 77-91.1 of the Development Regulations of Hillsborough Township. Specifically, variance relief is sought from the following:

1. Section 77-91.1.A(2)(a) and 77-91.1.G(1)(b), to allow a PAC/HCF having a minimum of 200 acres. It is extremely burdensome and virtually impossible to comply with the 450-acre minimum lot size. No detriment will ensue from allowing the proposed minimum lot size of 200 acres.
2. Section 77-91.1.G(5), to allow building height of three (3) stories and 32.9 feet. In order to build a 3-story building, as allowed by the ordinance, with a 45° pitched roof, height must exceed 30'. A flat roofed structure is not as aesthetically pleasing, and poses more leakage and maintenance problems.
3. Section 77-91.1.H(a)[1]-[3] to allow a set aside of ten percent (10%) of the residential units for low and moderate income housing as defined by COAH regulations. Setting aside 50% of the age-restricted units (which comprise 95% of all units) for low and moderate income and least cost housing, is an unworkable economic burden, and therefore violative of the requirements of the Mt. Laurel doctrine. Relief is required from this onerous measure in order to provide a realistic opportunity to create affordable housing in a manner consistent with COAH guidelines.

Additional supporting testimony and/or documentation will be presented at or before the hearing on this matter.