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Cranbury

3-13-85

Affidavit of Sadlowski

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ATTORNEYS FOR Amici Curiae

Plaintiff

Urban League of Greater New
Brunswick

v.

Defendant

Borough of Carteret, et al.

:
: SUPERIOR COURT OF
: NEW JERSEY
:
: CHANCERY DIVISION
: MIDDLESEX AND OCEAN COUNTY
:
: Docket No. C-4122-73
:
: CIVIL ACTION
:
: AFFIDAVIT OF THOMAS
: SADLOWSKI
:

THOMAS SADLOWSKI, of full age, being duly sworn, deposes and says:

1. By order of this court dated January 4, 1985, I was permitted to appear as amicus curiae in this matter along with the Cranbury Historical and Preservation Society, Cranbury Landmarks Inc., and Thomas Sadlowski.

2. I was a member of the Middlesex County Cultural and Heritage Commission for eight years, and Chairman for three years. For six years I have been a recorded County, State and National Preservationist.

3. The significance of the Cranbury Historic District is acknowledged by its having been placed in the State Register of Historic Places in 1979 and in the National Register of Historic Places in 1980.

4. Settlement of Cranbury dates back to the eighteenth century, with the nucleus of the Village established about 1737 by the erection of the Cranberry Mills by Thomas Grubbs. The mill was twice destroyed and rebuilt, the last fire occurred in 1860. The site of the mill is on the west side of Main Street, south of Cranbury Brook, within the firehouse property and Memorial Park. Of major importance historically and aesthetically, is Brainard Lake, a man-made pond formed by damming the west end at Main Street. This is quite clearly the mill pond which supplied water power to the mill described above. As well as being an aesthetic asset, it is a major historical and archeological feature, much like the "Village Green" might be in a Colonial New England town.

5. Another important element in Cranbury's development was its location on the main stage coach line. By the 1830's the Village contained a church, an academy, a grist mill, two tanneries, three taverns, two stores and from sixty to eighty dwellings.

6. The Village grew, slowly but steadily, as a town center to service the surrounding farm country for many miles in all directions. The social and economic support of the Village had its origins in farming, which support continues in large measure even to today. While most farms were traditionally very self-sufficient, nevertheless other services were necessary and were provided by the Village Center. The surrounding larger rural community was dependent upon the services provided by the Village and the Village was dependent upon the economic support of the surrounding farm owners.

7. By 1840, the Village was principally built on a single street and contained two Presbyterian churches, two academies, 73 dwellings and about 600 inhabitants.

8. Today there are some 218 major buildings in the Cranbury Historic District. Less than twenty percent of these structures were built after the 1930's. Twenty-one houses were constructed around the beginning of the nineteenth century, eighty-seven in the mid-nineteenth century, twenty-one in the late-nineteenth century, and forty-nine in the early twentieth century. The major period of construction in Cranbury was from 1840 to the 1880's.

9. The "Statement of Significance" for the Cranbury Historic District which was accepted by the U.S. Department of the Interior summarizes Cranbury's historic significance as follows:

Cranbury is the best preserved 19th century village in Middlesex County. Its collection of fine frame buildings ranging from the late 18th century to the early 20th century project an excellent portrayal of the 19th century.

While there are many small 19th century cross-road villages or small mill towns in New Jersey, few are in such an undisturbed environment as that of Cranbury.

Most of the buildings in Cranbury can be portrayed as vernacular Greek Revival or Victorian although many exhibit features which appear to have been influenced, if not directed, by the masters, Federal, Greek Revival, Italianate, and Queen Anne styles and details are all in evidence throughout the town - albeit sometimes in awkward dimensions.

Rather than just reflecting the quality of an architect/builder, however, Cranbury embodies the hopes and aspirations of the nation in the mid-19th century. Optimism, faith, and reasoned growth are part of what Cranbury represented and continues to represent.

It is this assemblage of buildings - historically and architecturally - which makes Cranbury an attractive entity unique from any other contemporary villages. It is this identity which sets Cranbury aside from its nearby surroundings of look-alike suburbs and modern commercial developments creating a significant historical village.

10. The Middlesex County Inventory of Historic, Cultural, and Architectural Resources, prepared between 1977 and 1979, describes the historic and architectural

significance of several 18th and 19th century farm complexes along Cranbury Neck Road that are "essential to understanding the historical development of the agricultural region." The inventory goes on to state that "This stretch of agricultural land is one of the best reminders of how the mid-19th-century rural landscape appeared in the area of Plainsboro and Cranbury and is an essential adjunct to understanding the village districts in the two communities."

11. When considering the contextural requirements of the Historic District, the existing setting of the Village becomes most important. Most of the surrounding farmland in the Township retains not only much of its historic appearance but also its traditional use: farming. The Village Center contained within the Historic District is certainly significant in and of itself; however, when placed within the historical and physical context of the rural setting of its surrounding environment, its historical roots, development and nature become visually self evident.

12. The significance of Cranbury's National Register Historic District is inextricably tied to its agricultural setting. The town was built to serve the surrounding farm community and its significance is directly related to that farmland. The sharp edges that remain between farmland and Village are very important to the appreciation of both resources. The views of many historic buildings along Main Street are greatly enhanced by the backdrop of farmland.

13. Chief Justice Charles O'Niell, Supreme Court of Louisiana, stated in a landmark decision that the purpose of the New Orleans historic preservation ordinance "...is not only to preserve the old buildings themselves, but to preserve the antiquity of the whole French and Spanish quarter, the tout ensemble, so to speak..." City of New Orleans v. Pergament, 5 So. 2d 129 (1941). The "tout ensemble" concept has since been applied to numerous communities across the country. The "tout ensemble" of Cranbury clearly includes the rural, agricultural character of the township.

14. The National Trust for Historic Preservation has long recognized the connection between the protection of historic sites and the land associated with them. As explained in a fact sheet describing the organization's Rural Program, established in 1979,

Historic buildings, structures and settlements, and their functional and harmonious relationship with their surroundings evolved over the decades and are an essential part of the rural environment and of our nation's history... Immediate action is needed to preserve rural historic resources and their unique, integral relationship to the countryside as

a whole. This cannot be done without protecting open space resources such as farmland, forests and wetlands, or without close attention to historical, cultural, scenic, economic and social factors in a rural community.

15. Development which is not carefully controlled and planned could pose a severe threat to Cranbury's Historic District:

- A. Loss of historic agricultural setting: The Village's historic setting is farmland. Although some expansion has taken place beyond the Historic District, the Village is still compact. There are many views from the historic village to the surrounding farmland. Increased development could close off these remaining views. The town was built to serve the surrounding farm community and its significance is directly related to that farmland. The sharp edges that remain between farmland and village are very important to the appreciation of both resources. The views of many historic buildings along Main Street are greatly enhanced by the backdrop of farmland.
- B. Deterioration due to increased traffic: The National Register nomination for Cranbury states that "The major visual impact of the Cranbury District, however, is its overall ambiance. Although differences in styles and details are common from building to building, the scale and massing of the structures are uniform providing aesthetic streetscapes throughout the Village." The trees along the streets are an integral part of these streetscapes and the setback of the buildings was planned for streets of the current width. The scale of the Village would be destroyed by any road widenings and tree cuttings that might be necessitated by increased traffic. Furthermore, increased traffic in the Village would result in loss of the small town ambiance that is part and parcel of a historic village. Increased traffic could also result in vibrations that can cause damage to other buildings.
- C. Inappropriate changes to historic business district: As stated in the significance section of the National Register nomination, "Main Street in Cranbury has functioned as the commercial center of the Village from the 19th century." Indeed, it is still the commercial center of the entire township. Cranbury's residents rely on the Village for a variety

of services including banks, a barbershop, the post office, the school, and retail stores including drug, hardware and convenience stores. The threats from increased development to Cranbury's historic commercial center are twofold: Excessive new retail business development outside the Village would result in the decline of the Village's businesses. On the other hand, excessive residential development without accompanying retail store construction could result in great pressure on existing downtown businesses to expand to the point where historic commercial buildings are replaced by larger new structures or expanded and altered to the point that they lose their significance. Parking could also become a problem.

16. In his letter of October 26, 1984 to me, Thomas F. King, Director, Office of Cultural Resource Preservation, Advisory Council on Historic Preservation, summarizes the concerns of that federal agency, which is charged with reviewing federal undertakings affecting National Register properties, about development in Cranbury which is not carefully planned with the goal of historic preservation in mind. He stated the following concerns that could occur without such careful planning:

- * The Village could be cut off and isolated from its historical associations with the surrounding pastoral farmland;
- * The massive influx of population into the vicinity of the Village could either transform the downtown, as new businesses sprang up there to serve the needs of new residents, or diminish its economic viability as new competitive retail centers developed on the outskirts of the community.
- * Transportation patterns could be altered, resulting in immediate traffic impacts to the District and generating the need, in the long run, for highway improvements that would further alter the District's character.

The cumulative effect of these impacts could be the effective destruction of the Village's setting, character and significance.

17. If activities and development of properties adjacent or visually connected to the Historic District are not properly controlled, non-compatible development can destroy the visual and historical context and setting of the Historic District. If substantial development were permitted in these

sensitive areas, particularly on the west side of the Historic District, access to this development would most likely have to be routed through the Historic District, creating difficulties of increased traffic, parking, etc, as previously noted. Higher-density uses in these sensitive areas would exert economic pressures upon the Historic District by either requiring the development of other commercial centers immediately nearby, siphoning off much needed economic support, or would exert pressure to "improve" and expand the existing uses within the Historic District. Either, or both of these, possibilities could have disastrous direct adverse effect upon the integrity of the Historic District.

18. A very important positive impact for Historic Preservation would be adoption of the Agricultural Zone proposed for all of the existing farmland west of the Historic District. This agricultural use would in effect be an extension of the Historic District from its present boundaries and encompassing the traditional and historical rural agricultural areas, which form the basis of the creation of the Village Center, now the Historic District. The cementing of the existing Historic District to its agricultural roots would strengthen and reinforce the nineteenth century heritage of the area by preserving the context of the Historic District in an appropriate nineteenth century setting, at least for the westerly portion of the Township, constituting the bulk of the undeveloped, still actively farmed land.

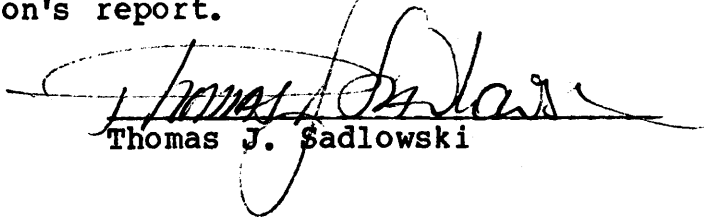
19. All lands south and east of the Historic District but west of Route 130 should be considered as adjacent and visually connected to the Historic District, and therefore under similar controls as the Historic District.

20. All development which is non-compatible with the Historic District and the agricultural district, including but not limited to such uses as high-density residential uses should be located east of Route 130. From a Historical Preservation perspective, high-density development should be excluded from areas west of Route 130.

21. In the light of the unique historic significance of Cranbury's Historic District, it would be contrary to the goal of historic preservation to grant a developer's remedy on land located west of Route 130. I recognize that sound comprehensive land use planning involves a look at many factors in addition to historic preservation. Nevertheless, unless it can be determined that there are no appropriate sites for high-density development within Cranbury east of Route 130 which can be built consistent with sound planning principles, a developer's remedy on land west of Route 130 would be clearly contrary to sound land use planning.

22. Higher density uses east of Route 130 may be feasible without jeopardizing historical preservation goals. Nevertheless, in a community with the unique historical significance that Cranbury has, it would be clearly contrary to sound land use planning and the goals of historical preservation to award a developer's remedy for property east of Route 130 without receiving and reviewing the master's report on traffic, design, density, phasing, and other planning standards that should be a condition of a developer's remedy so as to avoid negative impact upon the Historic District.

23. On March 12, 1985 Phillip Caton, the court appointed Master informed my counsel that his Master's report would be filed with the court within two weeks. Caton has met with amici, has been informed of the historical preservation concerns, and indicated that he would consider them in his report. In view of this and the momentous consequences to the historical preservation of Cranbury by a decision on developer's remedies, I urge this court to postpone any decision until all parties and the court have had the opportunity to review Caton's report.



Thomas J. Sadlowski

Sworn to and Subscribed to Before
Me this 13th day of March, 1985



ANNETTE E. PIRGIOTIS
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires July 2, 1988