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- Supplemental Interrogation
- Cover letter to Jeff

Pg. 9

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HUFF AND MORAN  
COUNSELLORS AT LAW  
CRANBURY-SOUTH RIVER ROAD  
CRANBURY, NEW JERSEY 08512

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J. SCHUYLER HUFF  
WILLIAM C. MORAN, JR.

TELEPHONE  
(609) 655-3600

December 12, 1975

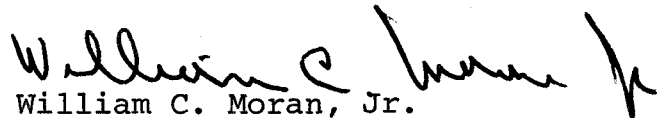
Daniel A. Searing, Esq.  
National Committee Against Discrimination  
in Housing, Inc.  
1425 H Street, N.W.  
Washington, DC 20005

Re: Urban League of Greater New Brunswick, et al. vs. The  
Mayor and Council of The Borough of Carteret, et al.

Dear Mr. Searing:

Please find enclosed the answers to Supplemental  
Interrogatories for the Township of Cranbury in the above captioned  
matter.

Very truly yours,

  
William C. Moran, Jr.

WCM:cy  
Enclosure  
cc: All Attorneys of Record

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BAUMGART & BEN-ASHER  
134 Evergreen Place  
East Orange, New Jersey 07018  
201-677-1400

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Discrimination in Housing, Inc.  
1425 H Street, N.W.  
Washington, D.C. 20005  
202-783-8150

Attorneys for Plaintiffs

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION - MIDDLESEX COUNTY  
DOCKET No. C-4122-73

URBAN LEAGUE OF GREATER  
NEW BRUNSWICK, et al.

Plaintiffs,

v.

THE MAYOR AND COUNCIL OF  
THE BOROUGH OF CARTERET,  
et al.

Defendants

:  
:  
:  
:  
:  
:  
:

Civil Action

SUPPLEMENTAL INTERROGATORIES

TO: J. Schuyler Huff, Esq.  
Cranbury-South River Road  
Cranbury, New Jersey 08512

DEMAND is hereby made of the defendant TOWNSHIP OF  
CRANBURY for Certified Answers to the following supplemental  
interrogatories within the time prescribed by the Rules of  
this Court.

1. Please list each of the zoning ordinance  
provisions and land use practices admitted in the Request for  
Admissions answered by you on July 3, 1975, which you contend  
are justified by peculiar circumstances.

An analysis of the zoning ordinance provisions on an individual basis is not a proper method of review of a New Jersey municipal zoning ordinance. The state enabling statute requires a zoning ordinance to conform to the municipal comprehensive plan and thus must be an integrated planning tool. N.J.S.A. 40:55-32. Therefore, each provision of a zoning ordinance justifies the other provisions in part and consideration of the entire ordinance gives meaning and provides justification for each individual provision. Consequently, it is asserted that the entire zoning ordinance (SEE RIDER)

2. Please state for each such ordinance provision or practice listed in response to Interrogatory #1 above, a summary of the peculiar circumstances, including the facts which support it.

There are several peculiar circumstances which justify the Township Zoning Ordinance and its other land use practices. Many of the circumstances are important to achieving the Plaintiffs' goals. Other circumstances are not directly related to the relief Plaintiffs' seek but are just as important in terms of New Jersey public policy.

(a) Cranbury's zoning is generally consistent with the Middlesex County Master Plan alternative. This Plan is designed to accommodate the relief sought by Plaintiffs in the most efficient (SEE RIDER)

3. Please state every other defense that you intend to raise at trial in response to the allegations of the complaint.

See Pretrial Memorandum Nos. 3, 4, and 7.

4. For each such defense listed in response to Interrogatory #3 above, provide a summary of the facts supporting it.

Same as Supplemental Interrogatory No. 3.

RIDER FOR SUPPLEMENTAL INTERROGATORIES.

Answer No. 1 - and all of the land use practices of Cranbury Township are justified by peculiar circumstances.

Answer No. 2(a) - and productive manner within the context of a regional approach.

(b). The Township's unique location makes extensive development inefficient and uneconomical because it would contribute to dispersive sprawl requiring wasteful capital improvements and would be counterproductive to the development of a viable mass transit network. Further, such dispersal would make it more difficult to provide facilities and services necessary to meet the needs of low and moderate income groups.

(c). The Master Plan alternative restricts employment opportunities in Cranbury in order to preserve natural resources and thus the planning goal of locating housing near employment centers would not be achieved but rather undermined by increasing residential development in Cranbury.

(d). Cranbury's topography makes it a natural source of groundwater. Development in Cranbury must be limited to preserve this regional source of water because the ability of the whole region to accommodate growth depends on this water supply.

(e). Because of its topographical and ecological structure, Cranbury Township must depend upon others for treatment of sewage, and the capacity of neighboring communities appears limited.

(f). The Millstone River has been designated as an impacted stream by the New Jersey Department of Environmental Protection and no sewage discharge will be permitted into this stream until the conclusion of a study of water management of the basin. A substantial portion of Cranbury Township drains into the Millstone.

(g). Cranbury has a unique recognized character which should be preserved in order to provide diversity within the region.

(h). Cranbury Township has an unusually large amount of the region's prime farmland which has been classified as such in the New Jersey Department of Agriculture, Blue Print Study Commission. This Study recognizes the need to preserve this non-renewable natural resource.

(i). Convergence of such factors which mandate very limited development (i.e., prime agricultural land, natural source for groundwater, etc.), also make Cranbury well suited to meet the open space requirements of the region without diverting land which might otherwise be suited for more intense development.

5. If you plan to rely on any decision or action taken by any government official, agent, representative or employee of the defendant, County of Middlesex, or State of New Jersey regarding the defenses listed above, set forth with particularity:

(a) each and every such official decision or action upon which defendant will rely:

1. Blue Print Study Commission
2. No report issued as of this date by Millstone River Sub-Basin Policy Advisory Committee
3. Long Range Comprehensive Plan Alternative

(b) the name and position of each government official, agent, representative or employee

1. New Jersey Department of Agriculture
2. Millstone River Sub-Basin Policy Advisory Committee
3. Middlesex County Planning Board

(c) a description of any document or writing supporting such decision or action.

1. See 5(a).
3. See 5(a).

6. Please give the name and address of each expert witness whose testimony will be relied upon in preparation of the defenses listed in Interrogatories 1-3 above.

Not yet determined.

7. Please provide a summary of any written reports prepared for use at trial of any expert upon whose testimony defendant will rely at the time of trial, including a statement of where a copy of such a report can be obtained and its cost.

See Supplemental Interrogatory No. 6.

8. If no written reports have been received, give the time, date and place of any interviews or oral discussions with experts and set forth a summary of such discussions.

See Supplemental Interrogatory No. 6.

9. Please provide a summary of all the reasons why a substantial portion of the municipality's developable land is not readily amenable to sewer and water utility installation?

See Supplemental Interrogatory #2.

10. Please provide the total number of mobile homes in Cranbury that exist as non-conforming uses.

None.

11. Please describe all litigation filed, pending, adjudicated or otherwise resolved from January 1, 1973 to the present in which one or more of the issues involves all or any part of the municipal zoning ordinance. For each such case, please list the full caption, civil action number, court, date filed, name of plaintiffs' attorney and a summary of result or current status (this case need not be listed).

A. 1. Buco Holding Co., Inc. vs. Township Committee of Cranbury Township, Cranbury Township and the Board of Adjustment of Cranbury Township.

2. A-1676-72; A-2029-72.

3. Superior Court, Appl Div. (SEE RIDER)



RIDE FOR SUPPLEMENTAL INTERROGATORIES

11. A. 4. Served: November 8, 1972  
5. Lynch, Mannion, Lutz & Lewandowski  
6. Trial Court found moratorium ordinance of Defendant invalid. Defendant appealed. At time of appellate hearing moratorium period set by ordinance had expired and appeal dismissed as moot.

B. 1. Millbury Joint Venture vs. Township of Cranbury  
2. L 17032-72 P.W.  
3. Superior Court, Law Division, Middlesex County Superior Court, Appellate Division  
4. Served: February 23, 1973  
5. Schwartz & Schwartz, Esqs.  
6. Partial summary judgment in favor of defendant from which plaintiff appealed. Actions before the appellate and trial courts were terminated by stipulation of dismissal.

C. 1. Cranbury Greens, Inc. vs. Township of Cranbury  
2. A-3107-74  
3. Superior Court, Appellate Division  
4. Served: November 8, 1973  
5. Lynch, Mannion, Lutz & Lewandowski  
6. Trial court found for plaintiff holding zoning ordinance constitutionally invalid under Mount Laurel. Judgment stayed pending appeal. Defendant appealed. Appellate briefs have been filed.

D. 1. Thermo Electric Co., Inc. vs. Township of Cranbury, Middlesex County, New Jersey, A Municipal Corporation, and the Township Committee of the Township of Cranbury.

2. L-655-74 P.W.  
3. Superior Court, Law Division, Middlesex County  
4. Filed: September 9, 1974  
5. Apruzzese & McDermott, Esqs.  
6. Trial date adjourned several times, waiting new date for trial.

E. 1. R.J.J.A. Corp. vs. The Governing Body of the Township of Cranbury

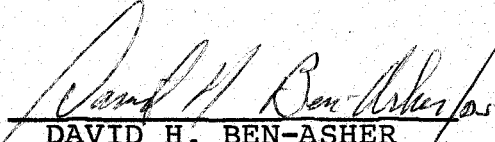
2. L 43757-74 P.W.
3. Superior Court, Law Division, Middlesex County
4. Served: August 21, 1975
5. Robert W. Gluck, Esq.
6. Remanded to Township Committee for decision based upon previously unavailable stenographic transcript on a variance application for restaurant expansion.

F. 1. McGillan Excavating, Inc. vs. Township Committee of the Township of Cranbury

2. L-7373-75 P.W.
3. Superior Court, Law Division, Middlesex County
4. Served: November 3, 1975
5. William C. Baggitt, III., Esq.
6. Complaint and Answer filed with respect to variance application to park construction vehicles.

BAUMGART & BEN-ASHER  
Attorneys for Plaintiff

BY:

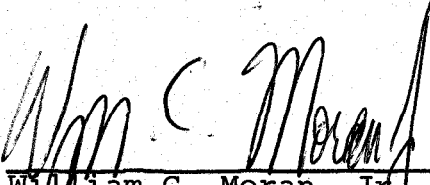
  
\_\_\_\_\_  
DAVID H. BEN-ASHER  
A member of the Firm

7-30-75

CERTIFICATION

I certify that the foregoing statements made  
by me are true. I am aware that if any of the foregoing  
statements made by me are wilfully false, I am subject to  
punishment.

BY

  
\_\_\_\_\_  
William C. Moran, Jr.  
Attorney for Cranbury Township

DATED: December 12, 1975