

Supplemental attachments

- 1) proposed substantive regulation of COAH
of 6/2/86
- 2) Municipal Present, Prospective and Pre-created
need as estimated by COAH, 5/21/86
- 3) Procedural Rules, COAH, 6/16/86
- 4) Brief of Atty General 6/16/86
- 5) Proportion of Income paid Households by
Income in Randolph Twp (Census 1980)
- 6) Median Contract Rent for Renters in Randolph
Twp (Census, 1970, 1980)
- 7) Transcript of Deposition of Adrian Humbert

pg 71

* double-sided pgs

CH000105 Z

ELAM & POPOFF

To: Mr. David J. Egarian, P.E.
Rockaway Valley Regional Authority
R.D. 1

Re: Future Wastewater Flows to RVRSA
Randolph Township

January 17, 1986

Page - 2 -

If you have any questions, please feel free to call.

Very truly yours,



Peter D. Popoff, P.E.
President

PDP:SOW:jl

cc: Herbert Steinberg, Chairman
Theron M. Cook, Executive Director
Edward J. Buzak, Esq.

ELAM & POPOFF, PROFESSIONAL ASSOCIATION
CIVIL & SANITARY CONSULTANTS



175 ROCK ROAD. P.O. BOX 38. GLEN ROCK. NEW JERSEY 07452 TEL: (201) 652-8800

January 17, 1986

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R...
New Jersey
...*

RBB-1

RECEIVED

JAN 21 1986

Mr. David J. Egarian, P.E.
Rockaway Valley Regional Authority
R.D. 1
99 Green Bank Road
Boonton, New Jersey 07005

LAW OFFICES
EDWARD J. EDEAK

Re: Future Wastewater Flows to RVRSA
Randolph Township
Our File No. RT0083

Dear Mr. Egarian:

As per our telephone conversation on the morning of January 8, 1986, we have calculated the total flow from the existing residential structures served by septics which will be connected to the RVRSA Treatment Facilities. The flow per single family dwelling, as per your request, was estimated at 225 gallons per day (gpd). The industrial/commercial flows were estimated based on floor space being equal to 20% of the land area and a flow of 0.125 gpd per square foot of floor space (NJDEP design flow). Our previous submission of the industrial/commercial flow was based on this figure.

The residential flow, based on the number of connections (by service area), is as follows:

<u>Service Area</u>	<u>Connections</u>	<u>Flow per Connection(gpd)</u>	<u>Total Flow (gpd)</u>
Jackson Brook	529	225	119,025
Rockaway	67	225	15,075
Millbrook	514	225	115,650
DenBrook	198	225	44,550
Total			294,300

The industrial/commercial flow, as previously submitted, is as follows:

<u>Industrial/Commercial Area</u>	<u>Flow per Connection</u>	<u>Total Flow (gpd)</u>
3,681,000 square feet	0.125 gpd/sf	460,135
200 unit hotel	75 gpd/unit	15,000
Total		475,135

It is anticipated that both of the developments proposed by the Morris County Housing Authority will be completed in 1986. For estimating purposes, it is assumed that all remaining flows will be in equal increments as follows:

<u>Year</u>	<u>Cummulative Flow</u>
1986 -	20,310 gpd
1987 -	106,870 gpd
1988 -	193,430 gpd
1989 -	279,990 gpd
1990 -	366,550 gpd
1991 -	453,110 gpd

Any off-site construction (sewer extensions) required to service low and moderate income housing will be financed by the RTMUA, but the cost will be recouped from developers in the form of connection fees.

Preliminary Engineering Design - 85% - 1985 & 15% between 1986 and 2000
 Final Engineering Design - 85% - 1987 & 15% between 1988 and 2000
 Construction of Collection System w/Laterals - 85% - 1990 & 15% between 1991 and 2000
 Connection of Structures of Collection System - 85% - 1991 & 15% between 1992 and 2000

All projects will be bonded by the RTMUA. Monies to pay debts incurred due to bonds will be recieved through connection fees and service charges. Also, prior to project construction, the availability of loans and/or grants from the federal and state government any other agencies will be explored.

Low and Moderate Income Housing

The settlement proposal for sewerred low and moderate income housing in Randolph consists of the following:

Low Income Units - 177
 Middle Income Units - 310
 Market Units - 1,339

Since there is no exact description of the size of the units to be furnished, the following was assumed:

2 BR Townhouses	- 340 @ 370 gpd =	57,800 gpd
3 BR Townhouses	- 624 @ 250 gpd =	156,000 gpd
Single Family Homes	- 730 @ 300 gpd =	219,000 gpd
1 BR Apts.	- 73 @ 110 gpd =	8,030 gpd
2 BR Apts.	- 26 @ 155 gpd =	4,030 gpd
3 BR Apts.	- 33 @ 250 gpd =	8,250 gpd
		<u>453,110 gpd **</u>

Two developments proposing these units have been submitted to and reviewed by the RTMUA. These developments were both proposed by the Morris County Housing Authority and are as follows:

Senior Citizen Housing - 100 Units - 25 efficiency apts.
 69-1 BR apts.
 6-2 BR apts.

Family Housing - 32 Units -
 4 - 1BR apts.
 20 - 2BR apts.
 8 - 3BR apts.

All low and moderate income housing will be constructed as part of approximately 10 projects. No time table for construction of all units is available. To add to the time factor, it shall be noted that five of the projects are very large in size and those projects would have to be constructed in phases.

** Slightly lower than flow originally submitted to RVRSA due to change in types of units.

Future Wastewater Flows to RVRSA

Randolph Township Municipal Utilities Authority

Existing Structures Served by Septics

Jackson Brook Service Area*

Residential Connections - 529 (28 w/Dry Sewers)
Industrial/Commercial Connections - 12 (1 w/Dry Sewers)+ 1-200 unit hotel
School/Church Connections - 3

Preliminary Engineering Design - Completed
Final Engineering Design - 1985
Construction of Collection System w/Laterals - 1987
Connection of Structures to Collection System - 1988

Rockaway Service Area*

Residential Connections - 67
Industrial/Commercial Connections - 21
School/Church Connections - 0

Preliminary Engineering Design - Complete
Final Engineering Design - 80% - 1986 & 20% between 1987 and 1990
Construction of Collection system w/Laterals - 80% -1989 & 20% between 1990 and 1995
Connection of Structures to Collection System - 80% -1990 & 20% between 1991 and 1996

Millbrock Service Area*

Residential Connections - 514 (17 w/dry sewers)
Industrial/Commerical Connections - 18
Schools/Church Connections - 1

Preliminary Engineering Design - Complete
Final Engineering Design - 25% - 1985 & 75% - 2000
Construction of Collection System w/laterals - 25% - 1987 & 75% between 1988 and 2000
Connection of Structures to Collection System - 25% - 1988 & 75% between 1989 and 2000

Den Brook Service Area*

Residential Connections - 198 (72 w/dry sewers)
Industrial/Commercial Connections - 10 + 1 - 200 unit hotel
School/Church Connections - 0

* Service Area shown on attached "RTMUA Wastewater Master Plan"

NEW JERSEY
RVRSA

ELAM & POPOFF, PROFESSIONAL ASSOCIATION
CIVIL & SANITARY CONSULTANTS



175 ROCK ROAD, P.O. BOX 38, GLEN ROCK, NEW JERSEY 07452 TEL: (201) 652-8800

December 3, 1985

Mr. Theron M. Cock, Executive Director
Randolph Township Municipal Utilities Authority
Municipal Building
Millbrock Ave.
Randolph, New Jersey 07869

Re: Future Wastewater Flows to RVRSA
Our File No. BT0083

Dear Mr. Cock:

As per your request, we have prepared further information for the RVRSA concerning future flows to the RVRSA treatment facilities, including flows from proposed low and moderate income housing.

Upon your review and approval, please forward the information to the RVRSA. If you have any questions, please feel to call.

Very truly yours,

Peter D. Popoff, P.E.
President

Enclosure

PDP:SOW:jll

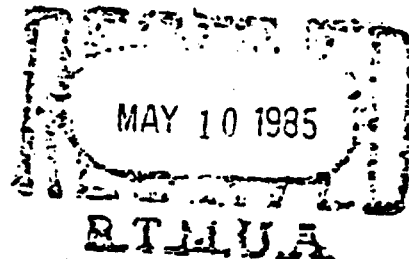
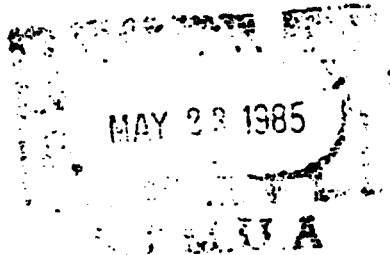
cc: Herbert Steinberg, Chairman
Edward J. Buzak, Esc.

Rockaway Valley Regional Sewerage Authority

ORGANIZED 1971

R. D. 1, 99 GREEN BANK ROAD, BOONTON, NEW JERSEY 07005

Randolph Township MUA



CATEGORY 5: Total Existing Non-residential Wastewater Flows

Commercial Establishments	<u>20,892</u>	gpd
Industrial Establishments	<u>4,636</u>	gpd
Schools	<u>32,849</u>	gpd
Total	<u>58,377</u>	gpd

CATEGORY 6: Total Planned Non-residential Wastewater Flows *

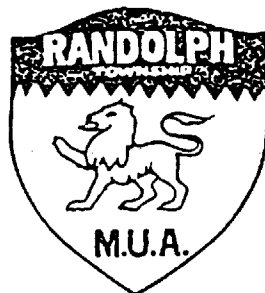
Commercial Establishments (including hotels)	<u>97,537</u>	gpd
Industrial Establishments	<u>195,598</u>	gpd
Total	<u>493,135</u>	gpd

*These flows were included in the flows listed in Categories 2 and 3 of the questionnaire.

Randolph Township
MUNICIPAL UTILITIES AUTHORITY

Address: Municipal Building
Millbrook Avenue
Randolph, N. J. 07869

Telephone: (201) 361-8200



Membership No. 613890

May 24, 1985

Dave Egarian, P.E.
R.V.R.S.A.
RD #1, 99 Green Bank Road
Boonton, NJ 07005

SUBJECT: Future Wastewater Flows to RVRSA

Dear Dave,

Attached is the balance of the questionnaire covering Category 5 and Category 6 concerning future possible flow from Randolph to R.V.R.S.A.

Category 6 of the questionnaire requests "Total Planned Non-residential Wastewater Flows". These flows were included in Categories 2 and 3 of the previous questionnaire.

Very truly yours,

THERON M. COOK
Executive Director

TMC:ltm

Attachment

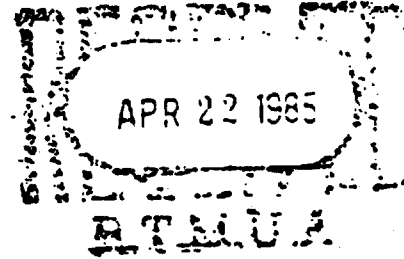
a. 2nd Sheet Only

cc: Herbert Steinberg, (w/encl) 2nd sheet only
Edward J. Buzak, Esq., (w/encl) 2nd sheet only
Peter D. Popoff, P.E., (w/encl) 2nd sheet only
TMC (w/encl) all

Rockaway Valley Regional Sewerage Authority

ORGANIZED 1971

R. D. 1, 99 GREEN BANK ROAD, BOONTON, NEW JERSEY 07005



CATEGORY 4: Number of Planned Mount Laurel II Dwellings

Alternate 1 - By Township

1. <u>730</u> Homes @ 300 gallons/day	=	<u>219,000</u> gallons
2. _____ 1BR Apts. @ 110 gallons/day	=	_____ gallons
3. _____ 2BR Apts. @ 155 gallons/day	=	_____ gallons
4. <u>366</u> 2BR Townhouse @ 170 gallons/day	=	<u>62,220</u> gallons
5. <u>730</u> 3BR Townhouse @ 250 gallons/day	=	<u>182,500</u> gallons
6. Other, specify: _____	=	_____ gallons
	Total	= <u>463,720</u> gallons

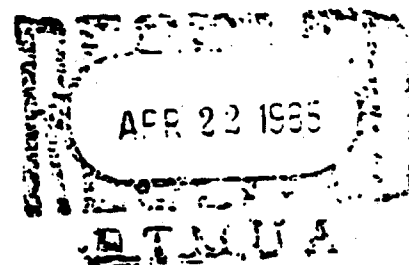
Alternate 2 - By Builders Remedy N/A

1. _____ Homes @ 300 gallons/day	=	_____ gallons
2. _____ 1BR Apts. @ 110 gallons/day	=	_____ gallons
3. _____ 2BR Apts. @ 155 gallons/day	=	_____ gallons
4. _____ 2BR Townhouse @ 170 gallons/day	=	_____ gallons
5. _____ 3BR Townhouse @ 250 gallons/day	=	_____ gallons
6. Other, specify: _____	=	_____ gallons
	Total	= _____ gallons
	Total	1,446,515 gallons

Rockaway Valley Regional Sewerage Authority

ORGANIZED 1971

R. D. 1, 99 GREEN BANK ROAD, BOONTON, NEW JERSEY 07005



CATEGORY 1: Existing Dwellings on Dry Lines

1. <u>100</u>	Homes @ 300 gallons/day	=	<u>30,000</u>	gallons	
2. _____	1BR Apts. @ 110 gallons/day	=	_____	gallons	
3. _____	2BR Apts. @ 155 gallons/day	=	_____	gallons	
4. _____	2BR Townhouse @ 170 gallons/day	=	_____	gallons	
5. _____	3BR Townhouse @ 250 gallons/day	=	_____	gallons	
6. Other, specify: _____		=	_____	gallons	
		Total	=	<u>30,000</u>	gallons

CATEGORY 2: Existing Dwellings on Septic Systems to be Sewered

1. <u>1,240</u>	Homes @ 300 gallons/day	=	<u>372,000</u>	gallons	
2. _____	1BR Apts. @ 110 gallons/day	=	_____	gallons	
3. _____	2BR Apts. @ 155 gallons/day	=	_____	gallons	
4. _____	2BR Townhouse @ 170 gallons/day	=	_____	gallons	
5. _____	3BR Townhouse @ 250 gallons/day	=	_____	gallons	
6. Other, specify: <u>Bus/Ind- 3,681,080 S.F. @ 0.125 gpd/S.F. = 460,135</u>				gallons	
	<u>Hotel - 200 units @ 75 gpd/unit</u>		<u>15,000</u>		
		Total	=	<u>847,135</u>	gallons

CATEGORY 3: Number of units approved by Planning Board, not yet constructed

1. <u>265</u>	Homes @ 300 gallons/day	=	<u>79,500</u>	gallons	
2. _____	1BR Apts. @ 110 gallons/day	=	_____	gallons	
3. _____	2BR Apts. @ 155 gallons/day	=	_____	gallons	
4. <u>48</u>	2 BR Townhouse @ 170 gallons/day	=	<u>8,160</u>	gallons	
5. _____	3BR Townhouse @ 250 gallons/day	=	_____	gallons	
	<u>Hotel/Rest. - 200 units @ 90 gpd</u>		<u>18,000</u>	gallons	
		Total	=	<u>105,660</u>	gallons

ELAM & POPOFF, PROFESSIONAL ASSOCIATION
CIVIL & SANITARY CONSULTANTS



175 ROCK ROAD. P.O. BOX 38, GLEN ROCK, NEW JERSEY 07452 TEL: (201) 652-8800

Call E&P
S.V.
May 13, 1985

Mr. Theron M. Cook, Executive Director
Randolph Township Municipal Utilities Authority
Municipal Building
Millbrook Avenue
Randolph, New Jersey 07869

Re: Future Wastewater Flows to RVRSA
Our File No. RT0083

Dear Mr. Cook:

As requested, this office has completed the attached questionnaire in which future flows to the RVRSA were tabulated.

Attached to the questionnaire is a listing of all lots and blocks used to determine the flow. This listing is for the Authority's use.

If you have any questions, please do not hesitate to call.

Very truly yours,

Peter D. Popoff
Peter D. Popoff, P.E.
President

PDP:SOW:sh

cc: Herbert Steinberg, Chairman
Edward J. Buzak, Esq.
Adrian P. Humbert, Planning Director

RECEIVED

MAY 15 1985

LAW OFFICES
EDWARD J. BUZAK

HOUSING ELEMENT

TRENDS

For the past twenty-five years, a major planning objective of the Township has been to allow for a broad range of housing types in the context of a balanced land use plan.

TABLE 10

Trends in Housing Occupancy 1960 - 1980

	<u>1960</u>	<u>1970</u>	<u>1980</u>	<u>1960-1980</u> <u>% Increase</u>
Total Occupied Housing Units	2295	3882	5946	159.1
Owner Occupied Housing Units	1799	2592	3962	120.2
Renter Occupied Housing Units	496	1290	1984	300.0

Source: U.S. Census of Housing, 1960 and 1980

As can be seen from the table, Trends in Housing Occupancy 1960 - 1980, the two decades between 1960 and 1980 saw a very substantial (159.1%) increase in the Township's housing stock. Renter and owner occupied units increased significantly over the years, 1488 for rental units and 2163 for owned units. Rental units showed the most dramatic growth, increasing by 300 percent over the 20 year span. Also, rental units increased as a share of total units, from 22 percent to more than 33 percent twenty years later.

The pattern of existing use and zoning locates industrial and office-laboratory development in close proximity to Route 10. Those along Route 10 in the northeast and near Canfield Avenue are also convenient to water and sewer service. Route 10 also has various commercial designations consistent with existing development. North of Route 10 are several medium density residential districts permitting densities of 0.8 - 1.2 units per acre plus a major apartment district at 14 units per acre. Essentially, these areas are compatible with existing development patterns, convenient to the Route 10 corridor, and served, or soon to be served, by water and sewer.

The other major area of concentrated development centers around Mount Freedom. The zoning in this area is a collection of commercial, medium density single family, and higher density townhouses and duplexes (with some remnants of earlier summer cottage development). Radiating out from Mount Freedom along the Township's southern boundary, but primarily to the south and east, are residential areas with densities of \pm 1.2 - 2.3 units per acre. Virtually all areas in the south-east that are zoned R-2 and R-3 are either developed or have approved plans for development, reflecting the availability of water and sewer in this area.

Through the middle of the Township the zoning is for lower density development, mostly single family residential, but also some campus-type office-laboratory uses. These areas are more removed from the major highway network, have a general absence of sewers, a higher proportion of difficult terrain, and less concentration of water service.

In anticipating this approximate doubling of the population, the plan sets forth the opportunity for mixing housing types between the small lot single family units, larger single family units, apartments, townhouses and duplexes.

The plan acknowledges that the rate of population expansion, although continuing at a rate faster than the county's, was less than had been projected in earlier Master Plans. The major cause of this reduced rate of growth was the slowdown resulting from the sewer hookup ban over the past ten years. The lifting of that ban is now in process with the construction of a new and expanded regional sewer plant which is now underway.

The Plan establishes lower densities in approximately 17 percent of the Township with most of this area in the Millbrook Valley and Morristown Watershed land which are determined to be environmentally critical due to steep slopes, streams, soil conditions and lack of public sewers.

The Plan includes apartment and townhouse development. The apartment districts are along Route 10 in an area served by or near water and sewers and near major highway access. One major area is currently developed and the expansion of multi-family uses in the Mt. Freedom area is proposed. The initial garden apartment development north of Route 10 was permitted at 14 units per acre. The townhouses and duplex areas around Mt. Freedom are at a density of 6 units per acre for townhouses and both 6.0 and 4.6 units/acre for the duplexes. New housing required in satisfaction of the Township's "fair share" housing requirements will be at densities of 8-14 units per acre.

The expansion of the Mt. Freedom area is reasonable in light of the commercial/residential patterns which already exist and because sewer systems can be designed that will flow either to the Rockaway Valley Regional Treatment Plant or to the proposed treatment facilities in Morris Township. Likewise, the new density housing areas along Route 10 fit both in the State Guide Plan's growth corridor and are consistent with sound planning principles for multi-family housing. Placement of the higher density, multi-family uses will also lend support to existing businesses and services and encourage expansion in those areas without fostering strip commercial patterns elsewhere.

The B-1 District covers various segments of the Mt. Freedom area. This district is a neighborhood commercial district which permits single family and two family homes on 15,000 square foot lots, or densities of 2.3 and 4.6 units per acre respectively.

ZONING

There are eleven zoning districts in the Township permitting residential uses as follows:

RLD-3	135,000 sq. ft. (80,000 sq. ft. with public water or sewers)
RLD	80,000 sq. ft.
R-1	45,000 sq. ft. 0.8 unit/ac*
R-2 & RT	25,000 sq. ft. 1.2 units/ac.*
R-3	15,000 sq. ft. 2.3 units/ac.*
R-4	Garden Apartments @ 14 units per acre
R-GAH	Family & Senior Citizen Housing @ 14 units per acre
R-5	Modular Single Family Housing @ 8 units per acre
R-6	Multi-family and Townhouse @ 10 units per acre
TCR	Townhouses & Duplexes @ 6 units per acre
B-1	Single-family and Duplexes @ 2.3 and 4.6 units/acre

* Assumes 20% loss of tract to streets, irregular lots and topography.

HOUSING PLAN AND RESIDENTIAL DENSITIES

In 1980, the Bureau of Census recorded the Township's population at 17,828. The saturation population, prior to the Mt. Laurel II zoning settlement, was estimated at 35,000. Among the various goals of this plan are the intent to provide suitable housing for Township residents, protect the environment and maintain a rural atmosphere. In anticipating suitable housing, a revised saturation population goal of 39,500 is consistent with present land use characteristics; namely, the population can approximately double under the long-range plan whereas the amount of available land is approximately half the total area of the Township. This, in essence, indicates that saturation development in the Township on the remaining half of the Township would be approximately the same overall density and potential mix of units as developed in the first half, with limited higher density areas as a result of the legal requirements of the Mt. Laurel II zoning decision.

Source: Planning Office

The above projection foresees relatively rapid population growth during the remainder of the 1980's associated with relief from the sewer hook-up ban with the opening of the new RVRSA sewer plant. After 1990, the growth curve may gradually accelerate toward the saturation population level of approximately 35,000 people under present zoning.

Key limiting factors in regard to ultimate population levels represented by low density zoning controls which have established lower residential densities over approximately 17% of the Township or about 2,300 acres. These areas, principally the Millbrook Valley and the Morristown watershed lands, have been determined environmentally critical and, therefore, not appropriate for intensive residential use.

The natural features of the Township are examined in detail in the following section of this report, ENVIRONMENTAL CONSTRAINTS ON URBAN GROWTH.

Sources: M.U.A. Wastewater Master Plan, 1981

Architect's Study - Municipal Building/Library - 1981

Engineer's Review M.U.A. Master Plan - 1981

Therefore, based on the above, a low/high range of population for the Township of 24,000 - 28,000 residents twenty years from now is possible. This forecast is shown on the accompanying graph, POPULATION GROWTH-RANDOLPH TOWNSHIP, 1960-2000.

If a considerable amount of new housing, multi-family and modular single family, is built and occupied between now and 1990, it is possible that the target figure(s) may be reached somewhat sooner than expected, particularly if traditional single family home construction continues at its current pace. However, more time will be needed to fully analyze the probable demographic effects of Mt. Laurel on Randolph and other Morris County municipalities.

The model has been calibrated using the official 1960 through 1980 Census date for the time series as follows:

TABLE 8

TIME SERIES - 1960 to 1980 POPULATION

<u>Population</u>	<u>Time-Year (t)</u>
7,295	1960
13,296	1970
17,828	1980

Source: U.S. Census of Population, 1960, 1970, 1980.

For the year 2000, the Township population forecast yielded by this method is 24,400.

By way of comparison, other recent projections made show the following estimates for 2000:

TABLE 9

COMPARATIVE POPULATION FORECASTS - 2000

<u>Study</u>	<u>Forecast</u>
M.U.A. Master Plan	27,809
Municipal Facilities Expansion (Beyer, Blinder, Belle)	28,620
Township Engineer's Office	24,800

and
$$V = \frac{1}{m} \sum_{t=2}^n \frac{K - P_t}{K - P_{t-1}}$$

where K = upper limit of capacity

The formula used is:
$$P_{t+n} = K - [(K - P_t)(V)^n]$$

* The predictive formula for this model states that the population at the future target year (P_{t+n}) is found by taking the maximum (K) population limit, established in the Township Master Plan at 35,000 people, and subtracting from it some portion, $(V)^n$, of the unused capacity, $(K - P_t)$.

but at a reduced rate.

rapid population expansion followed by continued growth, experience from 1960 - 1980, where there has been a very growth curve. This type of curve fits the Randolph growth mathematical model* that produces a modified exponential to the year 2000 has been made. The method used is a For this report, a projection of Township population

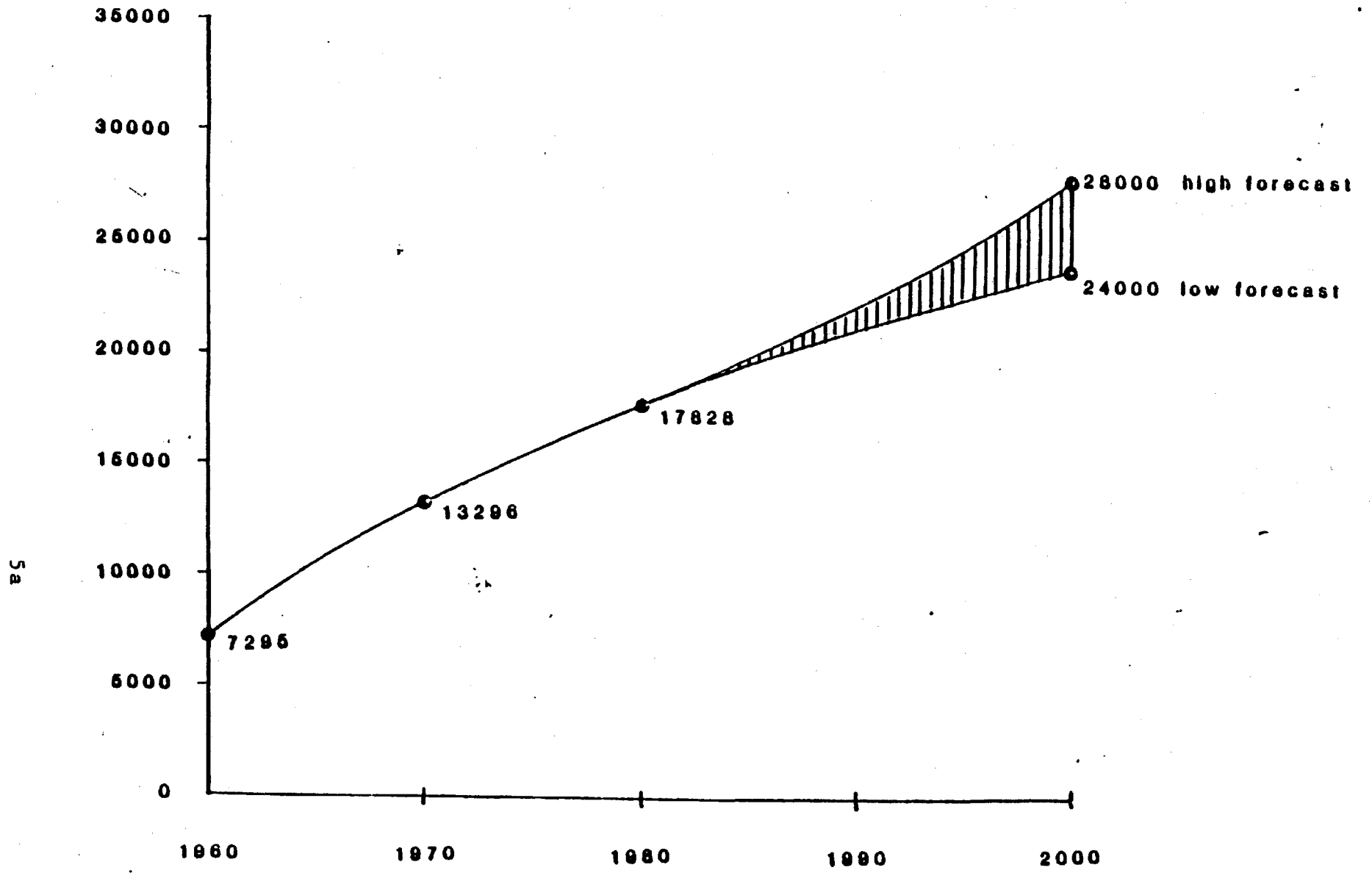
Projection of Township Population to 2000

Source: U.S. Census, 1980.

<u>Number of Rooms</u>		<u>No.</u>	<u>%</u>
3 Rooms or less		982	16.0
4-5 rooms		1,421	23.1
6 or more rooms		3,750	60.9
Total		6,153	100.0

HOUSE SIZE-YEAR ROUND UNITS

TABLE 7



POPULATION GROWTH-RANDOLPH TOWNSHIP, 1960-2000

POPULATION

Introduction

The following study selects several of the population, family and household characteristics reported on by the 1980 Census, which was not available at the time of the 1980 Master Plan Update, and analyzes them to draw a current demographic profile of Randolph.

Population Growth

During the 1970-1980 decade, the Township's population grew from 13,296 to 17,828, a gain of 4,532 or 34%. Most rapid population growth during this period occurred during 1972-73 and 1975-76 when nearly 2000 new residents settled in Randolph. In those years an annual growth rate exceeding 6% was experienced. Although this growth was very significant, it does represent a slackening of the 1960's blistering 8% rise from 7,295 to 13,296 people.

As can be seen from the accompanying graph, POPULATION GROWTH-RANDOLPH TOWNSHIP, 1960-2000, the growth curve of the Township shows the signs of this deceleration between 1970 and 1980.

MASTER PLAN REVISIONS 1985

FOR THE

TOWNSHIP OF RANDOLPH

MORRIS COUNTY, N.J.

BASIC STUDIES AND DATA

CHANGES AND REVISIONS TO PLAN

Master Plan Review Committee of the
Randolph Township Planning Board

David Sward, Chairman
Albert Enoch, Vice-Chairman
Kevin Creter
Elizabeth Jaeger
G. Peter Kaplan
Bernard Korzun
Gordon Raupp
George Szatkowski
John Turnbull

ADOPTED ON NOVEMBER 25, 1985

Prepared by:

ADRIAN P. HUMBERT, PP/AICP
Planning Director

planning board. It does not include any pending or future applications for residential development.

By comparison, Randolph Township has been allocated a total of 853,330 gallons per day of additional treatment capacity under the allocation plan approved by the court in Department of Health v. Jersey City. If sewage treatment capacity is not preserved pending proceedings before the Council on Affordable Housing, it will be impossible to develop lower income housing in this municipality in response to the constitutional mandate.

For the reasons set forth in this supplemental brief as well as those set forth in plaintiffs' prior brief, plaintiffs urge that this court impose conditions upon the transfer of this case to the Council on Affordable Housing.

Respectfully submitted,

ALFRED A. SLOCUM
PUBLIC ADVOCATE

By:



STEPHEN EISDORFER
ASSISTANT DEPUTY PUBLIC ADVOCATE

SE/id

The projections indicate that Randolph will experience very severe development pressures in the immediate future and an intense demand for vacant developable land.

The intensity of the pressure for development of vacant land is indicated by the fact that between 1970 and 1980, the number of occupied housing units in Randolph grew from 3,380 to 5,946, Master Plan Revisions, p. 44, an increase of 53.2%. This represents an extraordinary rate of new residential development and corresponding drain on the available vacant development land.

The Master Plan Revisions notes repeatedly that this population growth and accompanying residential development, however rapid they may seem, have in fact been artificially depressed by the court-imposed sewer-connection ban which has been in effect since 1968:

The plan acknowledges that the rate of population expansion, although continuing at a rate faster than the county's, was less than had been projected in earlier Master Plans. The major cause of this reduced rate of growth was the slowdown resulting from the sewer hookup ban over the past ten years. Master Plan Revisions, p. 34.

With the lifting of the sewer ban, the rate of population growth and residential development is projected to increase dramatically:

The above projection [growth to a population of 24,400 by the year 2000] foresees relatively rapid population growth during the remainder of the 1980's associated with relief from the sewer hook-up ban with the opening of the new RVRSA sewer plant. After 1990, the growth curve may gradually accelerate toward the saturation population level of approximately 35,000 people under present zoning. Master Plan Revisions at p. 16.

Thus, the findings and conclusions of the recently adopted master plan amendments by Randolph Township confirm the extent of the development pressure which Randolph is experiencing and the fact that vacant developable land is a scarce and diminishing resource

b) The need for limitation upon connections to the public sanitary sewage system is confirmed by factual representations made by Randolph Township to the Rockaway Valley Regional Sewerage Commission - In response to a survey by the RVRSA, Randolph Township submitted an analysis on May 13 and 23, 1985, of its projected sewerage demand. This analysis was subsequently revised in letters dated December 3, 1985, and January 17, 1986. Those letters are annexed. Taken together, these letters show that the short-term anticipated demand for additional sewerage capacity in Randolph is 1.41* million gallons per day. This estimate necessarily understates the need. It includes only existing residential development and new construction which has actually been approved by the municipal

* In its May 13 letter, Randolph indicated that its anticipated need was for 1,446,515 gallons per day. In its May 23d letter, the municipality added 58,372 gallons per day to this figure. In its December 3 letter, the municipality reduced the figure by 10,610 gallons per day for Mt. Laurel housing. In its January 17, 1986, letter, the municipality further reduced the figure by 77,000 gallons per day, by utilizing a lower estimate of the flow per residential unit.

the area of parcels in common legal or beneficial ownership which are contiguous or are parts of a larger parcel of land in the same ownership shall be aggregated, regardless of whether the applications are filed or considered simultaneously or at different times.

As narrowed, this restraint would not affect property owners who have vested development rights under N.J.S.A. 40:55D-49(a). It would also eliminate much of the burden upon property owners who may wish to build private houses on isolated individual lots.

2. Impact of the decision of the court in Department of Health v. Jersey City - On May 9, 1986, the Chancery Division issued a decision concerning the terms of the final judgment lifting the 18-year old ban upon sewer connections in the Rockaway Valley Regional Sewerage Authority sewer service area. The court approved the plan proposed by RVRSA which would allocate specific amounts of gallonage to each municipality (previously submitted to this Court as Exhibit H to plaintiffs' prior letter-brief). The court made only one change in this plan. It extended the period during which the conditions would remain in effect from 1990 to 1993. The court expressly noted that it was not ruling on any issues concerning preservation of scarce resources under Hills Development Corp. and that any such applications were properly within the jurisdiction of this Court.

The effect of this ruling is to place the responsibility for distributing sewerage in the hands of the member municipalities and MUAs until 1993. In light of this ruling (which has not yet been reduced to an order), plaintiffs do not seek relief at the present time against RVRSA. They seek only a temporary ban on connections or increases in usage by existing users in Randolph Township as set forth in paragraph 2 on page 2 of their prior letter-brief.

3. Additional evidence in support of restraints

a) The recently adopted Master Plan Revisions for Randolph Township confirms that vacant developable land is a scarce resource in Randolph Township - The recently promulgated Randolph Master Plan Revisions (1985) confirm that vacant developable land in the SDGP growth is a scarce resource.

Randolph Township has experienced rapid population growth since 1960. Between 1970 and 1980 population increased from 13,296 to 17,828, an increase of 4,532 or 34%. Master Plan Revision, pp. 5-6. The Randolph Township Planning Board projects that Randolph will continue to experience a rapid population growth, reaching a population of 24,400 by the year 2000 and an ultimate population of 35,000. Master Plan Revisions, pp. 13-14. Other recent projections cited by the Planning Board estimate that the rate of growth over the short term will be even higher. The Randolph Township MUA projects that Randolph's population will be 27,809 by the year 2000. The municipal facilities expansion plan projects a population of 28,620 by that date. The municipal engineer projects that the population will be 24,800 by 2000. Master Plan Revisions, pp. 14-15. If the highest of these projections is used, Randolph will experience a 60.1% increase in population by the year 2000. Even if the lowest of these projections is utilized, Randolph will experience a 36.7% increase in population.



State of New Jersey
DEPARTMENT OF THE PUBLIC ADVOCATE
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June 6, 1986

RECEIVED AT CHAMBERS

JUN - 6 1986

Honorable Stephen Skillman
 Superior Court of New Jersey
 Middlesex County Court House
 New Brunswick, N.J. 08903

JUDGE STEPHEN SKILLMAN

Re: Morris County Fair Housing Council v. Boonton Township,
Docket No. L-6001-78 P.W. (Randolph Township)

Dear Judge Skillman:

I am writing on behalf of plaintiffs Morris County Fair Housing Council et al. to supplement plaintiffs' brief in support of their application for the imposition of conditions upon transfer of this case to the Council on Affordable Housing. I wish to address three points: (1) the scope of the proposed restraints; (2) the significance of the recent decision of the Department of Health v. City of Jersey City upon proposed restraints on sanitary sewer connections; and (3) additional evidence in support of the proposed restraints.

1. Scope of the proposed restraints - Based upon materials provided in discovery by Randolph Township, plaintiffs propose to narrow somewhat their request for restraints. Specifically, as to restraints on municipal approvals of development of land in Randolph, plaintiffs seek the following restraint:

Neither preliminary nor final approval may be given by either the planning board or the board of adjustment to any site plan or subdivision application for the development of vacant land in the "growth area" of Randolph as mapped in the State Development Guide Plan (1980 ed.) for any purpose (including, but not limited to, residential, commercial, industrial, public, or nonprofit uses) or for redevelopment or conversion of any existing vacant or unused land or structures in that area except where (a) the development will not require connection with the public sanitary sewage collection system and either (b) the application involves a parcel of less than two acres in area or (c) the application is for final site plan or subdivision approval for a site which is already subject to a valid preliminary site plan or subdivision approval issued prior to March 22, 1986 and which is within the statutory time period set forth in N.J.S.A. 40:55D-49(a). For purposes of this provision,