

MM MM

Cranbury

15-Dec.-1983

BFI v. Cranbury

Discovery documents for litigation:

inc: Notices to take Oral Depositions <sup>and</sup> requests  
for ~~admission~~ admissions

pg = 8

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ML000611G

## SCCRBO, SCOBIN, LITWIN &amp; WOLFF

COUNSELLORS AT LAW  
 10 PARK PLACE  
 440RRISTOWN, N.J. 07060  
 S38-4220  
 AREA CODE BOI

ARTHUR R. OBIN  
 JACK L. WOLFF  
 LAWRENCE G. LITWIN  
 MEMBERS OF NEW YORK AND  
 NEW JERSEY BAR

COLLEEN A. MCCARTHY  
 MEMBERS OF PENNSYLVANIA AND  
 NEW JERSEY BAR  
 HILARY B. ROSENBERG

FRANK C. CERBO  
 LOUIS S. FREEMAN  
 OF COUNSEL

December 14, 1983

William Moran, Esq.  
 S. River Road  
 Cranbury, NJ

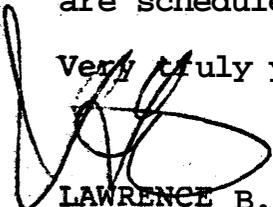
Joseph Stonaker, Esq.  
 41leigh Ave.  
 Princeton, NJ

Re: BFI, et al vs. Cranbury

Gentlemen:

Enclosed herewith are an original and 2 copies of Request for Admissions. I also enclosed herewith a Notice to take depositions for the Mayor as well as the Chairman of the Planning Board. They are scheduled for December 28, 1983 at 10:30 in Mr. Moran's office.

Very truly yours,

  
 LAWRENCE B. LITWIN

LBL:cvs

Enc.

cc: Richard Reilly  
 G. Tobish  
 Harry Wise

All counsel

Attorney(s); SCERBO, KOBIN, LITWIN AND WOLFF  
Office Address & Tel No.: 10 Park Place, Morristown, NJ 07960  
(201) 538-4220

Attorney(s) for Plaintiff

BROWNING FERRIS INDUSTRIES OF SOUTH JERSEY,  
INC., A New Jersey Corporation

Plaintiff(s)

vs.

CRANBURY TOWNSHIP PLANNING BOARD AND THE  
TOWNSHIP COMMITTEE OF TOWNSHIP OF CRANBURY

Defendant(s) I, NOTICE TO TAKE ORAL DEPOSITIONS

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
MIDDLESEX COUNTY

Docket No. L 058046-83 P.W.

CIVIL ACTION

TO: WILLIAM MORAN, ESQ.  
S. River Road  
Cranbury, NJ 08512

PLEASE TAKE NOTICE that in accordance with the Rules of Civil Practice and Procedure, testimony will be taken by deposition upon oral examination before a person authorized by the laws of the State of New

Jersey to administer oaths on December 28 19 83, at 10:30 o'clock A.M. at the office of

WILLIAM MORAN, ESQ. S. River Road, Cranbury, New Jersey New Jersey,

with respect to all matters relevant to the subject matter involved in this action, at which time and place you

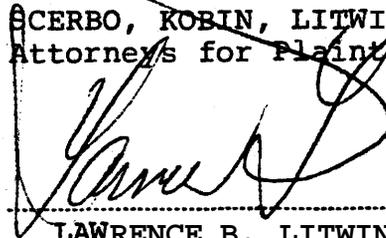
will please produce the following person(s) whose testimony is to be taken:

MAYOR ALAN DANSER

Produce all relevant documents.

TAKE FURTHER NOTICE that at the same time and place the testimony of the following persons will also be taken:

SCERBO, KOBIN, LITWIN & WOLFF  
Attorneys for Plaintiffs, BFI, et al



LAWRENCE B. LITWIN, ESQ.

Dated: December 14 19 83

Service of a copy of the foregoing Notice is hereby acknowledged this day of  
19

7

Attorney(a): SCERBO, KOBIN, LITWIN AND WOLFF  
Office Address & Tel. No.: 10 Park Place, Morristown, NJ 07960  
1201) 538-4220  
AttorneyCs) for **Plaintiffs**

BROWNING FERRIS INDUSTRIES OF SOUTH JERSEY, SUPERIOR COURT OF NEW JERSEY  
INC., a New Jersey Corporation Plaintiff(s) 4AW DIVISION  
vs. MIDDLESEX COUNTY  
DocketNo. L 058046-83 P.W.  
CRANBURY TOWNSHIP PLANNING BOARD AND THE I CIVIL ACTION  
TOWNSHIP COMMITTEE OF TOWNSHIP OF CRANBURY j mTICETOTAL KE ORAL DEPOSITIONS

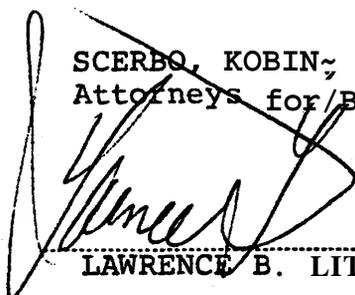
TO: JOSEPH STONAKER, ESQ.  
41 Leigh Ave.  
Princeton, NJ

. PLEASE TAKE NOTICE that in accordance with the Rules of Civil Practice and Procedure, testimony will be taken by deposition upon oral examination before a person authorized by the laws of the State of New Jersey to administer oaths on December 28 19<sup>B3</sup>, at 10:30 o'clock AM. at the office of WILLIAM MORAN, S. River Road, Cranbury, New Jersey New Jersey, with respect to all matters relevant to the subject matter involved in this action, at which time and place you will please produce the following person(s) whose testimony is to be taken:

DON JO SWANAGAN, CHAIRMAN OF THE PLANNING BOARD  
Produce all relevant documents.

TAKE FURTHER NOTICE that at the same time and place the testimony of the following persons will also be taken:

SCERBO, KOBIN, LITWIN & WOLFF  
Attorneys for Plaintiff, BFI, et al



LAWRENCE B. LITWIN, ESQ.

Dated: December 14, 1983 19

Service of a copy of the foregoing Notice is hereby acknowledged this day of 19

**SCERBO. KOBIN, LITWIN & WOLFF**

10 PARK PLACE  
MORRISTOWN, N. J. 07960  
(201) 53B-4220

**ATTORNEYS FOR Plaintiffs, Browning  
Ferris, Industries, et al**

BROWNING FERRIS INDUSTRIES OF  
SOUTH JERSEY, INC\*, A Corporation  
of the State of New Jersey,  
RICHCRETE CONCRETE CO., A  
Corporation of the State of  
New Jersey, and MID-STATE  
FILIGREE SYSTEMS, INC.,  
A corporation of the State  
of New Jersey,

Plaintiff

vs.

CRANBURY TOWNSHIP PLANNING  
BOARD AND THE TOWNSHIP  
COMMITTEE OF THE TOWNSHIP  
OF CRANBURY,

Defendants

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
MIDDLESEX COUNTY

Docket No. 058046-83

URBAN LEAGUE OF GREATER NEW  
BRUNSWICK,

Plaintiff

vs.

CARTERET, ETC., et al  
Defendant

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
MIDDLESEX COUNTY

Docket No. C 4122-73

JOSEPH MORRIS AND ROBERT  
MORRIS,

Plaintiff

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
MIDDLESEX COUNTY

vs.

Docket No. L 054117-83

TOWNSHIP OF CRANBURY IN THE  
COUNTY OF MIDDLESEX, a  
municipal corporation of the  
State of New Jersey,  
Defendant

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GARFIELD AND COMPANY, a New  
Jersey Partnership,  
Plaintiff

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
MIDDLESEX COUNTY

vs.

Docket No. L 055956-83

MAYOR AND THE TOWNSHIP  
COMMITTEE OF THE TOWNSHIP OF  
CRANBURY, a municipal corporation  
and the members thereof; PLANNING  
BOARD OF THE TOWNSHIP OF CRANBURY  
and the members thereof,  
Defendants

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CRANBURY DEVELOPMENT CORP.  
Plaintiff

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
MIDDLESEX COUNTY

vs.

Docket No. L 59643-83

CRANBURY TOWNSHIP PLANNING  
BOARD AND TOWNSHIP COMMITTEE  
OF THE TOWNSHIP OF CRANBURY,  
Defendants

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REQUEST FOR ADMISSIONS

TO: WILLIAM MORAN, ESQ.,  
Attorney for Township of Cranbury

JOSEPH STONAKER, ESQ.  
Attorney for Cranbury Township Planning Board

PLEASE TAKE **NOTICE** that plaintiffs make Request for  
**Admissions pursuant to Rule 4:22-1.**

1. Browning Ferris Industries (BFI) is the owner of lands **and** premises known as Lot 6, Block 16 as shown on the tax map of the Township of Cranbury, Middlesex County, New Jersey.
2. BFI's lands and premises are located on Hightstown Cranbury Station Road.
3. BFI's lands and premises is 4.7 acres.
4. BFI's land has been used since approximately July 1, 1976 for parking, storage and repair of trucks pursuant to a site plan and related use variance.
5. Richcrete Concrete Co., (Richcrete) is the owner of lands and premises known as Lot 13, Block 16, as shown on the tax map of the Township of Cranbury, Middlesex County, New Jersey.
6. Richcrete's lands and premises are located on Hightstown Cranbury Station Road.
7. Richcrete's lands and premises is 3.7 acres.
8. Richcrete's land has been used since approximately February 1965 for the construction and operation of a transit mix concrete plant pursuant to a use permit.

9. Mid-State Filigree (Mid-State) is the owner of lands and premises known as Lot 5, Block 16, as shown on the tax map of the Township of Cranbury, Middlesex County, New Jersey.

10. Mid-State's land and premises are located on Hightstown Cranbury Station Road.

11. Mid-State's lands and premises is 16.1 acres.

12. Mid-State's land has been used since 1972 for the manufacturing of cement forms as a permitted use.

13. The land and premises adjoining the plaintiffs land and premises has been owned by John Mansville, Inc.

14. John Mansville, Inc.'s land and premises are known as Lot 4, Block 16 on the tax map of the Township of Cranbury, Middlesex County, New Jersey.

15. John Mansville, Inc., lands and premises are located on Brickyard Road.

16. John Mansville, Inc., lands and premises is 65.38 acres.

17. John Mansville, Inc., land is vacant.

18. The Planning Board recommended to the Township Committee a zoning ordinance in which plaintiffs<sup>1</sup> land and premises were located in the light impact industrial zone.

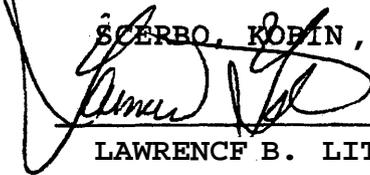
19. The Planning Board recommended to the Township Committee a zoning ordinance in which the Johns Mansville land and premises be located in the light impact residential zone.

20. The Planning Board adopted a master plan in which plaintiffs<sup>1</sup> lands and premises were recommended to be zoned light impact industrial.

21. The Planning Board adopted a master plan which recommended that the John Mansville land and premises be located in the light impact residential zone.

22. If the Cranbury zoning ordinance did not contain provision for transfer development credits, Cranbury would not be able to meet its obligations to provide low and moderate income housing in accordance with Mt. Laurel II.

SCERBO, ROBIN, LITWIN & WOLFF

  
LAWRENCE B. LITWIN, ESQ.

Dated: 12/15/83