

ML - UL v. Cranbury

26-Mar-84

- Depositions upon oral examinations of Thomas A. March

pgs. 155

ML000453G

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION MIDDLESEX COUNTY
DOCKET NOS* C-4122-73,
L-054117-83, 1,-055956-83 P.W.
L-59643-83, 1,-058046-83 P.W.
L-079309-83 P,W,, L~070841~83
L-005652-84

URBAN LEAGUE OF GREATER NEW)	DEPOSITIONS UPON
BRUNSWICK,)	
)	ORAK EXAMINATION
Plaintiff,)	
<V0~)	OF
TOWNSHIP COMITTEE OF THE TOWN-)	
SHIP OF CRANBURY, etc*, et al,)	THOMAS A* MARCH
)	
Defendants*)	
- - - - -)	

TRANSCRIPT OF DEPOSITIONS, taken by and before
RICHARD C. GUINTA, Notary Public & Certified Shorthand
Reporter of the State of New Jersey, at the offices of
MESSRS, HUFF, MORAN & BALINT, Cranbury-South River
Road, Cranhury, New Jersey, on Monday, March 26, 1984,
commencing at 10:25 a,m<<

A P P E A R A N C E S :

JOHN PAYNE, ESQUIRE,
Attorneys for the Plaintiff Urban League

COMPUTERIZED TRANSCRIPT BYi

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I N D E X T O W I F N B S B

WITNESS	D I R E C T	C R O S S	R E D I R E C T
THOMAS A, MARCH			
By Mr • Warren	1	-	13t
By Mr * Bisgaiei•	*m	56	
By Mr * Payne	-	68	-
By Mr « Moran	-	75	
By Mr t Herbert	-	81	-



I H D E X T O E X H I B I T

EXHIBIT		I D E N T
W-1S.	Plate 3, Land Use Plan	il
Pl-li	Land Use Plan	03
PI-17	Draft Land Use Plan	93



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THOMAS MARCH, Sworn,

MR. MORAN: Before we commence with the examination of Mr, March, I think it would be appropriate just for me to state the purpose for which we intend to call him as a witness at the time of trial and request that the questions be limited to that area,

Mr, March was a former employee of Raymond, Parish* Pine & Weiner who were the planning consultants to the Township of Cranbury and was their representative of the township during the preparation of the master plan and the zoning ordinance.

It is the town's intention to call him as a witness at the time of trial on those questions that pertain to site specific zoning and also for historical information as needed concerning the processes involved in the preparation of the master plan and the zoning ordinance,

It is not our intention to call

1
2 him as a witness on Mount Laurel issues,
3 except in the very limited historical
4 sense, and it is not our intention to
5 call him as a witness on the question of
6 transfer of development credits, again
7 except in the sense that he can provide
8 historical background concerning the
9 processes that went into effect,
10 including those provisions in the zoning
11 ordinance*

12 MR* BISGAIERS Can I ask you,
13 Bill, a couple of questions on that?

14 MR» MORAHs Sure,

15 MR_t BISGAIERS We have not
16 received expert reports from almost
17 anybody, so this is the first I^fm
18 learning as to the limitation as to Mr,
19 March's testimony.

20 Who is going to be your witness
21 who will be prepared to defend the
22 municipality's land use map and zoning
23 ordinance with regard to providing
24 realistic housing opportunities under
25 Mount Laurel II?

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2 MR, MORANS George Raymond, I
3 provided you with copies of reports from
4 George Raymond*

5 MR, BISGAIERS Yes,

6 MR, MORAN* He is going to be
7 available for depositions tomorrow
8 morning.

9 Since nobody sent an actual notice
10 to take depositions out in this matter,
11 I guess there's no specific order. So
12 whatever you gentlemen prefer in terms
13 of order of examination is all right,

14 MR, WARRENi Let's do it in the
15 order the court contemplates for the
16 trial,

17 MR, BISGAIERT I have a few more
18 questions before we go any further.

19 When you say Mr, March's testimony
20 is going to be restricted to site
21 specific relief, am I to understand he
22 will be the only witness you will have
23 who will deal with the issues relating
24 to the specific sites that plaintiffs
25 have in terms of the reasonableness of

1
2 those sites for the relief being
3 requested by the plaintiffs?

4 MR, MORAN* It was really our
5 intention that Mr, March would be, as a
6 witness on site specific zoning on the
7 cases that did not involve Mount Laurel
8 issues, such as the Cranbury Developroent
9 Company case, BFI case, and in the Mount
10 Laurel cases, only to the extent of
11 providing historical information as to
12 how a specific piece of property came to
13 be zoned for a specific thing,

14 MR. BISGAIERT Maybe we could
15 really cut this short, then* I wasn't
16 under this impression at all* So let me
17 run down some issues and see if this is
18 the witness who is going to be called
19 upon.

20 If we have a disagreement as to my
21 client's proposal, as to whether it's a
22 reasonable proposal for the builder's
23 remedy in Cranbury, as to the uses that
24 we contemplate on that land, is there
25 any testimony that we can expect from

1
2 Mr. March in that regard?

3 MB, MORANS Not really, no,

4 MR* BISGAIER: And issues of fair
5 share, region, transfer of development
6 credits, and you've already indicated on
7 the issue of whether the ordinance
8 provides a realistic housing
9 opportunity! Mr. March will not be
10 testifying*

11 MR, MORANS That's correct,

12 MR. BISGAIER; I'm glad you didn't
13 start before I got here* Maybe we can
14 go off the record for a second,

15 (Discussion off the record,)

16 (After discussion*)

17
18 DIRECT EXAMINATION BY MR, WARREN*

19 Q* Mr* March, my name is William L, Warren,
20 I'm a member of the firm of Warren* Goldberg, Berman
21 & IiUbitz, and I represent the Plaintiff, Garfield and
22 Company in this consolidated Mount Laurel II
23 litigation. Have you ever had occasion to be deposed
24 before?

25 A. No* I have not.

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2 Q* i*m probably repeating in part what
3 you've already been told by Bill Moran, but it's
4 important, so bear with me,

5 This is an informal proceeding! nonetheless
6 you are under oath and being under oath you
7 understand you're obligated to answer fully,
8 truthfully, accurately! whatever questions are put to
9 you* You understand that*

10 A* Me, Moran has pointed out to roe what the
11 procedure is for this type of a meeting*

12 Q* The other point I want to make is that
13 if Mr. Moran should object to any of my questions,
14 please, don^ft answer the question until he has had an
15 opportunity to put his objection on the record and
16 consult with you with respect to the question*

17 A* Mr* Moran has informed me of that,

18 Q* Finally, although this appears to be an
19 oral proceeding, I¹!! be asking questions, you'll be
20 answering them, everything taken down and the
21 Reporter won*t take down a nod or shake of the head*
22 So you^fre going to have to respond to whatever
23 questions that I pose audibly, so that it can be
24 taken down by the Reporter* Do you understand that?

25 A* Certainly*

1
2 Q. Finally, I'm going to assume when I ask
3 a question, if you answer the question, that you
4 understood the question and that there wasn't any
5 ambiguity and that you answered to the best of your
6 ability*

7 If you do not understand a question or if you
8 think it's ambiguous, please, don't answer it, stop,
9 explain to me or to Mr* Moran that you don't
10 understand the question, what your problem is, and
11 we'll try to rephrase it so that you understand the
12 question and can answer it. All right?

13 A. Fine*

14 Q. Would you please for the record state
15 your name and your business address,

16 A« Yes, My name is Thomas A* March, and I
17 am presently employed in part by Raymond, Parish,
18 Pine & Weiner, 621 Alexander Road, Princeton, New
19 Jersey, zip code 08540.

20 Q_t What is your residence, please?

21 A* My residence is 109 K One Mile Road,
22 Cranbury, New Jersey.

23 Q_t You said you were employed in part by
24 the Raymond firm.

25 A* That is correct.

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Q_t By who are you employed?

A, I ai the corporate real estate manager
for Wang Laboratories! 301 Route 17 North,
Rutherford, New Jersey, 07070,

Q» To which employer do you generally
devote most of your time?

A, At this time, it is to Wang
Laboratories,

Q« How long have you been ~~ what was the
position?

A, Corporate real estate manager*

Q, How long have you been the corporate
real estate manager at Wang Laboratories?

A_f I have been there since January 15,
1934,

Q# Prior to being the corporate real estate
manager at Wang Laboratories, what position did you
hold?

A. I was a senior associate with the firm
of Raymond, Parish, Pine and Weiner*

Q. For what period of time?

A» Approximately five years#

Q# Just to speed things up, would you give
me a summary of the salient academic credentials you

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have?

A, Yes. I have three degrees, one in environmental design* I have another one, Bachelor of Science in sociology, both from Texas A & M University* I have a masters in science and planning from Pratt Institute,

I am also a licensed professional planner in the State of Hew Jersey, I'm a registered architect in the State of Hew Jersey, and I am a member of the American Institute of Planners, and am a fully accredited member of that organization*

Q. Bid you have all of these licenses and were you a member of all these professional organizations, since 1932?

A* I had all my planning licenses prior to 1982» My architectural registration was Issued approximately early 19S3»

Q» Do you work for anyone other than the Raymond firm or the Wang Corporation?

A» No, I do not»

Q# You don't have a private practice on the side?

A, Mo, I do not*

Q» How long had you been with the Raymond

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firm*?

A. Approximately five years, and I think if you calculate backwards, that's approximately 1978, in May*

Q» Would you name some of your rounicipal clients?

A, It would be Flainsboro, Cranbury, West Windsor, on occasion East Windsor, Wildwood Crest, West Milford Township, to name a few*

Q* Wert you working for Plainsboro, Cranfoury and West Windsor at approximately the same time?

A, Yes, I was*

Q. There came a time when you began working for Cranbury?

A, Yes, there was. I'm not sure of that date.

Q. Did you work with the Cranbury Planning Board in order to develop a master plan?

A, Yes, I did*

qt Over what period of time?

A, I believe the total time process was approximately a year and a half, two years*

Q. Did anybody else from the Raymond_r

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Parish firm work with Cranbury on that project?

A. Yes* George Raymond,

G* Who who was primarily responsible for that project?

A, It was a partnership between George Raymond and myself*

Q. Who put in most of the time?

A» I would say I put in the most time.

Q* Did you generally attend most of the meetings?

A, Yes,

Q* As opposed to George Raymond*

A* Yes_f that's correct.

Q. Did you also work with the Cranbury Planning Board to develop a zoning ordinance?

A. Yes_f I did.

Q. During what period of time did you work with them to develop that ordinance?

A, I would say approximately a year.

G# Could you give me the timeframe?

A, Do you have the date of adoption?

MR, MORANS Off the record,

(Discussion off the record*)

(After discussion.)

1 March - Direct by Mr. warren 14

2 At Zoning really began in approximately May
3 1082.

4 Q, When did the master plan get adopted, if
5 you recall?

6 A. September 9, 1932*

7 Q» That was prior to the Mount Laurel II
8 decision?

9 A# Yes, it was*

10 Q# Was the zoning ordinance developed to
11 conform with the master plan?

12 A* Yes, it was*

13 Q# Could you list for me_f to the best of
14 your ability_f all of the incentives which were
15 included in the zoning ordinance to encourage low and
16 moderate income housing? If it will help you we can
17 provide you with a copy of the zoning ordinance*
18 There¹s one#

19 A* Well, the first incentive would be an
20 increase in density from two acres, in which you
21 would be permitted to go up to_f for the planned
22 development high density zone, under Article 9 of the
23 zoning, you'd be permitted to go up to four dwelling
24 units per acre*

25 Q« That was designed to encourage low and

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moderate income housing?

A. Yes, it was* Also if you take a look at 150-30 (11), there is a paragraph there which sets forth an additional article for the encouragement of low and moderate income housing* Shall I read it for the record?

Q, You don't have to, Are you referring to the single unit density bonus?

A» Yes, I am*

Q« The increase in density to which you previously referred from two acres, one unit to two acres to four units per acre, does that relate in any way to the construction of low and moderate income housing?

A» I'll tell you^ I have to read this and refresh my memory* if you have the time#

Q, Okay*

A# "Applicants may receive a density bonus increase for providing low and moderate-income housing equal to one additional dwelling unit per acre above the maximum otherwise permitted in the PD-HD District* provided that in any development where the gross density exceeds four dwelling units per acre, at least fifteen percent of all units shall

1 consist of low- and moderate-income housing. Where
2 low and moderate income housing is provided,
3 applicants shall construct such housing in phases
4 proportional to the construction phasing of the
5 entire development project.*

6
7 Q« A developer could put four units to the
8 acre in the PD-HD zone without putting any low and
9 moderate income housing in that zone* is that
10 correct?

11 A, Yes, that would be correct..*

12 Q, You were going to tell me what other
13 incentives were included in the zoning ordinance to
14 encourage low and moderate income housing,

15 A» Well, the other things that were put in
16 here, mind you that this is prior to the Mount Laurel
17 II Agreement, when this was put together, was that
18 you were offered a variety of housing types for net
19 densities, which were above that of the gross
20 density,

21 These were planned and put in there as the
22 means of providing a mix of housing which would be
23 conducive to low- and moderate-income housing. These
24 are specifically set forth in here, under 150-30,
25 conditional uses, B(4) under the net densities, which

sets forth the different densities per housing type.

Q» Let^fs look at that net density providing for a moment.

A« Certainly*

Q« Before we do that, just a couple of other questions with respect to the PD-HD zone* Given the requirements for various set-asides, streets, sidewalks, open space, that would be required for a planned unit development in the PD-HD zone, approximately how much land in terms of percentage would be left for development after these set-aside requirements were met?

A« Again, this is found in the ordinance. There's specific percentage put in here, for the open space# and then the remainder of that would be devoted towards the housing, If I may take a moment I can find that for you* I have found it, on page Roman 9 dash 3-10, common open space* Not less than 30 percent of the total development shall be in common open space, which shall be provided in accordance with the requirements of Article Roman 16.

Q, Thirty percent of the land --

A* Thirty percent of the land ~

Q. Has to remain open space*

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March - Direct by Mr, Warren

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A. That's correct.

Q. Either passive or active recreational use*

A, That's right.

Q« Can't be built on for dwelling,

A, That's correct,

Q* What other percent of the land would you anticipate would have to be set aside for other municipal features, such as roads?

A, Well, that really isn't determined. Generally when you have a planned development, your developer will come forward with a variety of proposals, some involving dedicating of roads to the municipalities, sometimes they are kept within the homeowners association. Really never have the specific numbers until you have the proposals.

Generally what has been done in this particular zone is that for any given piece of land you know that 70 percent of it will be developed for housing, supporting activities, roads, parking, playgrounds -- excuse me, omit playgrounds, Perhaps other kinds of uses, even from storage of vehicles, et cetera,

Q, Are you telling me that within the 30

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2 percent set-aside for active and passive recreational
3 use that is denominated as open spacer Y^{ou} could put
4 roads? Or would you have to add some more set-asides
5 to take care of your roads and your sidewalks?

6 A* Well, generally speaking* or
7 specifically speaking, let's look at it* It's
8 defined on Page 2-3 as an open space area within or
9 related to a site designated as development that is
10 available for the use of all residents or occupant
11 thereof, Common open space may contain such
12 complementary structures and improvements as are
13 necessary and appropriate for the use and enjoyment
14 of residents, occupants and owners of the
15 development*

16 What this would indicate to me is that it may
17 very well mean that you may have a road which would
18 connect some kind of recreation, maybe picnic area,
19 vista or some kind of public amenity*

20 Q. What about, normally in the planned unit
21 development you need roads to connect with your
22 feeder roads*

23 A* In any kind of development, those roads
24 would be contained within the 70 percent of the land
25 that is used --

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2 Q. That's what I'm getting at» That would
3 be within the 70 percent, not within the 30 percent,

4 A, That^fs correct*

5 Q« So you'd have to take a proportion of
6 the 70 percent that you wouldn't be able to build
7 dwelling houses on either, because you have to
8 dedicate that to roads, sidewalks, whatever,

9 A* That is correct,

10 Q, What would your general estimate be with
11 respect to what percentage of that 70 percent would
12 have to be dedicated to non-dwelling uses?

13 A« Typically when you get any kind of
14 development project, and you have to understand it
15 would really vary according to the kinds of units*
16 for example, condominiums versus town houses versus
17 two-family dwellings, but on a typical project of
18 high density use such as has been proposed here in
19 Cranbury, you anticipate that 50 percent of that 70
20 percent of development land would be used up for
21 structures? footprints of buildings^

22 You would anticipate that then the remainder
23 would be used for parking, circulation, pedestrian as
24 well as vehicular! spaces between buildings and
25 things of that nature*

1 March - Direct by Mr, Warren 21
2 Q, What I'm trying to get at_f and maybe I'm
3 not doing it very successfully, to figure out what
4 your general net acreage would be? If you had 100
5 acres in this zone, we've already established that
6 when you prepare your plans for the planned unit
7 development, only 70 acres are going to be used for
8 dwelling units because 30 per cent is going to be
9 open space*

10 A* That^fs correct.

11 G« Now, how much of those 70 acres, what
12 percentage would you expect would be used for roads
13 and sidewalks, and again would not be counted for
14 necessary density?

15 A* Well# first of all, you have your
16 hundred acres of land, you're obviously going to have
17 70 acres of land which are developed on#. For planned
18 developments, in my experience, one doesn't really
19 have a number that bounces out quite easily for the
20 calculation of the percent of roads*

21 Generally the numbers that are used in
22 planning and development is how much of that land,
23 either 70 percent of the total acreage or as in the
24 case which you cite, the hundred acres, that 70 acres
25 would be used for development and on that you would

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anticipate that 50 percent of it would be used for footings for buildings.

As a percent, the number you ask for is just not generally used*

Q* I¹a trying to get, when I go in for my net density, I have to say the net density is going to be such, I have to calculate how much land X have* my gross land, less all the set-asides to reach my net density_t, is that correct?

A* To achieve the densities, it*s really a very simple affair* You have your gross density, you have your hundred acres, multiply that by whatever land you have, and come up with a number* That number then falls into that 70 percent of the land, which we talked about, and from there you do your layout,

Q« 70 percent less, X wouldn't divide 70 acres into the gross number of units* I'd -- it would be less than 70 acres, wouldn't it? Because some of those 70 acres would go for other things*

A* Really, I've said before, when you take a development, what you do is you take the number of units that are to be developed, look at the net land, the biggest thing is not the roads, the biggest thing

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March - Direct by Mr* warren

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is the amount of space that's consumed for the structures themselves, and from there you go backwards. The figure that you ask for is one that's not commonly used in planning or development terminology.

MR* BISGAIERS Off the record a second.

(Discussion off the record.)

(After discussion*)

Q* I'd like to know essentially what land you would consider in calculating your net density calculation* and if you can, what percentage of the gross land you would expect that to be in this zone*

At Sure* I'll tell you the way it has been set up in the zoning* it's pretty straightforward and simple*

You would have your total piece and you would just immediately knock away 30 percent of that and use that for open space, which we've already gone over and understand*

You then take the total number of units that are available to you* as part of your gross density calculation* and you would then assign that number to fall within your net* remaining 70 percent of that

1 parcel of land that you do have#

2 From then forward, what you do is simply take
3 the kinds of units that you wish to provide, be it
4 townhouse, condominiums, multi-family or whatever
5 else you, the developer, may come up with, and you do
6 your plan.
7

8 Within that net density calculation, which
9 you're going to get, you have basically, I would say,
10 two major considerations and a minor consideration*

11 Two major considerations for land planning
12 purposes is the footprint of the building which we've
13 discussed, which is the 50 percent, roughly, of net
14 land; the remaining area which also takes up a good
15 part of your site would be the parking, and then the
16 final, and in terms of percentages, the least amount
17 would be the roads used for circulation, getting in
18 and out of your parking areas*

19 Now, those would be the things that would be
20 part of your so-called net density that you're
21 looking for»

22 Q, When you say they would be part of the
23 net density, can you be a little more specific?

24 Would that reduce the acreage that you divide into
25 the gross to get your net density?

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2 A« Iiet*s look at the definitions here which
3 are on page Roman two dash four, total number of
4 dwelling units per acre computed by dividing the
5 total number of dwelling units proposed to be built
6 by the gross area after deducting all areas
7 designated as common open space, and all collector
3 streets*

9 Q* We^fve already established that the
10 common open space is 30 percent,

11 A* That's correct.

12 Q» So all I^fm trying to get from you is if
13 you can give me a ballpark estimate of what
14 percentage the collector streets would be expected to
15 be,

16 A« For a planned development* just off the
17 top of my bead* I would think if you have five
18 percent, you'd be lucky,

19 Q# So I -

20 A, That»s awful high.

21 Q* So we're talking about somewhere in the
22 area of 65 percent of the gross land would be your
23 net developable land,

24 A, That would be approximately correct*

25 Q« Could you list for me all of the cost

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correct?

A# Yes, I have. Ho, that's really not correct* I'll take it back, that is correct.

Qf If you were advising Cranbury today on developing a zoning ordinance under the Mount Laurel II guidelinesi would the zoning ordinance be different from what was created?

A. I think I'll defer that to George Raymond*

Q, Are you familiar with a pamphlet published by the Department of Community Affairs known as Affordable Housing?

A. No, I'm not. When did they publish this?

Q« I don't see a date on it, but it's Thomas Kean, governor.

A. I notice on the front, Tri-State Regional Planning Commission. They may have gone out of business in the last three years.

G. I note here George Raymond of Raymond, Parish was one of the contributors,

A. That's very possible.

Q. I thought you might be familiar with that.

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2 A* I personally am not* I didn't have
3 anything to do with the putting together of that
4 document.

5 Q* Going back to your net density
6 limitations in the the zoning ordinance, I just want
7 to make sure I understand how it works* If you take
8 this calculator and just see if you can follow me, if
9 my reasoning is right. Let's assume you have 220
10 acres*

11 A# Can we make it 100 acres just to keep it
12 easy?

13 MR* MORAN? If you calculate it on
14 100 and multiple by 2*2*

15 Q# All right, fine* As I understand it
16 your net land would be approximately 65 acres*

17 A. Approximately 65 acres* fine*

18 Q* Assume a gross density of five units per
19 acre, which is, I believe* the highest possible
20 density which can be achieved in the PD-HD zone, is
21 that correct?

22 A. That's correct*

23 Q* You would end up with what number?

24 A* 325*

25 Q, Assume that you're going to be building

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two family units.

A, Okay* You obviously have gone through this exercise_f you know that according to the PD-HD zone that¹s not permitted*

Q. You^fd end up with a gross density of how many unit? 3*25?

(Discussion off the record.)

(After discussion*)

A. If this calculator works correctly --

Q* I misspoke* Gross density would be 500 units*

A, All right. 500 dwelling units*

Q* And that would be divided by --

A, 65.

G. 60*

A, Ho, 65. I'm looking at approximately 7*7 dwelling unit per acre*

Q* Which would be impermissible under the statute*

A. I believe so.

Q* Are you familiar with any standards --

MR. MORAN: Can you repeat the last question and answer?

Q* Which would be impermissible under the

1 statute*

2
3 MR. MORANS Under the
4 ordinance, you mean.

5 Q# Yes,

6 A. The uses are impermissible, the
7 densities that you set forth are impermissible*

8 Q« Not the five units per acre* but the net
9 density.

10 A, Five units per acre are permissible.
11 The unit mixes you propose are not permissible*

12 Q» Are you familiar with any standards for
13 the optimum density range for various types of
14 housing?

15 A_t There are so many standards out, ULI,
16 Tri-State, AIF, Urban I*and Institute, Department of
17 Community Affairs,

18 Q« What's the Department of Community
19 Affairs, if you know* optimum range for two-family
20 duplexes, zero lot line,

21 A* I don't have that in front of me* What
22 is it? There's so many standards --

23 Q# I show you page 27 from the Affordable
24 Housing handbook,

25 A# So according to the page 27 which you

1 just handed me, the two family duplex with a zero lot
2 line* they have six to 20 units, optimum density
3 range per gross acre* What do they define as a gross
4 acre?
5

6 Q* There's not a specific definition of
7 gross acre, but I think gross acre speaks for itself*
8 That's why I was trying to convert your net figures
9 into gross acreage*

10 A* Well, I¹© at a loss how to take this*
11 I'm not sure of their definition and then to plug it
12 back in*

13 Q. I think we've established that your net
14 density figures would be 65 percent of the gross?

15 A* Of all land that's available for
16 development*

17 Q_t Yes* That would be 65 percent*

18 A* You would be looking at approximately 65
19 percent*

20 Q* Can you tell me how these relate to the
21 net density figure that you have in the ordinance?
22 Can you convert those net density figures into gross
23 density, given 65 percent factor?

24 A* Sixty-five percent factor of what? What
25 are you trying to do with these numbers?

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Q* These are gross density numbers,

A* Tell me what your goal is*

Q* I'm trying to compare this with what you have in the zoning ordinance_f which is a net density number*

K* Well, I'm not sure what you're trying to achieve with these numbers that you've handed me* It would seem in looking at them that these units are extremely high densities* What part of New Jersey that you recommend these densities be planned for?

Q* This is the only page that discusses it* You can see as easily as I*

A* I'll tell you, in my experience, particularly in Manhattan and Newark, some of these densities would be appropriate, as you get to mid-rise. And as you get into garden apartment,

If you take a look at construction that really takes place in middle New Jersey, southern New Jersey and some parts of northern New Jersey, also given the densities that are part of the latest water run off commission here, whose name just escapes me for the moment, you will find that if you try to lay these kinds of numbers out, you'll find it's very high, very difficult to do.

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Q* You think that these optimum recommended densities would be high for Cranbury*

A, Absolutely! unequivocally*

Q# If you^fd look at the zoning ordinance again* I think you^lll see that there's a provision at 150-30 BC6)* that the most impervious coverage --

A* Right* okay*

Q. Possible would be 40 percent* Is that correct?

A* That is correct*

Are you of a view that the health and safety of the resident of Cranbury would be adversely affected in a significant way if you had a figure higher than 40 percent for impervious coverage?

A* Yes* I would. The reason being you take a look at Cranbury Township and the surrounding communities! if you take a look at the traditional impervious coverages there* once you go beyond the standard set forth here, you are really talking about taking the lot* you're talking about covering it with macadam* coming back with very high density housing* or a combination of housing* parking and other things you needt

The reason the 40 per figure is set forth in

1 here is so you can provide some of the traditional
2 things that we have fought for a long time in
3 housing, which is light, air and enjoyment of
4 property. This goes back to the crusades of the
5 1900s in New York City.
6

7 Q» Doesn't the 30 percent set-aside take
8 care that have?

9 A# The 30 percent set-aside does in part
10 take care of this# The impervious coverage figure is
11 put in here to further be sure that you just do not
12 have a random covering of areas which otherwise could
13 be green and still fit into the models that have been
14 developed for the net and gross densities that are
15 part of the ordinance*

16 Q# You think 40 percent would be
17 appropriate for an office zone in Cranbury?

18 A* Well, I'd have to look up and see what
19 the office zone would be* So let's do that*

20 Qm Take a look at 150-33 B (8),

21 A» Okay, fine* When you take a look at the
22 office zone, what really happens is that the kind of
23 construction that you have there, 50 percent is a
24 reasonable number which would be covered by
25 impervious coverage after a typical FAR and the kind

1 of construction when you're dealing with office is
2 more* well* is generally speaking* a larger unified
3 structure_f whereas when you get into residential
4 construction, what really happens is the structures
5 are smaller* scattered* not a very large building_f
6 That^fs why you end up with the difference in
7 impervious coverages*

8 Q₉ You don^ft think it would be appropriate
9 in order to reduce costs so as to encourage and
10 permit low- and moderate-income housing to raise that
11 impervious coverage by five or ten percent?
12

13 A, Well, what cost savings are you making?
14 My method is less costly. You¹re suggesting I should
15 have more blacktop? Blacktop costs approximately \$2
16 a square foot,

17 Q, What about the height restriction of 35
18 feet? Did you feel there would be a problem with_f
19 for **example**# the Cranbury Fire Department dealing
20 with fires in structures higher than 35 feet?

21 h* The 35 foot structure really has to do
22 more with the norms and values of Cranbury Township
23 and the surrounding communities than they have to do
24 with the fire fighting capacity of Cranbury Township*

25 Generally you can accommodate the very high

1 densities that have been proposed in the zoning
2 ordinance without going to a high-rise structure,

3 Q# Doesn't the office research zone provide
4 for 40 foot, 40 foot height professional office
5 buildings?
6

7 A. I don't understand the difference that
8 you're trying to draw between the two,

9 Q# You're just concerned with the height of
10 buildings in the PD-HD zone*

11 A* Well, I can go over ray response again.
12 The 35 foot figure that's really part of the PD-HD
13 zone is part of the norms and values of residential
14 construction for Cranbury Township, as well as the
15 surrounding communities. They are not related to
16 fire*

17 Q, If raising the heught restriction would
18 reduce costs and there by encouraging low* and
19 moderate-income housing, would you think it would be
20 appropriate to raise the height restriction, so as to
21 permit, say, a three-story building as opposed to a
22 two story building?

23 A* If it would reduce costs, that might be
24 a consideration*

25 Q* What about the energy requirements of

150-76?

A_f ires* energy standards* How can I help you with this?

Q* Do you believe that those would increase the cost of construction of units in the PD-HD zone?

A* Well, they are designed here to save money for those who would be living in the PD-HD zone, so that the housing would be more affordable to them.

Q, Would they increase construction costs?

A. Point me out a specific item where you think the construction cost might be increased*

Q. I¹@ just asking in your view, would the energy standards increase construct costs?

A, Well, the standards that have been proposed here really come from New Jersey, and I believe it's the Department of Community Affairs, or Department of Energy, whoever it is, and essentially we took them and we put them into the standards so that they would almost be of a voluntary nature when it comes to high density housing which we were talking about*

So whether or not they would increase the construction cost would be something that the

1
2 developer of the higher density housing and the low-
3 and moderate-income housing would have to take into
4 consideration when he's trying to do his financial
5 pro forma.

6 I could be wrong, if you want to give me a
7 minute to go through here and see if there's a
8 specific item in here that does increase the cost of
9 construction.

10 Q. Take a look.

11 A, I've reviewed the energy standards and
12 in my opinion, as far as low- and moderate-income
13 housing is concerned, specifically really targeted
14 towards the PD-HD zone, none of the standards in here
15 will increase the cost of construction*

16 Qi By the way, what zone did the Planning
17 Board designate as the appropriate area for low- and
18 moderate-income housing?

19 A, That's the PD-HD zone*

20 Q» Are you presently retained by the
21 Planning Board?

22 A. Hf firm is under contract with the
23 Planning Board*

24 Q» Do you know presently what area in
25 Cranbury the Planning Board deems to be the

1 appropriate area for low and moderate? {

2
3 A, It^fs the PD-HD zone, which is set forth
4 in the land use plan*

5 Q_t Can you tell me basically some of the
6 reasons that went into the Planning Board's decision
7 to designate that as the appropriate zone for low and
8 moderate income housing?

9 A» Sure* This really relates back to the
10 master plan, and then it evolves down to the details
11 of why does one place a particular house in a
12 particular zone in a particular lot,

13 Essentially the township took in its Master
14 Plan and tried to divide up where the many uses would
15 be appropriate! the one use being the very high
16 density residential and the other end of the spectrum
17 obviously being residential* What we did is took a
18 regional view of what was occurring within the
19 township and around its borders, we took a look at
20 the plans of the Middlesex County Planning Eoard_f, the
21 State Development Guide, which is intimately involved
22 in the Mount Laurel suit, and we then fashioned a
23 very broad model as to where all uses ought to
24 follow.

25 Essentially, if one takes a look at the

1 regional models and has determined that all growth
2 ought to fall from Cranbury Village towards the east,
3 meaning towards the Turnpike, and that all growth
4 would or should be planned for this area*

5
6 We then took a look at our requirement for
7 housing and we asked ourselves where would low- and
8 moderate-income housing and where would high density
9 housing be most appropriate? There were many factors
10 that went into our conversation.

11 One of the things which from purely a physical
12 development point of view was very important was the
13 availability of sewer_t

14 If you take a look at the existing sewer lines
15 and sewer capacities and the sewer plans within the
16 township as set forth in the Master Plan, you will
17 find that the area chosen for high density housing
18 within Cranbury Township is indeed the best and most
19 likely place to have any kind of high density
20 residential development, reasons being several*

21 One, it falls within the natural ridge line so
22 that all sewers would be gravity fed*

23 number two, there's a deadend main stem trunk
24 line to the sewer plant which stops at approximately,
25 I think it's Scott Avenue, but it's right near Route

130 and Brainerd Lake*

But that was the reason that most of the growth within the township was planned for that particular area on a physical basis*

The other thing, if you take a look at the County Master Plan* they also call out for that particular spot as being one where high density development ought to go, and the other things, proximity to the village area, trying to concentrate the residential growth, and other similar planning rationale that went into the location, high density zoning in that particular area.

Q_t In your experience, is it likely that high density zoning in an agricultural area could, over long term, co-exist with agricultural uses for the land?

A« As specifically targeted for what area?

Q* Say the A-100 zone*

A, No, it could not*

Q* Why is that?

A, What Invariably happens when you get residential next to agricultural, through time, the people who are in the agricultural business find it more difficult to carry on that business*

1
2 Even though they are in farming, they have
3 some things that are part of farming which are just
4 nuisance value to residential areas* They go,
5 include everything from spraying of crops to 24-hour
6 operations, to fertilization, and other kinds of
7 things,

8 These are not just my personal findings, these
9 are really the thought of planning as evidenced by
10 various studies that do come out* It's very
11 difficult to have any residential, particularly high
12 residential living next to any agricultural area.

13 Q# Good planning would call for segregation
14 of especially high density residences and
15 agricultural uses?

16 A, You would really try to phase that in,

17 Q* Do you recall what the density
18 requirement is in the A-100 zone at the moment?

19 A. Well, as I recall, it's one unit per six
20 acres? I ask that as a question*

21 Q, That's correct,

22 A. Okay, thank you*

23 Q, Would you anticipate significant
24 residential development given that density*

25 A* Significant? Does that mean an

1 absorption of ten units per year?

2 Q. What would you expect to see in the
3 A-100 zone given that density restrictions?

4 A# Well_f, as I recall last year, given the
5 one acre zoning* they were approximately absorbing 13
6 homes per year* so if you tack about one unit per
7 acres_f, perhaps you get maybe, one_f two unit per year*
8 something of that order of magnitude*
9

10 Q. X believe the zoning ordinance also has
11 what is known as a transfer development provision in
12 it»

13 A, That's correct*

14 Q# At the time that that provision was
15 discussed and proposed, was there any discussion of
16 applying it to land other than in the PD-HD and the
17 PD-MD zones? For example, land in the office
18 research or industrial zone?

19 A* There may have been, but I just don*t
20 recall specific topics at this time*

21 Q* Do you believe that it would be
22 inappropriate for any reason to have designated
23 office research zone or the light impact industrial
24 or other industrial zones as receiving areas?

25 A* Well, all of these thing, you're on the

1 avant garde of planning in the first place*

2
3 Traditionally what planners have been doing, not only
4 in Hew Jersey but nationwide, they have been focusing
5 on just the transferring of residential density,

6 Now, to add to this the idea of transferring
7 it, having the acreage involved with a transference
8 of non-residential land uses, I'm not sure it's
9 something that may be tried in the future#

10 Q« Isn't the purpose of the transfer to
11 preserve agricultural land?

12 A, Yes*

13 Q* Presumably it wouldn't matter how you
14 preserved it, whether designating office research
15 zone as a receiving area or residential zone, is that
16 correct?

17 At Well, except the part that you asked for
18 has really never been tried. You asked for something
19 for which the waters have not been tested yet,

20 Q# was there any discussion at the Planning
21 Board as to what the cost per TDC unit was likely to
22 be?

23 A* There were several preliminary
24 discussions as to what the costs would be. The
25 difficulty that one gets into is that these are

1
2 speculative at best* although I understand there's
3 been some additional studies subsequent to my
4 involvement with the project*

5 Essentially in order to get a cost and to find
6 out how much anything costs you have to have a track
7 record of conveyance back and forth.

8 We're in here with a new program, transfer of
9 development credits, and as a result there is nothing
10 that one can specifically point to and says that it
11 will cost that much

12 Q, During the process of developing the
13 Master Plan and the zoning ordinance, did you, or as
14 far as you know, did anyone undertake any studies to
15 try to determine what the cost of a transfer
16 development credit might be?

17 A* Yes# if I may refer to the land use plan
18 here.

19 A, For Cranbury Township, the land use
20 plan, Eoman 11-27, the title is the market value of
21 land for agricultural development in Cranbury, and I
22 shall read:

23 *To anticipate the effect on land values of
24 the implementation of any land use program it is
25 necessary to determine the general level of market

1 values of land within the affected area.

2 "As part of a broad survey of agricultural
3 land values* the Middlesex-Somerset-Mercer study
4 Council, MSM_f reviewed seven land transactions in
5 Cranbury Township which occurred during the period
6 between 1977 and 1980, See table 1I-6# The recorded
7 land sales included only parcels of six acres or
8 more*
9

10 "Their findings showed that the average price
11 of agricultural land ranged between \$2*083 per acre
12 from large tracts_f \$7*500 for tracts under ten acres,
13 These values reflect the permitted uses and the
14 current market for such uses, location* availability
15 of water and sewer facilities, suitability for
16 on-site sewage disposal, access, the land's
17 agricultural productivity and the value of farmland
18 as a tax shelter. An important finding of this study
19 is that the price of land may also be inversely
20 related to size of parcels*
21

22 "According to informed builders and developers
23 in the area the value of land in Cranbury for fee
24 simple town houses and condominium developments would
25 range between \$5,600 and \$3,000 per unit* These
values are tentative at best since they are affected

1
2 by fluctuations in interest rates, locational
3 differences, availability of services and changes in
4 the market for the particular product*¹¹

5 Q# Having read that, can you tell me
6 whether it was estimated what the cost of a transfer
7 of development credit would be?

8 A* We have to go back to the process* Oh,
9 I have a better idea* I think I shall refer to this
10 George Raymond, the reason being he has commissioned
11 a study on this specific thing, which you can then
12 ask him about*

13 Q* Was that study done at the time or is
14 that a more recent study?

15 A* It's a more recent study, What I have
16 just quoted you is the part that went into the
17 foundations of our latest*

18 Q# I just wanted to see if you could
19 confirm the testimony of the mayor and head of the
20 Planning Board, who stated, the discussions of the
21 Planning Board centered on a feeling that the cost
22 per unit would be between, I think they said 7500 and
23 \$10,000, and I'm just trying to historically see if
24 you recall whether there was a consensus of the
25 Planning Board that that would probably be the range

of development credit costs*

&t That would be the rang@*

Q« I believe In the Master Plan, at 11-44, there's a reference to the fact that Plainsboro Township was currently considering tht feasability of using a transit? of development credit plan#

A. Yes, that's right.

Cb Can you tell me whether Plainsboro adopted such a plan?

h* I really don't know,

Q* You were not working for Plainsboro at the time?

A, Yes, I was working for Plainsboro at that time* I can tell you up to the date in January* ht that time they developed a similar program, in concept, at least, and what they were doing, they were trying to_f as best X understand, recommendation, It reallyt from the township attorney_f they were trying to divide tht implementation into two phases, and to the best of my knowledge, back in November, December, I think they were trying to go forward, they enacted the bade densities for the transfer of development credits and then what they were going to do, as in whatever manner they were going to put forward* then

1
2 come back and they were going to put on the transfer
3 options as part of the conditional uses on top of
4 that*

5 Whether they have done that at this point in
6 time* I'm just not sure# Maybe they have, I just
7 don^ft know*

3 Q, Also you referred to Chesterfield*

9 A* Yes,. Chesterfield*

10 Q* Looking at the figures there, it looks
11 to me like in Chesterfield, approximately one acre of
12 agricultural land would support two housing units, is
13 that correct?

14 A. 1,042 units, preliminary *- that's
15 correct, yes*

16 Q# What was the figure in Cranbury?

17 A» For what?

13 Q. How many acres of farmland would it take
19 to support one unit in a residential zone?

20 A. How many acres of farmland? You're
21 looking at in Cranbury Township two acres of farmland
22 producing one transfer of development credit, which
23 would then be transferred into the PD-HD zone in
24 Cranbury Township*

25 Q. Essentially you'd need four times as

1 much land in Cranbury to support a residential unit
2 under the Cranbury plan as you would have needed in
3 Chesterfield*
4

5 A» That's correct,

6 Q, Do you know whether the Chesterfield
7 plan was a success?

8 A* I have again lost track of that, I knew
9 the township had preliminary plans, for which they
10 received approvals. Whether they are in
11 construction, I'm not certain*

12 Q» You refer in the Master Plan to the
13 South Brunswick transfer of development plan# You
14 indicated that was a failure,

15 A_f If that's what I said, that's what I
16 said* What are my precise words?

17 Q* 11-43, third paragraph down,

18 A* Oh* Complete failure* "South Brunswick
19 proposal failed in part because of its unfamiliarity,
20 but most likely because some of the proposed features
21 of the recommended TDR system made it unacceptable to
22 both the land owner and the municipality* These
23 include", and it goes on from there*

24 There are two parts of the South Brunswick
25 system that really created difficulty. In one

1
2 restricted to agricultural uses?

3 A. No one from -- I did not have any
4 conversations with any bank about whether or not any
5 land offered as security would be affected by
6 anything,

7 Q* How does the zoning ordinance provide
8 that a transfer of development credit shall be
9 created?

10 A, Well, essentially what you do is that
11 you go out into the agricultural area, you will find
12 yourself a parcel of land? you will go in there with
13 a hypothetical subdivision of one unit per two acres
14 of land, and then from there you will generate a lot
15 count*

16 Q# Well, let's say I have 100 acres of land
17 in the agricultural zone* Will I get 50 credits?

18 A* You may or may not, depending on your
19 location. When you set out your hypothetical lot
20 count, what you have to do is you have to be sure
21 that each lot is reasonably developable as set forth
22 in the zoning ordinance.

23 If that hundred acres of land that you had
24 were under water most of the time, or other
25 conditions in there that would make it unable to have

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Q, so if any ~

A, So the answer to your question is no*

Q* If my land_f if I'm a farmer, my land doesn't perc, do I get a development credit?

A* If you're a landowner and if your land does not perc, the answer is no*

Q_t If I have 100 acres, doesn't 25 percent of that have to be set aside for open space?

A. Nothing in these ordinances that say that*

Q_t 150-16 A (11) provides that the lot layout must be in accordance with subdivision design criteria contained in article 16.

A. Let's go back to article 16 •

Q_# All right* Let's look at 16-25* That's the page number* Optional phase one preliminary approval for planned developments*

Q. Take a look at 17* You're looking at 17,

A* Oh, I'm sorry. Development plans where common open space is provided* Common space is not provided, so the rest of this is really not applicable*

Q* So where the ordinance refers back to

1
2 article 16, your understanding is that the 25 percent
3 open space set-aside in article 16 would not be
4 applied to determine -•

5 A« It would not be applied* And it says
6 so, really, if you take a look at it* The way it
7 works, as really set forth under 150-16, you do your
8 hypothetical lot layout and you use, in accordance
9 with the subdivision design criteria, and none of
10 that subdivision design criteria has anything that
11 mandates an open space set-aside*

12 What it does in there, it contains things that
13 are traditional to subdivision, such as lot lines,
14 bearings, road widths, things of that nature,

15 The way it was put in here, it is in fact
16 common practice in many municipalities for clustering
17 provisions and it's something that we find that most
18 of our engineers who we work with are quite familiar
19 with and it's just a means of determining a lot count
20 if you have, where you have land, where there's an
21 option to cluster, if that's the desire on the part
22 of the developer. Use the transfer of development
23 mechanism*

24 It's really quite a system once you get used
25 to it* Many of the engineers who lay them out are

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used to it*

Q* I was unclear if the 25 percent set-aside would apply*

A* No* The first sentence, page 16_f clarifies that*

MR. WARRENS Ho further questions*

CROSS EXAMINATION BY MR* BISGAIERs

Q# You referred to an absorption rate in the A-100 zone. Do you recall that?

A* Yes*

Q* I got a little confused as to your two answers* You indicated in a certain period of time there were 13 transactions in the zone?

A* Well, let me go back* As X understood the question at that time, as X assume will be reflected in the record, the question was, what was the rate of development that one would anticipate in the agricultural zone*

Right now, ongoing# the rate of absorption of development in this town for, at least the last year and the year before that was roughly 13 dwelling units per year* Those are one acre lots* So the

1 question is, if you have one unit per six acres, what
2 would the rate of absorption then be* Just taking a
3 hypothetical guess, I would say one or two homes per
4 year in that area*

5
6 Q« So your professional estimate would be,
7 given the existence of the A«*100 zone with its
8 present controls, one can anticipate one to two units
9 per year being developed in that zone in Cranbury_f is
10 that correct?

11 A, That seems reasonable, yes.

12 Q» Do you have any knowledge as to whether
13 there's been any development in the A~100 zone since
14 the zone was created and effectuated through the
15 zoning ordinance? What I mean by development is the
16 actual, an application for the construction of a unit
17 on a parcel of land in that zone,

18 A* Under the one unit per six acre?

19 Q. Yes*

20 A* I'll only aware of one application for
21 four units, which was in the vicinity of Petty Road.

22 I am not sure of the status of that* Just an
23 application in my last go through*

24 Q, What is an absorption rate?

25 A, If you have development, you have to

1 know, if you're in the construction business_f
2 development business, you have to know how many units
3 you may expect to sell per year in Cranbury Township?
4 they are selling 13 homes per year in the traditional
5 single family, one acre zoning lots*

6 Q_t That*s the rate of actual absorption*

7 A, Eight*

8 Q, Do you have a professional estimate as
9 to the potential absorption? If one chose to develop
10 the A~10Q acre zone, do you have a professional
11 opinion as to what the potential and absorption rate
12 would be?
13

14 A* In my opinion* one to two units per
15 year, for the agricultural zone,

16 Q» There was a difference in the Master
17 Plan and the zoning ordinance as to the number of
18 acres that would be permitted per development in the
19 A-100 zone. The master plan recommendation was 25
20 acre lots per unity and the zoning ordinance was for
21 six acre lots per unit, is that correct?

22 A, I don*t think it is* What¹® the page
23 reference?

24 Q* I don*t recall.

25 A» I don*t think it is. I believe what

1
2 you¹¹ find is that there is a range suggested, and I
3 believe that the range* the language could have been
4 one per six up to one per 25* I think that may have
5 been what you read,

6 MR* HERBERT* Off the record a
7 second*

8 (Discussion off the record,)

9 (After discussion*)

10 A, To the best of my knowledge! the number
11 you asked for is a range within this book* I could
12 find that out and come back to you with the answer*

13 MR. HERBERT? I'd like him to find
14 it*

15 MR* WARRENT Do you have a
16 reference?

17 Q* No*

18 A« Oht here you go. Page III-9,
19 Recommended Preservation Techniques* "Recommended
20 preservation of farmlands be attempted through the
21 use of transfer of development credits, TDC
22 technique, combined with an increase in minimum lot
23 area requirement in the preservation area to from six
24 to 15 acres*"

25 so it's set forth as a range in there* Which

1 March - Cross by C# Bisgaier

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-63

2 is then finalized in the zoning ordinance that you
3 have,

4 Q, That was finalized at six to the acre,
5 is that correct?

6 A« That's correct.

7 Q# Can you tell us why?

8 A* Well, I think there are many reasons,
9 but I believe the one primary reason is that the
10 State of New Jersey recognizes six acres as being the
11 minimum bottom line point in farmland assessment, and
12 in planning circles, if we wish to go with larger
13 acreage, what is the minimum size that you need to
14 have a farm unit?

15 In planning circles, one talks about 25 to 30
16 acres, et cetera, but the state really has six acres*
17 Since the State of New Jersey has deemed six acres is
18 what you need for farmland assessment, we followed
19 suit in that,

20 O, Is it your personal opinion that
21 farmland in Cranbury could be maintained in its
22 current level of productivity for the purposes as
23 it's presently being cultivated, if in fact there was
24 development in the A-100 zone on any substantial
25 scale of six acre lots?

1 A« If ~ substantial* Well* I've got one
2 unit per year* Set forth your question for roe
3 numerically*
4

5 Q# All right* one unit a year* I take it
6 you assume you^fd be able to maintain the farmland --

7 A, Be able to maintain farmland. You^lre
8 really developing an adequate buffer to separate the
9 home_f really* from the adjoining farmland,

10 Q_e why is that?

11 &• Pure size*

12 Q< So it would be your testimony that the
13 five acre buffer that would be created around the one
14 acre that's used for the home would be an adequate
15 buffer to preserve the other agricultural utilization
16 of land in Cranbury?

17 A» My testimony really would be that if one
18 chose to buy a home on six acres of land, surrounded
19 by farmland* then they are really opting to buy a
20 home located in an agricultural area, and that
21 combined with the additional size of the lot would be
22 adequate enough to provide a safety measure between
23 the farming activity and the residential activity.

24 Q, If there were substantial development,
25 like several subdivisions of several hundred units in

1
2 Cranbury at the six acre lot sizes, you would expect
3 farming as we presently know it in Cranbury would
4 cease to exist*

5 A, If you give me 200 units at six acres,
6 you know, that's too much,

7 Q, If we had a couple of hundred units
8 developed in **the** 100 zone, that would have a pretty
9 significant impact in the preservation of
10 agricultural lands in Cranbury, is that correct?

11 A» You'd have smaller farms*

12 GU If you wanted to preserve farming as an
13 agricultural pursuit in Cranbury as it presently
14 exists* why do you not just have the A-1GQ zone with
15 the only permitted use in it being agricultural?

16 At It¹* something that we_f we being
17 planners, would probably enjoy doing*

18 Q* Why don't you do it?

19 A# We've been told by attorneys that what
20 you need to do is to have some residential elements
21 in there. Based on the fact if you take a look at
22 Cranbury and the surrounding towns, you take a look
23 at their patterns of development and they just don^st
24 have the straight agricultural zoning; instead, they
25 have the very* very low density which is meant to be

1
2 conducive to agricultural and compatible with
3 residential* Maybe if I were in another town or
4 another state, without the surrounding patterns that
5 make up part of Cranbury* we could then go in and say
6 agricultural ought to be the exclusive use*

7 Q, I still don't understand why it's not*
8 What have the attorneys told you that change your
9 mind?

10 MR* MOEAHi that may represent
11 advice received that is a privileged
12 I communication, I will direct the
13 witness not to answer the question.

14 Qv was your understanding of any legal
15 constraint that may exist to prevent you as a planner
16 from recommending that the sole permitted use in the
17 area be agricultural? The &-100 zone area?

13 A, Well, if you zone something, it has to
19 be reasonable* Reasonableness test is determined in
20 part by what the surrounding communities are* If you
21 take a look at the surrounding communities, they have
22 agricultural preservation, they use one unit per
23 three acres in South Brunswick, one unit per six
24 acres in Plainsboro# one per two acres in East
25 Brunswick* Monroe, I think it's one unit per two

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acres*

It would therefore be reasonable if Cranbury goes forward with its agricultural program, that it would assign a base density of approximately one unit per six acres of land in their agricultural zone*

Q» You can't think of any other reason than what you^sve given as to justify permitting other uses in the agricultural zone?

A* You want me to justify having other uses in the agricultural zone?

Q* Yes* I'm asking why it wasn't the exclusive use in the zone?

A_t I've given you the reason for the residential* The other obvious use is agricultural, Are you asking ~ I don't understand your question, perhaps.

Are you asking me why there is, for example, not a residential use in the zone?

Q* No, I'm asking you why you didn't just zone it 15, 20 acre farms?

A. I gave my answer, I think that's sufficient,

Q, i understand your answer being because adjoining communities don't do that#

1
2 A# Absolutely, Pattern you can point to*
3 The question is always, is it reasonable?

4 Q, why did you impose a transfer of
5 development credit scheme there? Why not leave it at
6 six acre lots without transfer of development
7 credits?

8 A. Well, the idea of the transfer of
9 development credits was really to take and maintain
10 the large agricultural production in Cranbury
11 Township through time, and if you take a look at
12 zoning, zoning goes through a process, re-evaluation
13 every six years, there are other pressures brought to
14 bear, and as far as this township making a positive
15 contribution toward agriculture, exploring all the
16 techniques that are available to us, it was
17 determined that the transfer of development credit
18 would be the best thing available in order to
19 preserve agriculture*

20 Q* That would preserve it, the hope would
21 be you would not end up with six acre parcels but end
22 up with large scale farming as it presently exists by
23 using the transfer of development credit scheme?

24 A* That^f6 correct*

25 Q» Do you recall whether there was

1 something specific that you and Cranbury had in mind
2 that it wanted to preserve agricultural, or just
3 agriculture for its own sake?
4

5 A* The town has a long history, it's a farm
6 community* and the town wishes to maintain part of
7 that heritage*

8 Q« So from the municipal point of view it
9 was a prospective of maintaining its heritage, that
10 indicated a desire to create the A-1QQ zone?

11 A, And also its economic base* Agriculture
12 was a business here in Cranbury, just as if you had a
13 car plant or tire plant, it's part of the economy of
14 this township*

15 Q# Providing revenue*

16 A. Provides revenue for the township,
17 provides a livelihood and living, there are people
18 over there who not only own the land and farm it but
19 also people who live in suburban-type setting who
20 happen to rent farmland and they cultivate that for a
21 living*

22 Take a look at some of the other things in
23 this township, grain elevators, agriculture is part
24 of Cranbury Township. You would protect it just as
25 if you were an industrial town trying to protect your

1 economic base and jobs and part of what you're doing.

2 Q_f Can you think of any other reason why
3 the municipality specifically wanted to maintain
4 agricultural uses?
5

6 A* You've got the heritage* the economy,
7 you've got the desire to have a, determine the role
8 of Cranbury Township on the part of the Planning
9 Board and the township for its future use*

10 Q# Are there any specific farming pursuits
11 the municipality thought it necessary to maintain or
12 desirable to maintain?

13 A, Well, really -

14 Q* What I'm getting at* was it farming per
15 se that the municipality wanted to maintain this area
16 as a farming community or was it specific types of
17 farming?

18 Was there something specific about Cranbury,
19 lands in Cranbury, the type of agriculture, the type
20 of cultivation that occurs here that is deemed, from
21 a national or regional or county point of view,
22 specifically important to maintain from ~- for any
23 reason other than the heritage, desire to generate
24 some local revenue?

25 A* Well, farming as an industry in Cranbury

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March - Cross by C, Bisgaier

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Township, it really varies according to the cycles of supply and demand. At this particular point, in the last couple of years, potatoes, for example, have been extremely productive for the farmers and their economy*

I assume if tomorrow the demand went to spinach, you'd have spinach in there* This is not a little hobby shop kind of agricultural township, this is a real honest to goodness farming community*

MR* BLSGAIERT I don't have any other questions*

CROSS EXAMINATION BY MR. PAYNEi

Q. Mr* March, the TDC scheme requires a hypothetical subdivision process in order to calculate the number of credits*

A, That's right*

Q* In your opinion, is that an essential element in the hypothetical process, the TDR scheme?

A* Essential?

Q* Yes*

A* It was one of several options that was

1 available to us*

2 Q# What are other options?

3 h% You could just assign a flat number
4 instead of a hypothetical lot layout* You could say,
5 of all the land here, every acre is worth X amount of
6 credit. That*s another option that comes to mind
7 quickly.
8

9 The other thing you could do* go in and say
10 that the land is assessed at a certain amount per
11 acre? you could# for example? take that land and you
12 could say, well, each of those assessments is worth
13 so much credit*

14 If you think about it* there are other things
15 you can come up with*

16 Q» Is the hypothetical subdivision
17 technique that you opted for in this system a typical
18 feature of transfer of development credit schemes, to
19 your knowledge?

20 A* I would say that it is a feature that is
21 currently really more typical of cluster development
22 than it is of transfer of development credit*. As you
23 take a look at transfer of development credit
24 options, most of them have been on a much larger
25 scale, such as the county, and at those particular

1
2 times they would seem to going for the broader
3 definition of what an acre of land is and translating
4 that into a credit*

5 Q, Using a flat number?

6 A_f Yes,

7 Q« Let me make sure that I understood your
8 testimony before* Was it your understanding when you
9 and the Planning Board were discussing the T#D#C»
10 scheme that you felt that the cost for a unit would
11 be in the range of 7500 to \$10,000?

12 A, That's correct*

13 Q# You testified to the reasons why the
14 PD-HD zone, as it's located on the Master Plan and
15 the zoning map, was the most suitable location for
16 high density residential use*

17 A« Yes, that¹® correct*

18 Q« Could that zone be expanded to include
19 additional land, consistent with those
20 considerations?

21 A* Well* anything is technically possible*
22 Once you expand beyond, the zone as really set forth
23 in the land use plan, you will incur additional cost,
24 reason being that the lands and the parcels are
25 neatly framed by ridge lines which are natural

1 geographic features in the land.

2
3 Once you go beyond there, you will find that
4 sewer will cost you more money and you will find that
5 it becomes more expensive,

6 Q» Principally the ridge lines that govern
7 the location of the zone?

8 A* That is correct*

9 Q# Which way to the ridge lines run?

10 A# East-west, with a flow going naturally
11 towards the west*

12 Q, Do the boundaries conform to those ridge
13 lines?

14 A« They generally do_r yes*

15 Q# On the land use plan_f you show an
16 extension of Old Trenton Road.

17 h_m Yes_f that*s correct,

18 Q, That, X presume that's in one of the
19 other elements in the plan* it^fs not discussed in the
20 land use plan* Could you explain what the thinking
21 is behind that?

22 MR, HERBERT* Off the record a
23 second*

24 (Discussion off the record.)

25 (After discussion,)

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Q, I'll rephrase the question.

Mr, March, if you would refer to the land use plan which is plate 3, which follows page III-6 in the Cranbury Township land use plan, the plate shows an extension of Old Trenton Road, extending* I believe* from the existing end of that road to 0»S, Highway 130.

Could you explain what the planning considerations are concerning that proposed extension?

A* First of all, Old Trenton Road is becoming an increasingly travelled road and what has happened, long period of time, people come up Old Trenton Road, headed toward the north, use a shortcut in the village area to get into Route 130# The proposal on plate 3 in the land use plan is a means of taking the people and giving them, really, a shortcut from Old Trenton Road to Route 130 without going through the village area* That's why it's located on the land use plan map*

Q» Does that extension anticipate any additional development along Old Trenton Road?

A, It really does not* It*s been designed to take care of a current situation that is a

1 difficulty for the township right now.

2 Q» Would that extension be of the same
3 width and general quality as existing Old Trenton
4 Road?
5

6 A# We would hope it would be of better
7 quality, but the general width and characteristics
8 would be approximately the same. Old Trenton Road is
9 an old road.

10 Q« Referring now to page II3>3# which you
11 state various land use goals for Cranbury, in
12 paragraph 2, Residential Development, Goals,
13 Policies, the plan uses the phrase, "such assistance
14 as may be needed to broaden housing affordability and
15 to enable elderly, retired and other moderate income
16 homeowners to maintain their properties adequately.*

17 Could you explain what the phrase "moderate
18 income homeowners'* means?

19 A» People who just do not have adequate
20 income to maintain their homes*

21 Q» Does it incorporate the definition of
22 moderate income as subsequently used in Mount laurel
23 II?

24 A, you have to remember that the land use
25 plan was out before the specific language of the

1 Mount Laurel II,

2 Q# So the language in the plan is more
3 general, or less specific*
4

5 A« Well, the language in the plan means all
6 those who do not have adequate income to take care of
7 their horaes» It's only with Mount Laurel II we came
8 out with the numbers and designations! what's low,
9 what's raoderatae, percentage of income, things of
10 that nature*

11 Q« When the Master Plan was drafted, did
12 you have available to you or did the Planning Board
13 to your knowledge have available to it any specific
14 fair share analysis of the type that we are now
15 familiar with in this litigation, relating to low and
16 moderate?

17 A, You mean up to six models now being used
18 for the analysis of what»s the regional share?

19 Q» Yes* Was there any specific plan which
20 incorporated Cranbury's obligations as you then saw
21 them?

22 A_t There was no specific model that was
23 provided to us by others, nor was there a specific
24 study that we did to define the numbers, as is the
25 case with the current Mount Laurel II litigation.

1
2 What we attempted to do, really, under this
3 land use plan was to take the general policies that
4 were set forth in the Mount Laurel I and to provide a
5 balance of housing and employment opportunities
6 within the township, we just do not have the
7 specific guidelines that were really set forth in the
8 Mount Laurel II litigation*

9 Q» Was there any quantifiable number?

10 A» There was no quantifiable number we
11 could put our hands on that says you will do this,

12 ME. PAYNE* That's all I have*

13 ME, MORAN: You want to break,
14 Mike?

15 MR» HERBERT: Yes,

16 MR, MORAN: I have a couple of
17 questions to clarify other questions,
18 Maybe I should ask them while the other
19 people are still here,

20
21
22 CROSS EXAMINATION BY MR, MORAN*

23 Q, Mr« March, In response to some questions
24 before by Mr, Warren* you were talking about the net
25 density that would be permissible in the Planned

1
2 Development High Density zone* I believe you
3 calculated a net density number of approximately 7*7
4 units to the acre, is that right?

5 JU That¹© correct*

6 Q. Do you know whether or not_f given the
7 mix of housing types that are permitted in the
8 ordinance and the net densities for each housing
9 type, it would be possible to build a development at
10 a net density of 7.7 units to the acre?

11 A# I think it would be,

12 Q# Let me take you through a quick
13 exercise, if I could* I refer you to the sections of
14 the ordinance in the Planned Development High Density
15 zone, specifically page i-2 of the ordinance, section
16 150-30 C5>*

17 A, Fine,

18 Q* We talked before on a hypothetical 100
19 acre development that approximately 65 acres of that
20 100 acres would be developable, is that correct?

21 A* That^fs correct*

22 Q. The highest density housing use would be
23 the multi-family dwellings and garden apartments, is
24 that right?

25 A_t **Yes.**

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Q. And the density there is ten to the acre.

k* That's correct*

Q. Am I correct in assuming that, according to the ordinance! that up to 40 percent of the total housing mix can be in that kind of housing?

A, Absolutely,

Q« So that therefore, up to 200 housing units could be constructed in that 100 acre development in multi-family and garden apartments,

A« That's right,

Q« At ten units to the acre, 20 acres of land would be required for that, is that correct?

A# That*s right*

Q« The next roost dense type is townhouses, which is at eight units to the acre, is that correct?

A* That*s correct*

Q# And again, up to 40 percent of the total housing mix can be constructed in townhouses.

A* That*s correct.

Qt Which would be another 200 units*

A« That's right*

Q* At eight units to the acre, that would require 25 acres, is that correct?

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A, That's right,

Q* Finally, the next most dense type would be semi-attached single family dwellings, zero lot line dwellings and two-family dwellings at five units to the acre*

A« That's right*

Q« And up to 30 percent of the development could be used for that* is that correct?

A, That's correct*

Q» However_f if you used 40 percent and 40 per for the other two, that would only leave 20 percent remaining*

A* That's right*

Q* And that would mean that approximately 100 units of that kind of housing would be left in the development, is that correct?

A# That's correct*

Q« And at five units to the acre_f that would result in approximately 20 acres for that housing?

A* That¹s right.

Q# If my addition is correct_f that would mean a total of 65 acres had been used up for those three housing types to accommodate the 500 housing

1 units, is that correct?

2 A, Yes»

3 Q. Would that work out to that approximate
4 7.7 units to the acre?

5 A» Yes,

6 Q* With regard to the questions that were
7 asked about the six acre zoning, and why the township
8 didn't just go with the six acre zoning rather than
9 the transfer of development scheme, to your knowledge
10 was there ever a time when the township did indeed
11 introduce an ordinance that would provide for six
12 acre zoning in what is now the A-100 zone* without
13 transfer of development credits?

14 A* Yes, it did,

15 Q# Can you tell us what the history of that
16 was?

17 A* Well, the township introduced the six
18 acre zoning, and there was by and large a concern
19 from the public, expressed at public meetings, that
20 the six acre zoning was not the appropriate thing to
21 do, and they were quite vocal, and what was sought
22 was a means to allow for the preservation of
23 agriculture, but at the same time not exclude the
24 land owners from the development process*
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Q* Bid any group, any individual object or any group of objectors to that six acre zoning come up with a formal proposal or recommendation to the township?

A. Yesf there was* Mr_t Abeles was the planning consultant for that group* there was a list of approximately, I would guess, seven land owners, of which I could be wrong a little bitt who provided the funding for Mr# Abeles* and indeed they came up with a transfer of development program on their own, which in many respects is similar to the one that the township eventually adopted*

Q# Is there any -- with relationship to the farmland assessment law, is there any reason for six acre as opposed to five acre or some other number?

A, I don't really know* I have to assume the state legislature went through their process and ...

G* Ho_f I'm talking about not with regard to the state or anything* but why Cranbury chose to zone for six acres rather than five acres or some other* ten acres or some other number*

h* We chose the six acres for a feeling that it was a unit that was a reasonable one* with

1
2 which we could go forward and use as a technique for
3 the preservation of farmland*

4 Q« Is there any relationship between the
5 choice of a six acre lot as the minimum lot size and
6 the Farmland Assessment Act?

7 A* Yes, they are parallel.

8 Q. How so?

9 A* Well, six acre farmland assessment is in
10 the state guidelines and the six acres that we
11 proposed is part of our proposal for our base
12 density, one unit for six acres of land*

13 MR, MORANT All right, no other
14 questions*

15
16 (Adjourned for lunch at 12:30.)

17 (After lunch at 1:30 p#m»)

18 (Plate 3 from land use plan marked
19 PZ-15 for identification*)

20
21
22 CROSS EXAMINATION BY MR* HERBERTS

23 Q_t Mr* March, I^sm Michael Herbert of the
24 firm Sterns, Herbert & Weinroth and I represent
25 Lawrence zirinsky* I'm going to try not to repeat as

1 best I can questions posed to you earlier* If I do_f
2 forgive me_r, it's part of the evolutionary discovery
3 process*

4
5 First of all, I've shown to you what's been
6 marked for identification as PZ-15 and represent to
7 you that that is plate 3 from the land use plan that
8 you preparedt plate 3 is the page after III-6*

9 A* Yes*

10 Q* First of all_f have you made a comparison
11 between the land use plan as represented in PS-IS and
12 the eventual zoning map adopted in the summer of
13 1083?

14 A# Yes* In effect the zoning map was
15 designed in an attempt to conform very precisely to
16 the land use plan adopted by the township*

17 Q» It would be correct to say_f I take it#
18 for those areas that are -- horizontal lines through
19 them in the western part of town_f they would be
20 agriculture, and in the eventual zoning map, or
21 ordinance that was adopted*

22 A* Yes* that is correct*

23 Q* I notice that in the PS-15, land use
24 plan, you have a description of those lands in a
25 legend* agricultural! 1D0» per 15 acres*

1
2 I take it that you've already explained that
3 and that is that in the land use plan you recommend a
4 range of six to 15, and in the eventual adopted
5 ordinance it is six*

6 A_t That is correct.

7 Q_t So to that extent there is a difference,
8 not in the zones but rather in the permissible
9 density for the agricultural zone,

10 A« Plate 3, FZ-1S is in fact a land use
11 plan and the item that you referred to is at the
12 bottom of that plan, a legend* The explanation of
13 each and every one of those items is discussed in
14 detail in the text of the land use plan*

15 Indeed in that land use plan they talk of a
16 range of densities in the agricultural area of one
17 dwelling unit per six acres to one dwelling unit per
18 15 acres,

19 Q, The land use plan, would it be correct
20 to say that was adopted by the Planning Board in
21 January 1983?

22 A. September 9, 1982*

23 Q» That is when the land use plan was
24 adopted by the Planning Board*

25 A* Correct*

1
2 Q* When was the Master Plan adopted by the
3 Township Council?

4 A» Well, the land use plan was not adopted
5 by the Township Committee.

6 Q« What action was taken in January '83 if
7 you can recall?

8 A» I just don^st know*

9 Q, From the time the land use plan was
10 adopted in September 1982 by the Planning Board
11 until - I believe the zoning ordinance was
12 introduced_f perhaps that*s where I'm mistaken, the
13 zoning ordinance was introduced in first draft for
14 discussion in January 1933, is that correct?

15 A* That may very well be_f I'm afraid I
16 don't have the list of all the entries, That would
17 sound reasonable_f given the day of adoption.

18 Q» From your own recollection* I would ask
19 you to generalize* starting with the adoption of the
20 land use plan by the Planning Board* in September 17*
21 1982* until the eventual adoption of the zoning
22 ordinance by the Township Council* if you could just
23 generally tell us from your own recollection what
24 various steps were taken up to the adoption of the
25 ordinance?

1 A. well_f after the land use plan was
2
3 adopted, you have to understand the way the ordinance
4 was prepared, it was prepared in essence by the
5 Planning Board for review and approval by the
6 Township Committee,

7 Now, the township adopted first the land use
8 plan, which acts as the framework for the ordinance
9 work which supports the Master Plan,

10 Q_# Excuse me for interrupting.

11 A* Sure,

12 Q, Go ahead,

13 A« The land use plan was adopted by the
14 Planning Board and the zoning ordinance was adopted
15 by the Township Committee* The Planning Board
16 prepared the ordinance based on the township Master
17 Plan, land use plan, and then presented it to review
18 by the Township Committee,

19 Q_f For the record, when was the adoption,
20 if I can ask counsel, of the zoning ordinance?

21 MR* MORAN: Zoning ordinance was
22 adopted on second reading by the
23 Township Committee July 25th, 1983,

24 Q_t Sir, from the time - I believe you
25 testified earlier that there was no fair share study

1
2 conducted to determine how many low and moderate
3 income units would be assignable, so to speak, to
4 Cranbury, is that correct?

5 A, There was no quantified study for the
6 fair share housing for Cranbury Township to define
7 the specific number of lower income housing units by
8 Mount Laurel I»

9 Q. What study, if any, was conducted up to
10 the adoption of the zoning ordinance to deal with
11 Mount Laurel II at all - Mount Laurel I at all?

12 A_f The Master Plan* or the land use plan
13 was the instrument that was used to take into account
14 the different kinds of housing and the mix that would
15 be applicable to the Mount Laurel I doctrine*

16 Q. Would it be correct to say that the only
17 provision in the land use plan to deal with Mount
18 Laurel I would be the construction - the designation
19 of the PD-HD zone and the provisions for the transfer
20 of development credits?

21 A* That*s correct,

22 Q# Would it be fair to say_f Mr* March_f that
23 the PD-HD zone* together with the transfer of
24 development concept was, if you will* a response
25 contained in the land use plan to what the township

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perceived itself to be obligated to in the Mount Laurel X decision?

A, Tha^s correct*

Q* Is there anything other than the construction of the HD-FD zone and the TDC concept that was contained in the land use plan that was responsive in your judgment to the Mount Laurel I decision?

A# No, I believe there were other things that were are part of that, in addition to the zones that you site,

One of the things that Cranbury Township had was an inordinate amount of industrially zoned land and in addition to specifying just that zone to be basically the instrument of the higher density zoning, it also took much of the land that was previously zoned industrial and took it out of the industrial classifications, the idea being to develop a balance between the housing and the job base within the community»

Q, I see* How, let's talk about the western part of town, looking at PZ-15, the land use plan map, plate 3#

The areas designated for agricultural, were

1
2 any of those, was any of that acreage, which I
3 believe you defined was about 3500 acres, was any of
4 that acreage designated for use other than
5 agriculture before the land use plan?

6 A, Was any of the agriculture anything
7 besides --

8 Q# Agriculture_t Let roe withdraw the
9 question and ask another one*

10 What was the zoning designation for the area
11 now designated as agricultural in the former?

12 A, Residential,

13 Q, What was the density permissible in that
14 residential zone?

15 A« One unit per acre*

16 Q# So would it be fair to say that looking
17 at the area that is designated as agricultural, that
18 there was actually a reduction in the residential
19 density for that acreage from the former zoning
20 ordinance* which had a density at one unit per acre
21 to now one unit per six acres* not covering the TDC
22 concept?

23 A* That's correct,

24 Q, Now* I represent to you that in January
25 1983 the Supreme Court decided the Mount Laurel II

1 decision* From the time of the Mount Laurel XX
2 decision being issued until the adoption of the
3 zoning ordinance in July 1983, July 25, 1983, was any
4 independent study undertaken by you or any expert for
5 Cranbury to reconsider the land use plan or the
6 proposed zoning ordinance drafts so as to reflect
7 that decision?
8

9 A* No, there was not*

10 Q* X© there any explanation as to why such
11 a study was not undertaken? And if it's advice of
12 counsel, you can indicate as such*

13 A* Not really* Let me get my two dates
14 straight, first* January 1983 was the Mount Laurel
15 and the adoption of the ordinance was June?

16 MR* MORANI Let me explain that*

17 He asked the date it was finally
18 adopted* The ordinance was reported to
19 the Township Committee from the Planning
20 Board in early May 1983* It was
21 introduced on first reading at the
22 meeting in late May 1983 by the Township
23 Committee*

24 Because of a quorum problem, the
25 second reading was not held in June but

was postponed until July and it was adopted July 25, 1983#

0» Okay,

A, So in essence, what really happened, there was a short gap between Mount Laurel II as it came out and when the township finally adopted its ordinances*

I would submit to you that the interpretation of Mount Laurel II is still being decided at this point, which is a year or so later* To take an ordinance that had already been really acted upon by the Planning Board in terms of preparing it and putting it forward to the Township Committee, the township needed to go forward with its zoning and its Master Plan work, and indeed as part of these undertakings it may well add modifications to the ordinance to provide for its low- and moderate-income housing, according to the latest indications from Mount Laurel II.

Q, I'd like to ask you about the transfer development credits, keeping in mind I'm going to attempt not to repeat questions*

Sir, I show you the minutes of the Planning Board January 1979, captioned Cranbury Township,

Middlesex County, Hew Jersey, Master Plan*

Turning to page two of those minutes* the second paragraph* Look at that, read it to yourself for a moment and I'll ask you a question about it,

A» Is it the paragraph that says -*

Q, That one, Just to go back* how long were there -* when did the process start for the adoption of the land use plan by the Planning Board which was eventually adopted by that body in September 1982?

A, I believe the process started, really, at the very tail end of 1979 or the beginning of 1980,

Q, Hay I ask you, and take your time in reading that document that I've just shown you that indicates January 1979 Master Plan, may I ask you if there was a discussion made of the general goals that would be in the Master Plan, as early as January 1979?

A« I'm certain -- well, first of all, to go back to January 1979, I'm not sure who said what, although if I sat down and figured it out, it may come to mind,

I have to tell you in the general planning

1
2 process, one of the first things you do is set out
3 the goals and policies for the township, and then
4 what you then do is proceed and put some fat on bone©
5 as you're going along through the Master Plan
6 process*

7 The purpose of the goals and objectives is to
8 make sure you have a correct and proper direction
9 where you're going* I¹© sorry I can't answer your
10 specific question about January 1979* Just assuming
11 for the purposes of the question that there was some,
12 at least preliminary discussion as early as January
13 1979_f, as the first part of the evolution of land use
14 plan* specifically dealing with the overall
15 objectives or goals that the community might want to
16 aspire toward, was there ~~ did you prepare any
17 drafts of a land use plan earlier than what we see
18 here, which is the adopted land use plan of September
19 1982?

20 A* I think what you have is all that I had
21 prepared, I can think of one other draft previous to
22 this, but I would tell you that 99 percent of its
23 contents it would be similar to the document you now
24 have before you*

25 Q« May I ask you when that draft was

1 prepared by you and presented to the Planning Board?

2 A* X would have to assume it was
3 approximately six months before the final that you're
4 looking at right now. And the revisions -- there you
5 go.
6

7 MR* HERBERT* Off the record,

8 (Discussion off the record*)

9 (After discussion*)

10 A* Hay 1982 is the draft.

11 (Land Use plan marked PZ-16 for
12 identification.)

13 (Draft Land Use Plan marked PZ-17
14 for identification*)

15 Qv I show you what has now been marked
16 PZ-16| the land use plan adopted by the Planning
17 Board in September 1982, and X have shown you PZ-17_f
18 which in response to my earlier request Mr, Moran has
19 produced today* which is the earlier draft of the
20 land use plan, which is now marked as PZ-17.

21 Mr* March, the documents speak for themselves
22 and rather than taking up a lot of time making
23 comparisons, I'd like to ask you if you could just
24 indicate_f were there major revisions between those
25 drafts?

1 A* No, there was not,

2 Q_t Prior to PZ~17f which is the draft of
3 the land use plan* were there any earlier versions of
4 that document produced by you that were shared with
5 the Planning Board?
6

7 A_t NOf there were not*

8 Q, Were there any sections* specifically
9 dealing with land use, such as the land use element
10 of what was eventually the land use plan produced by
11 you and shared with the Planning Board?

12 A« I just honestly don't recall, I don't
13 believe that there are#

14 MR* HERBERT* Could I ask, through
15 counsel, that Mr* March look at his
16 files and if he has any documents at all
17 relating to the land use plan draft*
18 P2-17, that these documents be produced,

19 MR* MQRANI I assume you mean
20 other than original copies of the maps
21 as form the plates in the document
22 itself,

23 MR, HERBERT! Yes* Any typed out
24 drafts or proposals that later were
25 discussed with the Planning Board,

that's what I'm getting to*

Q« How, dealing with the January 1979 minutes, which you did not prepare, I recognize that, which we dealt with before, I notice that on page two of that document there is a paragraph, perhaps I could just prevail upon you, it's short, to read that paragraph,

&» "The remaining residential area lies west of Route 130, with a recommended density of one dwelling unit per acre, The Planning Board is hopeful that in the near future legislation will be enacted in Hew Jersey to permit special zoning in such prime agricultural areas so that this, a vital non-renewable resource, might be preserved,"

0, Now, sir, would it be fair to say that as of January 1979 there had been a recommendation to continue the one dwelling unit per acre density on the lands west of the village as of at least that date?

&, It would be fair, based on these minutes*

Q# So it would be correct to say that at some time between January 1979 and May of 1902 when P2-17 was shown to the Planning Board, that that

1
2 density shifted from one dwelling unit per acre to
3 six dwelling units per acre, with these various other
4 components that you talked about?

5 A« That*s correct.

6 MR* MORANS Don^ft you mean one
7 dwelling unit per six acres?

8 Q, Yes, With that correction. From
9 January 1979 until July 1982# there was a shift of
10 one dwelling unit per acre to one dwelling unit per
11 six acres. Is that correct?

12 A, That^fs right,

13 Q_t Bo you recall any of the discussions
14 related to that change?

15 A, Related to the change in the density?

16 Q» Yes*

17 A. Absolutely* It was a long process which
18 lasted a couple of years* and through there it was a
19 comprehensive attempt by Cranbury Township to take
20 all of its land use and land use policies and reorder
21 them in a manner within which they felt was in a
22 correct manner, then postulate their land use plan
23 which they have then adopted, many of the things that
24 were directed toward the agricultural land involved
25 primarily some regional planning concerns_f which were

1 the State Development Guide plan, as well as the
2 Middlesex County plan, as well as some other items
3 that are mentioned in the adopted land use plan that
4 the township has for the preservation of agricultural
5 land in that area,

6 Q* So you ~~ I'm sorry*

7 A_t It was a lengthy process and there were
8 many public meetings and much consideration, a lot of
9 discussion* It was not a quick decision*

10 Q# is it your testimony the shift from one
11 dwelling unit per acre to one dwelling unit per six
12 acres in part was responsive to the State Development
13 Guide plan?

14 h_m Really, it was not in response to the
15 State Development Guide plan* The township came
16 forward with a proposal that agriculture was an
17 important part of the economy and lifestyle, and if
18 that were the case, how would it be best preserved?

19 And from the studies that followed, it came to
20 be and came to pass that agricultural land is best
21 preserved in the areas that are now set forth on its
22 land use plan*

23 Q# Getting to the second part of the
24 paragraph that you just read into the record,
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concerning legislation being enacted, do you know what that sentence is alluding to?

A* I wish I did, It's somewhat out of context for me and I have a difficulty placing it,

Q_f Isn't it a fact that in January 1979 there was a debate as to whether or not the legislation then in place permitted the designation of an agricuXturaX zone?

A* I'd have to teXX you in alX honesty I never came across such a debate at all,

Q. Do you have any knowledge presently as to what was being alluded to in the minutes here when they talked about the hope that in the near future XegisXation wouXd be enacted to permit speciaX zoningi preserve prime agricuXturaX areas?

A* I wish I knew. Back in 1979, you've got me cold*

Q# WouXd it refresh your recollection if I told you that about that time there was some debate publicly about specific legislation to allow for transfer of development credits?

A, Well, there's been debate for transfer since 1975, ^f76, and even as part of my association and activities with the American Planning

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Association! my position on the New Jersey legislative committee, we^fve been lobbying consistently, year after year, trying to get one form or another of that specific piece of legislation introduced, along with other pieces of legislation that deals with planning*

Q# Isn^ft it a fact since January 1979, even though bills have been introduced to specifically allow for credit or right, that no such legislation has been adopted by the legislature?

A* To the best of my knowledge, that^fs the case, since 1975 or *76#

Q# How, you^e testified that one of the bases of the six acre minimum lot size for residential use in the agricultural areas is consistency with the surrounding municipalities. Would that be a fair statement?

A. Ho» One of the regulations in addition to the Farmland Assessment Act was the pattern of how this land fit in with the surrounding communities, surrounding areas*

Q* To what extent did the surrounding zoning have a role, if any, upon the designation of the density for the agricultural zone which is in the

1 western portion of Cranbury Township?

2 A, When you're doing land use plans,
3 specifically in Cranbury, as well as other
4 communities* it's very important that you develop a
5 relationship of what the proposed land uses are on
6 the adjoining municipalities and on the adjoining
7 zone* the idea being you would not come along and
8 place a zone such as agricultural against a very
9 very high residential zone, or similarly a
10 residential zone against an industrial zone, unless
11 there was some kind of buffer or some kind of a
12 transition to go from one zone to the next,

13 so really when you take a look at the
14 surrounding communities, if in fact we had those
15 areas with high intense development, we would perhaps
16 make less sense, all other things being equal, to
17 have an agricultural zone*
18

19 In Cranbury's instance, we took a look at the
20 surrounding zones in the adjoining municipalities, in
21 the areas that were near the agricultural zone, and
22 we wanted to be sure that a pattern of agriculture
23 was there, and we wanted also to be sure that the
24 agriculture that we had in Cranbury Township did not
25 go up against a zone in another township unless there

1
2 was a buffer or some Hind of intervening land use or
3 transition area to lessen the negative impacts that
4 really results as a result of agriculture on other
5 land use, other land uses*

6 Q, You're your acquainted with the Lin-Pro
7 development in Plainsboro?

8 A* Yes*

9 Q# I believe in testimony by the Planning
10 Board chairman at these depositions, a week or so
11 ago, I believe he testified Lin-Pro development is
12 right over the line between Cranbury township in the
13 northwestern portion of town in Plainsboro* Is that
14 a correct statement?

15 A» That is correct*

16 Q» I understand the Lin-Pro development
17 consists of about 3,000 units, is that correct?

18 A, No, that's not correct*

19 Q* How many units are proposed?

20 A» It's about 6,200 in total, The part
21 you're referring to is across a creek, Gedar Creek,
22 specifically, and the other thing, Plainsboro
23 Township, they took the units and backed them up away
24 from the creek so that the areas closest to them can
25 be used as combination buffer, open space, and also

1 there's a flood plain through there*

2
3 Furthermore, there's a golf course which is
4 tied in there* and the final thing is that there are
5 some single family homes also. So that as you take a
6 look at the X*in-Pr@ property* which is approximately
7 900 acres* take a look at the most dense portion of
8 that* you¹ll find that much farther to the west* the
9 density core* much farther to the west than you¹ll
10 find near Cranbury^s border*

11 Q« Let's talk about the nearest
12 multi-family housing in the kin-Pro development as it
13 relates to the western boundary of Cranbury Township*
14 Do you know where that is* please?

15 A_f It is -- there¹s a line of development
16 which goes along Cedar Creek* which provides also the
17 municipal boundary line between Plainsboro and
18 Cranbury township*

19 IB Across that creek you'll find elements of
20 multi-family housing*

21 Q* How far in terms of feet or yards is
22 that multi-family housing from Cedar Creek which
23 forms the western boundary of Cranbury Township
24 separating that township from Plainsboro?

25 A_# Well* without measuring it* I don't know

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if I should venture a guess without measuring it or not.

Q_t It's rather close, isn't it?

A* You're looking at, really, a couple of hundred feet from the center line of the brook, as an average*

Q* Now, you testified that there's somewhat of a buffer between that useage and the western boundary of Cranbury Township or Cedar Creek*

A, Yes* If you go and take a look at it, you'll find there's a flowing creek, there's ponds and trees and things like that that intervene between the agricultural land and the multi-family housing*

Q# You corrected me, the proposed Lin-Pro built out is 6200 units?

A, Thereabouts, yes*

Q* Do you know what the highest net density is for the Lin-Pro development in Plainsboro?

A« The highest net density that you'll find there, net density being defined as only building and parking lot, is up to 20 units per acre* Does not include detentions, does not include any recreation areas, does not include -- obviously doesn't include open space, service roads*

1 Q« Do you know what those units are selling
2 for right now? Are they condominium?
3

4 A, Many kinds of units*

5 Q* On the 20 unit per acre site net
6 density --

7 A* Those are garden apartments*

8 Q* Are they being condoed?

9 A* No* they are not*

10 Q, What are they renting for?

11 A, They are renting from, I believe* 400 to
12 \$600 a unit*

13 Q* Four hundred to 600?

14 A* Yes*

15 Q_t The maximum density that you can have on
16 the PD-HD zone here_f utilizing all of the transfer of
17 development credits, would be ten units per acre?

18 A* That's correct*

19 Q* Could you tell us how it is that you
20 expect low** and moderate-income housing to be
21 constructed at ten units per acre maximum, when
22 across, in the next township* you have units which
23 are renting at twice that density, 20 units per acre,
24 400 to 600 an acre - a unit?

25 MR. WARREN* Off the record a

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minute*

(Discussion off the record,)

(After discussion*)

A, Sure, I'd be happy to, First of all, net densities that I described over in Plainsboro, Once you take into consideration the other things that are part* really* similar to Cranbury's ordinances, 20 units per acre comes down to about 15 units per acre* which is still higher than our proposal in Cranbury Township,

Q* Half again as high*

A, Well* to make the definition similar, you would have Cranbury Township at 10 units per acre and Plainsboro Township, the most dense part of their development you would be looking at 15 units net,

All that work was done, and the approvals of that were accomplished back in 1971, and at that time there were different* I don*t even think there was a building code, BOCA* which you now go by,

Also you did not have the Delaware and Raritan Canal Commission; did not have any of the detention and retention requirements that are now part of any kind of development that take place in this area,

As an architect and planner* if you go in with

1
2 a new requirement, the new requirements of today and
3 try to plan with the densities that I presented,
4 existing right now in Plainsboro, because of the
5 peculiarities of 1971, you will find that it will be
6 either impossible to make those densities or you will
7 find that if you do make them you will have* for
8 example, no light or air between buildings,

9 You will find that instead of the 30 foot,
10 which is the common distance for separation between
11 buildings, because of the fire codes, you'll find
12 they will have to be closer together, which will
13 directly increase your cost of construction for low-
14 and moderate-income housing units*

15 There are many of these considerations as you
16 go down the line*

17 Q* Let me see if I can get into this*
18 First of all, you mentioned that the highest net
19 density in Lin^Pro is 20 units per acre, and then you
20 allude to 15 units per acre* Maybe I missed
21 something. How do you reconcile that?

22 A* I took the most dense little piece that
23 I could find, which is the piece that I'm sure you
24 would find in your investigations, and if you just
25 take a look at that most dense piece that you find,

1
2 you could only achieve that if in effect you go in
3 and with the open space that is also part of that,
4 which you wish to ignore* you take it out.

5 What you're doing is you're going into almost
6 a theoretical situation with a theoretical number and
7 coming out with the net density per acre which you
8 would not be able to do unless you had the
9 flexibility of the open space which is also part of
10 the proposal there,

11 {Telephone interruption*}

12 (The previous question and answer
13 is read by the Reporter.)

14 Q. Mr, --

15 A, Can I tackle this right away?

16 Q« Let me ask you some questions, Mr.

17 March* On Plainsboro, you made, when you were
18 answering questions about the six units -- six acre
19 zoning on the agricultural area, you alluded to
20 zoning in different surrounding municipalities,

21 A* Yes,

22 Q« You mentioned the zoning in South
23 Brunswick, the density* What was that?

24 A. One unit per three acres of land*

25 Q* And the zoning in the other municipality

1 that surrounds the west side •»*• west side of town,
2 Bast Windsor, what is that?

3 A. One unit per two acres of land*
4
5 Plainsboro is one per six acres,

6 Q* So would it be correct to say that only
7
8 Plainsboro, of those three municipalities, had a
9 density as low as Cranbury presently has for the
10 agricultural zone?

11 A» That's correct,

12 Q« Now, if we have this density that you've
13 described at some length for Lin-Pro, which is right
14 on the contiguous, after a buffer that you've
15 testified about, on the northwest side of Cranbury
16 Township, where is it that the one unit per six acres
17 zoning, where is that located vis-a-vis Cranbury
18 Township?

19 A# The one per six is located, right on
20 PZ-15 --

21 Q, Forgive me* I didn't mean to mislead
22 you* The one unit per six acres in Plainsboro
23 Township. Where is that located in connection with
24 Cranbury Township?

25 A* That is located across one of the
Davison Roads, I do not know how to describe it but,

1
2 given the map that I have here* Probably everything
3 that's «- south of Cranbury Brook along Davison Road*

4 Q, so to the best of your recollection,
5 your understanding, that density is prescribed in
6 Plainsboro Township for the portion directly west of
7 Cranbury Township, would that be a fair statement?

8 A. Yes, that's correct,

9 Q* How, are you aware of the H«C«A«
10 installation in East Windsor Township?

11 A* Yes, I am,

12 Q# Would it be correct to say that that
13 installation is located southwest of Cranbury
14 Township, north of Old Trenton Road?

15 A. I don't think so* I think the first
16 indication is correct, but I believe it straddles Old
17 Trenton Road,

18 Q* How far is that R.C.A. installation from
19 the border, the southwest border of Cranbury
20 Township?

21 A* How far is it from the border?

22 Q, Yes.

23 A. If X «- I could only guess, half, three
24 quarters after a mile,

25 Q, is it fair to say the RCA installation

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March - Cross by ft* Herbert

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is one-half to three **quarters** of a mile southwest of Cranbury Township on Old Trenton Road?

A* Seems to be reasonable*

Q# How, can you describe how many acres that RCA installation covers?

h* % just don*t know*

Q, Would it be fair to say it is a major office and research installation?

JU Not by any **definition**** no,

Q» What would your definition be of a major office and research installation?

h, A million plus square feet, million and a half*

G» I take it that you can't even take an estimate presently of how much under the million square feet the RCA installation is#

h* it would seem to be, maybe a quarter of it# It*s not « maybe In the old days it would be called a major installation. I don*t see it that way, frankly*

Q» How, the **zoning** for East Windsor Township, going south of Old Trenton Road, do you know what that zoning is in terms of use and density? tip to, moving east toward **Route 130***

1
2 A« The municipal boundary between East
3 Windsor and Cranbury, and you're referring to the
4 line that runs between 130 and Old Trenton Road, is
5 that correct?

6 h* Correct*

7 Q, Correct,

8 A* I believe it's residential.

9 Q* Do you know the density?

10 A* I don't know»

11 G« I take it it is not gone as
12 agricultural.

13 A« No, it's not*

14 O. Now -

15 A# Neither is the land located in Cranbury
16 Township, just across the creek from it, either*

17 Qm That's zoned as low density residential,
18 correct?

19 A, Yes, that's right,

20 Q« Now, up in South Brunswick Township,
21 which is north of Dey Road and north, generally --
22 north of the western portion of Cranbury Township,
23 what is the zoning in South Brunswick Township
24 contiguous to Cranbury Township? In other words,
25 north of Dey Road?

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A* The specifics of it?

G« Yes,

A, It's written in the Master Plan* I think we should look it up if you want the specifics,

Q, All right, if you can find it.

A* Here you go. Page II~6, the area north of Dey Road is zoned A-3 rural agriculture, requiring a minimum of three acres of land per dwelling unit, The area now is agricultural use, which includes orchards! some of this land is wet*

Q, i made a comparison when he took a break between P2-16, which is the adopted land use plan, and PZ-17, which is the draft, which I don't believe you saw for months before today, and I notice that section III in the adopted plan, which is the captioned, Roman III, land use plan, is not contained in the draft, but rather the draft stops at Roman numeral II,

My question is, is there any earlier draft of Roman section III of the land use plan, earlier than that adopted in September 1982, which is P2-16, identified as such?

A, PZ-16 is the currently adopted land use plan of the townshipi P2-17 the draft,

1
2 G* Right* The problem is, ~ not the
3 problem, but what I noticed, Mr, March, is that in
4 the draft, P2-17, there is no draft of Roman numeral
5 III, land use plan component in what was later
6 adopted.

7 My question is, that being so, do you have any
8 earlier drafts of section Roman numeral III of the
9 land use plan?

10 A, i«d really have to look, I would just
11 have to look, I just don't know,

12 MR, HERBERT? Could I ask Mr,
13 Moran, in consultation with Mr, March,
14 if you could produce it, if it exists,
15 the earlier version, the third component
16 of the land use plan,

17 THE WITNESS* I just have to look,
18 I just don't recall,

19 MR, MORANS We will make a check
20 of the record. To the extent anything
21 exists you will be provided with a copy
22 of it.

23 Q, Now, I take it the primary objective of
24 the transfer of development credit concept is the
25 preservation of farmland. Would that be a correct

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statement?

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A, That's correct,

Q* Would it be therefore correct to say that if a township wanted to preserve farmland and wanted to use the TBC concept* it could use it as well having a receiving district zoned as office and research, as well as residential use?

A. That may be*

Q* And you testified earlier about what you believed to be the incompatibility or inconsistency between agricultural land and high density residential use*

A, Yes, that is correct,

Q# Assume as a hypothetical that you have an office research area which is of a campus nature, and that is nearby an agricultural area, agriculturally zoned area*

Would the same incompatibility exist as you testified about earlier with respect to high density residential zoning?

A# Sure* There would be some other unique qualities that do come about when you do have that office mix* One of the things that you hear most, for example, as you go into any agricultural

1
2 community, the inability of farmers to get their
3 machinery and equipment down the road*

4 if you're talking about opening up an
5 agricultural area to have at the same time
6 residential and office -- not residential but,
7 rather, the office, you have difficulties for the
8 farmers, people who farm, to cultivate their land and
9 carry on their normal activities.

10 There are other difficulties involved as well,
11 If you take a look at some office campuses, office,
12 parks, what you'll find is that in addition to just
13 having a place for people to work and park their
14 cars, you will find increasingly a number of
15 volleyball courts, employees picnicking outside,
16 things of that nature.

17 There again, also then introduce the
18 difficulties of having spraying overhead interfering
19 with the use and enjoyment of employees of that
20 office park.

21 So in summary, there's two things. One,
22 access to and from the land by the farmers and, two,
23 the hinderance of the enjoyment of employees next to
24 active agricultural areas,

25 Q, i take it, would it be fair to say that

1 March - Cross by M, Herbert 116
2 they both are equally inconsistent vis-a-vis
3 agricultural use?

4 A» In both instances, when you have both of
5 the uses that you^fve proposed, the residential
6 element or the non-residential element, it is
7 difficult for people to farm the land and to carry on
8 with that farm activity*

9 o* Just to take it one step further, I take
10 it, though, that you would not view office and
11 research as any more inconsistent, if you will, than
12 high density zoning, vis-a-vis adjacent farmland*

13 A* No_p I would view it just as
14 inconsistent*

15 Q# Now, you testified the designation of
16 the agricultural areas in the western portion of
17 Cranbury Township, that first there was a general
18 goal, if you will, to - I'm sorry, you stated that
19 you fashioned a broad model that, quote, all growth,
20 quoting from my notes from your answers to Mr#
21 Warren's questions, "all growth should be developed
22 east from the village*, and then I believe you
23 testified that after that general, or that broad
24 model, you then looked at specifics such as sewer
25 lines, County Master Plan, proximity to the village

1
2 area to determine the high density areas.

3 Can you just -- would that be a correct
4 portrayal of how it was that you reached generally
5 the determinations to designate the western part of
6 Cranbury, generally, for agricultural use?

7 &• Not really. Specifically, what we did
8 is we went out and we did two things* in the broad
9 conceptual sense. One, we evaluated these regional,
10 broad models, such as what you've already mentioned,
11 Middlesex County Land Use Plan and the State
12 Development Guide Plan* the other thing we did is we
13 surveyed the surrounding land uses of the other
14 municipalities, and we did the fourth thing, what we
15 did is we took a thorough inventory of the entire
16 township and that inventory included land use
17 patterns, sewer, water, traffic, traffic patterns,
18 highway capacity, soil conditions, flood hazard
19 areas, ridge linesi things of that nature,

20 Then what we did was we cut out or we then
21 took all those elements and we modeled in the broad
22 objectives, goals and policies of the township some
23 areas with which to set forth the growth and the
24 other areas that would be set forth for agricultural
25 preservation*

1
2 Generally speaking, as you indeed asked in
3 your question, all land that was to the east of the
4 village? or thereabouts, was determined to be an
5 appropriate area for the township to plan for its
6 industrial, residential growth, and all land located
7 to the west would be the most appropriate part of the
8 township to be designated for agriculture and very?
9 very low density residential uses.

10 O, Looking at P2-15, I notice there is, I
11 believe the section, and I'm referring to it with my
12 pencil, is Main Street, is that correct?

13 h* Yes,

14 Q. I notice that the agricultural zoning?
15 at least the northern part of it, are flush, right up
16 to Main Street in certain portions, and then there
17 are a number of improvements as you're going along
18 Main Street? various lots along Main Street, and then
19 there are improvements along the Plainsboro Road
20 extending west, and then there are further
21 improvements along Main Street extending down to
22 Cranbury Brook, I just want to discuss this area
23 here,

24 k_s Sure* Pointing to the area, really just
25 north of Cranbury Brook,

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Q* Right, Cranbury Brook,

A* In the vicinity of the school.

Q, Was there any discussion of having the agricultural zone further west of those perimeters at any time before the discussions with the Planning Board?

A, Absolutely, There was a lot of discussion by the Planning Board and the public to make other areas within the township for agriculture. Those included the spots that are just immediately to the north of the village, the part that you pointed out that was just a little bit north of Cranbury Brook and Main Street, and also the land **that's**, say, generally to the south of the village,

Q, i guess I should be more specific. Were there any proposals made to have the agricultural zone end west of its present contours?

A. There were no proposals that I made, nor recommendations that the Township Planning Board made to that effect,

Q, Now, do you know what the recommendation was ~ strike that*

I have reviewed, I represent to you, a draft of the Middlesex County Master Plan, the land use,

1
2 suggested land use map, which unfortunately I didn't
3 bring with me, which appears to recommend, at least
4 for the portion directly west of the village,
5 residential zoning up to six units per acre. Was
6 that your understanding or am I incorrect?

7 A* Well, I don't know if you're incorrect,
8 Maybe you just have some outdated information*

9 What I really believe is the case is that the
10 map that you and I looked at earlier, I think it was
11 titled 1980 Land Use Plan, I believe it was dated
12 1968, from the origination date, I think that is
13 somewhat phased out*

14 Q. I didn't mean to cut you off, but the
15 map I'm alluding to is not that map but a later one,
16 I believe in 1979 or 1980.

17 A. Well, - I wish I had that map in front
18 of me to see it* I wish I knew which one you're
19 referring to*

20 Q, What map were you using when you were
21 referring to the Middlesex County Master Plan?

22 A, Well, it's the one that I went to
23 Middlesex County and purchased, which is the one they
24 used and was updated, I think, 1979, '80, '81, I'm
25 not sure of that timeframe*

1
2 MR. HERBERT* Can I ask Mr* Moran
3 if that could be produced? I know it's
4 a bound book* but at least a portion
that was referred to, utilized by Mr,
6 March.

7 MR* MORAN* I believe they have a
8 land use map separate and apart from
the bound volume? maybe reproduced
10 inside some bound volume, I think you
11 can buy the map separate from that.

12 MR, HERBERTS The difficulty is_f
13 the witness relied upon that map and I
14 just want to, for purposes of the
15 deposition, be clear what map it is that
16 he was relying upon, It may be that
17 I'll purchase something that is not the
18 document that he utilized,

19 Q# You wanted to make a statement?

20 A, Yes, I'm sorry to cut you off.

21 Essentially a lot of these books that are here, part
22 of the old 208 program, the county has come along
23 since then, have, for whatever terminology, land use
24 plan for the county, and in there they say, make us
25 believe that that is the most recent version of the

1
2 map*

3 Q. And that's the one that you utilized in
4 terms of a reference point*

5 A, Yes,

6 Q# The other reference point you alluded to
7 on a couple of occasions in the land use plan was the
8 State Development Guide plan,

9 A* Yes*

10 Q* I show you a map of Cranbury Township?
11 which is quite large, which we've called for purposes
12 of discussion before Judge Serpentelli, the
13 litigation map*

14 You'll see on that map that there are various
15 parcels of properties that I represent to you they
16 define the land holdings of various plaintiffs in
17 this case,

18 You'll see some red markings on that map, a
19 line extending northwest to somewhat -> southwest to
20 northeast, somewhat diagonally, a red line, and on
21 the western portion of that, the words are written,
22 "limited growth area" and on the eastern area "growth
23 area,"

24 i represent further that designation was made
25 by Richard Ginman, who worked on and was chiefly

1 responsible for the S*D»G«P», at previous depositions
2 as to his approximate delineation of the area between
3 the limited growth area and the growth area*
4

5 I'd like you look at that, don't respond to
6 the question, and I would ask you whether or not that
7 line of delineation is what you generally understood
8 to be the line of demarcation between the limited
9 growth area and the growth area on the pXan«

10 MR, MORAN* I object to the
11 question* I don't think it's fair to
12 the witness at this point to just ask
13 him to look at a line drawn on a map,
14 sort of in a vacuum, without having at
15 least giving him reference to the source
16 maps which he said that he used in his
17 analysis of the State Development Guide
18 plan.

19 Q# I think you can answer the question, I
20 wouldn't ask you to answer it until you have an
21 opportunity to study it for a moment*

22 MR, MORANS You can answer the
23 question*

24 A. It appears to me that the markings that
25 you have here, with the limited growth area and the

1 growth area and the demarcations are approximately
2 similar to the map that was issued by the New Jersey
3 Department of Community Affairs, in roughly, I think,
4 1980, or thereabouts,
5

6 Q# Have you seen a map issued by the
7 Department of Community affairs designating the
8 limited growth area and growth area, which is
9 different than that map, which had been adopted by
10 the Governor's Council?

11 A. I have,

12 Q. You've seen that?

13 A. The map that I have seen was produced by
14 the Department of Community Affairs, dated 1981 of
15 which I have copies in my office, and which came
16 along with a rather thick text, supplement to the
17 State Guide plan, and it did two things. It took the
18 growth area and pulled it in closer to the
19 municipalities, and what you call over here the
20 limited growth area, it calls **the** agricultural area*

21 Q. You're saying that that was issued by
22 the Department of Community Affairs?

23 A, That's correct,

24 Q, And that was adopted by the
25 governor's - what's that called?

R

2 MR* MORAN* Cabinet Committee*

3 Q* Development Committee* Is that your
4 understanding, Mr* March?

5 A* Well, it's always been my understanding
6 the State Development Guide plan has never been
7 officially adopted by anyone,

8 Q» We understand that*

9 A* And that all of the things put out by
10 the Department of Community Affairs and the State
11 Development Guide plans, at least to my knowledge,
12 have never been adopted by the state legislature or
13 any official governing body east of the state*

14 Q_t j^m sure you read the Mount Laurel II
15 decision*

16 A. Yes*

17 Q* You¹re aware of the fact that the
18 Supreme Court alluded to the State Development Guide
19 plan*

20 A* Yes.

21 Q» You¹re aware further that attached to
22 the Mount Laurel II decision there is a depiction of
23 Middlesex County and the lines of demarcation between
24 limited growth and growth areas as far as the State
25 Development Guide, is that right?

1
2 A, Yes,

3 MR, HERBERTS Do you have 92 NJ?

4 MR. MGRAHS Yes* You want the
5 slip sheet or the opinion itself? I
6 have it in Atlantic Reporter,

7 MR, WARREN: Get the opinion,

8 MR, MORAN* You're going to get it
9 confused,

10 (Discussion off the record,)

11 (After discussion,)

12 Q* Mr, March* I show you an exhibit from a
13 previous deposition of Mr, Ginman, PZ-1, and I
14 represent to you that that is part of the appendix to
15 the Mount laurel II decision, specifically cited at
16 92NJ 365, That opinion was issued January 1983,

17 You'll see there that there is a designation
18 of a line between limited growth and growth areas *-
19 I'm sorry. Here, In Cranbury Township,

20 I represent to you further that that line is
21 identical to the line specified in the May 1980 State
22 Development Guide plan, I represent to you further
23 that that line corresponds roughly, according to the
24 testimony of Mr, Ginman, with the line of demarcation
25 indicated in red on P2-4,

1 March - Cross by M, Herbert 127
2 Would it be fair to say that your testimony is
3 that that line, the red line designated on "BZ^Af does
4 roughly correspond with the May 1980 State Guide, but
5 there was some later plan that moved that line
6 further eastward toward the village?

7 A, That's correct. Mount Laurel II_f acting
8 in good faith with the Department of Community
9 Affairs, the county and other planners,

10 In 1981 they issued a series of changes and
11 the State Development Guide plan, which, given the
12 status of the guide plan at that time was as good as
13 any other, and it clearly indicates that the areas of
14 the township which are basically to the west of the
15 village was an out and out agricultural area,

16 Now, the Supreme Court in their decision, what
17 they chose was an earlier version of the State
18 Development Guide plan, All of this was subsequent
19 to us using the more current information in our
20 master plan,

21 Q, So would it be correct to say that in
22 your master plan, you didn't use the May 1980
23 Development Guide plan as it dealt with Cranbury
24 Township, and which was subsequently utilized by the
25 Supreme Court, but rather some later information that

1
2 was not utilized by the Supreme Court during the
3 period of time that it was issued by the Department
4 of Community Affairs in 1981 until the issuance of
5 the Supreme Court decision in January 1983?

6 A. I used the most recent information that
7 was issued by the Department of Community affairs,
8 was unaware that the New Jersey Supreme Court was
9 going to rely on information that was not as up to
10 date*

11 Q» Assuming that the Supreme Court has
12 utilized, or utilized a development guide plan that
13 had a line considerably to the west of where you
14 thought it should be, would that, and assuming
15 further that we all have to rely upon court
16 decisions, would that affect your recommendations
17 concerning the agricultural area in Cranbury
18 Township?

19 A* No, it would not,

20 Q. Did you know that there was, at the
21 time - strike that.

22 Just one last question* Would it be correct
23 to say, looking at P%~4, the line of demarcation on
24 it_f that that approximates ~- correctly approximates
25 the line of demarcation specified in the May 1980

1
2 plan which was thereafter utilized by the Supreme
3 Court in its decision?

4 A, The map that was supplied to me in PZ-1
5 is so small, it's difficult to accurately determine
6 whether or not that red line is accurately placed,

7 Q# I represent to you, Mr* March, that
8 PZ-1, that is, the representation of 92 NJ-365, is a
9 smaller version of page 125 of the May 1980 State
10 Development Guide plan, PZ-2, according to Mr,
11 Ginman's testimony,

12 Now, looking at the larger version of
13 Middlesex County, that is, PZ-2, page 12A, and
14 comparing that with the line of demarcation as
15 indicated by Mr, Ginman in red on P%«»4 would it be
16 correct to say that that line corresponds with the
17 line of demarcation between limited growth and growth
18 in Cranbury Township?

19 A, Yes, it does,

20 Q« so would it be correct to say that the
21 line of demarcation on PZ-4 is approximately correct,
22 or corresponds approximately with the line of
23 demarcation on the May 1980 version of the State
24 Development Guide plan?

25 A* Yes, it is*

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MR, HERBERTS All right, that's all. Qh, just a couple of other questions,

Q, Looking at P2-15, could you designate in your own hand where the Lin-Pro project, the eastern border of the Lin-Pro project is? Just write that in your own handwriting, please,

MR, HERBERTS The record will reflect Lin-Pro has been written on the northwest portion -- I'll sorry, the area just northwest of Cranbury Township*

MR, HORAN) Abutting Cedar Brook.

MR, HERBERT* Correct,

Q, Now, you testified about the availability of sewerage, or lack thereof in Cranbury Township,

A, Yes.

Q» I think you alluded to a ridge. Can you specify on the map, and you may not be able to very clearly because of the shadings, where that ridge is that affects the gravity for the sewer line?

A, It's in the land use plan. It's located on a map, plate II-3, titled flood plains in the land use plan, Cranbury Township,

1
2 Q» Now, the sewerage line, looking at *pump*
3 P2-15, does that correspond, would you be able to *sta*
4 draw a line as to where that sewerage line is?

5 A, Yes. The sewerage line to service the
6 high density --

7 Q, Excuse me one moment, off the record*
8 (Discussion off the record*)
9 (After discussion*)

10 Q, Can you designate with a red pen the
11 sewerage line you have testified to earlier?

12 A, Yes, The sewerage line ends right, as
13 I've indicated, which I believe is Scott Avenue*

14 Q, Would you draw where that line is
15 located as it extends through Cranbury Township?

16 A* I'll draw you the line from the pumping
17 station up until the main intended to service the
18 PD-HD zone, I will mark up here "pump station**

19 Q, That's the red dot?

20 A« Yes,

21 Q« You're marking the words pump station to
22 indicate a dot where you understand that pump station
23 is located,

24 A. Yes, that's correct,

25 Q» is the treatment plant -- where is the

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treatment plant?

A# Treatment plant is Middlesex County,
north,

ME* WARREN* In South Brunswick?

THE WITNESS? Yes.

MR. MGRANS It's the Utilities
Authority plant in Sayreville*

Qo it appears the pumping station is
located in lands zoned as agricultural, is that
correct?

A# It really is not* The scale of this map
is very small, so it's difficult to tell on the map.
It is located really to the south of Cranbury Brook,
which would really put it in a low density
residential zone#

Q« Right across the creek, however* is the
southern border of some agricultural zone,

A, That is correct,

MR* MGRANS Off the record a
second,

(Discussion off the record.)

(After discussion*)

Q# Mr# March, I'm looking at_f again, at the
minutes, what appears to be the minutes of - well,

1
2 they art the minutes of the Planning Board* January *Rt 92*
3 1979, again the second page, and I notice on page
4 two, where it states, circulation plan element, the
5 first acceptance readss "The long proposed state
6 Route 02 Freeway remains a key element in the
7 circulation plan**

8 then there¹@ some elaboration about it* I'd
\$ ask you to read that for a ioitnt*

10 Now, sir, I^fii looking at the final product, a
11 little over three years of proceedings and study and
12 so forth, which is the land us@ plan identified as
13 P2-16* Can you refer us anywhere to any discussion
14 of Eoute 92 in the final land us* plan? Take your
15 time, please*

16 A» The bottom of 11-20, "another major
17 state road, Route 92, is currently under
18 consideration* If constructed this road will run
19 from Eoute 1 in South Brunswick to Eoute 130 in East
20 Windsor, through the southwest corner of Cranbury*
21 Neither the feaaability nor the character of this
22 proposed facility have been firmly determined* If
23 this proposal is pursued the township should endeavor
24 to preclude any access to Cranbury Neck Road in
25 Flainsboro or any road in Cranbury* h possible

1
2 alternative to Route 92 that has been advanced is the
3 improvement of Dey Road from Sudders Mill in
4 Flainsboro to Route 130 in Cranbury.

5 Q# in the later parts of the land use plan,
6 do I take it that the recommended land usages are not
7 based upon the development of Route 92 because there
8 was a conclusion that the matter was too, if you
9 will, problematical and that no definite route had
10 been established?

11 &• Route 92 has been under consideration
12 and planning since 1938* The difficulty that we have
13 experienced in this part of New Jersey, with the
14 roads that do not come about, have given planners a
15 lot of difficulty.

16 One I can point to right away is Plainsboro
17 Township and the Lin-Pro proposal, which was put
18 forward in 1971, with the firm conviction by the
19 township and county officials that Route 92 was just
20 right across the way.

21 Furthermore, while in the preparation of this
22 particular land use plan, I was in constant
23 communication with the Department of Transportation,
24 and indeed I also attended several public hearings on
25 behalf of Cranbury, as well as my other

1
2 municipalities that I represented at that time, and
3 the department, in my opinion, during the public
4 hearing process, has never indicated a desire to put
5 in Route 92 through Plainsboro and Cranbury Township.

6 The reason that it's getting any consideration
7 at all today is because Cranbury Township, Plainsboro
8 Township and South Brunswick Township, going to the
9 Department of Transportation and having them
10 resurrect the Route 92, but one which would not go
11 through it Plainsboro nor Cranbury, and instead would
12 head north through South Brunswick Township*

13 As a result of years of history with this
14 Route 92, what we have done in Plainsboro ~ excuse
15 me -- well, in Plainsboro and in Cranbury is to go
16 forward with all land use proposals, assuming that
17 Route 92 was either a long way off or was not going
18 to be following the alternatives that really were
19 designed back in 1938,

20 Q, Assume for a hypothetical that Route 92
21 followed one of the alternatives that had been
22 suggested, which is placed -- which has been placed
23 in dotted line on PZ-4, the litigation map* Just
24 assume that for the purposes of the question*

25 would that have a bearing upon recommendations

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as to contiguous land use to that route?

A, Would that have a bearing? No, it would not,

Q* Even if a highway went right through what is now zoned agricultural, your recommendation would be that that should not affect the recommendation as to land use?

A» May I tell you why?

Q» Sure.

A« I have had the ability to take a look at the traffic counts that were proposed for Route 92 in its preliminary stages, specifically the traffic information, and from what, at least, the Department of Transportation is telling us at this point in time, is that Route 92, with Cranbury Township in agriculture, will be at or beyond capacity by the year, roughly, 2,000*

Now, as part of my belief as a planner, even though you may have a roadway, if indeed that roadway in its improved condition is at or beyond peak capacity, it should not be burdened with additional development of land adjoining the highway,

Indeed, part of the plan, allocation of resources, and indeed a more appropriate land use

1 would be to have that into an agricultural use,

2 Q# in other words, have a major highway
3 right through the middle of an agricultural zone. Is
4 that your recommendation?
5

6 A, What is my recommendation?

7 Q_t Your recommendation would be to have ~-
8 if you had a major highway, such as the alternative
9 that I've indicated here, that you would recommend
10 that that could be placed right, if you will, right
11 in the middle of an agricultural zone?

12 A» Yes, My recommendation is that if you
13 have a Route 92, given the amount of development and
14 growth that^fs proposed along Route 1_f if indeed it
15 takes on the traffic characteristics as has been
16 described by the Department of Transportation, I
17 would recommend to Cranbury Township that it maintain
18 this land in the agricultural happened use as
19 compared to a non-residential, or developed land use*

20 Q_m You mentioned, you were asked a number
21 of questions about Plainsboro, Were you retained by
22 Plainsboro Township during this period of time that
23 the master plan was developed?

24 A, Yes, I was.

25 Q. And you were the planner for Plainsboro

1
2 Township?

3 A, Yes, I was.

4 Q. So you're acquainted with their zoning.

5 A, Yes,

6 Q. Are you still so retained?

7 A* My firm is still retained*

8 Q. When was the master plan for Plainsboro
9 Township adopted, the latest one?

10 A* Just guessing, early 1983, I believe.

11 Q« And that is something that you prepared
12 yourself?

13 A* Yes, it is.

14 O* How about the other two municipalities
15 bordering the western portion of Cranbury, South
16 Brunswick and East Windsor? Did you have any role in
17 those two municipalities?

18 A. South Brunswick, I did not have a role
19 in that municipality* East Windsor, I tell you, I
20 personally did not have a role in that community* I
21 believe a member of my firm did, but that is so long
22 ago I'm not even sure if it's relevant* Well, you
23 determine for yourself if it's relevant, but it's
24 historical*

25 MR* HERBERTS Nothing further*

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REDIRECT EXAMINATION BY MR. WARREN*

Q, Mr. March, Mr. Moran was questioning you before lunch* mentioned a proposed zoning ordinance which did not contain a provision for TDC's.

A, That's right,

Q. was that a proposed zoning ordinance that was proposed to the Township Committee or was that a proposed zoning ordinance that was proposed for recommendation to the Planning Board?

A. That was a proposed zoning ordinance that was prepared by the Township Committee and was about to be adopted,

Q* When did this take place?

A, Can you help me, Bill?

MR, MORANS Off the record.

(Discussion off the record.)

(After discussion.)

Q« When is your best recollection that it was introduced, Mr. March?

A. Approximately 1981, early part of 1981.

Q» was there a zoning ordinance which was recommended by the Planning Board?

A. I am not sure about that. I do know it

1
2 was prepared by the Township Committee and the
3 Township Committee was ready to implement it. I know
4 that it received a hearing, at least before the
5 Planning Board for their recommendation* You have to
6 understand that all of this was just about the time
7 that I was coming on board with Cranbury Township as
8 their consultant*

9 Q. This was a proposed zoning ordinance --

10 A* Change*

11 Q. Change, Which was proposed to be
12 adopted at the same time that a new master plan was
13 being prepared?

14 A. No. It was a zoning ordinance change to
15 make six acre zoning in what is now generally called
16 the agricultural area.

17 Q. That was the sole change that would have
18 taken place?

19 A. That is the sole change.

20 Q* Did you endorse that change?

21 A. No, I did not.

22 Q* Did you oppose it?

23 A* Yes, I did.

24 Q. On what ground?

25 A. The difficulty I had with that change is

1
2 that under the current Mount Laurel I guidelines,
3 what you were doing is potentially becoming very
4 exclusionary in that you were providing for
5 agricultural, providing for low density zoning, but
6 at the same time within the entire municipality there
7 was very, very few areas set aside for either
8 residential or higher residential land development,

9 In my presentation to this township, if any
10 planning and zoning were to be accomplished it was to
11 be done in a comprehensive manner, one in which a
12 balance is struck between development and
13 agricultural preservation? also incorporating their
14 low- and moderate-income housing needs at the same
15 time*

16 Q» I gather from your prior testimony that
17 the major impetus in the present zoning ordinance to
18 the construction of low- and moderate-income housing
19 is the density bonus which is provided when a
20 developer or builder agrees to set aside 15 percent
21 of his units in the PD-HD zone for low- and
22 moderate-income housing, is that correct?

23 A, That's correct.

24 o» Do you believe that that's a sufficient
25 incentive for a developer to build low- and

1 moderate-income housing?

2 A. I'll refer those questions to George
3 Raymond.

4 Q, Were you asked for an opinion at the
5 time that the zoning ordinance was being proposed as
6 to whether or not this was sufficient incentive?
7

8 A* At the time the zoning ordinance was
9 being proposed and prior to the issuance of the Mount
10 Laurel II document, we were very sensitive as to
11 whether or not we had been able to accommodate low-
12 and moderate-income housing. We made our very best
13 effort to achieve those goals* We located the land
14 and spot where we thought it would be best*

2j5 Also establishing the densities and mixes, et
16 cetera, we made a great effort to make the
17 percentages of low-moderate not so high that would be
18 exclusionary, such as found in Princeton, or so low
19 as to evade our efforts of truly providing low- and
20 moderate-income housing*

21 Please understand this was prior to the
22 guidelines that were set forth in Mount Laurel II,
23 That was our straightforward intention in going
24 through the whole master plan»

25 Q# was it your view that in adopting the 15

1
2 percent set-aside, that the 15 percent set-aside was
3 an appropriate set-aside, together with the density
4 bonus, to encourage a developer to put in low and
5 moderate and that the set-aside would not be so great
6 as to make the mandatory construction low- and
7 moderate-income housing an economic burden?

8 A. We were following basically the
9 percentage guidelines as has been tried by other
10 municipalities to encourage low- and moderate-income
11 housing*

12 Q# You had looked at the set-aside
13 guidelines, density guidelines*

14 A* We took a look at what was being done in
15 other municipalities and we tried to stack out how we
16 would, Cranbury would come forward, vis-a-vis the
17 other communities*

IS Q* And you felt that 15 percent struck a
19 good balance*

20 A* Fifteen percent was a reasonable
21 percentage, given what other communities were doing.

22 Q# You still believe that?

23 A* As to whether or not the percent is
24 within reason of what other communities are doing?

25 Q, Whether the percent is a good balance,

1
2 15 percent.

3 A* Seems to be the one that they're using
4 nowadays*

5 Q. The zoning ordinance was not recommended
6 by the Planning Board, nor adopted by the Township
7 Committee until after Mount Laurel II, is that
8 correct?

9 A. No, The present zone ordinance?

10 Q« Yes.

11 A. No, this present zoning ordinance was
12 recommended by the Planning Board and then forwarded
13 to the Township Committee for their approval.

14 o» I understand that* It was not
15 recommended by the Planning Board before Mount Laurel
16 II came down, was it?

17 A. No, it was not* We reviewed that in the
18 previous testimony. There was a lag of about three
19 months.

20 Q# in those three months you had reviewed,
21 I assume carefully, Mount Laurel.

22 A» Yes, that's correct*

23 Q» Did you express to anybody at the time a
24 concern that in light of Mount Laurel II, the zoning
25 ordinance as it now exists might not be sufficient to

1
2 be deemed to encourage low- and moderate-income
3 housing?

4 A_t I expressed a concern that the
5 guidelines that were handed down by the court_f were
6 in my opinion vague in many areas and indeed as we go
7 through these legal processes, highly probable that
8 there may be needed some modifications to either the
9 wording of the zoning or to a couple of the land use
10 changes here and there,

11 Q* Did you believe that the zoning
12 ordinance, as it went to the Township Committee_f fell
13 within the guidelines set out by the Supreme Court in
14 Mount Laurel II?

15 A« I believe the principles that are set
16 forth in our zoning are in constant parallel to the
17 principles that are set forth by the court in their
18 decision*

19 Q« I'm not sure what that means, Let me
20 try again,

21 Did you believe that the zoning ordinance fell
22 within the strictures that the Supreme Court set out
23 in Mount Laurel I, mandating the encouragement of
24 low- and moderate-income housing construction?

25 A» The proposed ordinance that we* the

1
2 Township Committee adopted and which the Planning
3 Board recommended, did encourage and still does
4 courage low- and moderate-income housing*

5 Q* To the extent that is required by the
6 Supreme Court?

7 A# Well, I have trouble reading the Supreme
8 Court decision and determining specifically what is
9 required*

10 Q* You're not clear on that?

11 A* No one is, Jjook at seven experts and
12 look at the numbers that are coming out. No one is
13 clear as of this date*

14 Q* Looking at the application of those
15 provisions of the zoning ordinance which go to the
16 PD-HD zone, and thinking back over those provisions,
17 do you believe that there are any of those provisions
18 which could be modified in any way to reduce the cost
19 of housing in the PD-HD zone, without impermissibly
20 affecting the health and safety of the citizens of
21 the Township of Cranbury?

22 A* In retrospect, in hearing many of the
23 things that my colleagues have been doing, there are
24 perhaps several areas within the PD-HD zone which may
25 reduce the amount of cost involved*

1
2 What would come primarily to my mind would be
3 some of our procedures which we have for economic
4 feasibility studies, perhaps that might be lessened
5 or perhaps there could be an arrangement where you
6 come forward with low- and moderate-income housing,
7 the municipality would pick up the cost of those
8 studies as compared to the developer,

9 If you took a look at some of the specific
10 language for the open space recreation as pertained
11 to recreational facilities, I know the wording in
12 there is "may"¹¹, meaning you can elect to provide them
13 if you need it, upon retrospect I think that perhaps
14 that's not clear enough, and that language could be
15 made even less restrictive in a sense, so the
16 developer would be clear in his mind that *it's* not a
17 requirement*

18 I would think that there are perhaps some, oh,
19 perhaps some of those subdivision details for
20 sidewalk requirements, perhaps they may be changed
21 somewhat* All these are very minor things, but it's
22 those kinds of things may effect some savings*

23 Q« if you really looked with a detailed eye
24 at the ordinance and with a mandate of doing whatever
25 you could do to reduce the cost of housing, the PD-HD

1
2 zone without significantly adversely affecting health
3 or safety of the residents of the Township of
4 Cranbury, there are things that could be done*

5 A. Probably reduce it by one one-hundredth
6 of a percent of the development cost,

7 0* There are things that could be done,

8 A* Very, very minor. If you go through and
9 take a look at this ordinance and go through
10 carefully, you will find that many of the things that
11 the planning profession has been advocating for
12 years, in terms of response from the community, are
13 really incorporated within the standard,

14 Indeed the savings brought about by
15 clustering, by the densities and the other provisions
16 are indeed within the spirit and intent of the least-
17 cost housing,

18 Particularly the street widths standards, the
19 construction, they can serve as a model which other
20 communities can use to have standards that do save
21 the people of low- and moderate-income housing some
22 money,

23 Q, Looking at section 16 of the zoning
24 ordinance, I note the open space requirement is 25
25 percent open space, ten percent natural and 15

1
2 percent active recreation. Is that your
3 recollection?

4 h* What page?

5 Q, Twenty-five,

6 A, What article?

7 Q* 150-79,

8 A# Okay*

9 Q» Twenty-five per set-aside for common
10 space?

11 A, That's right, 25 percent*

12 Q. Would you explain to me why you have
13 generally here 25 percent set-aside for common space,
14 while, if you look at, on page Roman numeral 9-3,
15 section 150-30_f (10), a section which is designed to
16 deal with your low- and moderate-income housing zone,
17 you're going to have -- you require a common space
18 set-aside of 30 percent?

19 A« Oh, that's easy. You take a look and
20 read carefully article 150-79, they set out that the
21 25 percent, the performance standards. You take a
22 look, minimum of ten percent, et cetera, gross area
23 of the development shall be retained in natural
24 features, et cetera#

25 If you go down to the one below that, a

1 minimum of 15 percent of the gross area, et cetera.

2 in essence, what you're doing is you're
3 allowing the developer to have an option to take the
4 other five percent and he could put it in whatever
5 category he feels is necessary*
6

7 These are merely a minimum percent which is
8 required for the open space designation* It's his
9 choice. You see, the subdivision standards are
10 guidelines for design.

11 Q* Under any circumstances you're going to
12 have to put aside 30 percent* where you put the
13 other five percent is up to you*

14 &< That's right,

15 Q# is the township proposing to, at its own
16 expense, extend its sewer lines into the PD-HD zone,
17 do you know?

18 A, I really have no knowledge of what the
19 township is planning to do with its sewer lines, I'm
20 just not sure*

21 Q» Did you make any recommendations with
22 respect to that?

23 A. Made recommendations, And that is that
24 the township needs to think of different means and
25 mechanisms of extending that sewer line into the

1 PD-HD zone in order to accomplish the goals and
2 objectives for the low- and moderate-income housing,

3 Q, As far as you know, has any conclusion
4 been reached as to how to accomplish that?
5

6 A, The township has been so busy with Mount
7 Laurel litigation, they have neither the time nor the
8 money at this point with which to direct its energies
9 at the issue,

10 Q, Would it be appropriate for the township
11 to accept the responsibility for extending the sewer
12 lines into the low- and moderate-income housing zone?

13 MR, MQRANS Objection. That
14 question calls for something that could
15 be considered a legal conclusion, and is
16 not really relevant in this suit at the
17 present, in its present posture,

18 Q. Looking at section 150-78, page 24 in
19 section 16, looking at letter A, which state with
20 respect to building site design principles there
21 should a maximum of four dwelling units.

22 A, Attached single row or structure,

23 Q, And no more than six dwelling units in
24 any structure,

25 A. That's correct.

1 G» Is this an area that might be modified,
2 is this a provision that might be modified in order
3 to reduce the cost of housing without significantly
4 injuring anyone?
5

6 A, Actually, it could stand the way it is,
7 If you notice on the third line down, it says,
8 "should be encouraged," So that in effect, you may
9 indeed come in with a -> double that number, eight
10 units in an attached single row or structure.

11 Q« Wouldn't it be appropriate to
12 specifically indicate where you're dealing with the
13 low- and moderate-income housing development, that
14 perhaps a different standard ought to be considered?

15 A. You want them to live in less housing --
16 less of a design standard housing, than others that
17 are in the project?

18 Q. I think the first question is whether
19 you can build the project for them* After you build
20 it for them, Mr. March* you can decide the
21 appropriate design. If you don't get to build them
22 the housing, you don't even reach the design
23 question,

24 A, I'll fall back on the language that we
25 put forward in the ordinance. There's nothing

1
2 mandatory in this whatsoever* In **fact*** if you read
3 article 150-78, it says, "Building site design
4 principles*. You just take a look at the first
5 **sentence*** *In the site planning and layout after a
6 cluster or plan development or multifamily and
7 higher density residential areas, the following
8 principles_f as appropriate, should be followed.*

9 And then letter A, and it goes down to,
10 "should be encouraged** Nothing mandatory.

11 If indeed to accommodate low- and
12 moderate-income you come in with some design that
13 requires greater than four or less than four,
14 whatever, you go ahead and go forward with it. No
15 variance is required.

16 MR. WARRENS That's all.

17 (Depositions adjourned at 4:15 p.m.)

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25

I, RICHARD C. GUINTA, the Officer before whom the foregoing depositions were taken, do hereby certify that the witness(es) whose testimony appears in the foregoing depositions was (were) duly sworn by me and that said depositions are a true record of the testimony given by said witness(es); that I am neither attorney nor counsel for, nor related to, nor employed by any of the parties to the action in which the depositions were taken; and further, that I am not financially interested in the action.



RICHARD C. GUINTA, C.S.R.
Certificate number 358