

CA - Cranbury

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Initial interrogatories propounded

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+ certification

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CA 0022209

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Attorney for Plaintiff

~~CRANBURY LAND COMPANY~~, a New Jersey
Limited Partnership,
Plaintiff,

vs.

CRANBURY TOWNSHIP, a municipal
corporation of the State of New
Jersey, located in Middlesex
County, New Jersey,

Defendant.

: SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
: MIDDLESEX COUNTY/OCEAN COUNTY
DOCKET NO. L-070841-83PW
:
: (Mount Laurel)
:
: Civil Action
:
: INITIAL INTERROGATORIES
: PROPOUNDED BY PLAINTIFFS
:
:

TO: WILLIAM C. MORAN, JR., ESQUIRE
Huff, Moran & Balint
Cranbury-South River Road
Cranbury, New Jersey 08512
Attorney for Defendant

NOTICE is hereby given that the plaintiff in the
above-captioned matter hereby demands that the defendant, through
a person or persons with knowledge and authority, answer, under
oath or by certification, the following interrogatories propounded
by plaintiff, within the time prescribed by the Rules of Court.

DEFINITIONS: As Used herein:

1. "Document" or "documents" mean the original and any nonidentical copy and draft, regardless of origin or location of any writing or record or type of description, including but not limited to the original and any copy and draft of any book, pamphlet, periodical, letter, memorandum, telegram, report, record, study, inter-office or intra-office communication, handwritten or other note, working paper, transcript of testimony, chart, paper, graph, index, tape, disc, data sheet or data processing card, or any other written, recorded, transcribed, punched, tape filed or graphic matter, however produced or reproduced, and minutes of meetings to which defendant has or has had access.

2. "Identify", "identity" or "identification" means when used in reference to:

(1) a natural person, his or her:

(a) full name;

(b) present or last known home and business address (including street name and number, city or town and state) and

(c) present or last known position, business, affiliation and job description;

(2) a company, corporation, association, partnership or any legal entity other than a natural person, its

(a) full name and type of organization or ent
(b) address of principle place of business; a
(c) jurisdiction and date of incorporation
or organization, if known.

3. a document:

(a) its description (e.g. letter, memorandum,
report, etc.

(b) its title and date, and number of pages
thereof;

(c) its subject matter;

(d) the identity of its author, signer, and
any person who participated in its preparation;

(e) the identity of its addressee or
recipient;

(f) the identity of each person to whom copie
were sent and each person to whom copies were received;

(g) its present location and the identity of
its custodian. (If any such document was, but is no longer in
the possession of or subject to the control of defendant, state
what and when dispostion was made of it; and

(h) the specific pages on which the relevant
supporting material can be found.

or "you"
3. "Defendant"/refers to the Township of Cranbury
the Township Committee, Planning Board, and/or Zoning Board of
Adjustment of the Township of Cranbury, any and all officials
employees, agents, consultants, and/or any other person retained
by the Township of Cranbury, now or at any time in the past.

4. "Plaintiff" refers to Cranbury Land Company, a New Jersey Limited Partnership.

5. "Low income" person and/or family is used herein as defined in Southern Burlington County NAACP v. Tp. of Mount Laurel, 92 N.J. 158 (1983) (hereinafter referred to as "Mount Laurel II"); that is, those persons and families whose income, adjusted by size of family, is equal to or less than 50% of the median income for the defendant Township's area as established by the United States Department of Housing and Urban Development (hereinafter referred to as "HUD").

6. "Moderate income" person and/or family is used herein as defined in Mount Laurel II; that is, those persons and families whose income, adjusted by size of family, is equal to or less than 80% of the median income but greater than 50% of the median income for the defendant Township's area as established by HUD.

7. "Indigenous resident poor" refers to those persons and/or families of low and/or moderate income who actually reside in the defendant Township.

8. "Indigenous working poor" refers to those persons and/or families of low and/or moderate income who are employed by the defendant Township and/or whose place of employment is located in the defendant Township.

9. "Plaintiffs' lands" refers to those lands in the defendant Township and identified on the Tax Map of the defendant Township as Blocks 21 and 22, Lot 8.

10. "Fair share" is used as defined in Mount Laurel II.

11. "Least cost" is used herein as defined in Mount Laurel II.

12. "Land Use Ordinances" refers to each and every ordinance adopted by the defendant which, in any way, constrains controls, influences, prescribes and/or proscribes the uses and development of lands and the maintenance of structures on lands in the defendant Township and all procedures and standards relating thereto.

13. "Affordable" is used herein as defined in Mount Laurel II relating to the affordability of housing for persons and/or families of low and/or moderate income.

14. "Realistic housing opportunity" is used herein as defined in Mount Laurel II.

15. "Region" is used herein as defined in Mount Laurel II.

1. State whether the defendant intends to rely upon any expert witnesses at the trial of this matter; and, if so, set forth as to each such person:
See attached rider.

- a. his (her) name and address;
- b. the field of expertise regarding which you will move him (her) as qualified to testify as an expert in this matter;
- c. the subject matter of his (her) testimony;
- d. attach hereto and identify any document and/or oral communication supplied by said expert;
- e. the substance of the facts and opinion to which the expert is expected to testify and a summary of the grounds for each opinion;
- f. the full and detailed qualifications, training professional and practical experience, education and degree obtained by such person. As to each item listed in the answer to this Interrogatory, set forth the dates and/or years of same, as well as the names and addresses of each institution attended; furthermore, set forth the nature of each place at which experience or training was received;
- g. whether or not there are any other reports in existence from the particular experts named, either written or oral; if any such reports, either written or oral, subsequently become known to you or become available, submit copies thereof to supplemental answers to these Interrogatories, but in no case later than the time provided R.4:17-7;
- h. Identify all articles, treatises or writings of any nature authored by each of the experts identified touching upon the subject matter of his (her) proposed testimony, or reports relating to: (1) the within litigation; and (2) any other matter even if not related to this litigation.

ANSWER: See attached rider.

RIDER TO ANSWERS TO INTERROGATORIES

1. (a) George M. Raymond
Raymond, Parish, Pine & Weiner
555 White Plains Rd.
Tarrytown, NY 10591

Ronald Curini
900 Kuser Road
Mercerville, NJ
- (b) George M. Raymond - Planning

Ronald Curini - Real estate valuation
- (c) Raymond - region fair share allocation, transfer
of development credits and planning for
Township of Cranbury generally.

Curini - valuation of transfer of development
credits.
- (d) To be provided. In addition, Cranbury Master
Plan and Cranbury Township Zoning Ordinance,
both of which have been provided.
- (e) See answer (d) above.
- (f) See resume of George Raymond, attached
Resume for Ronald Curini, to be provided.
- (g) N/A
- (h) See answer to (f)

2. State whether any person other than those named in the answer to Interrogatory No. 1 has been retained, specifically employed or consulted by you in anticipation of litigation or preparation for trial and who is not expected to be called as a witness at trial; and, if so, set forth as to each such person: N/A

- a. his (her) name and address;
- b. the subject matter on which he (she) was consulted;
- c. his (her) field of expertise;
- d. the full and detailed qualifications, training, professional and practical experience, education and degree obtained by such person. As to each item listed in the answer to this Interrogatory, set forth the dates and/or years of same, as well as the names and addresses of each institution attended; furthermore, set forth the nature of each place at which experience or training was received;
- e. attach to the answer to these Interrogatories and identify copies of all documents and/or oral communication submitted to you of each such person;
- f. whether or not there are any other reports in existence from the particular experts named, either written or oral; if any such reports, either written or oral, subsequently become known to you or become available, submit copies thereof to supplemental answers to these Interrogatories, but in no case later than the time provided by R.4:17-7.

ANSWER: N/A

3. State whether there are any person(s) known to the defendant who have any knowledge or information of a factual nature relevant to this matter; and, if so, set forth as to each such person:

- a. his (her) name and address;
- b. his (her) present employment;
- c. all facts and/or information known to such person which is known to the defendant (also stating to whom particularly such facts and/or information were given by said person and in what form);
- d. attach hereto all written information supplied to and/or by said person relevant to this matter.

- ANSWER:
- (a) John Sully, Middlesex County Planning Board
 - (b) Richard Ginman, N.J. Dept. of Community affairs
All members of the Cranbury Township Planning Board and Cranbury Township Committee
 - (c) Ginman and Sully have information concerning the adoption of the State Development Guide Plan, its applicability to Cranbury and the applicability of proposed amendments thereto.
 - (d) See attached.

4. Set forth the name and address of each person whom you intend to call as a witness at trial:

ANSWER: George Raymond, Raymond, Parish, Pine and Weiner, 555 White Plains Road, Tarrytown, NY 10591; Ronald Curini, 900 Kuser Road, Mercerville, NJ; Richard Ginman, 363 W. State Street, Trenton, NJ; John Sully, Middlesex County Planning Board, 40 Livingston Avenue, New Brunswick, NJ; Mayor Alan Danser, RD 2, Cranbury, NJ 08512

5. State whether the defendant has knowledge and/or information regarding any oral communications, statements and/or documents made and/or authorized by and/or attributed to the plaintiffs which relate to any matter raised in the pleadings in this case (whether or not prior to the institution of the complaint); and, if so, set forth:

a. each such oral communication and/or document in full (attaching copies);

b. the basis for the defendant's position that the plaintiffs made and/or authorized such oral communication and/or document (including, but not limited to, the name and address of the person to whom it was made); and

c. the time, place and circumstances under which it was made and the name and address of all other persons present

ANSWER: N/A

6. State whether the defendant made any oral communication and/or authored any document to the plaintiff which relates to any matter raised in this case (whether or not prior to the institution of the complaint); and, if so, set forth:

a. each such oral communication and/or document in full (attaching copies);

b. the name and address of the person making such oral communication and/or document; and

c. the time, place and circumstances under which it was made and the name and address of all other persons present.

ANSWER: N/A

7. If, at the trial in this matter, the defendant intends to introduce as evidence and/or have marked for identification or otherwise use in any manner, any document (that is, as previously defined and, in short, anything other than oral testimony); set forth:

a. identify each such document (giving a full and accurate description to facilitate its proper identification);

b. the name and address of the person who prepared said document and its present location;

c. the purpose for which it will be used;

d. attach hereto a copy of each such document.

ANSWER: No documents other than those already identified elsewhere in these interrogatories.

8. Identify and provide the home address of the following:
a. each and every member of the defendant's governing body;

ANSWER: Alan Danser, RD 2, Petty Road, Cranbury New Jersey; Tom P. Weidner, 28 North Main Street, Cranbury, New Jersey; Patricia H. Scott, 12 Ryan Road, Cranbury, New Jersey.

b. each and every present member of the defendant's Planning Board;

ANSWER:
Alan Danser, RD 2, Petty Road, Cranbury; Don Jo. Swanagan, 10 No. Main Street, Cranbury, NJ; Thos. B. Harvey, Jr., 40 Cranbury Neck Rd., Cranbury, NJ; Arthur Hasselbach, U.S. Hwy. #130, Cranbury, NJ; Michael K. Mueller, 621 Alexander Road Princeton, NJ; Eric Norland, 55 So. Main St., Cranbury, NJ; Joseph L. Stonaker, 41 Leigh Avenue, Princeton, NJ; John Toscano, Plainsboro Rd., Cranbury, NJ; Georgea von Lutcken, 12 Evans Dr. Cranbury, NJ; Betty Wagner, 158 No. Main St., Cranbury, NJ; Deitrich Wahlers, 49 So. Main St., Cranbury; Christopher Wright, 15 Bunker Hill, Cranbury, NJ.

c. each and every present member of the defendant's Zoning Board of Adjustment;

ANSWER:

Stephen Bencze, 103-A Petty Rd., Cranbury, NJ; Barry Clayton, 1 Evans Rd., Cranbury, NJ; Harvey Gleeksman, Dey Rd., Cranbury, NJ; Jeffrey Graydon, 46 Evans Dr., Cranbury, NJ; Jeffrey C. Green, 838 Easton Ave., Somerset, N.J.; Arthur Hasselbach, U.S. Hwy #130, Cranbury, NY; Henry Mazzoni, 18 Wynnewood Dr., Cranbury, NJ; Andre Moutenot, 131 Plainsboro Rd., Cranbury, NJ; William M. Rue, 33 Cranbury Neck Rd., Cranbury, NJ; Dale Smith, 8 Maplewood Ave., Cranbury, NJ; Eugene Speer, 40 So. Main St., Cranbury, NJ; Georgea von Lutcken, 12 Evans Dr., Cranbury, NJ.

d. any professional consultant(s) employed, retained and/or consulted by the defendant governing body, Zoning Board of Adjustment and/or Planning Board in connection with land use in the defendant Township, generally, or with knowledge of plaintiffs' lands, specifically since 1970.

ANSWER: Raymond, Parish, Pine & Weiner; William Roche, Somerset County Planning Director, Somerville, NJ; C. Robert Jones, former Township Engineer, 322 Sked St. Pennington, NJ; George Vechte, 757 Ridgewood Ave., North Brunswick, NJ.

9. With regard to plaintiffs' lands, set forth the zoning history of said lands including, by date approved, the zoning classifications and permitted uses of said lands from the first such land use designation to the present and set forth:

a. as to the first zoning classification and permitted use, each and every fact and/or reason upon which you relied to support its reasonableness; and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: Rural residential zone from the initiation of zoning in Cranbury in the late 1940's or early 1950's until July 25, 1983. Justification is found in previous Cranbury Township Master Plans to be provided.

b. as to each change of classification and permitted use, each and every fact and/or reason upon which you relied to support its reasonableness; and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: Change in classification to agricultural zone on July 25, 1983. See Land Use Element of Cranbury Township Master Plan adopted October 1982, a copy has already been provided.

10. With regard to plaintiffs' lands, set forth:

a. the present zoning classifications and permitted uses as approved by the Township Committee, giving the last date on which said approval was made;

ANSWER:

A-100 Zone

For permitted uses, See Articles 150-13 and 150-14 of Land Development Ordinance, Cranbury Township, Chapter 150.
Adopted July 25, 1983.

b. with regard to each such classification and/or permitted use, set forth each and every fact and/or reason upon which you will rely to support its reasonableness and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER:

See Land Use Plan

11. With regard to plaintiffs' lands, set forth the master plan history of said lands including, by date approved, all zoning classifications and permitted uses recommended by the defendant Planning Board and any other municipal body from the first such land use recommendation to the present, and set forth:

a. as to the first recommended zoning classification and permitted use, each and every fact and/or reason upon which you relied to support its reasonableness and with regard to each such fact and/or reason, supply and identify

whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER:

A - 100 Agricultural Zone

For Supporting facts and reasons, see Land Use Plan.

(b) as to each change in recommended zoning classification and permitted use each and every fact and/or reason upon which you relied to support its reasonableness & with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: N/A

12. With regard to plaintiffs' lands, set forth:

a. the recommended zoning classification and permitted uses as contained in the presently approved Master Plan

ANSWER:

A-100 Agricultural Zone

b. with regard to each such recommendation, set forth each and every fact and/or reason on which you rely to support its reasonableness and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: See Land Use Plan

13. With regard to plaintiffs' lands, set forth:

a. all zoning classifications and permitted uses recommended and/or proposed for consideration by the defendant but not ultimately approved, from the first land use recommendation and/or proposal to the present;

ANSWER: N/A

b. As to each such recommendation and/or proposal not approved, set forth each and every fact and/or reason upon which you rely to support the reasonableness of its not being approved; and with regard to each such fact and/or reason, support and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER:

N/A

14. With regard to plaintiffs' lands, set forth:

a. all zoning classifications and permitted uses considered by the defendant, whether or not recommended or approved by the defendant; that is, any such zoning classification and/or permitted use presented for consideration by the defendant, and/or proposed and/or presented to the defendant by private persons, entities or organization from the first such classification or use present to the present.

ANSWER:

The only type of classification considered by the Township was agricultural.

b. as to each such recommendation and/or proposal not approved, set forth each and every fact and/or reason upon which you rely to support the reasonableness of its not being approved and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which said fact and/or reason was derived.

ANSWER: N/A

15. With regard to plaintiffs' lands set forth:

a. any and all environmental factors known to the defendant affecting said lands which do or could constrain the development of said lands for any purpose;

ANSWER: None

b. with regard to each such factor, set forth each and every fact and/or reason relied upon which supports the defendant's position that said factor does or could constrain the development of said lands; and, with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: N/A

c. with regard to each such factor set forth:

(1) the nature of the constraint it does or could impose upon development of said lands including, but not limited to, how and, specifically, to what extent, it affects the number and type of residential units and/or the size and type of non-residential uses which could be constructed and set forth each and every fact and/or reason upon which you rely to support your conclusion; and for each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: N/A

(2) whether such fact imposes an insurmountable constraint to the construction of residential units on said lands at densities of five (5), ten (10) and/or fifteen (15) units to the gross acre and, if so, as to each such density, set forth each and every fact and/or reason upon which you rely to support your conclusion and for each such fact and/or reason supply and identify whatever supporting documentation and/or source including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: Not applicable

16. With regard to plaintiffs' lands, set forth:

a. any and all factors known to the defendant other than environmental and municipally imposed legal constraints, affecting said lands which do or could constrain the development of said lands;

ANSWER:

State Development Guide Plan
Middlesex County Master Plan
Cranbury Township Land Use Plan

b. with regard to each such factor, set forth each and every fact and/or reason relied upon which supports the defendants' position that said factor does or could constrain the development of said lands and, with regard to each such factor and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER:

All three of the above are virtually consistent expressions of a considered planning policy affecting said lands and the area of which they are a part.

c. with regard to each such factor, set forth:

(1) the nature of the constraint it does or could impose upon development of said lands including, but not limited to, how; and, specifically, to what extent it affects the number and type of residential units and/or the size and type of non-residential uses which could be constructed and set forth each and every fact and/or reason upon which you rely to support your conclusion; and for each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER:

The sole constraints which the above listed policies can impose are those which are ultimately enacted by the Township as part of its Land Use Development Ordinance.

(2) whether such factor imposes an insurmountable constraint to the construction of residential units on said lands at densities of five (5), ten (10) and/or fifteen (15) units to the gross acre and, if so, as to each such density, set forth each and every fact and/or reason upon which you rely to support your conclusion; and for each such fact and/or reason supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: NO

17. With regard to plaintiff's lands:

a. is it the defendant's position that permitting residential uses on all or part of plaintiff's lands at a density of greater than one unit per six (6) acres would be arbitrary, capricious, unreasonable and/or contrary to sound principles of land use planning as mandated by the Municipal Land Use Law?

ANSWER: YES

b. If your answer to Interrogatory No. 17a was negative, set forth as to each and every parcel of plaintiffs' lands and in their entirety, the maximum permissible gross density of residential units which would not be arbitrary, capricious, unreasonable and/or contrary to sound principles of land use planning as contained in the Municipal Land Use Law setting forth each and every fact and/or reason upon which you rely to support your conclusion and for each such fact and/or reason supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: Not applicable

c. If your answer to Interrogatory No. 17a is affirmative, set forth as to each and every parcel of plaintiffs' lands and in their entirety, the maximum permissible gross density of residential units which would not be arbitrary, capricious, unreasonable and/or contrary to sound principles of land use planning as contained in the Municipal Land Use Law, setting forth each and every fact and/or reason upon which you rely to support your conclusion; and for each such fact and/or reason supply and identify whatever supporting documentation and/or source, including all documents and oral communications from which such fact and/or reason was derived.

ANSWER: Once determined to be part of an agricultural preservation area, the appropriate maximum permissible gross density is one dwelling per six acres.

d. If for any reason you are unable to answer Interrogatory No. 17, set forth what information you would need in order to properly answer said interrogatory with specificity as to how the lack of that information constrains you from replying affirmatively or negatively.

ANSWER: Not applicable

18. With regard to plaintiffs' lands:

a. state whether it is your position that said lands are suitable as a site for housing for persons and/or families of low and/or moderate incomes.

ANSWER: No

b. If your answer to Interrogatory No. 18a was negative, set forth each and every fact and/or reason upon which you rely to support your conclusion; and for each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which said fact and/or reason was derived.

ANSWER:

State Development Guide Plan
County Master Plan

Lack of sewers and difficulty of public sewerage
Remoteness from public water supply

Lands are part of a major expanse of agricultural lands covering approximately 5,000 acres in Cranbury and Plainsboro and as much as some 10,000 acres of other adjacent municipalities are included.

c. If your answer to Interrogatory No. 18a was affirmative, set forth:

1. the number of such units, by size and type, which could be accommodated at such location;

ANSWER: N/A

2. each and every fact and/or reason upon which you rely to support your conclusion; and for each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which said fact and/or reason was derived.

ANSWER: N/A

d. If for any reason you are unable to answer Interrogatory No. 18, set forth what information you would need in order to properly answer said interrogatory with specificity as to how the lack of that information constrains you from replying affirmatively or negatively.

ANSWER: N/A

19. With regard to plaintiffs' lands:

a. state whether it is your position that said lands are suitable for any of the following residential uses (with specificity as to each use): townhouses, patio homes, zero-lot line homes, garden apartments, duplexes, and/or single-family detached homes.

ANSWER:

No.

b. If your answer to any part of Interrogatory No. 19a is negative, set forth as to each such use for which a negative answer was given each and every fact and/or reason upon which you rely to support your conclusion; and for each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which said fact and/or reason was derived.

ANSWER: Such types of development are not appropriate for adjoining agricultural areas in land incompatible with agricultural uses.

c. If your answer to any part of Interrogatory No. 19a is positive, set forth as to each such use for which a positive answer was given:

1. the maximum number which the plaintiffs' lands could accomodate consistent with minimal standards for the protection of the public, healthy, safety and welfare;

ANSWER: N/A

2. each and every fact and/or reason upon which you rely to support your conclusion and for each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which said fact and/or reason was derived.

ANSWER N/A

d. If for any reason you are unable to answer Interrogatory No. 19, set forth what information you would need in order to properly answer said interrogatory with specificity as to how the lack of that information constrains you from relying affirmatively or negatively.

ANSWER: N/A

20. With regard to plaintiffs' lands, state whether it is your position that part or all of said lands are suitable for agricultural uses and, if so, set forth, as to each parcel or portion thereof, on which you aver that agriculture uses are suitable:

- a. identify the specific parcel or portion;
- b. state what agricultural uses are suitable for said parcel or portion;
- c. set forth the cost of developing that parcel or portion for that agricultural use;
- d. state whether an economic profit can be made if such parcel or portion were developed for that agricultural use and, if so, set forth the profit which could be made;
- e. set forth each and every fact and/or reason upon which you rely to support your conclusion, and for each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communication, from which said fact and/or reason was derived.

ANSWER: The USDA capability rating system categorizes the same classifications represented on said lands as suitable for agricultural use. For details, see plate II-2 and pp. II-16 to II-21 of the Land Use Plan.

21. With regard to plaintiffs' lands, state whether any parcel or portion thereof are or have ever been utilized for agricultural uses and, if so; set forth:

- a. identify the specific parcel or portion;
- b. state the agricultural uses of each such parcel or portion;
- c. give the dates during which the lands were used for that purpose;
- d. set forth each and every fact and/or reason upon which you reply to support your conclusion; and for each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which said fact and/or reason was derived.

ANSWER: Yes. The property in its entirety has been qualified for farm land assessment for many years. The details as to specific dates of use and the specific agricultural uses are peculiarly within the knowledge of the plaintiff or the prior owners of plaintiff's property.

22. With regard to plaintiffs' lands and as to any and each agricultural purpose for which it has ever been, is now being, or could in the future be used, set forth whether there has ever been, is presently or is projected to be by any source a shortage of land for such purposes and/or a shortage in the supply of the crop relevant to said purpose within an agricultural market area however you would define that term (stating your definition) of which plaintiffs' lands are a part; and, if so, set forth for each such purpose and/or crop: the purpose, crop, and for each set forth each and every fact and/or reason upon which you will rely to support your conclusion; and for each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which said fact and/or reason was derived.

ANSWER:

See Land Use Plan, pp. II-23 ff.

23. Assuming plaintiffs will be unable to effectuate a change of zone for its lands, do you have any knowledge, information, opinion or beliefs as to the marketability of said lands as presently zoned; and if so, set forth:

a. any such knowledge, information, opinions and/or beliefs;

b. each and every fact and/or reason upon which you will rely to support your conclusion and for each such fact and/or reason, supply and identify whatever supporting documentation and/or source, from which said fact and/or reason was derived, including all documents and oral communications.

ANSWER: There have been similar sales of similarly situated property for agricultural purposes within the last ten years. Specific details to be provided.

24. State whether the defendant has ever itself made or undertaken a study, seen documents or heard oral communications and/or has any knowledge or belief whatsoever relating to the housing needs of its indigenous resident poor as such needs may now exist, may have existed in the past and/or which may reasonably be projected to exist in the foreseeable future; and, if so, identify each such study, document, oral communication, knowledge and/or belief:

a. including, but not limited to, the name of the person(s) who made the study or document, expressed the oral communication and/or conveyed the knowledge and/or belief, and the date thereof; and

b. set forth and identify the specific study, document, oral communication, statement of knowledge and/or belief and, if in written form, and/or recorded in written form, attach hereto copies of each such writing including all drafts and comments pertaining thereto.

ANSWER: No.

25. State whether the defendant has ever itself made or undertaken a study, seen documents or heard oral communications and/or has any knowledge or belief whatsoever relating to the housing needs of its indigenous working poor as such needs may now exist, may have existed in the past and/or which may reasonably be projected to exist in the foreseeable future; and, if so, identify each study, document, oral communication, knowledge and/or belief:

a. including, but not limited to, the name of the person(s) who made the study, document, expressed the oral communication and/or conveyed the knowledge and/or belief, and the date thereof; and

b. set forth and identify the specific study, document, oral communication, state of knowledge and/or belief and, if in written form, and/or recorded in written form, attach hereto copies of each such writing including all drafts and comments pertaining thereto.

ANSWER: No.

26. State whether the defendant has any knowledge, information and/or belief as to the number and/or percentage of persons whose place of employment is located in the defendant Township and who are of low and/or moderate incomes; and, if so, set forth in specific detail said number and/or percentage and set forth and identify all such knowledge, information and/or

beliefs with all supporting documentation upon which you rely including copies of all documents and/or oral communications.

ANSWER: No.

27. Set forth each and every fact and/or reason and set forth and identify all supporting documentation on which you rely including copies of all documents and oral communications if it is your position that less than thirty percent (30%) of all persons whose place of employment is located in the defendant Township are a member of a household of persons and/or families of low and/or moderate income.

ANSWER: The Township has no knowledge, and therefore no position regarding the income characteristics of persons employed in the municipality.

28. Attach hereto and/or set forth in specific detail as to each and every person employed by the defendant and all of its constituent entities:

a. whether full or part-time (if part-time, set forth hours per week);

b. salary (including fringe benefits);

c. municipality and county of residence;

d. size of family.

ANSWER: To be provided.

(d) size of family is not within the municipal records.

29. Attach hereto and/or set forth in specific detail as to each and every person employed within the defendant municipality all information available to the defendant with regard to:

a. nature and place of employment;

b. income earned;

c. size of family;

d. age;

e. place of residence;

f. travel time and distance to work;

g. housing condition

ANSWER: No information

30. Has the defendant ever determined that it has a legal, planning, moral or other obligation, desire and/or intention to provide a realistic housing opportunity for its indigenous resident poor who are in need of housing; and, if so, set forth:

- a. said determination;
- b. how such determination was made; and
- c. when and by whom this was done for each such occasion identifying and attaching copies of all relevant documents and oral communications.

ANSWER: See Land Use Plan, Residential
Development Goals and Policies, p. III-3

31. Is it the defendant's position that it has a legal, planning, moral or other obligation, desire and/or intention to provide a realistic housing opportunity for low and/or moderate income residents of the Township who are:

a. now residing in housing in the defendant Township which is substandard, deteriorated, dilapidated and/or otherwise in need of demolition, substantial rehabilitation and/or repair;

ANSWER: Yes

b. now residing in housing in defendant Township which is overcrowded; that is, in which there are more than 1.01 persons per room or by any other definition of overcrowding (specifying as to the definition used); and

ANSWER: Yes

c. now residing in housing in the defendant Township and paying more than twenty-five percent (25%) of their income for shelter costs (or any other percentage, specifying as to the percentage used).

ANSWER: Yes

32. For each paragraph of Interrogatory No. 31 which you answered in the affirmative, set forth:

a. the defendant's position;

ANSWER: The Township will endeavor to achieve such of the above objectives as it may reasonably be able to do.

b. whether the defendant has ever calculated and/or is in the process of calculating the number of units necessary to satisfy the housing needs; and, if so, specifying the number for each and setting forth each and every fact and/or reason upon which you rely to support your conclusion and with regard to each and every fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: In process of determination

b. whether the defendant has ever calculated and/or is in the process of calculating the number of units necessary to satisfy the housing needs; and, if so, specifying the number for each and setting forth each and every fact and/or reason upon which you rely to support your conclusion and with regard to each and every fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: In process of determination

c. each and every fact and/or reason upon which you rely to support your conclusion that you have no such legal obligation and with regard to each fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: Not applicable

c. whether the defendant has ever provided, considered providing and/or is in the process of providing a realistic opportunity for such housing; and, if so, specify in detail exactly what was done, contemplated and/or is being proposed, giving persons, agencies, and dates relevant thereto and identifying and providing copies of all documents and oral communications relevant thereto.

ANSWER:

Once the Township's obligation is quantified, it is its intent to comply therewith in a manner which will be most compatible and consistent with its overall planning objectives.

33. For each paragraph of Interrogatory No. 31 which you answered in the negative, set forth:

a. the defendant's position;

ANSWER: N/A

34. Has the defendant ever undertaken any action to address the housing needs of its indigenous resident poor and, if so, set forth in explicit detail exactly what was done, when and by what person or agency identifying and attaching hereto copies of any documents and oral communications.

ANSWER:

The Township has in the past provided portions of its housing and community development revenue sharing funds to the remedying of housing problems of its indigenous resident poor. These funds were administered through Cranbury Housing Associates, a private non-profit corporation and were used primarily in the area of town known as Pin Oaks.

35. Are there any housing units in the defendant Township today which are not substandard and/or overcrowded and are occupied by and/or are affordable to persons and/or families of low and/or moderate incomes; and, if so, set forth (if available, do so by size of unit and age and size of household; i.e., specify if the unit is limited to occupancy by any age related standard):

a. the number of such units;

b. the location of such units;

c. each and every fact upon which you rely to support your conclusion and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

d. each and every action undertaken by the defendant which directly or indirectly contributed, in any way whatsoever, to the construction, rehabilitation, repair and/or maintenance of each such unit as an affordable unit for a person and/or family of low and/or moderate income.

ANSWER: In process of determination

36. Is it the defendant's position that sound land use, planning, housing, real estate or other practices require, recommend and/or suggest that a particular vacancy rate is necessary and/or otherwise appropriate or desirable, for sales and/or rental housing:

a. if so, set forth your conclusion with regard to sales and/or rental housing (giving the specific rate or range) and set forth each and every fact and/or reason upon which you will rely to support its reasonableness and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER:

1 1/2 % in sales housing
5% in rental housing

These are generally accepted standards which the Township accepts.

b. if not, set forth each and every fact and/or reason upon which you will rely to support its reasonableness and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: Not applicable.

37. State whether it is the defendant's position that indigenous resident poor represent a disproportionately large segment of its total population as compared with the rest of its region (as defined in Mt. Laurel II); and, if so, set forth each and every fact upon which you rely to support your conclusion; and with regard to each and every fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: No

38. State whether it is the defendant's position that it has met whatever legal, planning, moral or other obligation, desire and/or intention it might have to provide for a realistic opportunity for the construction of housing for its indigenous resident poor and/or its indigenous working poor; and, if so, set forth:

a. exactly and with specificity what was done and/or how the obligation was met;

b. each and every fact and/or reason upon which you rely to support your conclusion that you have met the obligation and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: See answer No. 34

39. Has the defendant ever determined, sought to determine, considered, or otherwise evaluated whether or not it has a responsibility under New Jersey law to provide for a realistic opportunity for its fair share of its region's housing needs of persons and families of low and moderate incomes; and, if so, set forth each and every such instance, identifying persons and agencies involved, dates, and identify and provide copies of all relevant documents and oral communications;

ANSWER: Although not with regard to a specific region, see Township Land Use Plan and Zoning Ordinance Article 150-30(11).

a. set forth as to each such instance:

(1) what was the region selected and how was it selected;

(2) what were the present and/or prospective regional housing needs determined to be and how were they so determined;

(3) what allocation formula or methodology was used and how was it selected;

(4) what was the defendant's fair share, broken down by present and prospective low and moderate income, by housing size and by time period during which the units were needed.

ANSWER: In process of determination

b. for all of the above, set forth each and every fact and/or reason relied upon which supports your conclusion and with regard to each such fact and/or reason supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: In process of determination

40. Set forth the defendant's position as to whether it does now have any legal, moral or other obligation, desire and/or intention to provide for a realistic housing opportunity for all or part of its fair share of its region's housing needs of persons and families of low and moderate incomes; and set forth each and every fact and/or reason upon which you rely to support your conclusion; and with regard to each such fact and/or reasons supply and identify whatever supporting documentation and/or source, including documents and oral communications from which such fact and/or reason was derived.

ANSWER: See answer to #32

41. If it were properly determined by the appropriate forum that the defendant did have a legal obligation to provide for a realistic housing opportunity for its fair share of its region's housing needs of persons and families of low and moderate income, set forth:

a. what you would consider to be the appropriate region to be used for that purpose;

b. what you would consider to be the present and prospective regional housing needs to be and how they were determined;

c. what you would consider as the allocation formula or methodology used and how it was selected;

d. what you would consider was the defendant's fair share, broken down by present and prospective needs, low and moderate income, by family size, and by time period during which the units were needed;

e. for all of the above, set forth each and every fact and/or reason upon which you rely to support your conclusion and with regard to each such fact and/or reasons, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: In process of determination

42. To your knowledge, has anyone other than the defendant ever determined, sought to determine, considered or otherwise evaluated the defendant's fair share of its region's housing needs of persons and families of low and moderate incomes; and, if so, set forth

(a) each and every such instance, identifying persons and agencies involved, dates, and identify and provide copies of all relevant documents and oral communications;

ANSWER:

The Superior Court of New Jersey, Chancery Division, in the case of Urban League of Greater New Brunswick, et als., v. Carteret, et als. See opinion of the Court at 142 N.J. Super 11. That decision was appealed to the Appellate Division, where it was reversed. The Appellate Division was reversed by the Supreme Court in Mt. Laurel II and plaintiff's case has been consolidated with that case on remand.

(b) as to each such instance:

- (1) what was the region selected and how it was selected;
- (2) what were the present and/or prospective regional housing needs determined to be and how were they so determined;
- (3) what allocation formula or methodology was used and how was it selected;
- (4) what was the defendant's fair share, broken down by present and prospective low and moderate income, by housing size and by time period during which the units were needed.

ANSWER:

c. for all of the above, set forth each and every fact and/or reason relied upon which supports your conclusion and with regard to each such fact and/or reason supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER:

43. Has the defendant ever expressed an opinion or belief regarding any of the fair share analyses set forth in answer to Interrogatory No. 42; and, if so, set forth each and every such opinion or belief and with regard to each set forth each and every fact and/or reason upon which you rely to support your conclusion and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: Yes. With regard to both the region and the fair share analysis, the Township's position with regard to the question of region and fair share analysis was upheld by the New Jersey Supreme Court in Mt. Laurel II.

44. Has the defendant, for any purpose, ever evaluated itself, considered itself, and/or determined itself to be part of a regional area; and, if so, set forth:

a. each such evaluation, consideration and determination;

b. as to each, in what context it was done, identifying who did it, how it was done, the region chosen, for what purpose setting forth all facts and/or reason upon which you rely to support your conclusion; and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: No

45. Has it ever been the defendant's position that it has a legal, planning, moral or other obligation, desire and/or intention to provide for a realistic housing opportunity for all or part of its fair share of its region's housing needs of persons and/or families of low and moderate incomes; and, if so, set forth

a. each and every such position, identifying the person and/or agency holding said position;

b. each and every fact and/or reason upon which you rely in supporting your conclusion; and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

c. each and every action undertaken and/or considered by the defendant to provide such a realistic housing opportunity.

ANSWER:

Yes, see answer No. 39.

46. If your answer to Interrogatory No. 45 is negative, set forth each and every reason upon which you rely to support your conclusion if it is that you have no such obligation, desire and/or intention and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: Not applicable

47. Has it ever been the defendant's position that it has a legal, planning, moral or other obligation, desire and/or intention to provide in its present or future housing stock a realistic housing opportunity for persons of low and/or moderate incomes; and, if so, set forth:

a. each and every such position, identifying the person and/or agency holding said position;

b. each and every fact and/or reason upon which you rely in supporting your conclusion; and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

c. each and every action undertaken and/or considered by the defendant to provide such a realistic housing opportunity.

ANSWER: See Land Use Plan, p. III-14.

48. If your answer to Interrogatory No. 47 is negative, set forth each and every reason upon which you rely to support your conclusion if it is that you have no such obligation, desire and/or intention and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER:

Not applicable

49. State whether it is the defendant's position that it has met any legal, planning, moral or other obligation, desire and/or intention it might have to provide for the construction of its fair share of its region's present and prospective housing needs for low and moderate income persons and, if so, set forth:

a. exactly and with specificity what was done and/or how the obligation was met; and

b. each and every fact and/or reason upon which you rely to support your conclusion that you have met the obligation and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: The obligation is in the process of being determined.

50. State whether the defendant ever held the position that it had a legal, planning, moral or other obligation, desire and/or intention to provide for the construction of "least cost" housing and, if so, set forth:

a. exactly and with specificity what was done and/or how the obligation was met; and

b. each and every fact and/or reason upon which you rely to support your conclusion that you have met the obligation; and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: See Land Use Plan - p.III-14
Land Development Ordinance, Article .150-30(11)

51. Attach hereto copies of all Master Plans, Comprehensive Plans, supporting material, studies, reports, analyses, records of minutes of meetings relating thereto, memoranda, notes, letters and/or other documents relating thereto (including all drafts) of the defendant Township whether or not adopted from the consideration of the first such plan to the present.

Not applicable. Prior Master Plans or Zoning Ordinances of the Township are not relevant to the determination in this case.

52. Attach hereto copies of all ordinances, resolutions and/or other official actions taken by the defendant relating to any documents referred to in Interrogatory No. 51.

See answer to #51

53. Specify by page number any reference or recommendation contained in every document referred to in Interrogatory No. 51 which it is the defendant's position relates to the consideration of any legal, planning, moral or other obligation, desire or intention to satisfy and/or address the provisions of least cost housing and/or housing for persons and/or families of low and/or moderate incomes.

See answer to #51

54. Attach hereto and identify any documents and/or oral communications submitted by any professional planner, engineer, architect and/or lawyer relating to the consideration of any legal, planning, moral or other obligation, desire or intention to satisfy and/or address the provision of least cost housing and/or housing for persons and/or families of low and/or moderate incomes in the defendant Township.

See answer to #51

55. Attach hereto copies of all zoning, subdivision, site plan and other ordinances, resolutions and/or other official actions of the defendant relevant to the development of land from the first such ordinance to the present and attach hereto and identify copies of any supporting material, studies, reports, analyses, records of minutes of meetings, memoranda, notes, letters and/or other documents (including all drafts) relating to each such ordinance.

See answer to #51

56. With regard to each zoning classification, set forth:

- a. location of each zone;
- b. total acres;
- c. total vacant acres (that is, not developed for other than agricultural uses);
- d. total vacant, developable acres (that is, not developed for other than agricultural uses but not otherwise constrained for development of other permitted uses);
- e. total developed acres (that is, developed for other than agricultural uses);
- f. total presently used for agricultural purposes.

ANSWER: See answers to interrogatories already propounded by plaintiff, Urban League of Greater New Brunswick, copies of which have been served on plaintiff.

57. With regard to each zoning classification in which residential uses are permitted, set forth for each area where such zoning applies:

a. total number and type of units constructed;

ANSWER: No information readily available.

b. total number of units approved but not constructed;

ANSWER: No information readily available

c. total number of units proposed for approval but not yet approved;

ANSWER: No information readily available

d. total number of units which otherwise could be constructed if developed at full potential; and

ANSWER: No information readily available

e. estimates as to when full development will be reached.

ANSWER: No information readily available

58. With regard to each zoning classification in which non-residential uses are permitted, set forth for each area where such zoning applied;

a. the uses now in place, specifying as to: name and address, type of business, square footage, number of employees, date of construction;

ANSWER: No data readily available

b. as to areas now not developed for non-residential uses, the anticipated square footage of non-residential uses permitted (or the maximum-minimum range) and the anticipated employment which will be generated (or the maximum-minimum range).

ANSWER: See generally Land Use Plan - p. III-21.

59. Are there any uses in place in the PD-HD, PD-MD and/or V-MD zones which were developed in whole or in part prior to the adoption of those land use classifications and, if so, set forth as to each such use:

a. its identity, describing (as to the extent it predated the zoning classification) the extent and nature of the development;

ANSWER: See generally Plate II-1, Land Use Plan

b. the number and type of units which predated the zoning classification;

ANSWER: Same as above

c. the land use history of the development (e.g. under what regulation was it developed, when was it developed, and what municipal action, if any, occurred to promote, encourage or enable the development).

ANSWER: Not available

60. Are there any zoning classifications, now or in the past, in the defendant Township which the defendant believes would qualify as zoning for "least cost" housing; and, if so, set forth:

a. the specific zone district;

ANSWER: PD-HD

b. the number of least cost units which have been, could be and/or could have been constructed;

ANSWER: Approximately 500

c. every fact and/or reason upon which you rely to support your conclusion that the zone is "least cost" and for your answer to "a" and "b" above set forth each and every fact and/or reason upon which you will rely to support your conclusion and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: The minimum permitted densities can only be achieved by providing one in 5 units as a least cost unit.

61. Attach hereto copies of each and every "existing land use map" which depicts existing land uses in the defendant Township at a specific point in time and provide such maps for as many different points in time as are available to the defendant.

See Plate II-1, Land Use Plan

62. State whether the defendant has considered and/or implemented any of the following:

a. "affirmative devices" (as defined in Mt. Laurel II to encourage the construction of housing for persons and families of low and/or moderate incomes);

ANSWER: Yes; Density bonuses

b. "alternatives" (as defined in Mt. Laurel II to encourage the construction of housing for persons and families of low and/or moderate incomes);

ANSWER: No.

c. "mandatory set asides" (as defined in Mt. Laurel II requiring a number and/or fixed percentage of housing for persons and families of low and/or moderate incomes to be constructed in a zone and/or in conjunction with a conventional development).

ANSWER: No.

d. and, if so, set forth, as to each:

(1) when, how and by whom it was considered and/or implemented (identifying and supplying copies of all relevant documents and oral communications);

ANSWER: Not applicable

(2) the number of units constructed as a result of such measures;

ANSWER: Not applicable

(3) any and all contacts with builders, developers, and/or landowners regarding the use of such measures;

ANSWER: Not applicable

e. and, if not, set forth as to each, each and every fact and/or reason upon which you rely for not considering and/or implementing it and set forth each and every fact and/or reason upon which you will rely to support your conclusion and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: The Township's obligation is in the process of being determined.

63. State whether the defendant contends that "all excessive restrictions and exactions not essential for safety and health have been removed from its land use ordinances and all affirmative measures have been attempted, : (as stated in Mount Laurel II) and with respect thereto identify:

a. the excessive restrictions and exactions that have been removed from the defendant's land use ordinances between 1975 and the present, and attach copies of all such ordinance provisions and repealers or modifying ordinances.

ANSWER: Ordinance being reviewed.

b. the "affirmative measures" (as defined in Mount Laurel II) that have been attempted by the defendant; attach copies of all ordinance provisions enacted between 1975 and the present.

ANSWER: Density bonuses enacted July 25, 1982
See Zoning Ordinance Section 150-30(11).

c. whether any tax abatements have either been offered by the defendant or requested by land owners/developers between 1975 and the present; and, if so, set forth the details of any such requests and/or offers, including the dates, the identity of the person or entity making such request and the action, if any, taken by the appropriate governmental entity.

ANSWER: None offered. No information as to any such requests.

64.. State whether the defendant has "over-zoned" (as defined in Mount Laurel II) "significant areas for housing that most closely approaches low income housing, e.g. mobile homes", (as stated in Mount Laurel II) and state:

a. the amount of acreage so zoned;

ANSWER: The Township has no land zoned for mobile homes.

b. what portion of that amount constitutes the "overage".

ANSWER: Not applicable

65. State whether the defendant's land use ordinances encourage innovation and economy in construction and/or has eliminated construction regulations that tend to unnecessarily increase construction costs; and, if so, describe in precise detail the basis for such an affirmative response(s) and attach copies of all zoning ordinances in effect or enacted between 1975 and the present which encourage innovation and economy in construction or which operated to eliminate construction regulations that unnecessarily increased construction cost.

ANSWER: Ordinances being reviewed.

66. State whether: (a) mobile homes; (b) trailer parks; or (c) manufactured housing units, are permitted as of right or are permitted as conditional uses anywhere within the defendant Township; and, if so, set forth:

a. the total number of acres upon which such housing may be constructed or located;

b. the zone district(s) with which such housing may be constructed or located;

c. the maximum number of such units that may be constructed or located on the lands identified in subparagraphs (a) and (b) above;

d. set forth each and every fact and/or reason upon which you will rely to support your conclusion; and, with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: Manufactured housing meeting building code requirements is permitted in all residential zones in the Township.

67. With regard to the PD-HD, PD-MD & V-MD zones, set forth as to lands presently undeveloped (for other than agricultural uses:

a. whether, in each zone, such lands are in single ownership and, if not, the number of land owners in each zone for such lands;

ANSWER: Not determined.

b. whether the defendant is aware of any development plans for such lands; and, if so, set forth in explicit detail such development plans and identify and supply copies of all documents and/or oral communications relating thereto.

ANSWER: No knowledge

68. With regard to those lands zoned PD-HD set forth:

a. each and every fact and/or reason upon which you rely in support of the reasonableness of designating such lands for that use and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: See Land Use Plan

b. whether there are any other lands in the defendant Township which could reasonably be so zoned; and

(1) if so, specify as to Block and Lot Numbers a map designation or otherwise identify all such lands giving each and every fact and/or reason upon which you rely in support of your conclusion and with regard to each such fact and/or reason supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: Will be determined if the need for such additional zoning will materialize.

(2) if not, specify what particular features of that zoning classification and/or other lands make it uniquely suitable to land now so zoned and unsuitable for all other lands (including, but not limited to, plaintiffs' lands) and set forth each and every fact upon which you rely to support your conclusion and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER:

Not applicable

69. With regard to those lands zoned PD-MD set forth:

a. each and every fact and/or reason upon which you rely in support of the reasonableness of designating such lands for that use and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: See Land Use Plan

b. whether there are any other lands in the defendant Township which could reasonably be so zoned; and

(1) if so, specify as to Block and Lot Numbers a map designation or otherwise identify all such lands giving each and every fact and/or reason upon which you rely in support of your conclusion and with regard to each such fact and/or reason supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: Same answer as #68(b)

(2) if not, specify what particular features of that zoning classification and/or other lands make it uniquely suitable to land now so zoned and unsuitable for all other lands (including, but not limited to, plaintiffs' lands) and set forth each and every fact upon which you rely to support your conclusion and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: Not applicable

70. In regard to those lands zoned V-MD set forth:

a. each and every fact and/or reason upon which you rely in support of the reasonableness of designating such lands for that use and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: See Land Use Plan

b. whether there are any other lands in the defendant Township which could reasonably be so zoned; and

(1) if so, specify as to Block and Lot Numbers a map designation or otherwise identify all such lands giving each and every fact and/or reason upon which you rely in support of your conclusion; and with regard to each such fact and/or reason supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER:
Same as #69(b)

(2) if not, specify what particular features of that zoning classification and/or other lands make it uniquely suitable to land now so zoned and unsuitable for all other lands (including, but not limited to, plaintiffs' lands) and set forth each and every fact upon which you rely to support your conclusion and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications from which such fact and/or reason was derived.

ANSWER: Not applicable

71. Assuming the availability of public water and sewer, a parcel of over fifty (50) acres, adequate road access and frontage, and no environmental constraints which cannot be reasonably overcome, set forth whether you have a conviction, opinion and/or belief with regard to the maximum density appropriate in the defendant Township for the following uses; and, if so, specify said conviction, opinion and/or belief (if additional information is necessary to answer this question, specify as to what is necessary and make such assumptions (explicitly) as are necessary in order to provide an answer or range):

- a. single-family detached units;
- b. duplexes;
- c. quadriplexes;
- d. townhouses;
- e. garden apartments;
- f. patio homes;
- g. zero lot line units;
- h. mid-rises;
- i. hi-rises.

ANSWER: See Land Use Plan and Land Development Ordinance.

72. With regard to the reasonableness of the land use provisions contained in the defendant's zoning ordinance, set forth each and every fact and/or reason upon which you rely to justify said reasonableness and itemize herein and/or attach hereto whatever supporting documentation and/or source, including all documents and oral communications upon which you relied and/or rely in support of the reasonableness of said provisions.

ANSWER: See Land Use Plan

73. Are there any provisions set forth in the defendant's zoning ordinance, as applied to those areas of the Township which are zoned for particular uses, which are not the minimum necessary for the protection of the public health and safety and, as to each such provision:

a. if so, set forth each and every fact and/or reason upon which you will rely to support its reasonableness; and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: Ordinances in process of review

b. If not, set forth how each provision could be changed specifically to meet that standard and give each and every fact and/or reason upon which you will rely to support your conclusion; and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: Not applicable

74. Do you recognize any local, county, regional, state, federal or private set of published standards (such as the HUD minimum property standards) as establishing reasonable objective criteria for the protection of the public health and safety as it relates to zoning, subdivision, site plan, water/sewer, traffic, soil or other environmentally related land use or construction standards and, if so, set forth and identify each such publication and, with regard to each, set forth what portions you so recognize and each and every fact and/or reason upon which you will rely to support your conclusion; and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: No

75. With regard to lands remaining undeveloped for residential PD-HD, PD-VD, and V-MD uses in the PD-HD, PD-VD and V-MD zones respectively, set forth as to all such lands separately for each such zone:

a. whether such lands now have any non-residential uses; and, if so, set forth the uses of such lands and the effect, if any, the existence of such cases has on the development of such lands for PD-HD, PD-VD and V-MD use and give each and every fact and/or reason upon which you will rely to support your conclusion; and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: See Plate II-1, Land Use Plan

b. whether there is known to the defendant Township any proposal, consideration or suggestion for future development of such lands and, if so, set forth:

(1) identify any such proposal, consideration and/or suggestion supplying copies of all documents and/or oral communications;

(2) did the proposal, consideration and/or suggestion for future development contain any matter relating to the provision of "least cost" housing and/or housing affordable to low and/or moderate income persons and/or families; and, if so, specify when such a matter was first raised, what was suggested and/or considered and/or proposed, by whom, what was the defendant's response; identify and supply copies of all documents and oral communications with respect thereto.

ANSWER: No.

76. Other than plaintiffs' proposal, has there ever been any other proposal, consideration and/or suggestion by a landowner, developer, builder and/or other person to develop lands in the defendant Township for "least cost" housing and/or housing affordable to low and/or moderate income persons and/or families; and, if so, specify when such development was first raised, what was suggested and/or considered and/or proposed, by whom, what was the defendant's response, identify and supply copies of all documents and oral communications with respect thereto.

ANSWER: No Knowledge

77. Is there any residential development constructed and/or approved in the PD-MD, PD-VD and V-MD zones and, if so, as to each such construction and/or approval, set forth:

- a. when it was constructed;
- b. whether there were any actions by the defendant to influence said construction so as to mandate and/or encourage that the construction or any part thereof was "least cost" and/or affordable to persons and/or families of low and moderate incomes; and, if so, set forth all such action taken and how it was believed such action would have the desired effect;
- c. the sales price and/or rental levels of any and all such units;
- d. whether it is your position that any are "least cost" and/or affordable to persons and/or families of low and moderate incomes; and, if so, set forth each and every fact and/or reason upon which you will rely to support your conclusion; and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: See Plate II-1, Land Use Plan for location. No knowledge as to rest

78. With regard to the PD-MD, PD-VD and V-MD zones, set forth:

a. when it was first determined by the defendant to provide for each such zones and/or uses:

ANSWER: During preparation of Land Use Plan, in 1982.

b. each and every fact and/or reason upon which you relied in making said determinations and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: See Land Use Plan

79. Is it the defendant's position that the Site Plan Review and Land Subdivision Ordinances contain provisions which are at standards which are the minimum necessary for the protection of health and safety and

a. if so, set forth each and every fact and/or reason upon which you will rely to support its reasonableness and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER:

Ordinances being reviewed

b. if not, set forth each and every provision which is not a minimum standard and the comparable standard which would be at the minimum and set forth each and every fact and/or reason upon which you will rely to support its reasonableness and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: Not applicable

80. Has the defendant been asked to grant any use or density variances from its land use ordinances since 1970; and, if so, set forth and identify:

a. each and every variance requested (including but not limited to name/applicant, parcel, date and the specific variance application);

ANSWER: This information is within the possession of the Zoning Board of Adjustment who is not a party to this suit.

b. set forth the decision of the defendant with regard to each such request (including, but not limited to the formal resolution, each and every fact relied upon in making the determination and all supporting documentation and information).

ANSWER:

81. Has the defendant ever been asked to grant a change of zoning use or density other than through a variance; and, if so, set forth and identify:

a. each and every change of zone requested (including, but not limited to: name/applicant, parcel, date and the specific variance application):

ANSWER: No

b. set forth the decision of the defendant with regard to each such request (including, but not limited to: the formal resolution, each and every fact relied upon making the determination and all supporting documentation and information

ANSWER:

82. Since 1970 has the defendant approved any major subdivision, planned unit development and/or any other residential development of greater than two (2) units; and if so, set forth as to each such subdivision, planned unit development and/or residential development:

- a. identify by name or other appropriate manner;
- b. date of initial application;
- c. dates of all approvals;
- d. number and type of units (specifying also if "least cost" or affordable to low and moderate income persons and families;
- e. attach hereto resolutions granting approvals and all reports of experts or other persons relied upon and/or reviewed in considering the application and, also if "least cost" and/or affordable to low and moderate income persons or families, all facts and/or reasons and supporting documentation relied upon in asserting that claim.

ANSWER: This information is within the control of the Planning Board of the Township, who is not a party to this suit.

83. Since 1970, has the defendant denied approval of any major subdivision, planned unit development and/or any other residential development of greater than two (2) units; and, if so, set forth as to each such subdivision, planned unit development and/or residential development:

- a. identify by name or other appropriate manner;
- b. date of initial application;
- c. dates of all denials
- d. number and type of units proposed (specifying also if "least cost" or affordable to low and moderate income persons and families;
- e. attach hereto resolutions denying approvals and all reports of experts or other persons relied upon and/or reviewed in considering the application; and, also, if "least cost" and/or affordable to low and moderate income persons or families, all facts and/or reasons and supporting documentation relied upon in asserting that claim.

ANSWER: See answer to #82.

84. Has the defendant ever been involved in litigation regarding its land use ordinances and/or Master Plan and, if so, set forth:

a. each and every litigation, including, but not limited to:

- (1) the name of the plaintiffs and defendants;
- (2) then docket number of the complaint;
- (3) attach a copy of the complaint.

ANSWER: Other than the present litigation, Urban League of Greater New Brunswick v. Carteret, et als., 142 N.J. Super 11.

b. if interrogatories were served and/or depositions taken and transcribed, attach copies of all answered interrogatories and transcribed depositions.

c. if a trial was held, testimony taken and transcribed and exhibits placed in evidence, attach copies of transcripts of all such testimony and copies of all exhibits;

d. if a decision was rendered, attach a copy of all decisions on motions and judgments;

e. if an appeal was taken, attach copies of appellate briefs and decisions;

f. if action was taken pursuant to or as a result of a court decision and/or order, attach copies of and otherwise fully explain all such actions taken.

85. Are you familiar with the State Development Guide Plan (SDGP) produced by the New Jersey Department of Community Affairs (DCA)?

ANSWER: Yes

86. State the first time the defendant became aware that DCA was preparing a SDGP and set forth the circumstances:

ANSWER: Impossible to answer

87. State whether the defendant has any file, writings, memoranda, notes, letters, graphics, maps, data or other documents relating to the SDGP and, if so, itemize and attach hereto copies of all such information (including, but not limited to, the entire contents of any file relating to the SDGP).

ANSWER: See answer No. 3(d)

88. State whether the defendant, through any of its agencies or Committee, has had any oral communications regarding the SDGP; and, if so, set forth as to each such occurrence:

- a. the name of the agency;
- b. date of meeting during which the SDGP was discussed;
- c. attach copies of the minutes of any such meeting or, if transcribed, copies of the transcript and/or identify all such oral communications.

ANSWER: See answer to No. 3(d).

89. State whether the defendant, through any of its officers, employees, agents, consultants, and/or persons retained, has had any oral communication with any person at DCA, another State office, the Morris County Planning Board, another County office, Tri-State Regional Planning Commission, Regional Plan Association and/or another public entity and/or body regarding the SDGP and, if so, as to each such discussion, set forth:

- a. the name of the people engaging in the discussion;
- b. the date;
- c. what was said and by whom;
- d. if notes were taken, attach copies of same hereto;
- e. identify each such oral communication.

ANSWER:

- (a) the mayor of the Township, representatives of the Town's planning consultant, the Township attorney, Richard Ginman, Dept. of Community Affairs, John Sully, Middlesex County Planning Board on various dates. The nature of the conversation was to discuss the procedures involved in the adoption of the 1980 State Development Guide Plan and the 1981 Proposed Amendments to the Guide Plan and the fact that the proposed changes as shown as change I-2 in the 1981 proposed amendments represented the best thinking of both the Middlesex County Planning Board and the staff of the Dept. of Community Affairs Div. of Planning. What was also discussed was that there was no formal procedure for a formal amendment to the State Development Guide Plan, since, in effect, the 1980 draft of the State Development Guide Plan never had any official status.

90. State when the defendant first received a copy of the 1977 draft SDGP.

ANSWER: Unknown

91. State whether the 1977 draft SDGP was considered by the defendant in the adoption of any resolution, ordinance or Master Plan; and, if so, set forth:

- a. the ordinance, resolution or Master Plan
- b. the nature of the consideration given to the SDGP in each instance;
- c. whether the land use policies and practices of the defendant, from September, 1977, to the present, have been consistent with the SDGP in all respects;
- d. as to any inconsistency, deviation and/or variance from the SDGP, set forth:
 - (1) the specific nature of the inconsistency, deviation and/or variance;
 - (2) set forth each and every fact and/or reason upon which you will rely to support your conclusion; and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: No. Planning program started after 1980 Plan became available.

92. What were the growth designations (i.e. Growth, Limited Growth, Agriculture) for the defendant as found in the 1977 SDGP?

ANSWER: No information

93. State when the defendant first received a copy of the 1980 draft SDGP.

ANSWER: Shortly after its adoption.

94. State whether the 1980 Revised Draft SDGP was considered by the defendant in the adoption of any resolution, ordinance or Master Plan and, if so, set forth:

- a. the ordinance, resolution or Master Plan;
- b. the nature of the consideration given to the SDGP in each instance;
- c. whether the land use policies and practices of the defendant from May, 1980, to the present, have been consistent with the SDGP in all respects;
- d. as to any inconsistency, deviation and/or variance from the SDGP, set forth:
 - (1) the specific nature of the inconsistency, deviation, and/or variance;
 - (2) set forth all facts and/or reasons upon which you will rely to support your conclusion; and, with regard to each such fact and or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER:

95. What were the growth designations (i.e. Growth, Limited Growth, Agriculture) for the defendant as found in the 1980 SDGP?

ANSWER: Limited Growth & Growth

96. Has the defendant ever believed, thought, expressed the opinion or otherwise judged that the growth designations set forth for the Township in either the 1977 or 1980 SDGPs were inadvisable, inappropriate, arbitrary, unreasonable, capricious or otherwise improper; and, if so, set forth with specificity as to each particular aspect of the designations contained in the relevant SDGP:

a. each and every such belief, thought, opinion and/or judgment and, with regard to each, set forth each and every fact and/or reason upon which you relied and/or rely in support thereof; and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

b. identify each and every person who has ever expressed such a thought, belief, opinion and/or judgment, identifying what was said, by whom, when and under what circumstances; and

c. identify and/or attach hereto copies of all documents or other writings relevant thereto.

ANSWER: The Township felt that the failure to include a portion of the Town in an agricultural area was inappropriate and unreasonable and communicated that opinion to the Dept. of Community Affairs and to the Middlesex County Planning Board.

97. Has the defendant considered and/or undertaken any action to promote, support, encourage and/or mandate the use of lands located in the defendant Township for agricultural purposes; and, if so, set forth as to each and every such consideration and/or action:

- a. what specifically was considered and/or undertaken;
- b. by whom and on what date;
- c. attach copies of all written documents, notes, reports, memorandum and minutes of meetings relating thereto;
- d. if action was considered but not undertaken, set forth the reasons therefor.

ANSWER: See A-100 Zone, Article 150-13 through 150-16, Land Development Ordinance. Also on July 28, 1980, the Township adopted a Right to Farm Ordinance copy attached hereto.

98. Has the defendant undertaken any study or evaluation and/or does the defendant know of any study or evaluation of the appropriateness of agricultural uses on lands within the defendant Township and/or the need for the particular agricultural uses for which such lands are presently being put and, if so, set forth:

- a. attach hereto copies of any such study and/or evaluation and identify each;
- b. otherwise describe each such study and/or evaluation.

ANSWER: See Land Use Plan

99. Has the defendant considered and/or undertaken any actions to limit, constrain, deter and/or otherwise discourage residential and/or other forms of development in the defendant Township other than as would appear in approved Master Plans or in adopted land use ordinances; and, if so, set forth as to each and every such consideration and/or action:

a. what specifically was considered and/or undertaken;

b. by whom, on what date;

c. attach copies of all written documents, notes, reports, memorandum and minutes of meetings relating thereto;

d. if action was considered but not undertaken, set forth the reasons therefor.

ANSWER: NO

100. Has the defendant undertaken any study or evaluation and/or does the defendant know of any study or evaluation of the appropriateness, desirability, legality and/or possibility of limiting, constraining, deterring and/or otherwise discouraging residential and/or other forms of development in the defendant Township; and, if so, set forth:

a. attach hereto copies of any such study and/or evaluation and identify each;

b. otherwise describe each such study and/or evaluation.

ANSWER: NO

101. Has the defendant developed, adopted, become knowledgeable of or otherwise have an opinion, belief and/or conclusion with regard to projections and/or estimates, future population growth in the defendant Township; and, if so, set forth:

- a. all such projections and/or estimates;
- b. the defendant's position with regard to the reliability, viability and/or credibility of each;
- c. with regard to each such position, set forth each and every fact and/or reason upon which you will rely to support your conclusion; and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: See Land Use Plan, p. III-19

102. Does the defendant have a position as to whether its future population growth (assuming a full range of housing choices (by cost) were available) would reasonably include a percentage or number of households of persons who are of low and/or moderate incomes and, if so, set forth that position and each and every fact and/or reason upon which you will rely to support your conclusion; and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: In process of being determined.

103. Does the defendant know of any reason why its future population growth will not and/or should not include a percentage of households of low and/or moderate incomes at least equivalent to its present percentage of such households and, if so, set forth each and every fact and/or reason upon which you will rely to support your conclusions; and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: In process of being determined.

104. Set forth and identify the public and/or private water and/or sewer companies which serve lands in the defendant Township and with regard to each:

- a. set forth and identify its service area;
- b. set forth its present and/or projected water and/or sewer capacity;
- c. set forth whether it has increased capacity since 1974 and/or presently anticipates increasing water and/or sewer capacity and give the increases;
- d. set forth whether the defendant has had any interaction with any such company regarding its coverage area, extensions of lines, capacity and/or any other matter; and, if so, identify and provide copies of all documents and oral communications.

ANSWER:(a) (b) Township operates its own water and sewer utility. The service areas of both are roughly the same encompassing the village area to the west of Route 130.

(c) The water utility is presently at or very close to its capacity. The sewer capacity is limited by the terms of an agreement with the Township of South Brunswick which provides sewer transmission services to Cranbury. The water utility has not increased its capacity since

1974. The sewer utility was only constructed in 1977 and 1978.
(d) No.;

105. Is it the defendant's position that there is or should be a relationship between the availability of public water and sewer and the permitted uses of land; and, if so, set forth that position giving each and every fact and/or reason upon which you will rely to support your conclusion; and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER:

Land Use Classifications in the Land Use Plan were determined with that relationship in mind.

106. State whether the defendant Township, through its Township Committee, accepts the credibility, reliability and/or accuracy of all of the facts and/or opinions and/or conclusions expressed in the most recently adopted Master Plan and, if not, set forth:

a. each and every fact, opinion and/or conclusion (with page reference) not accepted; and

b. with regard to each such fact, opinion and/or conclusion, set forth each and every fact and/or reason upon which you will rely to support your conclusions; and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: Yes

107. State whether the defendant Township, through its Planning Board, accepts the credibility, reliability and/or accuracy of all of the facts and/or opinions and/or conclusions expressed in the most recently adopted Master Plan, and, if not, set forth:

a. each and every fact, opinion and/or conclusion (with page reference) not accepted; and

b. with regard to each such fact, opinion and/or conclusion, set forth each and every fact and/or reason upon which you will rely to support your conclusions; and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: Should be addressed to the Township
Planning Board

108. From 1960 to the present, and for each year inclusive, set forth, to the extent data is available) for the defendant Township:

a. residential building permits and/or certificates of occupancy by number and type of use;

ANSWER: Information not readily available.

b. non-residential building permits and/or certificates of occupancy by number, type of use and square footage of each use.

ANSWER:

109. Does the defendant have any knowledge, opinion and/or belief, projections and/or estimates with regard to future employment and/or non-residential growth in the defendant Township and, if so, set forth each such knowledge, opinion, belief, projection and/or estimate giving for each every fact and/or reason upon which you will rely to support your conclusions; and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: See Land Use Plan, p. III-21.

110. Has the defendant ever engaged in any activity of any nature for the direct and/or indirect purpose of encouraging, promoting, attracting or assisting in the development of non-residential uses in the defendant Township; and, if so, set forth each and every such activity and, with regard to each, set forth:

- a. what was done, when and by whom;
- b. what was the result;
- c. attach hereto and identify copies of all documents and oral communications relating thereto.

ANSWER: No

111. Has the defendant and/or any authority which provides water and/or sewer service and whose coverage area includes the defendant Township applied for and/or received any State and/or Federal funds for any purpose whether by direct grant, loan or indirectly through another funding source; and, if so, set forth as to each such grant and/or loan:

- a. the funding source;
- b. the purpose;
- c. identify and attach hereto copies of all applications and/or approvals.

ANSWER: (a) United States Environmental Protection Agency
(b) the construction of a sewer collection system
pumping station and force main;
(c) to be provided.

112. Since 1974, has the defendant, through its Planning Board, adopted a Master Plan and, if so, and as to each such plan:

- a. attach a copy hereto; and
- b. attach a copy of the resolution approving the Plan.

ANSWER: See Township Land Use Plan already provided.

113. Has the defendant ever approved and/or supported, by resolution or otherwise:

- a. a water or sewer service area;
- b. applications and/or proposals for the extension of water and sewer;
- c. if so, set forth each such instance of support and/or approval and, with regard to each, identify and/or attach hereto copies of all relevant resolutions and/or other documents and writings.

ANSWER: No

114. Has the defendant, through any of its agencies or consultants, been engaged in updating its last approved Master Plan; and, if so, set forth when and by whom this has been or is being done and attach hereto copies of all back up studies, drafts or other documents relating thereto.

ANSWER: Land Use Plan was adopted in October 1982.
No updating took place until then.

115. Is it the defendant's position that the defendant has, within its borders, a supply of housing, meeting at least minimal standards for health and safety (however defined by the defendant) which is affordable to persons and/or families of low and/or moderate incomes; and, if so, set forth as to each such unit, development or complex:

- a. its identity (giving name and address);
- b. the number of units;
- c. the number affordable to low income persons and/or families;
- d. the number affordable to moderate income persons and/or families;
- e. each and every fact and/or reason relied upon to support your conclusions above and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: No knowledge.

116. Is it the defendant's position that the defendant has, within its borders, a supply of least cost housing, meeting at least minimal standards for health and safety (however defined by the defendant). If so, set forth as to each such unit, development, or complex:

a. its identity (giving name and address);

b. the number of units; and

c. each and every fact and/or reason relied upon to support your conclusions above and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER: No knowledge

117. At the time of the commencement of this action and/or at any time up to the present, has the defendant, through any agency of government, officially and/or informally adopted, approved, accepted as valid and/or otherwise acknowledged any of the following (if so, set forth and identify all relevant dates, names of agencies, action taken, and attach all relevant documents):

a. a specific fair share number and/or range representing its obligation to provide a realistic housing opportunity for a fair share of its region's present and prospective housing needs for persons and families of low and/or moderate incomes;

b. a "region" for fair share purposes;

c. the regional present and/or prospective housing needs;

d. its indigenous housing needs as reflected by housing in the defendant which is:

(1) dilapidated;

(2) deteriorated;

(3) overcrowded;

(4) needed vacancy;

(5) occupied by low and/or moderate income

persons or families paying greater than 25% of their income for shelter costs; and

e. an allocation methodology and/or formula to allocate the regional need among component municipalities of the region including the defendant.

ANSWER: No - All these are in process of being determined.

118. At present, is the defendant, through any of its agencies, considering, studying, contemplating and/or otherwise evaluating any of the following (if so, set forth and identify all relevant dates, names of agencies, action taken and/or being considered, studied, contemplated or evaluated and attach all relevant documents, including drafts and working papers):

a. updating, amending or otherwise changing the defendant's Master Plan;

b. a specific fair share number and/or range representing its obligation to provide a realistic housing opportunity for a fair share of its region's present and prospective housing needs for persons and families of low and/or moderate incomes;

c. a "region" for fair share purposes;

d. the regional present and/or prospective housing needs;

e. its indigenous housing needs as reflected by housing in the defendant which is:

(1) dilapidated;

(2) deteriorated;

(3) overcrowded;

(4) needed vacancy;

(5) occupied by low and/or moderate income

persons or families paying greater than 25% of their income for shelter costs; and

f. an allocation methodology and/or formula to allocate the regional need among component municipalities of the region including the defendant.

ANSWER: The Township is prepared to comply with its obligations through appropriate means once they are determined.

119. Specify the specific ordinance provisions of any of the defendant's land use related ordinances which the defendant avers provides a realistic opportunity for the provision of housing which is affordable to low and/or moderate income persons and/or families and specify how such provisions relate to the provision of such a realistic opportunity.

ANSWER: Ordinances being reviewed

120. Regardless of whether the defendant has provided a realistic opportunity for its fair share of its region's present and prospective housing needs for persons or families of low and/or moderate incomes have a sufficient number of such units now been constructed and/or approved by relevant local agencies for construction and:

- a. if so, set forth and identify each such unit;
- b. if not, set forth and identify the number and type of such units which have not yet been constructed and/or approved but whose construction and/or approval would (in terms of actual construction or approval as opposed to the provision of a realistic opportunity for same) result in the construction and/or approval of all units necessary for the defendant's fair share.

ANSWER: No information available for a determination of what constitutes a "sufficient number".

121. With regard to each and every separate defense enumerated in the defendants' answer, and separately for each, set forth each and every fact and/or reason upon which you will rely to support your conclusion; and with regard to each such fact and/or reason, supply and identify whatever supporting documentation and/or source, including all documents and oral communications, from which such fact and/or reason was derived.

ANSWER:

FIRST SEPARATE DEFENSE- plaintiff never filed an application for any type of development with any agency of the Township. SECOND SEPARATE DEFENSE-the relief plaintiff seeks is not appropriate since plaintiff is not in the factual context contemplated by the Supreme Court when it expanded the situation under which a builder's remedy could be granted. THIRD SEPARATE DEFENSE-see answers 1 and 2; FOURTH SEPARATE DEFENSE- abandoned; FIFTH SEPARATE DEFENSE-self explanatory.

122. With regard to the Answer filed in this matter, identify each person who participated in its preparation and completion including persons who provided information which was relied upon and indicate as to each, which answers they helped prepare, complete and/or provide information.

ANSWER: Every person identified in these interrogatories as having information concerning the suit.

123. Identify all persons answering or contributing to the answers to these Interrogatories, and set forth the numbers of the Interrogatories as to which each such person answered, or to which they contributed.

ANSWER: See answer to #122

124. Attach a true copy of all documents identified in the answers to these Interrogatories, and indicate the answer as to which each such document relates.

All such documents are attached at the appropriate places.

125. Demand is hereby made for prompt service of any knowledge and/or information which becomes known to the defendant which, if known at the time these interrogatories are answered, would result in a change or amendment to said answers.

CERTIFICATION

I hereby certify that the copies of the reports annexed hereto rendered by proposed expert witnesses are exact copies of the report or reports rendered by them; that the existence of other reports of said experts written or oral, are unknown to me and if such become later known or available, I shall promptly serve them on the propounding party.

I hereby further certify that the copies of the documents annexed hereto as requested in the Interrogatories are exact copies of the entire documents in my possession; and that the existence of other documents are unknown to me; and if such becomes later known or available, I shall promptly serve them on the propounding party.

I certify that the foregoing statements made by me are true, and that if knowledge or information becomes known to me which, if known now, would result in a change or amendment of these answers, that I shall promptly serve such changes or amendments on the propounding party. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

I further certify that I am authorized by the defendant to answer these Interrogatories on its behalf.

Dated: _____

By: *John E. Deary*

Title : HWSP ATTY