

ML-Cranbury  
(Morris v. Cranbury)

8-NOV-1984

- Letter to attorney re: viability of TDC Scheme

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ML000465L

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November 8, 1984 PLEASE REPLY TO: PRINCETON

William C. Moran, Esquire  
Huff, Moran and Balint  
Cranbury-South River Road  
Cranbury, New Jersey 08512

Re: Urban League v. Carteret, et al.

Dear Bill:

You have asked me to express the position of Garfield & Co. with respect to the following issue:

1. Assuming the legality of transfer development credits (TDC), is it possible to develop a TDC scheme would not contravene the decision of the Supreme Court in Mount Laurel II.

We believe that no TDC scheme which would act to increase the developer's cost of constructing low and moderate income housing is possible in light of the decision of the Supreme Court in Mount Laurel II. Cranbury has indicated that its interest in TDC is bottomed on two very different concerns. First, it apparently sees TDCs as a scheme by which developers who are taking the significant financial risks inherent in low and moderate income housing construction would subsidize land owners who are not taking such risks. Such a rationale for adopting a TDC scheme cannot withstand the most cursory scrutiny. The municipality has also expressed its to embrace a TDC scheme for the purpose of preserving its agricultural lands. However, there are methods by which Cranbury may achieve this result other than by creating a cost enhancing scheme which impacts on low and moderate income housing construction. Indeed, at their deposition Cranbury's consultants testified that with the present six acre agricultural area zoning very little farmland would be lost to residential development.

Yours very truly,


  
William L. Warren

WLW/st

cc: Philip Caton  
Joseph L. Stonaker, Esquire  
Michael J. Herbert, Esquire  
Carl S. Bisgaier, Esquire  
John Payne, Esquire \*  
Guliet D. Hirsch, Esquire  
The Members of the Township Committee and Planning Board