

~~HI v. Laurel~~ Cranbury
Toll Bros. v. Cranbury

1/18

1984

- letter from Mayor of Cranbury to attorney re: Toll Brothers
and Cranbury compliance w/ Mt. Laurel

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THE TOWNSHIP OF CRANBURY

OLD CRANBURY SCHOOL
23-A NORTH MAIN STREET
MIDDLESEX COUNTY
CRANBURY, NEW JERSEY 08512

609-395-0544

FTB-1
Ed. Lind
G.M.

ML000014L

January 18, 1984

Guliet D. Hirsch, Esq.
Brener, Wallack & Hill
2-4 Chambers Street
Princeton, NJ 08540

Re: Toll Brothers, Inc.

Dear Mr. Hirsch:

Thank you for your letter of January 6, 1984. It has been the subject of much discussion among the members of the Township Committee.

As you may know, the Township of Cranbury has only recently adopted the land use element of its Master Plan and the Township Committee adopted a whole new zoning ordinance implementing the Master Plan less than six months ago. Contrary to the opinion expressed in your letter, it is the opinion of the Township Committee and also of our professional advisors that the zoning ordinance as adopted satisfies the Township's responsibility under Mount Laurel II.

The Township Committee is most conscious of its obligations to provide an adequate opportunity for the construction of low and moderate income housing in the Township and it is our feeling that the present zoning

ordinance provides the opportunity for the construction of several hundred such units. The proposed location of this moderate income housing is designed to optimize the efficient use of the Township's infrastructure, particularly with regard to its sewer and water systems.

From the point of view of your client unfortunately, this means the low and moderate income housing is located in an area of the Township substantially removed from your client's property.

As you may also be aware, the Township is a party defendant in the existing litigation entitled Urban League of Greater New Brunswick v. Township of Cranbury, et als. This case is scheduled to commence trial on March 19, 1984 before Judge Eugene Serpentelli and the issues of compliance with Mount Laurel II will be specifically addressed. This case has been consolidated for trial with six other separate law suits, which challenge for various reasons the existing Township Zoning Ordinance. Several of the plaintiffs in those suits also desire to construct high density housing at various locations throughout the Township. Some of the plaintiffs are requesting densities higher than those requested by your client, and others requested lower densities. If all of the land which is subject to the litigation were to be zoned at the densities requested by your client, this would result in the construction of more than 20,000 additional units of housing within the Township, all on a high density basis. This number should be compared with the existing housing stock in the Township of approximately 750 units.

It should also be pointed out that the existing zoning ordinance and Master Plan were adopted over a two year period in which numerous public hearings were held, all of which required a great deal of publicity. During this entire time period, no input was requested to be made by your client, nor was any input received from your client. You now give us thirty days within which to adopt a substantial and radical amendment to the concept of the land use element of the Master Plan. Such a time table is not even statutorily permissible, since the holding of the public hearings would require more time than you have demanded.

It is of note that your tax abatement section would, in effect, require the existing 750 housing units in the Township to subsidize the construction of 940 housing units by your client of which another 750 would supposedly be occupied by persons in the middle income or higher category.

For all of the above reasons, the Township Committee must reject your request for revision of the land use element of the Master Plan and of the Zoning Ordinance. It is unreasonable to request the Township to make major revisions to its existing Zoning Ordinance when there is a substantial possibility that Judge Serpentelli may require inconsistent revisions in the existing litigation.

Very truly yours,



ALAN A. DANSER

Mayor

AAD:Dak

cc: Township Committee
Township Planner
Township Attorney