

CA- Cranbury

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Its ~~make~~ interrogatories and request
for production of documents

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CA 0022196

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ATTORNEYS FOR PLAINTIFFS

SUPERIOR COURT OF NEW JERSEY
 CHANCERY DIVISION - MIDDLESEX
 COUNTY

_____X	:	
URBAN LEAGUE OF GREATER	:	Docket No. C-4122-73
NEW BRUNSWICK, et al.,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
THE MAYOR AND COUNCIL OF THE	:	
BOROUGH OF CARTERET, et al.,	:	PLAINTIFFS' INTERROGATORIES
	:	AND REQUEST FOR PRODUCTION
Defendants.	:	OF DOCUMENTS
_____X	:	

Pursuant to Rules 4:17 and 4:18 of the Rules Governing Civil Practice, plaintiffs hereby request that defendants Township Committee of the Township of Cranbury, Township Committee of the Township of East Brunswick, Township Committee of the Township of Monroe, Township Committee of the Township of Piscataway, Township Committee of the Township of Plainsboro, Township Committee of the Township of South Brunswick and Mayor and Council of the Borough of South Plainfield, each separately and independently answer the following questions in writing, under oath

and, where requested, provide accurate and complete copies of specified documents.

Instructions

These Interrogatories shall be answered under oath by an appropriate officer or agent of each defendant who shall furnish all information available to that defendant and its agents, employees, or attorneys.

The person answering the Interrogatories shall designate which information is not within his or her personal knowledge and as to that information shall state the name and address of every person from whom it was received, or, if the source is documentary, a full description of the document.

Whenever a full and complete answer to any Interrogatory contained herein or subpart thereof is contained in a document or documents, such document or group of documents, appropriately identified as answering a specific numbered Interrogatory or subpart, may be supplied in lieu of the written answer.

Whenever in these Interrogatories information is requested which was previously furnished in answer to another Interrogatory, such information need not be restated, and it will suffice to identify the previous answer containing the information requested.

If the defendant has previously submitted to plaintiffs any of the documents requested herein at any time since the status conference of July 25, 1983, a duplicate need not be provided and the answer should simply identify the document and the date it was provided to plaintiffs.

Interrogatories calling for numerical or chronological information shall be deemed, to the extent that precise figures or dates are not known by defendant or its agents, employees, or attorneys, to call for estimates, if any exist. In each instance that an estimate is given, it should be identified as such together with the source of information underlying the estimate.

Whenever an Interrogatory calls for information which is not available to a defendant, its agents, employees or attorneys, in the form requested, but is available in another form or can be obtained at least in part from other data in the possession or knowledge of defendant, its agents, employees or attorneys, so state and either supply the information requested in the form in which it is available or supply the data from which the information requested can be provided.

Unless otherwise required by the context, each Interrogatory should be construed independently and not by reference to any other Interrogatory herein for purposes of limitation.

These Interrogatories shall be deemed to be continuing so as to require supplemental answers between the date the Interrogatories are answered and the time of trial.

The following definitions shall apply to these Interrogatories:

"Document" means any letter, memorandum, report, agreement, contract, notes, minutes, resolution, ordinance, map, photograph, computer printout, tape or video recordings or any writing or other tangible or intangible record of words or numbers or any draft or preliminary copy of any of the foregoing.

"Farmland" means land which is qualified as farmland under the "Farmland Assessment Act of 1964," N.J.S.A. 54:4-23.1 et seq., or could be qualified as such.

"Lot" means a designated parcel, tract or area of land, established by a plat, or otherwise permitted by law to be used, developed or built upon as a unit. Lots may be identified by reference to tax assessment maps or otherwise readily available official designation.

"Low income families or households" means those whose incomes do not exceed 50 percent of the median income of the region. "Moderate income families or households" means those whose incomes are no greater than 80 percent and no less than 50 percent of the median income of the region. See footnote 8 of the Supreme Court's opinion in South Burlington County NAACP v. Mt. Laurel Township (hereafter Mount Laurel), 92 N.J. 158, 221 n.8, 456 A.2d 390, 421 n.8. If, in answer to question 9(b), defendant asserts different definitions, answer all questions in terms of both the definitions in footnote 8 used here and the defendant's own definitions.

"Vacant land," unless otherwise defined, means land not currently developed for residential, industrial, or government use.

"Vacant land" includes woodlands and farmland, and land with abandoned structures or structures that are not currently being put to productive use, but excludes (1) publicly owned parks, recreation areas, and nature preserves; (2) areas normally under water; and (3) cemeteries.

INTERROGATORIES

Mount Laurel Obligation

1. (a) Describe with specificity the region in which defendant contends it is located for purposes of compliance with its Mount Laurel obligations. (This question may be answered by providing a map showing the boundaries of the region.)

This is presently under review.

(b) Describe the factual basis and methodology for delineating this region.

2. (a) For the region described in response to question 1, state defendant's contention as to:

(1) the total unmet present need for safe, decent housing affordable by low and moderate income households, and

This is presently under review.

(2) the total prospective need through 1990 for safe, decent housing affordable by low and moderate income families.

This is presently under review

(b) Describe the factual basis and methodology used in determining those needs.

3. (a) State defendant's contention as to its fair share allocation of the unmet present and prospective regional need described in response to question 2.

This is presently under review

(b) Describe the factual basis and methodology used in defendant's determination of its fair share allocation of the regional need.

4. (a) State defendant's contention as to its present unmet housing need for indigenous poor.

This is presently under review

(b) Describe the factual basis and methodology used in determining that need.

5. (a) State with specificity any demographic, housing, employment, transportation, or other study that defendant has conducted or relied on in its determination of region, regional need, fair share allocation, and housing need for indigenous poor.

Fair Share Allocation Report, Carla L. Lerman
Expert Report in Mount Laurel II Issues, Alan Mallach
Mount Laurel II, Robert Burchell, et al.
Interim Monitoring Report; Middlesex Co. Planning Board, Sept. 1983
Report of Carla Lerman in response to Judge's suggestion to use Warren
Township type formula
Report of Peter Abeles expert for Cranbury Land Co.
These determinations are presently under review.

(b) Attach a copy of all such studies.

6. (a) State with specificity any other study defendant has conducted or relied on in connection with any other aspect of the Mount Laurel litigation.

See answer to no. 5.

(b) Attach a copy of all such studies.

7. State whether defendant contends that the "locus" of its Mount Laurel obligation is different from the growth areas set forth in the State Development Guide Plan (hereafter SDGP). If so, state on which of the following grounds defendant is basing its claim (see 92 N.J. at 240, 456 A.2d at 431-32):

(a) that an arbitrary and capricious conclusion was reached as to whether the municipality includes any growth area or to the amount of growth area shown on the concept map;

Immediately after adoption of the ADGP, the staff of DCA agreed to a revised map for Cranbury, Plainsboro and South Brunswick at the request of Middlesex County Planning Board and with concurrence of MSM Regional Plan Assoc. The only reason this map was not formally adopted is because the group that adopts them only met once and has been disbanded.

(b) the municipality has undergone a significant transformation since the preparation of the concept map that renders the SDGP's characterization of it inappropriate;

N/A

(c) any other ground.

N/A

8. (a) State with specificity the factual basis for the claim set forth in question 7.

See 7 A

(b) Describe the methodology used in determining that the "locus" for its Mount Laurel obligation should be varied.

See 7A

(c) Attach a map of the municipality indicating the claimed

boundaries of the "locus" of its Mount Laurel obligation, and the current boundaries on the concept map.

N/A

9. (a) Does defendant define low and moderate income households in accordance with footnote 8 in Mount Laurel, 92 N.J. at 221, 456 A.2d at 421?

Yes

(b) If not, how does defendant define low and moderate income households?

NOTE: If defendant asserts a different definition, all questions must be answered in terms of both the Court's and the defendant's definitions.

N/A

(c) What is the factual basis and methodology used in developing that definition?

N/A

10. (a) State defendant's contention as to the range of rental and sales prices which are affordable by low and moderate income households.

	<u>Low Income*</u>	<u>Moderate Income*</u>
Rental Monthly Charge	\$ 381.50	\$ 610.40
Housing Cost	\$32,197.00	\$51,516.00

*Based on \$32,700 median income for Middlesex County. See Table 13, Fair Share Allocation Report by Carla Lerman.

(b) Describe the factual basis and methodology used in determining the rental and sales prices stated in answer to question 10(a).

- A. $\$32,700 \text{ median income} \times .50 \text{ low income} \div 12 \text{ months} \times .28 \text{ monthly income for housing} = \$381.50 \text{ monthly housing costs.}$
- B. $\$32,700 \text{ median income} \times .80 \text{ moderate income} \div 12 \text{ months} \times .28 \text{ monthly income for housing} = \$610.40 \text{ monthly housing costs.}$
- C. $\$381.50 \text{ monthly payments for 30 years at an A.P.R. of 14 percent} = \text{Present value of } \$32,197.00.$
- D. $\$610.40 \text{ monthly payment for 30 years at an A.P.R. of 14 percent} = \text{Present Value of } \$51,516.00.$

11. Provide copies of all reports, studies, memoranda or other documents that the defendant relies upon, in whole or in part, in seeking a different "locus" of Mount Laurel obligations, a different definition of low and moderate income households, and in its definition of affordable prices, in answer to questions 7 - 10.

See 5(a)

12. State which, if any, of the following measures defendant

has taken to foster opportunities for housing affordable by low income households since May 4, 1976, the date of the original trial court decision in this action:

(a) Steps to facilitate construction of publicly subsidized housing, including, but not limited to, adoption of a "resolution of need," execution of an agreement to accept payment in lieu of taxes, approval of a site plan for a subsidized housing project, or applications for federal assistance.

Revised Master Plan to include medium and high density housing.
Revised Zoning Ordinance to reflect the changes in the Master Plan.
Provided a density bonus for low and moderate income housing.
Proposed a mechanism to maintain low and moderate income housing upon sale or lease renewal.
Reduced the subdivision standards.
Reduced the amount of industrially zoned land within the Township.

(b) Steps to facilitate construction of public housing, including, but not limited to, establishment of a local public housing authority, participation in a regional housing authority, approval of a site plan for public housing development, or execution of a "cooperation agreement."

No public housing was proposed in Cranbury Township.

(c) Incentive zoning for construction of housing affordable by low income households as described at 92 N.J. 266-67.

Provided a density bonus if low and moderate income households were afforded housing opportunities.

(d) Mandatory set-asides requiring reservation of a proportion of units in large developments for low income households as described at 92 N.J. 267-70.

None; see 12 (c)

(e) Re-zoning of any land to permit multi-family developments, including, but not limited to:

(1) Re-zoning of industrial areas to include multi-family residential units;

In the former industrial zone, 530 acres were rezoned to high density multi-family residential.

(2) re-zoning of agricultural zones to include multi-family residential units;

N/A

(3) re-zoning of other non-residential areas to allow multi-family housing; and

N/A

(4) re-zoning for conversion of single-family housing to multi-family housing.

In a former single family zone, 170 acres were rezoned to multi-family housing.

(f) Zoning for manufactured or modular housing.

All manufactured or modular housing is permitted in any residential zone provided that it meets the N.J. mandatory BOCA requirements.

(g) Zoning for mobile homes or mobile home parks.

None

13. State which, if any, of the measures described in question 12, above, defendant has taken to foster opportunities for housing affordable by moderate income households since May 4, 1976.

The same response as 12 (a).

14. For each of the measures described in questions 12 and 13, above, state:

(a) When the measure was begun; how long it has been in effect; whether it was terminated and, if so, when and why.

Master Plan adopted September 9, 1982
Zoning Ordinance adopted July 25, 1983.
Both still in effect.

(b) If the measure was initiated, implemented or terminated by ordinance, resolution or other formal action of the municipal governing body or any other municipal agency:

(1) State what agency adopted the ordinance or resolution or took the formal action.

Master Plan - Planning Board
Zoning Ordinance - Township Committee on recommendation from the Planning Board

(2) State the date and number of the ordinance or resolution or other formal action.

Refer to section 14(a).

(3) Attach a copy of all ordinances or resolutions or other documents memorializing the formal action.

Zoning ordinance adopted July 25, 1983 has already been provided as well as Master Plan.

(c) Describe the specific housing constructed as a result of the measure, including for each such housing development:

- (1) The name and address of the developer
- (2) The location of the units
- (3) The number of dwelling units developed
- (4) The number of dwelling units per acre
- (5) The characteristics of units constructed by bedroom number and household type (e.g., 1-bedroom garden apartments; 2-bedroom mobile homes)
- (6) The date the units were put on the market for rental or sale
- (7) The price or rent by number of bedrooms and housing type (e.g., 1-bedroom garden apartment - \$220/mo., 2-bedroom mobile home - \$27000) as of the date the units were initially marketed
- (8) The current prices or rents of the units by number of bedrooms and housing types
- (9) The current vacancy rate
- (10) The percentage of the total residential units in the municipality represented by the housing constructed as a result of the measure.

None, zoning ordinances only six (6) months old.

(d) Attach copies of all reports, studies, surveys, memoranda, agendas and minutes of meetings, or other documents pertaining to the initiation, implementation, evaluation or termination of such measure.

to be provided

15. If defendant claims it has adopted measures since May 4, 1976 that create opportunities for housing affordable by low or moderate income households, other than those described in questions 12 and 13, list each such measure.

N/A

16. For each measure listed in response to question 15, answer questions 14(a) through (d).

N/A

17. If defendant's governing body, planning board, board of adjustment or any other municipal agency considered but did not implement one or more of the measures described in questions 12 and 13 at any time between May 4, 1976 and the present, for each measure:

(a) Describe, with specificity, the measure considered.

None

(b) State the date or dates on which it was considered.

N/A

(c) Describe with specificity, the reasons for deciding not to implement the measure.

N/A

(d) Attach copies of all reports, studies, surveys, letters, memoranda, resolutions, or other documents pertaining, in whole or in part, to the measure, its consideration, or the decision not to implement it, including agendas and minutes of

any meeting at which the measure was considered.

N/A

18. If defendant's governing body, planning board, or board of adjustment, or any other municipal agency considered but did not implement any other measures to create opportunities for housing affordable by low or moderate income households at any time between May 4, 1976 and the present, for each measure:

(a). Describe with specificity, the measure considered.

N/A

(b) State the date or dates on which it was considered.

N/A

(c) Describe with specificity, the reasons for deciding not to implement the measure.

(d) Attach copies of all reports, studies, surveys, letters, memoranda, resolutions, or other documents pertaining, in whole or in part, to the measure, its consideration, or the decision not to implement it, including agendas and minutes of any meeting at which the measure was considered.

Land Use Ordinances and Regulations

19. (a) State the dates on which defendant's municipal zoning ordinances, subdivision ordinances, planning ordinances, flood hazard ordinances, environmental ordinances, and other municipal ordinances that regulate land use were revised in compliance with the Municipal Land Use Law, N.J.S.A. 40:55D-89 (West Supp. 1983-84).

July 25, 1983 (most recent revision)

(b) State the dates on which the next revision of all ordinances mentioned in 19(a) will occur in compliance with the Municipal Land Use Law, N.J.S.A. 40:55D-89 (West Supp. 1983-84).

Unknown

20. (a) State the official title, subject matter, codification number, and date of adoption of all current zoning ordinances, subdivision ordinances, planning ordinances, flood hazard ordinances, environmental ordinances, zoning regulations and any other municipal ordinances or regulations that regulate land use, whether directly or indirectly, and all amendments thereto currently in force.

Land Development Ordinance, Crangury Township, New Jersey
Chapter 150, ARTICLES I through XXIII

(b) Attach copies of all ordinances and regulations, and amendments thereto, listed in response to question 20(a).

Already provided.

(c) Identify by ordinance, regulation, chapter, section or paragraph number or other appropriate specific identifying feature, any ordinance or regulation described in 20(a) above, or any portion or provision thereof which has been added, revised, or amended, in whole or in part, since May 4, 1976, and state the date of the addition, revision or amendment.

The entire ordinance was rewritten.

(d) Provide copies of the ordinances, regulations or portions or provisions thereof that were in effect prior to each of the additions, revisions or amendments stated in answer to question 20(c).

(e) Identify and provide copies of all ordinances and regulations of the kind described in 20(a) above, or portions or provisions thereof, which have been repealed since May 4, 1976 but not replaced and state the date of repeal.

(f) State which of the ordinances and regulations, listed in answer to question 20(a), or portions thereof, or the revisions described in answer to question 20(c), defendant contends is in fulfillment of its Mount Laurel obligation.

See answers 12 and 13

(g) State any proposal for revision of the ordinances

and regulations listed in question 20(a) that were considered by defendant's governing body, planning board, or board of adjustment since May 4, 1976, but were not adopted, approved or recommended by those bodies.

1. Proposal to preserve agriculture through 6 acre zoning.
2. Proposal to continue land formerly in industrial use in industrial use rather than re-zone to residential.

(h) Provide copies of all proposals identified in answer to question 20(g), all written reports concerning those proposals, and the written agendas and minutes from any meeting before the defendant's governing body, planning board, or board of adjustment in which the proposals listed in 20(g) were discussed or considered.

To be provided.

21. (a) State any municipal land use ordinance or regulation, or amendments thereto, that are currently being considered by defendant's governing body, planning board, or board of adjustment.

None

(b) Attach copies of any proposed ordinance or regulation listed in answer to question 21(a) and any reports or other documents relating thereto, including agendas and minutes of any meeting at which the proposals listed in 21(a) were discussed or considered.

N/A

22. (a) State the name and date of adoption of any master plan, master plan element, and land use inventory currently in force or any amendment or revision thereto currently in force.

Cranbury Township Land Use Plan, September 9, 1982

(b) Attach copies of each master plan, master plan element, and land use inventory and amendment or revision listed in response to 22(a).

Already provided

(c) State the name, date, and author of all preliminary reports, technical reports, appendices, maps, or other documents containing the technical foundations or supporting data for

defendant's current master plan, master plan element, or land use inventory and attach copies of all such documents.

Raymond, Parish, Pine & Weiner, Inc.
621 Alexander Road
Princeton, N.J. 08540

23. If defendant is currently in the process of revising its master plan, master plan element, or land use inventory:

(a) State which element or elements are being revised.

N/A

(b) State when defendant expects the revision to be adopted.

N/A

(c) Attach copies of the most recent draft or drafts of the plan or parts thereof.

(d) State the name, date, and author of all preliminary

reports, technical reports, appendices, maps or other documents containing the technical foundations or supporting data for the proposed revisions or the most recent draft thereof and attach copies of all such documents.

Raymond, Parish, Pine & Weiner, Inc.
621 Alexander Road
Princeton, NJ 08540

24. Describe, and state the date of promulgation or adoption of, all current zoning maps or other maps that regulate land use and attach copies of all such maps.

Land Use Plan - September 9, 1982

Land Development Ordinance - July 25, 1983

Current Land Use

25. State the number of acres and the percent of all vacant land in the municipality zoned for:

See rider attached.

(a) non-residential uses, including

- (1) industrial,
- (2) office,
- (3) commercial,
- (4) other (specify);

RIDER

Answer to No. 25.

<u>Zone</u>	<u>Number of^a Acres</u>	<u>Vacant^b Acres</u>	<u>Vacant Land Area, % of all vacant land</u>
(a) I - Industrial	593	568	8
(2) OR - Office & Research	496	474	7
(3) Village & Highway Commercial	167	50	1
(4) Limited Industrial	1,103	788	11

^a Including all land developed, vacant, under water, or with other environmental restraints.

^b Vacant land includes nurseries, agricultural land, environmentally sensitive land and vacant land.

(b) one acre or larger single-family housing;

<u>Zone</u>	<u>Number of Acres</u>	<u>Vacant Acres</u>	<u>Vacant Land as a Percent of All Vacant Land</u>
(1) Residential Light Impact	1,000	950	14
(2) Residential Low Density	520	278	4

(c) less than one acre but larger than one-quarter acre single family housing;

<u>Zone</u>	<u>Number of Acres</u>	<u>Vacant Acres</u>	<u>Vacant Land as a % of all Land</u>
Village Medium Density	248	0	0

(d) less than one-quarter acre single-family housing;

N/A

(e) multi-family housing.

<u>Zone</u>	<u>Number of Acres</u>	<u>Vacant Acres</u>	<u>Vacant Land as a percent of All Vacant Land</u>
(1) PD - Medium Density	158	133	2
(2) PD - High Density	527	527	8

26. Attach any documents such as aerial photographs or maps (specifically including a tax map indicating present ownership), which show the present use of any land in the municipality.

Refer to Land Use Plan

27. For each zone in defendant's current zoning ordinances,
state or identify:

(a) The name of the zone.

A-100	Agricultural	OR	- Office Research
R-LI	Residential - Light Impact	CH	- Commercial - Highway
R-LD	Residential - Low Density	CV	- Commercial - Village
V-MD	Village - Medium Density	IL	- Industrial - Light
PD-MD	Planned Development-Medium Density	I	- Industrial
PD-HD	Planned Development -High Density		

(b) The total number of acres in the zone.

<u>Zone</u>	<u>Acres</u>	<u>Zone</u>	<u>Acres</u>	<u>Zone</u>	<u>Acres</u>
A-100	3,600	PD-MD	133	CV	0
R-LI	1,000	PD-HD	527	IL	1,103
R-LD	568	OR	496	I	593
V-MD	248	CH	154		

(c) The total number of vacant acres in the zone.

<u>Zone</u>	<u>Vacant Acres</u>	<u>Zone</u>	<u>Vacant Acres</u>	<u>Zone</u>	<u>Vacant Acres</u>
A-100	3,600	PD-MD	133	CV	0
R-LI	950	PD-HD	527	IL	788
R-LD	278	OR	474	I	568
V-MD	0	CH	50		

(d) The specific lots of vacant land in the zone.

Refer to Land Use Plan.

(e) The number of acres which are vacant but already

subject to an approved site plan or pending site plan application.

None

(f) The specific lots which are vacant but already subject to an approved site plan or pending site plan application.

None

(g) The number of acres which are vacant but are farmland.

<u>Characteristics</u>	<u>Acres</u>	
Agricultural Land ^a	5,030	
Orchards	145	^a part of this land contains high water tables
Total	<u>5,175</u>	
(including some environmentally sensitive lands)		

(h) The specific lots which are vacant but are farmland.

Refer to Land Use Plan

NOTE: In answering subparts (i) through (n) do not consider as a reason why vacant land is unavailable for residential development, the fact that the land is currently zoned by the municipality for non-residential uses.

(i) The number of acres which are vacant but cannot be used for residential development because of environmental constraints, such as, water and wetlands, and list the constraints.

	<u>Characteristics</u>	<u>Acres</u>
^a Part of this land contains high water tables	Agricultural land ^a Orchards	5,030 145
^b Wooded areas characterized by flood hazard area and high water tables	Environmentally sensitive ^b Land (wooded)	<u>1,440</u> <u>6,675</u>

(j) The specific lots which are vacant but cannot be used for residential development because of environmental constraints, such as, water or wetlands, and identify the constraint[s] applicable to each lot.

Refer to Land Use Plan

(k) The number of acres which are vacant but subject to physical conditions that render residential development difficult or more costly, including, but not limited to, the following, and in each case specify the point at which the condition is considered by defendant to be a constraint on residential development (e.g., bedrock within four feet of surface):

(1) Bedrock close to surface.

None

(2) Steep ground slopes.

None

(3) Watertable close to ground surface.

None

- (4) Location within a flood hazard zone.

Refer to the Land Use Plan

- (5) Soil content (use soil classification of U.S. Department of Agriculture Soil Conservation Service in specifying types of soil content).

Sassafras	2,250	Falsington, Elkton	995
Woodstown	3,540	Humaquaps & ()	
Downer	150	Others	
Hammonton	160	Developed	<u>1,365</u>
		Total	<u>8,460</u>

- (6) Other physical conditions affecting development (specify).

Sewerage is limited to the Village and PD-HD Zone by virtue of topography and capacity.

- (1) The specific lots which are vacant but subject to the physical conditions listed in (k) above, and identify the condition[s] in each lot.

Refer to the Land Use Plan

- (m) The number of acres which are vacant but would

require for residential development construction, provision, or extension of any municipal service or necessary infrastructure, including, but not limited to, sewer or water service.

5,655 acres

(n) The specific lots which are vacant but would require for residential development, construction, provision or extension of any municipal services or infrastructure and identify the service[s] or infrastructure needed for each lot.

All areas that are not environmentally sensitive or developed
(Refer to the Land Use Plan)

(o) The number of acres which are vacant but not available for residential development for reasons other than those described in questions 27(e) through (n) and describe each reason.

1880 acres zoned for non-residential uses

(p) The specific lots which are vacant but not available for residential development for reasons other than those described in questions 27(e) through (n) but listed in 27(o), and identify the reason[s] applicable to each lot.

Refer to the Land Use Plan

(q) The number of acres which are vacant and available for residential development.

1,888 acres (including some environmentally sensitive lands)

(r) The specific lots which are vacant and available for residential development.

Refer to the Land Use Plan

(s) The total number of acres of vacant land in the "growth area" delineated in the State Development Guide Plan.

3,040

(t) The specific lots of vacant land in the "growth area" delineated in the State Development Guide Plan.

Refer to the Land Use Plan

28. For each zone in which there is land which is vacant but

already subject to an approved site plan or a pending site plan application, state for each such plan or application:

(a) The zone in which the proposed development is located and the location of the proposed development within the zone.

None

(b) The number of acres covered by the site plan or site plan application.

None

(c) The nature of the proposed development (e.g., residential-single family detached houses, residential-garden apartments, commercial-hotel, commercial-shopping center).

None

(d) The date the site plan application was filed and the date approval was granted.

None

(e) The name and address of the applicant and, if represented by an attorney, the name and address of the applicant's attorney.

None

29. Attach a copy of all site plans and site plan applications mentioned in answer to question 28.

N/A

30. For each zone in which there is land that is vacant but which is farmland, state:

(a) How many acres of the farmland are classified by U.S. Soil Conservation Service as soil category I and identify the specific lots of such farmland.

2,250 acres

Refer to the Land Use Plan for the soil maps

(b) How many acres of the farmland are classified as soil category II and identify the specific lots of such farmland.

3,690 acres

Refer to the Land Use Plan for the soil maps

(c) How many acres of farmland are classified as soil category III and identify the specific lots of such farmland.

1,000 acres

Refer to the Land Use Plan for the soil maps.

31. State how many acres of farmland within the municipality have been developed for nonfarming purposes since 1970 and identify the specific lots where development has occurred.

50 acres (Shadow Oaks Subdivision, south of Old Trenton Road)

32. State what percentage of the total area in the municipality is farmland.

62 Percent of Cranbury is in active farmland and approximately 8 percent of Cranbury has wooded areas in farmland assessment for a total of 70 percent.

33. (a) State how many acres of vacant land are owned by the municipality.

Zero, other than parkland.

(b) Identify each lot of vacant land owned by the municipality.

N/A

(c) For each lot, state any restrictions or constraints which would make it unavailable for residential development.

N/A

34. List all developments or proposed developments within defendant municipality of more than 10 residential units or more than 5,000 square feet of commercial or industrial floor area construction for which a zoning variance was granted, an amendment to the zoning ordinance was allowed, a subdivision approval was granted, a site plan was approved, a building permit was granted, or a certificate of occupancy was issued between May 4, 1976 and the present.

None

35. For each development listed in response to question 34,

(a) State the name and address of the developer or party seeking the municipal action, and the name and address of their attorney, if any.

None

(b) The location of the development.

None

(c) The number of residential units or square footage of commercial or industrial floor space.

None

(d) The types of residential units (e.g., one bedroom apartment; two bedroom manufactured or modular, etc.) and rental or sale price ranges for each type of unit.

None

(e) The specific municipal action or actions described in question 34 that were taken and the date of those actions.

N/A

(f) The zone in which the development is or would be located.

N/A

(g) Whether the development is or would be located in a "growth" area delineated by the State Development Guide Plan.

N/A

36. Attach a copy of all site plans and site plan applications for developments listed in answer to question 34.

N/A

37. List all proposed developments within defendant municipality

of more than 10 residential units or more than 5,000 square feet of commercial or industrial floor area construction for which necessary municipal approval of any form such as those listed in question 34, was denied between May 4, 1976 and the present.

None

38. For each proposed development listed in response to question 37, state

(a) The name and address of the developer or party seeking the municipal action and the name and address of their attorney, if any.

N/A

(b) The location of the proposed development.

N/A

(c) The number of residential units or square footage of commercial or industrial floor space.

N/A

(d) The types of residential units (e.g., one bedroom apartment; two bedroom manufactured or modular, etc.) and the rental or sale price range for each type of unit.

N/A

(e) The specific municipal action or actions described in question 37 that were taken and the date of those actions.

N/A

(f) The zone in which the development is or would be located.

N/A

(g) Whether the development is or would be located in a "growth" area delineated by the State Development Guide Plan.

N/A

39. For each proposed development listed in response to question 37, attach a copy of the application or other documents submitted to the municipality in support of the proposed development, any staff reports or other documents prepared by municipal employees in connection with the proposed development and requested municipal action, the agendas and minutes of any meeting of a municipal body or agency at which the proposed development and necessary municipal action was considered, and the letter, notice or other documents given to the applicant stating the reasons why necessary municipal action was denied.

N/A

40. State whether there are any pending law suits against the municipality or any of its agencies or officers seeking permission to construct housing in the municipality, and, if so, please state N/A

(a) The title of the action.

(b) The court in which it is pending.

(c) The docket number.

(d) The date filed.

(e) The present procedural status.

(f) The name, address and telephone number of the plaintiff's attorney, and

(g) the legal grounds asserted.

Please attach a copy of the complaint and the municipality's answer in that action.

41. (a) State the total number of residential units presently in existence in the municipality which defendant contends are affordable by low income households.

Undetermined

(b) Identify the location of each such unit and state the current rent, current assessment, the last sales price, and the date of sale.

(c) Of the units identified in 41(b), specify which of those units are presently occupied by low income households and the date on which such occupancy commenced.

(d) Of the units identified in 41(c), specify which of those units are subject to zoning, contractual or other constraints or controls to insure continued occupancy by low income households, and state the nature of the constraint or control and its expiration date.

42. (a) State the total number of residential units presently in existence in the municipality which defendant contends are affordable by moderate income households.

Undetermined

(b) Identify the location of each such unit, state the current rent, current assessment, the last sales price, and the date of sale.

(c) Of the units identified in 42(b), specify which of those units are presently occupied by moderate income households and the date on which such occupancy commenced.

(d) Of the units identified in 42(c), specify which of those units are subject to zoning, contractual or other constraints or controls to insure continued occupancy by moderate income households, and state the nature of the constraint or control and its expiration date.

43. (a) State the total number of public or publicly assisted housing units in the municipality.

None

(b) Identify the location of each such unit and state the current rent, the program under which the unit is subsidized (e.g., low-rent public housing, Section 8 Existing, Section 8 New construction or substantial rehabilitation, Section 236, or Section 202 programs), and any restrictions on occupancy (e.g., senior citizens only).

44. (a) State the presently available treatment capacity of the sewer system serving the defendant municipality and attach a map showing the distribution of interceptors.

Refer to the Land Use Plan

(b) State the presently available unutilized treatment capacity of the sewer system serving the defendant municipality.

Refer to the Land Use Plan

45. State if there is any plan under consideration, approved, or being implemented to increase capacity for public sewers in the municipality, whether by constructing or extending a collection system, constructing or enlarging a municipal or regional sewage treatment facility, linking into the sewage treatment facility of any other municipality, or any other action.

None

46. If the answer to question 45 is in the affirmative:

(a) Describe with specificity the changes that would be

made under the plan.

N/A

(b) State the increase in capacity in terms of the number of additional gallons that could be treated daily.

N/A

(c) Describe the additional geographic availability of public sewage service.

Refer to the Land Use Plan

(d) State what portion, if any, of this increase in capacity or geographic availability is committed to remedy existing public health or safety hazards.

N/A

(e) State the estimated cost per new hookup for addi-

tional residential hookups under the plan.

N/A

(f) Describe the present status of the plan and its timetable for implementation.

N/A

(g) State who formulated the plan and what agencies have reviewed or approved it.

N/A

(h) State the cost of implementing the plan and the anticipated source for funding.

N/A

(i) Attach copies of all documents pertaining in whole or in part to the plan, its approval, or its implementation.

47. State whether there are any privately operated sewage treatment facilities (package treatment plants) serving more than one residence or any commercial or industrial facility.

None

48. If the answer to question 47 is in the affirmative, for each such facility,

(a) State its location and the name and address of its operator.

N/A

(b) State how long it has been in operation.

N/A

(c) State the number of residences the facility serves

or, if it serves commercial or industrial facilities, the names and addresses of the commercial and industrial facilities.

N/A

(d) State the total capacity in gallons per day.

N/A

(e) Describe any failures of the system and any public health or safety problems created by the systems.

N/A

49. State if there is any plan under consideration, approved, or being implemented to increase public water service in the municipality, whether by constructing or extending water lines, drilling municipal wells, constructing or enlarging a municipal, regional, or state reservoir, linking into the public water supply system or another municipality or regional agency, or any other action.

None

50. If the answer to question 49 is in the affirmative:

(a) Describe, with specificity, the changes that would be made under the plan.

N/A

(b) State the increase in supply in terms of number of additional gallons per day.

N/A

(c) Describe the additional geographic availability of public water service.

N/A

(d) State what portion, if any, of the increase in supply or geographic availability is committed to remedy existing public health or safety hazards.

N/A

(e) State the estimated cost per new hookup for additional residential hookups under the plan.

N/A

(f) Describe the present status of the plan and its timetable for implementation.

N/A

(g) State who formulated the plan and what agencies have reviewed or approved it.

N/A

(h) State the cost of implementing the plan and the anticipated source for funding.

N/A

(i) Attach copies of all documents pertaining in whole

or in part to the plan, its approval, or its implementation.

N/A

51. State whether there are any other plans for construction or extension of any infrastructure or municipal services necessary for residential development and, if so, describe the plans in detail, including nature, timetable, procedural status, and funding, and attach copies of all documents pertaining in whole or in part to the plan, its approval or its implementation.

None

Witnesses

52. State the name and address of each expert witness who will testify on behalf of defendant at trial.

Gerald Lenaz, AICP, AIA, P.P.

Thomas March, AICP, AIA, P.P.

George Raymond, AICP, AIA, P.P. all at: Raymond, Parish, Pine & Weiner
621 Alexander Road
Princeton, N.J. 08540

Ronald Curini, Trenton, N.J.

53. For each person named in response to question 52

(a) State with specificity his or her area of expertise.

All are professional planners, except Curini, who is a real estate appriaser.

(b) Attach his or her resume, which should include, but not be limited to: his/her present employment; college and professional education; all professional experience; all experience as a consultant to any municipality or any other public entity; the titles, co-authors, dates, and subject matter of any report, study, or other written work he or she produced in connection with such consultations, and all publications.

To be provided

(c) If he or she has testified under oath in deposition or at trial, presented evidence or submitted a written report or an opinion to any court, legislative body, or administrative agency at any level of government, state:

(1) The nature of the proceeding, the forum, the name of the proceeding, the docket number, and such other information as may be necessary to identify unambiguously the proceeding.

Too voluminous to reasonably provide.

(2) The date on which such testimony, evidence, report, or opinion was given or submitted.

(3) The subject matter of the testimony, evidence, report, or opinion.

(4) The name and address of the attorney retaining his or her services.

54. For each expert witness named in response to question 52

(a) State each opinion which he or she will testify to at trial. Planners will testify as to the basis for the existing zoning ordinance including opinion as to region, fair share, how Cranbury meets its obligation and the compatibility of low and moderate income housing with preservation of agriculture.

Curini will testify as to the values of real estate in the preservation and development zones and as to the value of TDC's.

(b) For each such opinion, state the underlying data and methodology upon which the opinion is based.

To be provided.

(c) Identify with specificity each report, map, document, or publication upon which he or she will rely to substantiate any opinions or conclusions, or offer into evidence or refer to on direct or cross-examination.

(d) Attach a copy of each such report, map, document, or publication.

(e) Attach a true copy of all reports, maps, or other document prepared by each person named in response to questions 52 pertaining in whole or in part to his or her testimony in this case.

55. (a) State the name, address, title, profession, and relation to defendant of each witness not identified in answer to question 52 who will testify on behalf of defendant at trial.

John Sully, Middlesex County Planning Board, New Brunswick, New Jersey
Richard Ginmon, N.J. Dept. of Community Affairs, Trenton, NJ