

MLA

Cranbury

22-Dec-1983

BFI v. Cranbury

~~Memorandum~~ Memorandum of Defendant Cranbury
re: in opposition to P's motion for summary
Judgment.

Including Exhibits

pgs = 75

~~ML000612D~~

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STONAKER AND STONAKER

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ATTORNEY FORj_e fendant, Cranbury Township Planning Board

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,)

Plaintiffs,)

v.)

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. L 058046-83

URBAN LEAGUE OF GREATER NEW BRUNSWICK,)

Plaintiff,)

v.)

CARTERET, ETC., et al)

Defendants,)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY

Docket No. C 4122-73

JOSEPH MORRIS and ROBERT MORRIS,

Plaintiff,

v.

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

Defendant,

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY

Docket No. L 054117-83

GARFIELD & COMPANY, a New Jersey
Partnership,

Plaintiff,

v.

MAYOR OF 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,

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY

Docket No. L 055956-83

CRANBURY DEVELOPMENT CORPORATION,

Plaintiff,

v.

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

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY

Docket No. L 59643-83

LETTER MEMORANDUM OF
DEFENDANT, CRANBURY TOWNSHIP
PLANNING BOARD

Honorable Eugene D. Serpentelli
Ocean County Court House
CN 2191

Toms River, NJ 08753

Dear Judge Serpentelli:

Please accept this letter in place of a more formal brief to support a cross-motion for judgment on the pleadings and in opposition to Plaintiff's motion for summary judgment on Count Four of the complaint filed in this matter. In the pleadings and in its brief in support of partial summary judgment, the Plaintiff makes but one point: the notices given by the Defendant Cranbury Township Planning Board of Master Plan hearings held during the summer of 1982 were so legally insufficient as to void the Master Plan and the zoning ordinance later adopted. Specifically, Plaintiff finds fault with the adequacy of the notice because it did not alert individual property owners that their property rights might be affected by the on-going public discussions preceding the adoption of a new Master Plan. It is the Defendant Planning Board's position that the proceedings were regular in every respect, that the notice complied with the requirements of the statute, ~~N.J.S.A.~~ 40:55D-11 and 13, and that Count Four of the complaint must be dismissed for failure to state a claim upon which relief can be granted against the Defendant Planning Board and Township Committee.

The cross-motion for dismissal and opposition to Plaintiff's summary judgment motion can be supported by the same arguments. No material facts are in dispute. Count Four is ripe

for judgment and should be disposed of to simplify this litigation.

POINT ONE: THE NOTICE GIVEN BY THE PLANNING BOARD FOR ITS MASTER PLAN HEARINGS WAS LEGALLY SUFFICIENT

Plaintiff's motion should be denied and relief granted Defendant Planning Board because there is no law to support any other conclusion. The plaintiff surely has failed to cite any authority for its position.

On July 25, 1982 the Planning Board adopted a new Master Plan, recommending it for the Township Committee's consideration and eventual enactment. All the procedures followed by the Planning Board and leading up to the action taken on July 25, 1982 were strictly in keeping with the mandates of the Municipal Land Use Law, - N.J.S.A. - 40:55D-1 et seq. Because this is so, Count Four must be dismissed. That this is so is amply demonstrated by Plaintiff's own moving papers.

The published notices of the three public hearings convened prior to the adoption of the Master Plan appear in Plaintiff's brief at p. 4, 5 and 10. The statutory requirements (N.J.S.A. 40:55D-11 and 13) are recited at p. 9, and are clearly satisfied. Plaintiff claims the Planning Board's notice was inadequate but fails to cite any authority which requires different or better notice. There is an intimation that Plaintiff would have the Court equate the adoption of a Master Plan with mortgage foreclosure actions, requiring personal service or its

equivalent on all parties (Plaintiff's brief at pages 12 and 13 and especially references to Township of Montville v. Block 69, Lot 10, a foreclosure case.) There is a hint that the notice must list all properties affected by revisions to the Master Plan by owner, by Lot and Block number, by address. There is no law to support either of these speculations.

The Appellate Division case, Wolf v. Shrewsbury, 182 N.J. Super 289 (App. Div. 1981), cited by Plaintiff in a footnote, is not apposite. There the Township Committee adopted an ordinance rezoning only three tracts of land. The owners of the three tracts brought a prerogative writ action claiming the published notice of the intended legislative action was vague and inadequate. The pertinent section of the notice reads:

The main objectives of these revisions are to comply with the requirements of said Municipal Land Use Law by conforming to the provisions of the Master Plan of the Borough of Shrewsbury, prepared by Candeub-Fleissig and Associates, dated December, 1973. (At 292.)

The Court found the governing body's notice did not comply with the provisions N.J.S.A. 40:49-2.1 requiring "a brief summary of the main objectives or provisions of the ordinance."

Hearings on the adoption of a Master Plan are obviously distinguishable from hearings before a governing body preliminary to the enactment of a zoning ordinance or revisions thereto. The requirement stated by the Court in the Wolf case is that "a notice of a proposed change in the zoning laws must be reasonably sufficient and adequate to inform the public of the essence and

scope of the proposed changes" (at 296). The Cranbury notices which are the subject of this litigation meet this standard. The first two notices clearly specify revisions to the Master Plan and adoption of a Farmland Preservation Program as the subjects for discussion. The notice for the third and final public hearing was even more detailed. It spelled out what the Board was contemplating: "... possible revisions ... specifically in the high density planned development, middle density village, industrial districts and for properties on Dey Road, south of Station Road and north of the proposed Old Trenton Road, Master Plan Road in the agricultural district."¹¹ The notice given by the Planning Board is legally sufficient, and judgment should be awarded to Defendant Planning Board.

When the Legislature discerned a need for... personal service on property owners, it has so provided elsewhere in the statute. Thus 40:55D-12 requires personal service or service by registered mail on all property owners within 200 feet of lands proposed for development. to J.S.A. 40:35D-15 requires the same notice by personal service or certified mail for hearings when ordinance changes or capital improvements may impact on other government entities. That the Legislature never intended 40:55D-11 and 13 to be construed as urged by Plaintiff is clear because the statute is constructed to require different sorts of notice on different occasions.

The public policy implications of Plaintiff's argument, were it articulated and accepted by the Court, are profound and far-reaching, for what Plaintiff appears to say is that every New Jersey municipality must identify and notify every property owner whose lands might be affected by the adoption of a Master Plan. The implications for local governments are staggering: planning departments and tax collectors would become intimates, planning costs would sky-rocket, and lawsuits would proliferate because the probabilities are someone would not be noticed despite the new-found intimacy. Plaintiff's argument must be taken to its logical conclusion; and that conclusion, like Plaintiff's motion, must be rejected.

POINT TWO: THE PLANNING BOARD HAD NO LEGAL OBLIGATION TO RE-OPEN THE MASTER PLAN HEARINGS.

The other argument offered by Plaintiff is that a property owner who is affected by the adoption of a Master Plan and who fails to notice the notice should be entitled to a special hearing before the Planning Board even after the adoption of the Master Plan. In this case the Plaintiffs apparently realized too late that their properties had been affected by the Planning Board's action on July 25, 1982. They sought a hearing after all the hearings had been held. And this despite the plethora of public meetings at which various elements of the Master Plan were discussed. The issues were widely debated for over 14 months. The press gave full play to Cranbury's land use

and zoning matters. Between May of 1981 and September of 1982, articles appeared not only in the Cranbury Press, but in newspapers with wider circulations like the New Brunswick Home News, the Trenton Times and the Princeton Packet.

Attached to this memorandum and incorporated herein are copies of news articles relating to the adoption of the Master Plan. See Exhibits A. These are but a sampling of the many articles, editorials and letters which appeared. Copies of Planning Board agendas are also attached to support the contention that the adoption of the Master Plan was widely discussed and publicized for many months. The agendas were regularly submitted for publication to the Home News and the Cranbury Press. Complete minutes of the Planning Board meeting held on May 14, 1981 are also attached as Exhibit C. This was the first public meeting at which the Master Plan was discussed* _____

Finally, the verbatim transcript of the Planning Board meeting held on April 21, 1983 are attached as Exhibit D. The dialogue between Mr. Litwin and the Board and its attorney is instructive, for it clearly reveals that the Board considered and rejected Mr. Litwin's request that it re-open the hearings. After 14 months of hearings and after the Master Plan had been adopted and referred to the governing body, it was not unreasonable for the Board to refuse Plaintiff's request.

Plaintiff is now attempting to set aside the entire Master Plan process over which the Board labored for so long.

The proper path is an application to the Planning Board for re-zoning of the Plaintiffs¹ properties. This the Plaintiffs have not done. What Plaintiffs asks is for the Court to set in motion a perpetual process whereby no local government could ever finally adopt a Master Plan or enact a Zoning Ordinance. Plaintiff's argument must be rejected.

The Cranbury Township Master Plan was adopted pursuant to the statutory requirements: the process was open, the issues were publicized and debated, and the formal notice was proper. The Plaintiff's motion should be denied and the Planning Board's cross-motion for summary judgment should be granted for all the reasons herein contained.

Respectfully submitted,

Janice JL. Stonaker
Attorney for Defendant
Cranbury Township Planning Board

Dated: December 22, 1983

Planner offers land use insights 5-22-81

CRANBURY—The township hired a full time planning consultant last month, from the Princeton-based, firm of Raymond, Parish, Pine and Weiner. The appointment could not have come at a more appropriate time; it seems—in the midst of the controversy surrounding the proposed new zoning ordinance. <

Tom March, the representative from the firm serving Cranbury, offered some comments on and insight into the ordinance which has prompted a small battle between large landowners and the Township Committee in this otherwise tranquil and friendly township.

The committee introduced the ordinance in May and it is currently running its course through the Planning Board before it will make its way back to the committee for a vote. If adopted, it would create an agricultural zone in the open land west of Route 130. The minimum lot size would be six acres. Obviously, the ordinance and its farming limitations would diminish the speculative value of the land since developers could not build residential units.

"The farmers who don't own the land but rent it seem to be in favor of the ordinance. Those who do own land are afraid their speculative value would be diminished. In planning, what's often not realized is that speculation in land is like speculation in the stock market. And it's not the duty of the official body to make sure everyone gains," the planners commented.

GOING ONE step beyond the obvious intent of the ordinance — that of preserving farmland — Mr. March explained that the purpose of the plan is organization. "So that the municipality can better control road improvements, the construction of sewers and transportation matters."

One of the arguments attorneys who represent landowners are using is that designating Route 130 as the dividing line — with the agricultural zone to the west and an industrial zone to the east — is "arbitrary and capricious." Furthermore, Cranbury won't be able to build the housing necessary to accommodate the industry's employees, the attorneys say.

"When you create an agricultural

zone, you examine a number of things. What the township has done is to look at whether the land is reasonably zoned. Are there proper buffers; road access; infrastructures; sewer and water lines? Route 130 and the New Jersey Turnpike lie near the industrial zone. They are major arterials and an influence for intense use — office or industrial. There would be no traffic traipsing through town," the planner said.

Mr. March ventured into the economic realm or the effects the ordinance could have on farming. "If farming ceases to be viable, then the land would just lie dormant. Every ounce of land just won't be developed. There's enough room for people to live.

"When the land is not producing corn or wheat, it will remain in its natural state. When, the demand for soybeans or whatever increases, the land will be available. Over the long term, there are indications there will be an increasing demand for agricultural use," Mr. March said...

THE PLANNER also pointed out the difference between yesterday's farmer, who owned and tilled most of his own soil, and today's, who rents much of the land he farms. "You don't have to own the land to be a successful farmer," he said.

Mr. March offered a few statistics, saying that in West Windsor about 80 percent of the farmland w/s rented. The figure is about the same in Plainsboro. "Because of the tax structures, you do not need to own land. It's often better to lease it," he said.

In spite of its generous amount of rich farmland, neighboring Plainsboro has been criticized by some in Cranbury for selling much of that land to the Linpro Corp. which constructed the sprawling multi-dwelling units along Plainsboro Road and attracted people often referred to as transients.

Max Zaitz, a local large landowner, commented at one of the public hearings on the zoning ordinance that anyone who moves into Cranbury wants to make sure he is the last person that may do so, indicating the township is not too-receptive to a Linpro type complex.

Plainsboro, which Mr. March also represents, is attempting to contain that sprawl. "The Township Committee is studying the issue. It has two options. One is similar to Cranbury and the other is transfer of development credits (TDC)," the planner said.

MR. MARCH attempted to explain the complex program through elementary examples. "What happens is this/Let's assume you have a town with two zones that are both residential. One zone requires one-acre zoning. The other imposes transfer of development credits. The developer would have to buy one acre on either side, but the net result is that he would be allowed to build two units per acre in the residential zone. The amount developed is proportionate to the amount that will remain preserved."

"It sounds so simple. Could it work in Cranbury? "I don't know if it could. The conceptualists or generalises would say it's possible, but you have liabilities," Mr. March said.

One problem Mr. March pointed out was the inherent lack of harmony among humans. "Can you think of achieving absolute harmony between a receiver of credit and a giver. It's a difficult balance to achieve," he remarked.

Another problem, probably a spinoff of the first, could arise if halfway through the program the developer wanted to buy up a majority of the remaining developable land, but couldn't find anyone on the TEC side willing to sell.

"The developer may have a good case to bring to the governing body saying he went through every means to meet the requirements. 'Why should I be deprived?'"

Mr. March said he probably will be doing a lot of work in the future revising Cranbury's master plan.

Exhibit A-1

Farmers, landowners unite against land law

CRANBURY — the fate of a proposed ordinance, which would require six-acre zoning in agricultural land in the township, remains uncertain even after two lengthy rounds of complaints offered to two governing bodies by local landowners.

A public hearing on the controversial ordinance, which has stirred troubled sentiments among farmers and large landowners alike, will continue before the Planning Board at its Thursday, June 4, special meeting. Based on the results of that hearing, the Township Committee could take action on the matter at its June meeting.

But for now, whether that ordinance will be adopted or not is unclear. Farmers and landowners, in the meantime, have formed steering committees and retained legal counsel to try to either defeat the measure entirely or to rework it so it will read more in their favor.

The ordinance, which was published in the May 8 issue of the Press, would zone most of the open land lying west of Route 130 agricultural, which would require a minimum of six-acre subdivisions.

FURTHER, the ordinance dictates that the permitted uses of that land are primarily agricultural in nature. Consequently, that land can no longer be eyed by developers as being suitable for residential use.

Mayor Thomas Weidner spoke on behalf of the rest of the Township Committee at last Thursday night's special Planning Board meeting explaining the intent of the ordinance to a crowd of about 50 township residents, farmers and out-of-town landowners.

"First, I can't emphasize enough that this is an interim change pending a more permanent step. The intent is to save the farmland which is seriously threatened," the mayor said.

Mayor Weidner added that the ordinance would halt any threat of scattered development throughout the township. Also in his statement, the mayor referred to the impending Supreme Court decision in the Urban League fair share housing case, which may be handed down this fall.

"Awaiting the decision of the Urban League case places us in a dilemma, not knowing what that decision will be. One of Cranbury's arguments in the case has been that the township is not a developing community. We're hard pressed to preserve and maintain the farmland on one hand, and pressed on the other not to do so.

"If we don't take steps to preserve, then soon there won't be any need — there won't be any land left to protect. By allowing sporadic development, farmland will no longer be viable in the township."

BUT THE mayor's stabs at reassuring the farmers and landowners that the committee was not out to punish them did little to stop the flow of comments and criticisms during Thursday night's meeting. Nor did they cease during Monday night's Township Committee public hearing.

The committee could not take action on the proposed ordinance on Monday because the Planning Board took no action at its meeting. The Planning Board had 35 days since the introduction of the ordinance in which to make a recommendation that the committee either adopt, revise or scrap the ordinance.

Many of the same landowners spoke at length during the two meetings criticizing not only the intent of the ordinance, but also the two governing bodies for the sudden manner in which the issue appeared to surface.

Once more Mayor Weidner assured the audience that the committee and the planners were following the procedure outlined in the law.

Albert "Ace" Barclay, a Princeton attorney whose family owns land in Cranbury, said Monday he was interested in

orderly development, but asked why the interim zoning measure was needed. "Why a moratorium which presupposes that what we have now is not very good. If we do implement interim zoning, it will have to deal with the statute governing moratoriums which has to be reasonable and cannot run for longer than one year."

MR. BARCLAY added that the preservation of farmland is "just not something that can be done via an ordinance. Farming is fine when the economy is viable."

"What if the ordinance had a time limit on it?" Mayor Weidner asked the attorney. "Say six months to a year?"

"My clients would be interested," Mr. Barclay replied. Mr. Barclay is representing several other anxious landowners who have formed the Cranbury Farmland Preservation Fund.

"I wonder whether agriculture is that viable?" asked attorney Thomas Farino who is representing yet another group of Cranbury landowners. "Is it viable every year? They may need to liquidate some assets in order to perpetuate some other land deemed viable."

Mr. Farino added that using Route 130 as a dividing line between industrial and agricultural zoning was an "arbitrary and capricious measure."

ADDRESSING THAT issue, Robert Chido, a Cranbury resident who does not own land, said, "It's not right that because a man happens to own land on the east, he gets a windfall profit, while the guy on the west loses his shirt."

Several of the landowners who spoke at the meetings agreed that there could be at least a \$5,000 differential in the value of the land. As farmland, it is worth approximately \$2,000 an acre, but speculators say its developable worth is closer to \$7,000.

One resident who lives on Station Road protested that if the ordinance were not adopted; Cranbury may develop in the same "horrible" way that neighboring Plainsboro and West Windsor Townships have.

Elizabeth Wagner, also a village resident, urged the committee to formulate some type of equitable agreement.

The committee will consider the ordinance again during its Monday, June 15 meeting.

zoning ordinance limn proposed by committee

6-19-81

CRANBURY. -The Township Committee, Thursday night was to have offered to the Planning Board its proposal that the committee adopt a six-acre zoning ordinance, as planned, but that it attach a month limit on the law, allowing for a citizens' committee to study alternative plans.

Attempting as they have all adjoining committee members stressed, to prevent the scattered spread of township development, the three-member committee decided last Monday night to adhere to the original intent of the zoning ordinance.

In order to avoid potentially, costly litigation and to give the township's large landowners a chance to have their planner meet with the township's to discuss alternatives, the committee said it probably will amend the ordinance so that it would be in effect for nine months.

The committee also was to have suggested to Planning Board members that the two bodies form a citizens committee of three farmers, three townspeople and three public body officials. The committee would have input into the Master Plan revisions the township planner is expected to be working on during the next six months.

In light of the considered amendment to the zoning ordinance which has created a furor among large landowners who feel their investment potential could be harmed by the ordinance — the committee said it probably would not take a final vote on the measure until its July meeting.

The committee apparently opted for this when, after the special Planning Board meeting - June 4, a Woodbridge attorney Robert Greenbaum, threatened that his clients, a group of Cranbury farmers, would take the township to court if the ordinance passed.

Mayor Tom Weidner, the committee's representative on the board, said that Mr. Greenbaum also requested a 30-day period before the committee voted on the ordinance for his planner to discuss the measure with the township planner, Tom March.

The mayor said that the "no." vote on Monday would allow the planners their 30 days.

Township attorney Bill Moran said that the township could adopt the ordinance with the stipulated nine-month limit as an interim ordinance to be in effect while the land-use section of the township's master plan is being revised.

Mr. Moran added that the time limit could extend up to one year if the committee wished. Upon its expiration, however, if the township planners had not come up with an alternative, the ordinance would revert to its original state, which allowed one-acre zoning in the questioned area.

If planners devised a viable alternative before time ran out on the proposed amended ordinance, Mr. Moran said the committee could lift that ordinance and replace it with the planners' resolution.

Mayor Weidner suggested the nine-month term as opposed to a year-long stay for two reasons:

Let the planners know we are acting as expeditiously as possible; and so that final action on the issue coincides with next spring, when most farmers must apply to banks for credit to fund their planting and harvest periods.

The mayor added that the planner had given six months as a "ball park figure" as to when he would have studied the township's zoning and given his suggestions for revisions or alternatives. However, the nine months will give all involved, the planners, the citizens committee and the public bodies, leeway in terms of deadlines.

The Middlesex-Somerset-Mercer Regional Study Council Inc. also said it would like to have input into zoning troubles in Cranbury, but the committee did not determine to what extent the group would play a role.

A-3

Zoning vote delayed until September

by Barbara Sobkowiak
News Editor

CRANBURY — Once more, the Township Committee has officially put on hold the vote that would determine the fate of the controversial six-acre minimum lot zoning ordinance, introduced in May.

As indicated at last week's agenda meeting, the committee Monday night motioned to postpone the public hearing on the ordinance until the August meeting, but agreed it would not vote on the measure until September.

Mayor Thomas Weidner said the postponement came as a result of a request by the landowners' Woodbridge attorney, Robert Greenbaum, to allow their planner more time to piece together an alternate scheme. Mayor Weidner said the planner had been called away on an overseas assignment and then went on vacation.

The Mayor added the reason he asked the committee to postpone voting on the ordinance until September is that he will be away during the August meeting.

LANDOWNERS AND some farmers, up in arms when the ordinance was first introduced, have been conspicuously absent from the two most recent meetings. A few townspeople, who are apparently in favor of the ordinance, are still attending the meetings to offer their suggestions.

Barbara Wahlers of North Main Street urged the committee to amend the ordinance to include a six-month time limit.

Mayor Weidner said the committee might consider the six-month limit, but reminded the audience of the reaction he received the last time such an idea was proposed to the landowners.

"It seemed to add to fuel to the fire," the mayor had said after he suggested the committee attach a nine-month time limit on the proposed zoning law.

Township landowners are opposing the ordinance because the six-acre minimum lot requirement would restrict the use of the land to agricultural forms, and therefore most likely would decrease the speculative value of the land.

The mayor said a limit placed on the length of time the ordinance is valid would prevent the possibility of scattered development in the township's highly rated farm land before the zoning issue is resolved. Current zoning regulations call for one-acre minimum lots.

7 3 11
ANOTHER RESIDENT questioned whether developers could apply to use Planning Board now to seek approval on construction in the disputed area. Township attorney Bill Moran said that any developer who seeks to build in that zone now is doing so at a risk with this ordinance hanging over him.

"Developers can apply now under the existing one-acre ordinance," Mr. Moran said. "But their rights don't vest until they have received Planning Board approval."

In other business:

— Plainsboro Road, from the Cranbury Township line at Cedar Brook to the last home in the developed area, will be closed nearly all of next week, from Monday, Aug. 3 until Friday, Aug. 7, while workers repave the surface. Bob Jones, township engineer said Monday. Traffic toward Princeton will be detoured to Route 130, to Dey Road, to Scotts Corner-Monmouth Junction Road out to Plainsboro Road. Traffic headed toward Cranbury will follow the detour in reverse.

Much of the funding to repave the road is coming from the state's 1979 Transportation Bond issue.

—The mayor announced the appointments of two township residents to fill vacancies on the Planning Board. Betty Wagner, president of the Historical and Preservation Society, and Donald Paterson, a township farmer, were appointed to terms which will expire Dec. 31, 1983.

The two replace Bill Pritchard, who resigned for personal reasons, and Carl Osgood, former chairman, who resigned for medical reasons.

A-4

Petition drive launched

To the editor

Cranbury's Town Council and Planning Board have undertaken review of the faster Plan to promote orderly growth in ways which will protect agriculture and the quality of life in Cranbury.

At public meetings, it has been clear that outside developers have felt particularly threatened. Some proposals have made farmers uneasy, as well. In an effort to defuse the situation and show our support for efforts to rapidly develop and implement a plan which can protect all interests, members of an ad hoc committee have circulated the petition reprinted below. The response of those we have contacted has been overwhelming, but we have not been able to find everyone at

home. Please call me (at 655-1642, evenings) if you would like to have a neighbor bring a petition by.

Harvey M. Sachs
Cranbury

We, the undersigned residents of Cranbury, share a deep and abiding concern for the orderly growth of the Township, protection of its environment, and preservation of its farmlands. Therefore, we respectfully petition the Cranbury Township Committee to take all actions which it feels are legally available to it, including adoption of an amended nine-month interim six-acre zoning ordinance, to give the Township time to adopt a revised Master Plan for Cranbury's future.

Awaiting planners' input

Fate of zone vote uncertain

by Barbara Sobkowiak
News Editor

CRANBURY —The Township Committee apparently still is uncertain over whether to pass an ordinance that would require minimum six-acre lot zoning in a section of Cranbury, to vote it down or to continue postponing a vote until it receives a recommendation from the Planning Board.

Discussing the issue that has stayed with the members since they introduced it in April, the committee Monday night agreed that the way it votes next Monday, Dec. 21, may depend on whether the planners make a recommendation this week.

The planners were to have met Thursday night at a special meeting to continue discussing the two viable zoning alternatives before them with planning consultant, Tom March.

THE PLANNERS have been holding special work sessions all fall to examine the future fate of Cranbury's farmland. The main intent of the six-acre minimum zoning ordinance was toward preserving those lands.

However, when large landowners in and out of Cranbury heard of the committee's plans, they besieged the members with complaints that their land values probably would diminish under large lot zoning.

Attempting to reach a compromise between the landowners and townspeople who favor the proposed ordinance, the Township Committee asked the planners to review the situation and to come up with a recommendation.

SO FAR, THE Planning Board, together with a consultant hired by the landowners, and Mr. March, have studied not only the large lot zoning, but also the transfer of development credit (TDC)

system, which is a fairly new and relatively untested preservation concept in the state.

Under TDC, a landowner would sell his right to build on portions of his property to a developer. In turn the developer is allowed to take that credit to the area of the township zoned for residential development and build twice the number of units ordinarily allowed.

Mayor Tom Weidner said Monday night there was little indication which plan, if either, the board would recommend. The mayor added it was his feeling that the landowners were less apt to go for the TDC plan since its implications would be more permanent than a large lot zoning ordinance, which could be amended in the future should farming cease to be a viable operation in the township.

THE PLANNING BOARD has scheduled a Jan. 28, 1982 public hearing on the township's master plan revision at which time it could suggest one of those plans if it has not made a specific recommendation yet this week.

With that degree of uncertainty looming, the committee could vote one of three ways at its regular meeting Monday night. The three member body could pass the ordinance and have it serve as an interim measure until the planners make a specific recommendation, or it could vote down the ordinance and allow the current one-acre zoning restriction to remain in effect. Or finally, they could once more vote to defer a decision for a couple of months until the planners have completed studying the matter.

However, the committee expressed concern that if they let the ordinance ride or voted it down, several applications for subdivision approvals in the farmland area, could be okayed by the planners.

TOWNSHIP ATTORNEY William Moran said though that even if the minor subdivisions are granted under the current zoning law, once the law changed to six-acre zoning, the landowners would have to seek variances to build on the one-acre subdivisions.

He explained that obtaining variances usually requires the applicant to acquire enough surrounding land to conform to the current ordinance. If the ordinance changed to six-acre zoning, the applicant would have accomplished virtually nothing since a single residential unit still would have to be built on six acre lots.

Cranbury moving toward a master plan revision scheme

by Patty Suboleski
Special Writer

CRANBURY — Township planning consultant Tom March outlined the course of action for implementing large lot zoning in Cranbury township at the Planning Board meeting last Thursday.

Whether the township decides on large lot zoning of 6 to 10 acres or large lot zoning with the option to transfer development credits, the following steps will have to be taken.

In phase one, according to Mr. March, a land use map detailing the new zoning along with documentation will be drawn and adopted by the Planning Board by the end of January. The map will then be submitted to the Township Committee for review.

AS PART of phase two, the land use plan revision will be adopted by the board in mid-February. A zoning refinement, then a final recommendation to the township committee will follow. Mr. March projected that the new plan will be effective in March.

The proposed large lot zoning is being considered as a means to preserve farm life in the area. Mayor Tom Weidner said, "We are doing more than preserving agriculture. We're preserving historic nature."

He also pointed out that the Planning Board has been generally discussing the subject of changing the zoning for some time and that it is now time to hear how the*public feels. Further input from the public will be heard at future meetings.

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~~On the same holding~~

The seeds of optimism were planted throughout the New Jersey agriculture industry in 1981, as voters approved a \$50 million-Farmland Preservation Bond Act designed to retain the Garden State's prime agricultural land.

The bond vote, coupled with the development of farmland for non-agricultural purposes, helped invigorate a major state industry that had sustained a significant loss in acreage during the 1960s and early 1970s.

With a 2-1 margin, the voters signaled a strong commitment to the state legislature and to the new governor that they want farming to stay in New Jersey, and it is clear that New Jersey's agricultural heritage will remain intact.

A Citizens Committee for Farmland Preservation, consisting of primarily non-farm business and civic leaders, vigorously supported the bond, and subsequent approval of the referendum in all 21 counties illustrated the widespread support for agricultural retention throughout the state.

THE FINAL VOTE tally was 1,065,996 to 668,172 in favor of passage.

Immediately after the Nov. 3 decision, work began to implement the voters' mandate with enabling legislation calling for the creation of county agricultural development boards to initiate and maintain voluntary development easement purchase and soil conservation programs at the local level.

The enabling legislation is being reviewed by the Natural Resource and Agriculture Committee in the Senate and the Agriculture and Environment Committee in the Assembly. Lawmakers and department officials are currently seeking public comment on the bill, and action is expected in 1982.

The overall unfavorable real estate market, and the promise of a statewide agricultural retention program precipitated a lull in development and a decrease in the number of farmland acres purchased for investment.

THE DEPARTMENT'S 1981 Agricultural Land Sales Report shows the number of acres bought for development dropped from 3,547 to 2,044 and the price of land for investment decreased by \$597 to \$3,839. Land purchased to remain in agriculture stabilized at \$2,134, while the price for land for development rose sharply by \$4,810 to \$12,258 per acre.

The 1981 growing season was marked by extremely good growing conditions for vegetables in New Jersey and surrounding areas, resulting in heavy production and depressed prices for some commodities.

Prices were above 1980 levels for hay, sweet potatoes, apples, hogs, milk cows, eggs and milk, and below the 1980 average for field corn, wheat, rye, soybeans, potatoes, calves and chickens.

An increase in the cash receipts from some crops, plus increases in livestock and milk and eggs, contributed to a 5.3 percent boost in cash receipts in 1980, to \$302 million. According to the latest statistics from the U.S. Census, the value of shipments from New Jersey food and kindred products totaled \$6.1 billion in 1981.

INCREASES IN the number of farms and farmland acres in 1981 are attributed, in part, to the correction of an undercount in the 1974 U.S. Census of Agriculture.

In that year, the number of farms was placed at 7,409 and the acreage was set at 1,395. The New Jersey Crop Reporting Service has since compensated for the low figures.

The estimated number of farms in 1981 rose from 9,400 to 9,500 and the acres increased by 10,000 to 1,030,000. Department officials also explain that the high interest and mortgage rates reduce development pressure and prompt both the farmer and non-farmer to fallow inactive land to produce agricultural commodities. Overall, however, the number of farms and acres in New Jersey have remained relatively stable for the past several years.

Participation in zoning study is urged once again

To the editor

The recent devastating freeze in Florida's citrus groves demonstrates once more how increasingly precious New Jersey farmland is. If we allow our farmland to disappear and if we have to become dependent on food belts thousands of miles distant, we also become vulnerable to each whim of nature which destroys those areas' abilities to feed a whole nation.

Community participation is vital in our local farmland zoning study. The members of the Township Committee

and Planning Board cannot decide alone how to preserve Cranbury's farmland. They need to know that their endeavors are supported and encouraged by a large segment of the town's taxpayers.

The meeting this Thursday will give the townspeople a chance to listen to the proposals for the new zoning. But it will also be an excellent opportunity for a show of support for our local government and their laudable efforts on behalf of our future.

Melinda Brickhouse
Cranbury

A-8

Hearing postponed

Cranbury planner continues to examine zoning options

CRANBURY — Township planner Tom March is still adjusting the fine-tuning on Cranbury's zoning picture, so residents will have to wait at least another month before they can watch the master plan revision show.

Initially the Planning Board had scheduled a public hearing on a revised master plan for Thursday, Jan. 28. However, inclement weather forced the planners to cancel their final work-session before the hearing on Jan. 14. In the interim, Mr. March decided the plan needed further refining before it was presented to the public.

Revamping his original scheme, Mr. March said he will lump phase one and phase two of his proposal together and submit them in one package. Phase one, he said, only dealt with land uses west of Route 130 while phase two covered the proposed zoning changes east of Route 130.

Mr. March said that he was pushing phase one through quickly because of the growing concern among landowners over what will become of their land values once the planners and the Township Committee agree on a farmland preservation plan.

THE LANDOWNERS were up in arms last May after the Township Committee introduced an ordinance that would create an agricultural zone by requiring six-acre minimum building lots. The committee carried that ordinance all last year to give the landowners an opportunity to suggest alternative preservation methods to the Planning Board.

What evolved was a string of meetings among the planners, the landowners and Mr. March designed to allow them to study other plans.

Mr. March said a few of those early meetings last fall got off to a slow start since some were more concerned over procedural matters rather than the substantive issues at hand. That is part of the reason Mr. March's final proposal has been delayed.

¹ Another problem that surfaced though was one dealing with an alternative zoning method, the transfer of development credit (TDQ system).

TDC is an arrangement where a developer may build more densely in one part of the township if another is left undisturbed. Although the developer may buy acreage from a landowner in one section of the township, if that section is the designated agricultural zone, then he will take the credit from that zone and use it to build another unit (or units as allowed) in the properly zoned district.

THE SYSTEM IS relatively new and has never been tested in a New Jersey court, Mr. March said. At least two communities, Chesterfield and Hillsborough Townships have already implemented the plan.

While discussing its implementation in Cranbury, however Mr. March stumbled across the question of how to assign credits to land that doesn't perc, or land that is unsuitable for developing because it can not support a septic system.

Should a developer be assigned credits for that land on a net basis or on a gross basis? This is the issue Mr. March is currently examining. He hopes to have an answer for the planners the next time he meets with them so that the planners can present TDC as a viable means of preserving Cranbury's precious farmland that won't totally prohibit growth.

Large lot zoning is still a consideration in the master plan revision scheme though. Its use as a farmland preservation tool is questioned because, as Mr. March put it, the method could prove to be to "transitory."

"LARGE ACRE ZONING used to be sufficient to slow development down," Mr. March said. "But as the values of homes go up, the land values go down. It becomes economical to build on large lots. The advantage of not getting involved with the TDC mechanism is that it makes life a lot less complex."

Mr. March explained that the transfer of development credit system achieves the same end as large lot zoning "but when a transfer is made, a deed restriction is placed on the land. It's no longer transitory. It becomes permanent. "In either case," he continued, "you have to make reasonable zoning decisions."

The Planning Board, Mr. March said, is committed to making a thorough analysis of all the possibilities that lie before them. "The planners went to evaluate the choices in a methodical, well-documented manner," he added.

Though the original public hearing date on the master plan revision has been set back, Mr. March said the planners are not losing time on the overall deadline since they will be better equipped to answer the public's questions once they have more input from his study.

Mr. March said the township may hold one public meeting combining the master plan revision hearing and the hearing on the zoning ordinances which will enable the master plan change to take effect once the study is complete.

Cranbury mulls land preservation

3-5-82

by Patty Suboleski
Special Writer

CRANBURY — The township planner intends to present a completed farmland preservation proposal to the Planning Board this month so its members can determine which method it will incorporate into a revised master plan.

In his progress report to the planners on Thursday, March 18, Thomas March, township planner, said there are two major proposals under consideration. The first proposal is for large lot zoning of 6 to 10 acres. The second is for large lot zoning with the option to transfer development credits. "What we need is a reasonable balance of industrial to residential mix," explained Mr. March.

After the Planning Board meets to rule out alternatives to the proposal, a public hearing will be called to discuss which zoning method will be incorporated into the township master plan.

IN OTHER BUSINESS:

The Planning Board approved the application for a minor subdivision by Firestone Tire & Rubber Co. of Akron, Ohio. The company plans to develop its site, located at Route 130 and Cranbury Station Road.

The application was approved on the condition that Firestone widens the right of way along Cranbury Station Road and increases the frontage between the road and building.

The application for minor subdivisions by E. & R. Simonson, A.V. Danser, and Sam JulTe Were all postponed until the next meeting of the Planning Board. Action on these applications is pending approval of soil logs by the Board of Health.

The two applications made by Willis Applegate Farms, Inc. for minor subdivisions were withdrawn after the planners decided that they did not classify as minor subdivisions.

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A-10

Cranbury's master plan: leaders get first look

5-21-82

CRANBURY What will happen to the farmland off Old Trenton Road and Plainboro Road? Will it become another suburb, completely developed with homes?

Not if Cranbury's Planning Board can help it. It looked at a new master plan for the town last week which would preserve those farms.

A 4,000-acre "agricultural preservation district" is the keystone of the new township master plan, which was presented to the Cranbury Planning Board Thursday by planning consultant Thomas March. So far, the new plan is in draft stages; it is expected to be revised and redrawn before final adoption.

USING A combination of 15-acre minimum lot sizes and optional transfer of development credits (TDC), the plan seeks to preserve farming in the western half of the township by shifting growth and development to the eastern half, specifically the corridor bounded by Route 130 and Main Street and extending beyond the turnpike to the east.

Landowners in the agricultural district west of the village and north of Old Trenton Road would be given salable development credits equal to the number of conforming two-acre lots that could be developed on their land.

These credits could be purchased by developers to increase the number of houses permitted in two receiving districts from a one dwelling per 2-acre base density up to three or four dwellings per acre.

THE MAJOR RECEIVING district for development credits would be 530 acres on either side of Brainerd Lake from Route 130 to the turnpike. Up to three small-lot homes and townhouses per acre would be permitted if the developer has sufficient development credits from an agricultural district. A bonus of an additional dwelling per acre would be granted for constructing "least cost" housing — the least expensive housing the private market can build on a given tract without subsidy.

The other receiving district would not provide the density bonus for least-cost housing. Thus limited to three dwellings per acre, this district would consist of a 170-acre triangle south of Station Road between Hightstown Road and Route 130 where the township Zoning Board of Adjustment recently denied a variance to build at eight dwellings per acre.

MR. MARCH'S FIRM — Raymond, Parish, Pine, and Weiner (RPP&W) — began last fall to investigate methods of preserving farmland in Cranbury, and, through that investigation, evolved a new land use plan for the township master plan.

According to Mr. March, the preservation of farming in the township is desirable in its own right and also as a way of protecting the village area from traffic and commercial competition that would be generated by "random growth on the outside." The TDC proposal, RPP&W President George Raymond said, "is the only way that we know of to try and preserve agricultural use of land."

The major objectives of the plan, Mr. March said, are to conserve farmland, to provide an opportunity elsewhere in the township for growth, establishing a balance between housing and industry, and to maintain the quality of the village historic district. Under the plan, he added, zoning in the village area would remain unchanged.

Mr. March told the Planning Board that minor subdivisions, a potential source of ready cash for farmers, "become antithetical to the agricultural zone" under the new plan. Because residential development is incompatible with farming, Mr. March explained, "if you allow that cash flow...you destroy

the agricultural district."

Board member Chip Wright said he personally is in a different cash flow bind now in trying to borrow money with his land as collateral because the six-acre zoning proposed a year ago but not enacted has depressed farm land values.

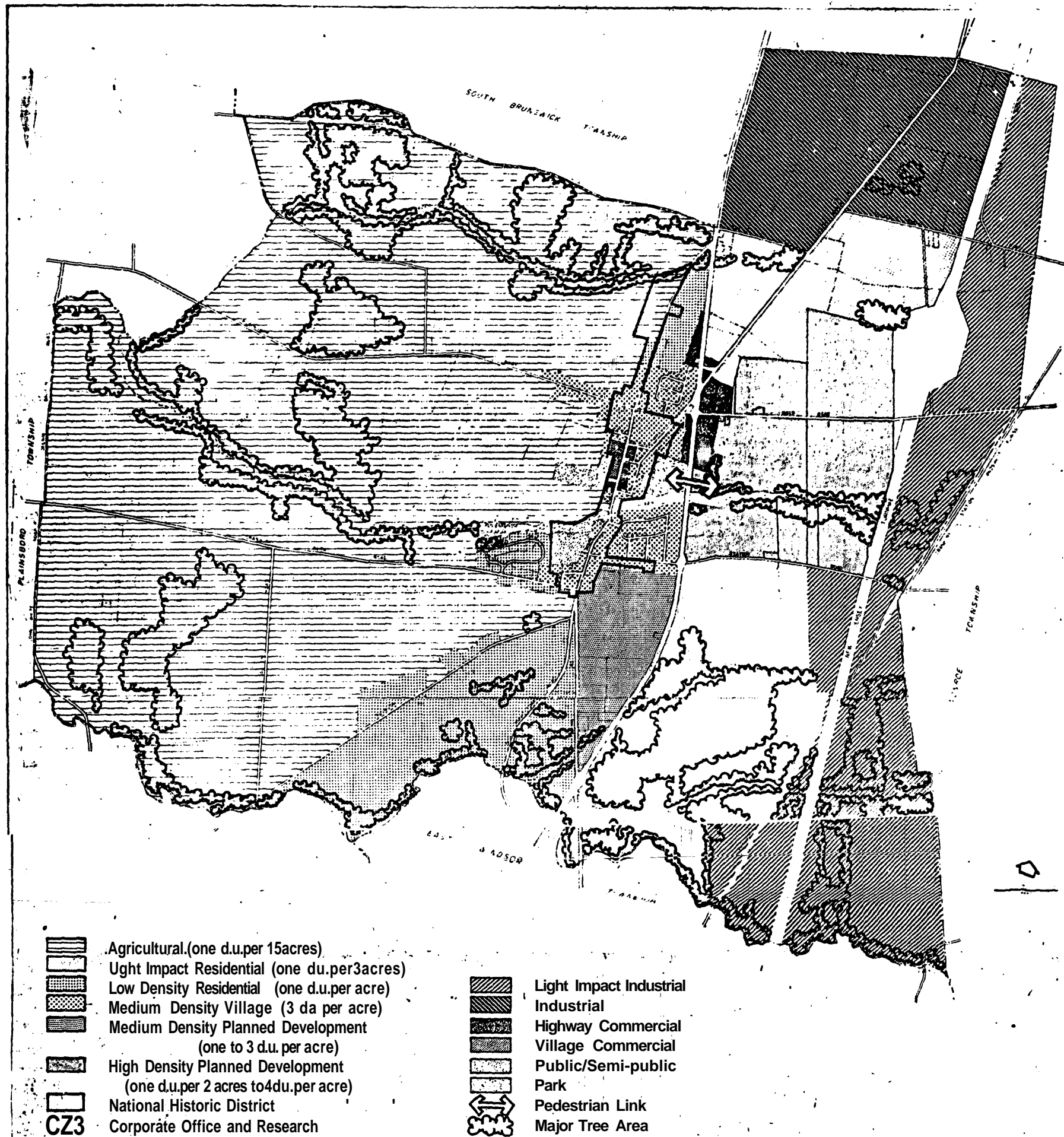
"I HAVEN'T SEEN anything here tonight that would get them back up," he said, "it's not a bad deal" if the TDC plan works, he added, but "I don't know that I can convince the bankers that it [the land] is worth at least as much money as it was before."

At theoretical full development under the draft plan, up to 3,000 new dwellings could be constructed in Cranbury, as compared with 3,200 under the current zoning. This might yield a total population of 9,000 residents, of whom an estimated 5,600 would be employed. The draft plan also provided districts for "industry," "light impact industry," and "corporate offices and research" that would yield an estimated 5,400 to 11,400 jobs. Although this potential imbalance between housing and employment "might now be a problem," board attorney Joseph Stonaker explained, when the state Supreme Court finally renders an opinion in the Urban League case, "then we'll know what the real answer is."

THE PLANNING BOARD is scheduled to continue its review of the draft plan at an open workshop meeting on June 1. According to board Vice Chairperson Dietrich Wahlers, the board would like to solidify its own feelings about the plan before it seeks public comment, but may schedule a formal public hearing on the plan in mid-June.

A-11

A-12



Land Use Plan

5-29-82 Plate III-1

CRANBURY'S FUTURE, as planning consultant Thomas March envisions it. 4,000 acres of farmland in the western portion of the town will be designated for farm use only by being limited to one building, or development unit (d.u.), for every 15 acres, with various types of development planned for the eastern portion, if the plan is approved by local officials.

48

Large lots opposed, TDC favored instead

5-21-82

by Robert Bell
Special Writer

CRANBURY — Large-lot zoning is likely to be rejected as a way of preserving farmland by the Cranbury Township Committee, according to Mayor Thomas Weidner.

The concept was introduced more than a year ago as an amendment to the township zoning ordinance which would require a minimum building lot size of six acres in the western portion of Cranbury. That amendment soon may be defeated by the Township Committee at a meeting at 8 p.m. this Monday in the school cafeteria.

Mayor Weidner announced at Monday night's Township Committee agenda session that, since the township Planning Board has begun work on a new Master Plan land use element featuring transfer of development credits (TDC), his "inclination, and I guess it's shared, is to

vote down the [6-acre] ordinance unless we hear something to the contrary at the public hearing."

TDC and large-lot zoning are two methods of keeping builders from developing farmland which the local government wishes to preserve.

"It's pretty much decided," committee member Alan Danser added, "that if the Planning Board's going to do something, it's going to be some sort of a TDC program and not strictly large-lot zoning."

UNDER TDC, a number of so-called development credits would be assigned to each tract of farmland in Cranbury. These credits could be purchased from the farmowner by a developer and applied by the developer to other parcels in the township. These other parcels would then be able to be developed at a greater density than otherwise would be permitted, while the farmland would be deed-restricted against any use except

farming.

A new township Master Plan, Mayor Weidner explained, would have to be adopted by the Cranbury Planning Board, and not by the Township Committee.

Once it adopts a Master Plan, he continued, the Planning Board could draft new zoning ordinances for review and potential adoption by the Township Committee.

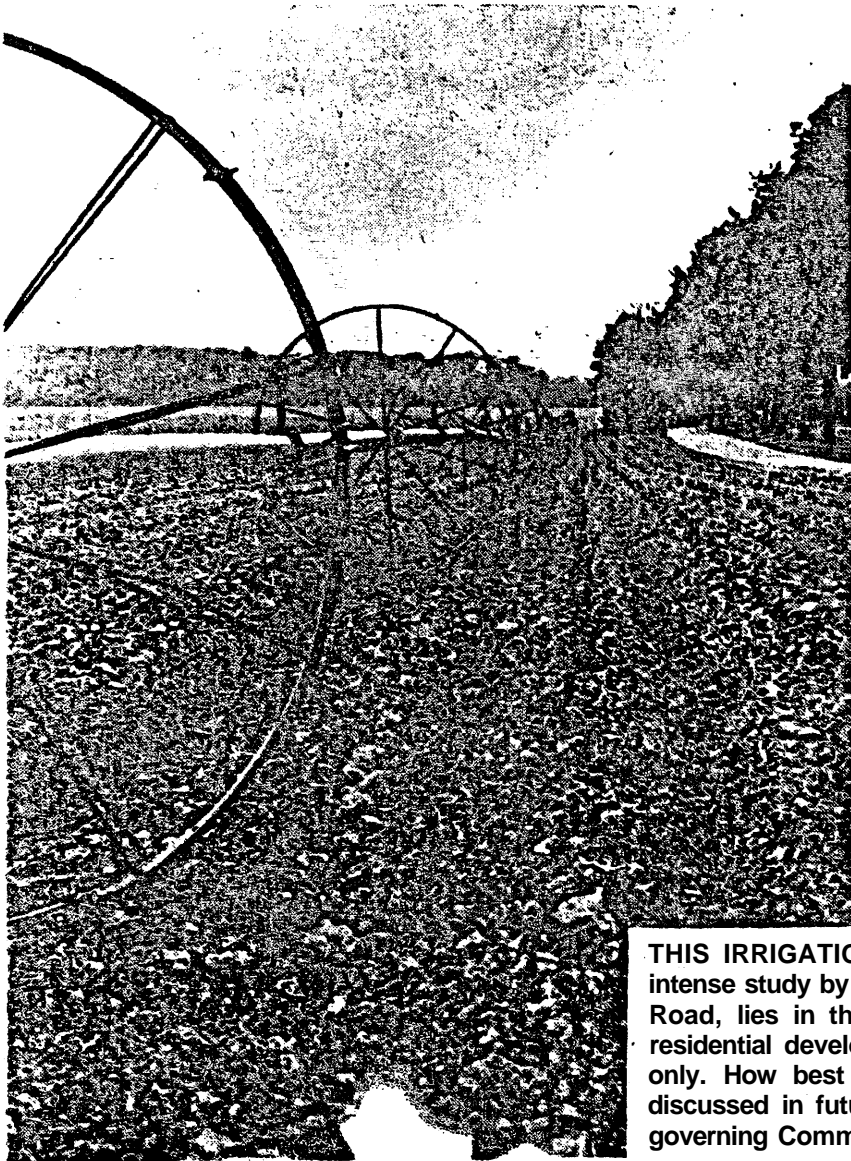
The Township Committee would not be bound by the Planning Board's recommendations for the ordinances, but, if it enacts an ordinance that is inconsistent with the township Master Plan, the Township Committee must explain its reasons for the inconsistency, according to the state Municipal Land Use Law.

"The earliest you could have the zoning ordinance in place, if everything moves expeditiously, would be in September," Township Attorney William Moran estimated.

IN OTHER BUSINESS, the Township Committee learned from the state Department of Environmental Protection that the township sewer system has passed its final inspection. According to Mr. Moran, this means that the township can begin to settle up accounts with the construction contractor and to complete the final paperwork on the project.

The committee also heard from Township Engineer Robert Jones that the township soon will begin to install drainage improvements along Station Road. The improvements, Mr. Jones said, consist of extending a pipe drainage system that Mr. Jones termed inadequate to carry the storm water that would be generated in a heavy rainfall.

The proposed extension would provide a slight improvement, but would not be adequate to "alleviate those heavy rain storms," Mr. Jones added. "The only solution," Mr. Jones told the Township Committee, "is a new (parallel) drain starting from the brook and going all the way back."



THIS IRRIGATION PIPING stands on land which is the subject of intense study by Cranbury's leaders. The land, located off Flainsboro Road, lies in the western portion of the township: now zoned for residential development, but which may be rezoned for farming use only. How best to keep developers from building upon it will be discussed in future meetings of the township's Planning Board and governing Committee. j - 2 / - 1 * - (Jean DeWitt photo)

A-13

Cranbury farmland plan gets minor changes

6-4-82

CRANBURY — The township Planning Board is a little closer to preserving farmland in Cranbury, having continued its review Tuesday of what may become a new township Master Plan.

The board made only minor changes in the draft plan as it reviewed the various agricultural, residential, industrial and commercial districts and the plan's underlying goals.

The board got through 33 pages of the 37-page text of the plan before adjourning for two weeks to Tuesday, June 15.

The draft plan, a blueprint for the development of the township and the basis for a promised new zoning ordinance to follow, has as its core the creation of a 4,000-acre agricultural preservation district. Development that might otherwise occur in this agricultural district west of the village would be shifted 10 areas east of Main Street, according to the plan.

This shift of development from west of the village to north, south, and east of the village would result in nearly the same ultimate population for Cranbury as is permitted under the current zone plan — about 7,000 to 9,000 people.

The limitation of population growth around the community is important to its stability, said George Raymond, president of the firm of planning consultants which prepared the plan.

"If everyone who would appreciate living in Cranbury were to live here, Cranbury wouldn't be the kind of place that anyone would appreciate," Mr. Raymond explained.

* THE CHANGES THAT the board made in the draft plan include shifting four small lots along South River road near Route 130 from the corporate office and research district to the highway commercial district, and finding a place in the plan for professional offices on smaller lots.

The plan the board is reviewing is a draft Land Use Plan element of a future comprehensive Master Plan for the township. A Master Plan consists of up to seven such elements comprising — in addition to a land use plan — housing, circulation, utilities, community facilities, recreation, and conservation plans. According to township planning consultant Thomas March, a circulation plan element is a future step for the board. Mr. March said the current circulation plan does not fit in with the draft land use plan and would be revised "somewhere towards the latter part of this year."

ONE PROBLEM WITH drafting a circulation plan now, Mr. March said, is that the status of proposed state Route 92 through Cranbury "is very much in flux" at this time. The state is scheduled to make a decision on Route 92 soon, Mr. March said, but "Route 92 was started in 1938-1939 so it's difficult to get too excited about any time schedule of completion."

"Part of the work that we'll be doing this year," Mr. March added, "is developing...a single land development ordinance" replacing the zoning and subdivision and site plan review ordinances of the township.

Planning Board member Dietrich Wahlers said the board first would "thrash out what we're going to give the public" before hearing public comment on the draft land use plan.

Mr. Wahlers said, however, that he expects that the board will hold a formal public hearing on the plan about two weeks after completing its current review.

The Planning Board is expected to complete its review of the plan and schedule the subsequent public hearing at an open workshop session on Tuesday, June 15, beginning at 8 p.m. in the Cranbury School.

In other business this week, the Planning Board granted final approval to Section II-B of the Shadow Oaks subdivision south of Old Trenton Road.

Approval of this seven-lot section had been postponed from May 20 pending a report from township engineer Robert Jones that certain improvements had been satisfactorily completed.

DEPARTMENT OF CRANBURY

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Hearing soon on farmland plan

6-18-82

CRANBURY — Last minute touches are being added to Cranbury's long-awaited Master Plan draft which aims to preserve farmland through transfer of development credits.

A public hearing on the draft was to be set Tuesday but the Planning Board first wanted to incorporate some changes in the plan which will give the municipality more flexibility when drafting ordinances to conform to the Master Plan.

July 8, however, was mentioned as a possible date for the hearing.

"If we act promptly, with any luck, we could get the Fourth of July" as a hearing date, noted board Chairman Donald Swanagan.

The changes the board is reviewing were prepared by consultants Thomas March and George Raymond in response to input from the board at its meeting on June 1.

One change is to state that the minimum lot size in the 4,000-acre agricultural district would be somewhere between six and 15 acres, with the exact number to be determined at the time the zoning ordinance is enacted. By providing a range, the plan would permit the township to pick the most defensible lot size based on the law at that time.

Mr. Raymond told the board, "six (acres) has a basis in statute because the Farmland Preservation Act says six and it seems to us that that's something to latch on to as a floor." The draft plan originally fixed a 15-acre minimum lot size.

The plan relies on the Transfer of Development Credits (TDC) to preserve farmland. Under this proposal, developable land in the western portion of the township is given salable "development credits" which can be bought by developers and applied to increase housing density in "receiving districts." Once the credits are sold, deed restrictions would be placed on the farmland to prevent its use for any purpose other than agriculture.

Planning Board members Thomas Harvey and John Toscano expressed concerns about assumptions the plan makes about the TDC mechanism.

"You're working on a theory which is great, but suppose it doesn't happen," Mr. Toscano said. Because portions of the agricultural district are undevelopable due to poor soils or flood hazard, the number of development credits projected in the plan will never be realized, Mr. Toscano said.

"You're building up a nice picture here with TDCs, but if they can't develop the land they don't get TDCs," Mr. Toscano told Mr. Raymond. If the TDC plan is enacted, "we're going to stop development or at least slow it down to a dead snail's pace."

Under a TDC plan or under conventional zoning, "if they can't develop the land they have nothing to sell, that's the way the cookie crumbles," Mr. Raymond replied. He said if there is a market for housing in Cranbury, it should develop faster under a TDC plan.

Mr. Harvey pointed to a potential imbalance between the number of credits that might come on the market from the agricultural district and the number that might be absorbed by the receiving districts. He proposed a greater surplus capacity in the receiving districts to ensure that there is a market for all available credits.

"If you have these excess credits on the west side with no place to put them, you could, I think, potentially have a court void the whole plan," Mr. Harvey said. If, on the other hand, there was a greater capacity for credits than there were credits available, Mr. Harvey said, "the result of that would be at worst... that a court will say well, he can develop anyway even without the credits."

The plan should generate some 1,500 development credits and be able to absorb from 1,630 to 2,130 credits, but any imbalance that develops over time can be corrected by adjusting the zone lines, Mr. Raymond said.

"Neither the Master Plan nor the zoning ordinance are cast in concrete," he explained. "We're not dealing with science at all."

"That sounds good to me, it seems to make sense," Mr. Swanagan commented. "You have to continuously fine tune this as you see how it's working."

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Farmland plan gets first airing

7-2-f2

by Robert Bell
Special Writer

CRANBURY — Public opinion could have an important influence next Thursday, July 8, when a new Master Plan for Cranbury's future is given a formal public hearing. The plan, now in its draft stage, will be aired at a meeting of the township Planning Board at 8 p.m. in the Cranbury School on Main Street.

The hearing will be the first opportunity for public comment on the plan since it was unveiled in May.

At the core of the draft plan is a 4,000 acre agricultural district west of the village and north of Old Trenton Road. That land is being set aside for farm use only through a combination of two land planning techniques: large lot zoning and the optional transfer of development credits (TDC).

UNDER THE TDC PLAN, a number of "development credits" would be assigned to each tract of farmland based on the number of 2 acre lots that could be developed on the tract. These credits could be purchased from the farmowner by a developer and applied to other parcels in "receiving districts" south and east of the village.

Parcels in the receiving districts to which credits have been transferred could be developed at up to 3 or 4 dwellings per acre — a greater density than would be otherwise permitted — while the farmland from which the credits have been transferred would be deed-restricted against any use save continued farming.

To encourage the sale of credits, land in the agricultural district would be zoned for a minimum lot size of some-

where between 6 and 15 acres, the exact size depending on the state of the law at the time the zoning ordinance is adopted.

THE TDC PLAN WILL work, according to township planning consultant Tom March, (whose firm drafted the plan) because "it's comprehensively thought out" but is "not an anti-growth measure."

But some Planning Board members were not as certain as Mr. March of the plan's future success when asked their opinions recently.

"It looks to me as if it's reasonable that it would work, but I can't guarantee that," Mayor Thomas Weidner said, while board member Eric Norland commented, "I can't say definitely that it would work, but it would be nice if it would."

"I wouldn't vote for it," board member Thomas Harvey explained, "If I didn't think it would work, and I don't know how I'll vote."

Board member Christopher Wright said that he also did not know if the plan would work.

"I hope it works, but I have my doubts," he said. "Your answer will come at the public hearing."

IF THE DRAFT Master Plan is adopted by the Planning Board after the hearing, it would form the basis for a new zoning ordinance for the township. The ordinance would contain details such as uses permitted in the various industrial zones and housing types in the residential zones, as well as requirements for setbacks, buffers and utilities.

Mr. March told the board two weeks ago that once the Master Plan is adopted, he would complete the first draft of a zoning ordinance within 1½ to 2 months.

Mayor Weidner said that he hoped that the ordinance could be enacted within the year.

"This process," he said, "has been long enough."

A-16

Help plan Cranbury's future, says resident

7-2-82

To the editor.

The Planning Board's public workshop meeting is slated for Thursday, July 8 in the Cranbury Elementary School at 8 p.m.

The proposed land use plan for the township (it's available for examination in the public library right now) will be discussed. The need for farmland preservation will be reviewed. The concept of the transfer of development credits will be reviewed. His plans for the future development of Cranbury — housing,

Mayor seeks public voice

To the editor.

On Thursday, July 8 at 8 p.m. in the Cranbury School cafeteria, the planning board will hold a public hearing on a proposed plan to preserve approximately 4,000 acres of farmland in the township through the use of transfer of development credits (TDC).

I urge the citizens of Cranbury to attend this meeting, listen to the proposal, and, if desired, express your views on the plan.

Thomas P. Weidner
Mayor, Cranbury Township

offices, industrial — will be discussed.

It is critical that we all attend and ask questions, share our worries, express our reservations or support.

Every one of us has a stake in the outcome of this meeting — from the farmer who wants to farm and needs protection from creeping development to the farmer who owns land which can't support development but who counts on the value of his land for his retirement nest egg.

Homeowners who own houses close to a road that could be widened to 4 lanes and brilliantly lighted as a main traffic artery should be concerned.

Property owners in the Historic District who want to safeguard the integrity and ambience of the area should be concerned.

Taxpayers who will be shouldering the financial burden of increasing communi-

ty facilities and services during and after development should be concerned.

Real estate speculators and developers who are anxious to extend the Plainsboro-type development right up to Main Street, Cranbury, will be present at the workshop along with their attorneys. Their voices are loud. They will push for every advantage they can get, safe in the knowledge that no matter what they do to Cranbury they won't have to pay for it or live with it!

Cranbury will not remain as it is now. It is going to change and grow. We, who live here, can insure that the growth and changes are orderly, planned, well managed and fair to all — but only if we participate in the planning and decisions.

Please. Attend the workshop on July 8. Share your ideas and opinions.

Marilyn Green
Cranbury Neck Road

PLANNING DEPARTMENT
TOWNSHIP OF CRANBURY

A-17

Farmland plan: foes repeat their concern

7-16-82

by Robert Bell
Special Writer

CRANBURY — More than 100 people crowded into the cafeteria of the Cranbury School last week for a public hearing on a new township Master Plan, but htc few who did comment on the plan said "nothing new." according to the head of the township's firm of planning consultants.

"There was not a single comment made that we hadn't heard repeatedly before," said George Raymond, president of Raymond, Parish, Pine & Wcincr. "They're the same comments we've heard for the last year."

"I cannot think of any points that were brought up that we did not consider," Planning Board chairperson Don Swanagan agreed, "but we will probably, in our discussion, re-hash what was said."

The Planning Board has scheduled a second public hearing on the draft Master Plan for Thursday, July 29 beginning at 8 p.m. in the Cranbury School.

MUCH OF THE OPPOSITION was voiced by an attorney who said he, spoke for others as well as for himself.

"The proposed TDC experiment is immoral, illegal, improvident, premature, and grossly unfair, said Albert Barclay, Jr., a Princeton attorney who owns land in Cranbury. Mr. Barclay said he spoke for himself as well as for several other landowners in opposing the keystone of the draft plan: the transfer of development credits (TDC) to preserve farmland.

The plan provides that, in a 4,000 acre agricultural district west of the village and north of Old Trenton Road, develop-

ment credits equal to the potential number of buildable 2 acre lots on each farm be given to each farm owner.

For each credit bought from a farmer owner by a developer who is seeking to build in a receiving district east or south of the village, an additional dwelling up to three or four dwellings, per acre may be built.

• Once a development credit is sold and transferred to a receiving district, the farmland from which the credit came would be deed-restricted against any use other than continued farming.

Mr. Barclay maintained that this system is illegal because "there's no way to know whether or not there'll be anyone able or willing to buy credits" and that, without a market for credits, the plan unfairly reduces farm land values.

A fund would be established by the township to buy credits if necessary in order to "guarantee that there is an orderly market," Mr. Barclay said. The township would thereby "pay its fair share of the costs of this experiment," he told the board, adding, "if you have a stake as large as ours there's a much better chance of the plan working."

The TDC plan, is immoral, Mr. Barclay asserted, because its purpose is to stop development in Cranbury, not to save farming. Referring to Twin Rivers, a major housing development on Route 33, he called the plan improvident because "it will create a 'Twin Rivers North'" in the 530-acre receiving district east of the village.

This area is proposed to house up to 5,300 people or 57 percent of the projected population of the township at hypothetical full development.

The plan is also premature, he added, because East Windsor is about to try a

somewhat different farm preservation plan. Mr. Barclay urged the board to wait until East Windsor's plan is tested in the courts so that Cranbury could avoid adopting and having to pay to defend an indefensible plan.

"A little patience," he advised, "would save a lot of money."

BUT THE PLAN was praised by a representative of the Middlesex County Planning Board, John Sully, who said that the county board "strongly supports the 'basic concept (of the plan) ...of accomodating both the need to preserve agriculture and the need to accomodate development."

"You can't very well do one in the long term without doing the other," he added.

The draft plan, Mr. Sully said, conforms with the Middlesex County Master Plan, the State Development Guide Plan, and plans of the Tri-State Regional Planning Commission in providing for development in the eastern half of the township while discouraging growth in the western half.

James Faffney of the Stony Brook-Millstone Watershed Association called the plan "a bold initiative" whose time has come.

"The need has...never been greater" to preserve farming, Mr. Gaffney assured the board, because New Jersey, although it is known as the Garden State, "now derives 42 percent of its fresh produce from outside its borders" resulting in "a dependency...on food production areas beyond our boundaries and increasingly beyond our control."

See FARMLAND, page 2A

WATER DEPARTMENT
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A-18

7-16-82

Farmland

(Continued from page 1A)

Mr. Gaffney and Linda Bentz, who represented the Middlesex-Somerset-Mercer Regional Study Council, both suggested that fanning also be preserved in prime agricultural areas in the industrial districts east of the village. Mayor and Planning Board member Thomas Weidher said that that was "a very interesting concept" but that "we have to do first things first" in preserving the larger area west of the village.

Andrew Masie, who said that he spoke for many residents of the Station Road area, told the board that, while those residents generally support the draft Master Plan, they "are concerned with the density...and the type of housing that would be built adjoining the existing neighborhood...[and] are distressed by the vagueness of the wording in the present plan."

The zoning in the area between Station Road and the proposed extension of Old Trenton Road should permit only single-family, detached houses on

one-acre lots instead of the plan's "three dwelling units per acre with wide latitude as to housing types," Mr. Massie told the board.

Township planning consultant Tom March replied that the area between Route 130 and Main Street south of Station Road "is one of the more obvious places where development should or could occur."

"What we're proposing for Station Road," Mr. March explained, "is the existing zoning of the village."

Max Zaitz, an East Windsor resident with extensive area land holdings, objected that Mr. March had included some poor land and excluded some good land in drawing the agricultural district boundary.

"HE CAN DRAW LINES, but he doesn't know land," Mr. Zaitz told the board, referring to Mr. March. "You ought to get somebody to help you to show you where the good land is and where the poor land is. I think your whole map is out of whack."

About 74 percent of the agricultural district has Class 1 farm soils, Mr. March

replied. If some parts of the district have poor soils then "so be it," Mr. March said, because "the most important thing, when you take a look at how you provide these broad districts, is having...continuity."

The plan provides no mechanism for slow, small-scale growth in the township. North Main Street resident Mark Berkowsky said.

"The whole concept of TDC is saying it's got to be a large development. That's one of the major concerns I have with the whole concept," he said. "Very little mechanism exists for the one, two, three lots a year."

"That's really true," Mr. March agreed. "We have not in depth made a consideration of how to do that. Instead, quite frankly, we have concentrated on how to soak up [development] credits."

Mr. Berkowsky also urged a reduction in the minimum lot size proposed for the industrial and research-office districts, but Mr. March said that the 10 acre minimum is appropriate.

"Today in the market," Mr. March said, "you can zone for whatever, and it really makes no difference" because there is strong demand for larger lots. Small-lot zoning permits types of development which discourage "quality development," Mr. March said. "Let's go for the best."

The draft Master Plan would be "more successful," Mr. Berkowsky said, if more people had "constructively help(ed) the board develop the plan" instead of "come out tonight and just complain."

"I don't think enough of the township people have come out in 12 months of...the planning and the development of these documents," he added.

Copies of the draft Land Use Plan and Agricultural Conservation Plan elements of the township Master Plan are available for purchase or for public review at the Cranbury Township offices. The purchase price of the plan is \$10.

A-19

Thursday is TDC day in Cranbury.

7.2.82

Next Thursday, the people of Cranbury will have an opportunity to directly affect their township's future. That means the quality of life in this town could be better or worse, depending on what is said and done.

But as local homeowners and farmers discuss the planning board's draft of one layer in Cranbury's proposed new Master Plan — the land use element—their listeners will not only be those within township boundaries.

Other towns in New Jersey will be watching and listening. The idea of transferring development credits' (TDC) to preserve farmland and encourage development in other areas where residents would prefer to see construction is not well established in New Jersey. TDC has not worked in some cases — yet it seems to be the only major alternative to uncontrolled loss of farmland in the state.

Neighboring East Windsor, among others, has been wrestling with similar farmland preservation ideas.

- To help tailor their town's future, Cranbury residents no doubt will attend this meeting, as two letters on this page — one from the mayor — urge. Some will even study the plan before Thursday, and to the extent that they do, they will aid their fellow citizens on the planning board all the more.

Most of all, it is a tough job to stay reasonable and yet be creative in problem solving. By making that effort during the next months, however, Cranbury residents can improve not only their own future, but that of many other New Jersey residents as well.

A-20

Farm plan changes eyed; hearing Aug. 3

7.2i S²

by Robert Bell
Special Writer

CRANBURY — The second public hearing on the draft township Master Plan was re-scheduled last week for Tuesday, Aug. 3.

The hearing, originally announced for July 29, was moved back five days by the Cranbury Planning Board because of another commitment that developed for township planning consultant Tom March.

If the plan were to be significantly amended by the board as a result of the hearings, normally still another hearing would have to be held for public comment on the changes.

The board, however, is seeking to avoid the need for further hearings beyond the one on Aug. 3 by providing public notice of possible changes in the plan based on comments heard at the first public hearing on July 8.

"What they want to do," board attorney Joseph Stonaker explained, "is they want to have the notice in as broad terms as possible so that people will be aware of the fact that there will be certain areas in the plan that may be considered by the board for change."

The Planning Board is not necessarily going to make any of the changes mentioned in the notice of the hearing, but listed what it deemed to be the ones possible to consider among those it heard.

The board also may place a time limit on public comment, at the hearing so that it would have time for discussion afterwards. The board will accept written comments before the hearing, but plans to cut off the hearing at 10 p.m. unless new comments are being made.

"If you end up," board chairperson Don Swanagan said, "with a lot more people saying new things, that you didn't know was going to happen, then we'll have to change our plans."

The board directed that the notice of the hearing mention that it might consider changing the zoning of the area immediately south of Station Road to permit no more than one dwelling per acre.

THIS CHANGE FROM the proposed three dwellings per acre had been requested at the first hearing by Station Road resident Andrew Massic as being more in keeping with existing housing in the area.

Although the zoning in the village is for 1/3-acre lots, Mr. Massic had said that some of the lots near Station Road are larger and should have larger lots adjacent to them. He also had requested that a buffer be required between any new development and the existing homes on Station Road.

The board may consider deleting the area along Dey Road from the agricultural preservation district, as was requested by landowner Max Zaitz. Mr. Zaitz had said that the poor soils in the area make it unsuitable for farming and therefore suitable for housing developments.

The board also may consider modifying language in the plan that may require development in the two highest density residential districts to be either at the base density of one dwelling per two acres or at the maximum density of three or four dwellings per acre, but at no intermediate value.

These two districts — one 170 acres south of Station Road between Main Street and Route 130, and the other 530 acres east of the village between Route 130 and the turnpike — are the receiving districts for the transfer of development credits (TDC).

The plan provides that developers may build at the higher densities in these districts if they have purchased development credits, from landowners in the 4,000 acre agricultural district west of the village. Once credits are transferred, the farmland could not be developed.

This change was suggested by board member Tom Harvey because of what he termed serious legal problems with prohibiting intermediate densities in the districts.

A reduction of the maximum density in these areas may also be considered. Resident Albert Barclay had said at the July 8 hearing that the larger area the one east of the village would develop into a "Twin Rivers North."

The residents of this area, Mr. Barclay said, would eventually wrest political control of the township from current residents. The Master Plan in fact projects that if Cranbury is ever fully developed, this zone would house about 57 percent of the township's population.

ANOTHER CHANGE that the board might consider is establishing a mechanism for preserving farmland in industrial districts. This change had been suggested by representatives of the Stony Brook-Millstone Watersheds Association and the Middlesex-Somerset-Mercer Regional Study Council.

Mr. Stonaker said that the notice of the second hearing was intended to spell out what may be a possibility and not to describe what the board would in fact do.

"I'm not expecting them to change the industrial area to agricultural," Mr. Stonaker said after the board's meeting Thursday evening.

The second public hearing on the draft Master Plan is now scheduled to begin at 8 p.m. on Tuesday, Aug. 3 in the Cranbury School.

A-21

Cranbury approves farmland plan

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CRANBURY — Cranbury's Planning Board on Thursday, Sept. 9 took a decisive step in its efforts to reserve 4,000 acres of township farmland for exclusively agricultural purposes by approving a new land use plan which incorporates the controversial theory of transferring development credits.

The vote was 6 to 2.

The board spent more than a year of investigating various methods of farmland preservation, searching for something which would not stifle the natural development of the town.

The accepted plan, drawn up by township planner Thomas March, involves the heavily debated method of transference of development credits (TDC).

THE VOTE TOOK place after a 20-minute discussion of the plan by the board in which Mr. March vigorously defended its legitimacy as a beneficial plan for Cranbury citizens, landowners, and prospective developers.

But board member Christopher Wright, a Cranbury landowner and one of the two dissenting voters, aggressively opposed the plan, saying it held no guarantees that land values would not drop. The other opposition vote was cast by board member John Toscano.

Mayor Thomas Weidner, representing the majority of the board members, responded to Mr. Wright's arguments with, "I agree. There are no guarantees, but it seems (that) this is the only possible plan that will work. It seems like a trade-off and it doesn't seem as if there will be any diminished value.

"It seems reasonable and the best thing for the majority of Cranbury residents for the next 20 years. If it works, it'll be considered the greatest thing since sliced bread," he added.

Mayor Weidner plans to appoint a committee to review the land use plan and the affect it has on Cranbury, on a yearly or bi-yearly basis.

NOW, THE PLAN must be translated into zoning ordinances for the township's future development. According to planning board chairman Don Swanagah, the acceptance of the land use plan is a recommendation to the township committee. It has no effect until the planning board writes the proper zoning ordinances to enforce the plan, he said. These ordinances must then be passed by the township committee.

There is no time limit as to the passing of the ordinances, but according to Mr. March, "there is every indication that the zoning will be moved along as quickly as possible."

At present, township zoning allows one dwelling unit on six to 15 acres of

the 4,000 acres of farmland to be preserved in the western portion of the town. There are 700 acres in the eastern portion of Cranbury which are presently zoned for one dwelling unit per two acres and which will be the receiving area for the development credits.

Under the newly-accepted land use plan, a developer will be able to buy transfer credits from a landowner of the farmland to be preserved. The developer then applies these credits to land in the receiving area, where he will then be allowed to build up to four dwelling units per acre. Without the transferred credits, the developer can build only one dwelling unit per two acres.

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A-22

Reactions to Cranbury's plan

by Paul Maselli
Staff Writer

9-17-82

CRANBURY — Reactions to the Cranbury Planning Board's acceptance of a new land use plan to preserve the township's farmland range from the high optimism voiced by township planner Thomas March to the cautioned wariness expressed by board member and landowner Christopher Wright.

"I'm pleased with the outcome (of the planning board's decision)," said Mr. March early this week. "The planning board has been working for more than a year on this farmland preservation issue, and this decision is a major step in Cranbury for all future development. It is a significant statement on how the township feels they want to grow."

But Mr. Wright counters, "if I were a builder and saw the Cranbury ordinances, I'd shy away. This plan, to a great extent, is going to keep builders out. Also, we have no track record (on the TDC technique) and we have reports from other towns that are not glowing. This is my concern."

Two major concerns voiced by board members, landowners, and residents who attended the public hearings of the plan, are that the plan will cause a lowering in land value in the 4,000 acres to be preserved, and that large complexes of apartments and condominiums will spring up in Cranbury along Route 130.

"IT HITS US at home, right in the pocketbook," said Mr. Wright. "I don't think any landowner wants pie in the sky. He just wants a fair return on what he has invested in all these years. Essentially, the planning board is cutting our equity right out from under us. We can own our own land, but we are not free to do anything with it."

Mr. Wright claims that his land was appraised at \$8,000 to \$10,000 per acre in April 1981, but since the planning board's began expressing interest in a

farmland preservation plan, the value of his land has dropped.

"Just the threat of a plan devalued the land. Now that a plan has been accepted, land values will continue to devalue. These are the cold, hard financial facts," said Mr. Wright.

Mr. March disagrees.

"This plan will not devalue land values," he said. "If anything, land values will increase with the addition of transferable development credits. The forces of supply and demand will take effect. There will be a willing buyer and a willing seller for the credits."

CRANBURY MAYOR and planning board member Thomas Weidner estimated that farmland is now selling at \$2,330 to \$2,500 per acre and that transfer credits will probably sell for \$5,000 to \$8,000. Once the new plan is enacted, Mr. Weidner expects that farmland will sell for \$1,000 to \$1,500, but when the value of credits is added, the total value of the farmland will be approximately \$3,000 per acre.

Yet, says landowner Wright, "even if land is \$3,000 per acre, it is still considerably less than the \$8,000 my bankers told me it was worth a year and a half ago. We (the landowners) don't want anything more than what we had. We just don't want anything taken away."

Mr. Wright also disagrees with Mr. March that transfer credits will be in great demand.

"They (credits) won't sell. They haven't sold anywhere else — why will they sell here?" he asked.

Board member Thomas Harvey sympathizes with Mr. Wright.

"I think what he says has merit. But I just don't see any alternative," said Mr. Harvey.

Mr. March called "ridiculous" concerns that there will be an influx of apartment complexes similar to those in

East Windsor (such as Twin Rivers or Princeton Arms).

Basing his argument on the differences between the two communities, Mr. March continued, "compare Cranbury and East Windsor. It's like day and night. East Windsor has a population of 30,000 while Cranbury has less than 2,000 residents. East Windsor was once all farmland with no town center. But look at Cranbury. It is a rural town with a well-defined center. Cranbury, thus, has a strong community identity, as evidenced by the many residents that turned out at the public hearings. A

Twin Rivers North* is just not appropriate for Cranbury."

Mr. March lauded the new plan as being strategically thought out and planned thoroughly and carefully.

"It is not a quick three-page master plan like you find in many towns, especially in south Jersey," he said.

"Cranbury now has 4,000 acres of farmland permanently set aside for agricultural purposes," summed up the planner, adding, "that is what the planning board has been working towards all this time."

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A-23

AGENDA

Cranbury Township
Planning Board

Thursday
May 1U, 1981
8:00 P.M.

Classification: 101-81, Edward Dietrick
Minor Subdivision
Block 6, Lot 1U

Discussion: Stephen T. Patron
Major Subdivision
Station Road

Discussion: **Proposal for Rezoning**

Any other business to come before the Board.

If you cannot attend, please contact Georgea von Lutcken,
Secretary of the Planning Board, 655-01*1*2.

Exhibit B-1

*June Agenda
Special Meeting*

NOTICE

SPECIAL MEETING

CRANBURY TOWNSHIP PLANNING BOARD

Thursday
June 11, 19^1
Cranbury Elementary School
8:00 P.M.

AGENDA

Discussion Continued

~~Proposed Zoning Ordinance~~

Georgia von Lutcken, Sec.
Planning Board
655-0442

June 18, 1981

AGENDA

Cranbury Township
Planning Board

Thursday
June 18, 1981
8:00 P. M.

1. Robert and Minda Shein
Block 1, Lot 7
Request for time extension
2. General Foods
Request waiver of Minor Site Plan Review
3. Cranbury Land Co., Application 102-81
Minor Subdivision, Block 21, Lot 8
4. Shadow Oaks Assoc, Application 103-81
Minor Subdivision, Block 20, Lot 5
5. St. Davids Episcopal Church, Application 105-81
Site Plan Review
Block 18, Lot 34
6. James. R. Lasche, Application 106-81
Minor Subdivision, Block 33, Lot 10
7. ~~Discussion, Proposed Zoning Ordinance.~~

Any other business to come before the Board.

If you cannot attend, please contact Georgea vcn Lutcken,
Secretary of the Planning Board, 655-0442.

July Agenda
U)*«Jt' Shss Meeting

SPECIAL MEETING;

Cranbury Township

Planning Board

Thursday, July 9, 1981

8:00 P.M.

Cranbury Elementary School

Work Session

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Topic 3

A. National Issues

1. Agric. Demand
2. Productivity
3. Farm Organization

B. N. J. Agriculture

1. Market Trends
2. Development Issues

Georgea von Lutcken, Sec.
655-0442

*July Agenda
Regular Meeting*

Cranbury Township

Planning Board

July 16, 1981

Thursday

8:00 P.M.

Cranbury Elementary School

AGENDA

1. St. Davids Episcopal Church, Application 105-81
Site Plan Review, Block 18, Lot 34
2. Cranbury Land Co., Application 102-81
Minor Subdivision, Block 21, Lot 8
3. Edward Dietrick, Application 101-81
Minor Subdivision, Block 6, Lot 14
4. Stephen T. Patron, Application 107-81
Major Subdivision, Block 18, Lot 20
5. ~~Proposed Zoning Ordinance~~

Any other business to come before the Board.

If you cannot attend, please contact Georgea von Latchen,
Secretary of the Planning Board, 655-0442.

*July Agenda
Special Meet*

**Cranbury Tranship
Planning Board**

July 23, 1981

CrMb «| Elemtntaij School

Work Session
Agricultural Program
National Methods for
Agric Conservation

N.J. Agric Conservation

1. TDC/TDR
2. Urge Lot Zoning
3. Assessment Act

Georgea ton Lotcken,
Sec.

655-0442

7-17-81

^PUBLIC NOTICE

Augu 019, IM 1
8:00 .M.
Cranbury Elem*ntary School
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Agricultural Program
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B-7

Special Meeting

Cranbury Township

Planning Board

Thursday

September 10, 1981

8:00 P. M.

Cranbury Klementary School

Special Work Session

Presentation on Agricultural Preservation
continued.

Georgea von Lutcken
Secretary
655-0442

B-8

*At. ...
Special Meeting
"*

SPECIAL MEETING

Cranbury Township

Planning Board

Thursday, October 6, 1901

8:00 P. M.

Cranbury Elementary School

Agenda:

Presentation on Farmland Preservation by
Thomas March, Planner for Planning Board

Presentation on Farmland Preservation by
Peter Abeles, Planner.

Georgea von Lutcken
Secretary
655-0442

B-9

Agenda - special
meeting
10-2-1981

SPECIAL MEETING

Cranbury Township Planning Board

Thursday, October 29, 1981

8:00 P. M.

Cranbury Elementary School

AGENDA

Presentation by Thomas March, Planning Board Planner,
on Farmland Preservation Options.

Georgea von Lutcken
Secretary
655-0^?

B-10

Special Meeting
Agenda
I

PUBLIC NOTICE

Cranbury Township Planning Board

Special Meeting

Thursday, November 12, 1981

8:00 P. M.

Cranbury Elementary School

Mr. March, Planner, will continue his presentation regarding options for preservation of farmland.

Georgea von Lutcken
Secretary
655-0442

B-11

Special Meeting
12-10-71

NOTICE

Cranbury Township Planning Board

Special Meeting

Thursday, December 10, 1971

8:00 P. M.

Cranbury Elementary School

Farmland Preservation Options - Continued discussion
with T, March, Planner.

Georgea von Lutcken
Secretary
655-0442

B-12

NOTICE OF PUBLIC MEETING

Notice is hereby given that a public meeting of the Cranbury Township Planning Board will be held on January 14, 1982, at 8:00 P. M. at the Cranbury Elementary School, 23 N. Main Street, Cranbury, N. J. for the following purposes:

1. Reorganization for 1982.
2. ~~Proposed Land Use Plan Element of the Cranbury Township Master Plan.~~

Georgea von Lutcken
Secretary
655-0442

(If you cannot attend, please contact the secretary,)

Georgea von Lutcken

NOTICE OF PUBLIC HEARING
CRANBURY TOWNSHIP PLANNING BOARD

Notice is hereby given that a Public Hearing regarding

a ~~proposed~~ ~~it~~ ~~Ufe~~ ~~SB~~ ~~UJS~~ ~~rMS~~ ~~JE~~ ~~ne~~ Cranbury

Township Master Plan will be held on January 28, 1982,

at 8:00 P. M., at the Cranbury Elementary School,

23 North Main Street, Cranbury, N. J.

Georgea von Lutcken
Secretary
655-0442

If you cannot attend, please contact the secretary.

Meeting Cancelled

NOTICE

A special meeting of the Cranbury Township Planning Board will be held on Thursday, May 13» 1982, at the Cranbury Elementary School at 8:00 P. M. for a presentation by Thomas March, Hurauer, on Farmland Preservation options*

Georgea von Lutoken
Planning Board Secretary

NOTICE
SPECIAL MEETING
CRANBURY TOWNSHIP
PLANNING BOARD

Tuesday, June 1, 1982

8:00 P. M.

Cranbury Elementary School

AGENDA

1. Final Approval, Shadow Oaks, Section II-B
- 2, Work Session, Farmland Preservation Zoning Issue.

Georgea von Lutcken
Board Secretary

U.S. - Special Meeting
6.15.82

NOTICE

SPECIAL MEETING

CRANBURY TOWNSHIP
PLANNING BOARD

Tuesday, June 15, 1982
5TUCTT7W7"
Cranbury Elementary School

Work Session-Farmland Preservation Zoning

Georgea von Lutcken
Planning Board Secretary

B-17

Public Hearing
7-8-82

N O T I C E

Please take notice that the PLANNING BOARD OF the Township of CRANBURY will hold a PUBLIC HEARING on Thursday, July 8, 1982, at 8:00 P.M. at the Cranbury Elementary School, To be considered are revisions to the Master Plan and discussion of adoption of a Farm] and Preservation Program. Copies of the proposed documents will be available for review ten days prior to the meeting at the Cranbury Township Office and the Cranbury Public Library.

Georgea von Iutcken
Planning Board Secretary

B-18

*Special Meet.***!
Public Hearing 7-29-82*

N O T I C E

Please take notice that the PLANNING BOARD of the Township of CRANBURY will hold a PUBLIC HEARING on Thursday, July 29, 1982, at 8:00 P.M. at the Cranbury Elementary School. To be considered are revisions to the Master Plan and discussion of adoption of a Farmland Preservation Program. Copies of the proposed documents are available for review at the Cranbury Township Office and the Cranbury Public Library.

Georgea von Lutcken
Board Secretary

Re-scheduled to Aug. 3, 1982

TOWNSHIP OF CRANBURY PLANNING BOARD

23-A NORTH MAIN STREET
CRANBURY, NEW JERSEY 08512

There will be no Planning Board meeting on August 19.
The next meeting is scheduled for September 9, which
will be a discussion on the Fairview Preservation
Zoning Proposal. The next regular meeting will be
held on September 16, 1992.

Georgette von Lutken
Board Secretary

B-20

Notice - Special session
9-9-82

N O T I C E

Please take notice that the Manning Board of the Township of Cranbury will hold a special session on Thursday, September 9t 1982, at 8:00 P. M. at the Cranbury Elementary School for the purpose of continued discussion on the proposed Farmland Preservation plan and suggested changes and alterations.

Georpea von Lutcken
Board Secretary

B-21

PUNNING BOARD MEETING

MAY 1U, 1981

The meeting was called to order at 8:07 P. M. by Vice Chairman Swanagan.

Present:

Absent:

Mayor Weidner

Mr. Osgood

Mr. Swanagan

Mr. Wahlers

Mr. Hasselbach

Mr. Simonson

Mr. Norland

Mr. Height

Mr. Pritchard

Stephen G. Orban, Jr., Attorney

Thomas March, Planner

C. Robert Jones, Jr., Engineer

Vice Chairman Swanagan stated that this meeting is in compliance with the Public Meetings Act, a quorum is present and, therefore, is a legal meeting,

Mayor Weidner moved the minutes of the April 16, 1981 meeting be approved, seconded by Mr. Wahlers. Motion Carried.

Mr. Orban read a Resolution to approve the application for Final Approval of Craribury Farms, Section II A. (See Attachment A) Mayor Weidner moved the Resolution be adopted, seconded by Mr. Hasselbach.

Roll Call: Yes; 8 No 0 Absent 1

Application -101-81, Edward Dietrick, Minor Subdivision, Block 6, Lot lit

Vice Chairman Swanagan read a letter from Mr. Donald Driggers, attorney for the applicant, asking for continuation until the June meeting.

Mr. Hasselbach moved Application 101-81 be continued in June, seconded by Mr. Simonson. Motion carried.

Stephen T. Patron, Major Subdivision, Station Road

Present for discussion: Stephen T. Patron
Michael Magnola, Attorney
Geoffrey Brown, Engineer

Mr. Magnola stated that on the latest revised sketch plat the applicant has taken into consideration numerous comments and suggestions by the Board: the setback line has been revised to 200¹, access to Route 130 has been eliminated, they have provided a dedication at the southern end of the property for a bypass road and reconfigured several lots on Station Road.

"C"

Mr. March stated that the application has been reviewed. The applicant will receive a letter stating that the application is incomplete and should not be reviewed by the Planning Board until it is complete. The letter lists in detail the corrections required by the Ordinance.

Mr. Magnola asked if this application is formally before the Board.

Mr. March said it is not.

Mr. Magnola asked if the comments deal with the proposed ordinance change.

Mr. March stated that the items listed are only those listed in the present Ordinance.

Mr. Magnola stated that the applicant feels that there has been some effort to delay this application. The applicant has made a good faith effort to deal with all the comments of the Planning Board and, perhaps, this is a delaying tactic. If this new ordinance is passed, we may have to seek legal remedies to obviate this situation. We regret that this may be the only alternative available.

Vice Chairman Swanagan stated that if the drawing is insufficient, then it is not of a status to be considered.

Mr. Magnola replied that the applicant agrees, but the manner in which this application has been handled is regrettable.

Mr. March stated that from the October 1980 Minutes of the Planning Board, the items asked for then are still not on the application as submitted today. The Planning Board has been consistent in requesting this information so a review can be made.

Proposal for Rezoning (Attachment B)

Vice Chairman Swanagan stated that there had been a reading of the proposed Ordinance at the last Township Committee Meeting and asked for comment from Mayor Weidner.

Mayor Weidner: The Township Committee prepared this Ordinance and unanimously forwarded it to the Planning Board for the following reasons:

1. It is intended as a temporary change pending a more complete revision of the Cranbury Zoning Ordinance later this year.
2. Its purpose is to prevent the loss of prime farmland so that we have sufficient time to rework the Zoning Ordinance.

Cranbury is awaiting the decision of the Supreme Court of New Jersey in the Urban League Zoning Case. We are in a dilemma not knowing specifically what

what will be required of us under the law and to still try to carry out the intent of the Master Plan which recognizes the large agricultural area of the Township and a desire to preserve it. This decision is expected in September. A strong position for Cranbury in that suit is its position as an agricultural community. At all levels of government (local, state and federal) preservation and protection of prime agricultural land has been supported. Our present Zoning Ordinance, R-170, permits unlimited housing on one (1) acre plots throughout this farming area. Cranbury is in a precarious position maintaining that we are to protect and preserve farmland while taking no specific steps to do so. We must do something now to protect this land or there will be no farmland to protect.

All three members of the Township Committee attended meetings last year regarding a State Agricultural Report. One of the conclusions of that » report is that by allowing scattered and sporadic development, a town can undermine the viability of farming in that area. This is our concern.

We have hired the planning firm of Raymond, Parish, Pine & Weiner, Inc. to complete a study and make recommendations for revision of Cranbury's Zoning Ordinance. It is to be complete by the end of this year and will include the results of the Supreme Court Decision. Until that time, the Township Committee has introduced this interim Ordinance which the Planning Board is to review tonight.

I have heard criticism because of the short time span from introduction, review by the Planning Board, and the final meeting of the Committee on this proposed Ordinance. We asked the Planning Board to meet a week early to conform to our meeting schedule which is moved up because of Memorial Day. We have published notice of this and are not trying to slip this by anyone. Under the law we have to give the Ordinance to the Planning Board, wait thirty-five (35) days and then we are free to enact a Zoning Ordinance based on the recommendation of the Planning Board, but not bound by that recommendation. I would be willing to hold a second Public Hearing of the Township Committee on June 15 to give you time to prepare and present any reports you may wish to the Township Committee if this request is made at our Monday night meeting.

Our primary goal is to protect farmland and to do so in a fair and equitable manner. That is the attitude our Planner will use in recommending a new and comprehensive zoning plan*

Vice Chairman Swanagan asked for comment from Mr. March.

Mr. March: There is a new movement in New Jersey and other parts of the Nation to conserve agricultural land. The primary problem is the amount of land being used up by "urban sprawl" and the tremendous rate at which this is happening. The Department of Agriculture is suggesting a way to organize growth and management of land. The effort is to redirect growth to areas which are not suitable for agricultural use. Agricultural zones are being adopted throughout the State—five New Jersey counties are actively involved

in this type of program. There are nine communities embarking on various kinds of agricultural movements. The Pinelands Preservation affects approximately fifty-five communities* Three other communities have agricultural zones: two have a very exclusive area zoned for agricultural use only. The other community is zoned for one dwelling per twenty-five acres which does not have to be related to an agricultural use. Cranbury's plan is lenient allowing one dwelling per six acres. The six acres is a result of the Farmland Assessment Act which requires five acres. This is a responsible plan where we are looking at the Township and trying to organize growth and preserve the farmland which is a part of this community.

Vice Chairman Swanagan asked for a motion to open the meeting to the public. Mayor Veidner so moved and Mr. Hasselbach seconded. Motion carried.

Mr. Simonson stated that he feels this action is not planning, but is a moratorium of some type.

Thomas Farino: Attorney representing several landowners in Cranbury.

I represent several landowners in Cranbury whose real estate value will be seriously affected if this amendment is adopted. The timing of this process is backwards and out-of-step with conventional planning processes. Though the Planning Board should be responsible for planning and zoning, we find ourselves in a situation where we have an amendment to a Zoning Ordinance, which practically affects fifty percent of the land mass in Cranbury, one step from being adopted. I question to what extent the Planning Board has examined the recommendations made by Planner March. This proposed amendment has come from the governing body and was first referred to the Planning Board on May 10. .

Mayor Weidner: Mr. Chairman; I believe that this is a quasi-legislative, not quasi-judicial hearing where we are to be examined and cross-examined.

Vice Chairman Swanagan: That is correct. The purpose of this public hearing is for anyone concerned to make a statement. The Board will consider those statements in their decision.

Mr. Farino: The concern is the extent to which the Planning Board has reviewed the recommendations of Mr. March. It appears, by the very short time allowed, that any review would have been very meager at best.

The landowners I represent have several concerns:

1. It doesn't meet the basic concepts of zoning, that being the preservation and perpetuation of the health, safety and welfare of the residents of Cranbury. The method of implementation appears to be an inverse condemnation on the land. One of the preamble clauses in the Ordinance indicates that the Committee reaffirms its desire to preserve the land in areas where there already is a viable agricultural use. What happens when farming is not good. The farmer may need to sell his land and, yet, it would be impossible.

2. The alignment of this proposed agricultural zone appears to be arbitrary and capricious. All of this zoning is west of Route 130. To the east is almost exclusively industrial zoned land. Do Class 1 and Class 2 soils exist only on one side of Route 130.

3» There seem to be no viable alternatives to the large lot-size zoning. One issue is the Transfer of Development Rights. Was this contemplated in conjunction with this Ordinance.

U. If the industrial zoned land is developed, where will housing take place to accomodate it.

\$. Mr. March indicated that this is the fourth municipality to zone so largely for agriculture. What are these other municipalities and was an analysis made for comparison to Cranbury.

I request Mayor Weidner, on behalf of my clients, withhold final adoption for one month so that we may present our case.

Mayor Weidner: Will you be ready to do this at the meeting of the Township Committee on May 18, 1981.

Mr. Farino: We would like additional time.

Mayor Weidner: On behalf of the Township Committee, I would like to comment on the argument regarding inverse condemnation. I would like that information on Monday so we can consider withholding final decision. I re-5te»rate two key issues?

1. This is a first step.

2. We want something fair and equitable to as many as possible.

Therefore, we would appreciate as much information as possible.

Harvey Sachs: Cranbury Resident, Member of the Environmental Commission I can conceive of no issue more important to our town than this proposed Ordinance. I am aghast that this was not brought before the Environmental Commission to advise on issues which have major environmental impact. Why the narrowness of debate. Why not consider Transfer of Development Rights which protects everyones right.

Albert Barclay: Princeton attorney representing the Barclay family.

It appears you are trying to railroad a major change in a very short time. You are skipping over many procedural safeguards which would make this change more fair to the people. For example, tonight's meeting is legislative in nature, but we are not being told how you have arrived at your thinking on the decision you are about to make.

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I raise two issues:

1. Has proper publication been given according to the Sunshine Law.
 2. The people should have a right to know the basis of the knowledge on which you are acting. How much discussion has taken place prior to this meeting. This would be a major issue in litigation, but since you do not want to address this concern, we will have to do so at another time.
- Mayor Weidner: The Sunshine Law provisions have been complied with. Any implication that this Board has met privately and made its decision is absolutely wrong.

Mr. Barclay: This is certainly a question because of the haste with which this is proceeding. What notice was published and where.

Mayor Weidner: The notice was published in the Cranbury Press in the May 8, 1981 issue and the New Brunswick Home News yesterday, and posted on the Township Bulletin Board.

Mr. Barclay: I believe the requirement is for forty-eight hour notice.

Mr. Orban: That is for transmittal to the newspaper, not for publication.

Mr. Barclay: The real problem is the unusual procedure. The Planning Board is being asked to make a decision on the future of Cranbury based on a ten-minute presentation. The Planning Board has already set up a well thought-out Master Plan. Is there a basis for this change and how did the basis change so radically in the past two years. The final question is that what looks like a zoning change seems to be a de facto moratorium. It appears you want the advantages of a moratorium, but are avoiding the restrictions by calling it six-acre zoning. The Planning Board must make a decision on its own by making a thoughtful and reasonable conclusion before making a recommendation to the Township Committee.

Griffith Jones: Landowner, Resident of Montclair.

1. The publication of the second notice yesterday shows that this meeting is in violation of the Sunshine Act. Therefore, it is a criminal offense for the Planning Board to take any action. Was transmittal made in accordance with the Law.
2. It is unfortunate that the room is inadequate for this group of people.

Two years ago there was a session with Mr. Roach, Planner for the Planning Board, regarding the Master Plan. A lady asked to zone farmland two acres. Mr. Roach said, in his opinion, that two-acre zoning is unconstitutional. Now six-acre zoning is constitutional. Actually, it is a taking of the peoples land. The preamble to the Ordinance states that existing zoning can

no longer preserve farmland due to changed economic conditions- What economic conditions are so different that they mandate an increase from one to six acres. This is actually exclusionary zoning with a vengeance. You are trying to totally revamp the zoning of the whole Township within twenty-one days. The May 1 issue of the Cranbury Press states there will be a second hearing in June. You now change your regularly planned meeting so this can be railroaded through. Why stop at six-acre zoning. With action in only three weeks, why not ask for more.

I object to the fact that we cannot question Mr. March's presentation and procedure.

I have heard nothing about the changed economic conditions in Cranbury nor why Cranbury's Laws are not sufficiently preserving farmland. The sewers are laid out so that the lines stop just prior to the farmland areas. Fundamental fairness would allow owners to bring in expertise on what can be done to preserve farmland. Nothing has been addressed to the hundreds of acres, heavily taxed, but not farmed. The value of land will drop drastically. It's not buildable. A reduction of tax revenues will result. If we appear to have doubts of good faith, what evidence do we have to the contrary.

Mayor Weidner: I am confident the Township Committee will give additional time. The Federal funding received for the sewers prohibited sewers for more than a specific amount of undeveloped lands.

Mr. Simonson: There was discussion that there should be larger sewer lines. I do not know why it was not done.

Vice Chairman Swanagan: The reason it was not done was the Federal regulations.

Mr. Simonson: Some farmers are doing well, others are not. If you rezone this land, a farm worth \$500,000 to \$1,000,000 today will drop to \$200,000. The farmer's borrowing power will be cut down. That's just one of the problems.

Max Zaitz: Landowner, Resident of Hightstown.

I have had zoning experience throughout the country. Mid-western farmers who didn't want growth made ten-acre zoning. People still bought it. Six-acre zoning will destroy the land. People are buying up one-acre zoning. The same thing will happen with six-acre zoning. You will also have to lower the tax rate because you will devalue the property.

John Mesko: Landowner, non-resident.

How do we know the Master Plan will be revised in the year.

Mayor Weidner: It is up to the Planning Board as to how soon they enact a Zoning Ordinance.

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Raymond Simonson: Landowner, Non-resident*

A very good alternative to this Ordinance is Transfer of Development Rights.

Willis Applegates Landowner, Resident.

I am very disappointed in this Board and the Mayor in your approach to this whole thing. I hope you will take your time in making this decision.

Mark Berkowski: Resident,

I am a New Jersey Licensed Planner, I hope you will plan what is best for Cranbury and make that suggestion to the Committee.

Earl Applegate: Landowner, Resident.

About twenty years ago we rezoned to 200 x 200. We have lived with that. We have no school problems. I see no reason to change zoning now. Mr. March represents Plainsboro and Cranbury. The farmers in Plainsboro have no benefits at all. The only chance to sell there is under one-acre lots.

Irving Smith: Landowner, Non-resident,

I object to the proposal and the method by which it has been proposed.

Harvey Sachs:

Why are we not considering Transfer of Development Rights now, while we have the chance*

Vice Chairman Swanagan: It has been considered in the past, but not to a satisfactory conclusion in the minds of the people who studied it.

Daphne O'Brien: Resident.

I urge the Planning Board to vote no and not recommend this Ordinance to the Township Committee. Any zoning should come from the Planning Board and not as this is being done.

Don Armstrong: Resident.

I cannot speak to the method, but I am in favor of attempting to develop land so that Class 1 and 2 land can be preserved for farming. The bread rush attempted is harsh, but I encourage the Board to consider the actual preservation of good farming land,

Clifford Reinhardt: Resident.

We should have zoning, but not at the expense of the farmer. There should

be more farmer input in this program. This whole thing should be prolonged until there is an adequate study made.

Betty Wagner: Resident.

I applaud the Board's efforts to conserve and preserve land. It is important that we don't become another Plainsboro. I do feel confident that the Board will be able to work this out.

Leonard Harlan: Resident.

Seventy-five percent of the people speaking are not residents of this town. They are speculators who came here to buy land, to take the risk of speculation and not the risk of farming. They are not defending the farmer and they offend me by using scare tactics. If we continue to allow massive development we will have a serious problem with water. We're destroying our fundamental backbone, farming, by allowing development on one-acre lots. We do not have a surface water plan. The goals of the Planning Board and the Township Committee are admirable. Be it this plan or another, something must be done.

I point out to Mr. Jones, an attorney, that I question his acceptance of the statement of a planner regarding constitutionality.

I hope that the Board will consider seriously at least the objectives of this proposal and will act upon them.

Charlie Lowe: Resident.

I feel I've been bullied tonight. I'm very upset.

Robert Chido: Resident.

The discussion seems to be regarding the value of the farmland versus the speculative nature of the land. I think the people of this town are more interested in its value as agricultural land and not its potential speculative value as developed land.

ksa Davison: Resident.

I've been on the Board of Directors for the Federal Land Bank for twenty-five years. Most of the capital in most of these farms has been made by a good year and also some speculation. It is not all earned by farming.

Jeff Graydon: Resident:

If a son inherited a farm and could not pay the inheritance tax on it, he would not be able to sell off an acre to raise that money. I object to this proposal.

Chip Wright: Landowner, Resident.

I think this amendment to the Ordinance is a scare tactic. It goes back to the value of the land at one-acre versus six-acre zoning. The thing that keeps us in farming is the potential value of the land at one-acre so we have collateral for bank loans. If it goes to six acres, the value goes down. We will not be able to borrow and then we have chaos.

Judson Hagerty: Landowner, Resident.

Right now you are chasing the children out of town. They cannot afford to build in Cranbury. This six-acre zoning will be absolutely prohibitive.

Dick Vest: Resident.

I think there is concern in Cranbury about the high cost to live here, particularly for senior citizens and children. The point is well made that we have some good tools for planning. Certainly the Transfer of Development Rights is one of the best. This would permit zones with high density close to the Village which can be served by our present water and sewer facilities and, at the same time, preserve some of the agricultural land we have in Cranbury. I don't like the unit type of zoning as proposed. This could be a graduated type of zoning to fit into the Village and to protect farmland. The Planning Board has the right to any plan as long as it can justify the rationale for what it is doing. In previous consideration for Transfer of Development Rights, we could not meet the State deadline for the Master Plan and, therefore, couldn't put it together-. I think it could be done. Also, graduated zoning and conservation or agricultural easements, whereby a farmer can be compensated for continuing to farm, should be considered. The farmer does get benefits: Farmland Assessment and the Planning Board and Township^ Committee recently passed an Agricultural Ordinance which prevents a farmer from being harrassed while irrigating, spraying, and carrying out normal farm activities. I am surprised that the Planning Board did not initiate this change in the Ordinance. As far as confiscating property is concerned—that is what zoning does. We must consider what is best for the majority of the town and for the future of the town. Do we want it all developed or do we want a little farmland left.

Peter Dial: Landowner.

I am amazed that you are not encouraging the farmer to stay, but are making it impossible for him to leave.

Vice Chairman Swanagan asked for statements of new points only*

Charlie Lowe:

Can we have an agricultural advisory committee with two or three farmers on it prior to making a decision on this Ordinance.

Max Zaitz:

Why not set up a plan so people can sell land to the Township prior to selling it to an investor*

Albert Barclay:

We can't make an intelligent comment until we have a report on which this change is based.

Griffith Jones:

I address six-acre zoning within a couple hundred yards of Princeton Meadows. Six-acre zoning is talking about a \$300,000 home. You are making no distinction in the location of lands. It is arbitrary and unfair zoning. Out of nine Planning Board members, all but possible one are single land owners. Your values will go up with this zoning. Is there a crisis on the horizon which warrants this action. If you continue to act in this arbitrary manner, there is a limit to protection given members of public boards in New Jersey.

Mayor Weidner:

- 1, The chairman stated we might have to continue this meeting, not close it,
2. Regarding the Public Meetings Act, it is my understanding that the notice must be given to a newspaper forty-eight hours prior to a meeting. The newspaper does not have to publish it. The point I made is that I know it appeared yesterday.

Chip Wright:

1. I think the meeting should be cut off because it is deteriorating.
2. Mayor Weidner asked what the Township could do to create a more friendly attitude for the farming community. The Township Committee can scrap this Ordinance and leave zoning as it is.

Mark Berkowski:

I would like to urge the Planning Board to continue discussion until all points on the technical side can be discussed.

John Mesko:

The new Ordinance does not relate to the element of the Master Plan to preserve agricultural lands. It prevents the building of greenhouses less than 17^f of the property line. I'm a greenhouse farmer. Therefore, it would forbid me to construct greenhouses on my property. I suggest the Planning Board vote no on this issue*

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May 10, 1981

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Mr. Hasselbach moved the public session be closed, seconded by Mr. Height. Motion carried.

Vice Chairman Swanagan: Regarding statements that the Planning Board has not been studying what should be done to preserve agricultural land in the Master Plan: Perhaps this Ordinance is not exactly spelled out in the Master Plan, but concern and study has been an ongoing thing. Many other things are to be considered before adoption.

Mayor Weidner moved we continue this public discussion on another date.

I make this motion because I don't want to give the appearance for residents or landowners that this is a railroad job or that we are not concerned about the issues raised. Ninety percent of the comment has been to procedures, not to the Ordinance. We are seriously interested in your comments. I hope you will come in with some specifics at a further meeting. Our concerns on the Township Committee are to be fair and equitable to all citizens and to do so in the right way.

I suggest we set up this meeting within the thirty-five day time period. Mr. Height seconded the motion. Motion carried.

Mayor Weidner stated that the Township Committee would not take any action on May 18, 1981, but there would be a Public Hearing as published.

Mayor Weidner moved we call a special meeting on Thursday, May 28, 1981, at 8:00 P. M. Seconded by Kr. Wahlers, Motion carried.

Mr. Simonson moved the Meeting adjourn, Mr. Height seconded, Motion carried.

Time: 10:17 P. M.

Respectfully submitted,



Georgea von Lutcken
Secretary

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STATE OF NEW JERSEY
TOWNSHIP OF CRANBURY
PLANNING BOARD

In the Matter of the

Application of Browning-
Ferris Industries, Midstate :
Filagree Plant Foods, Rich-
crete Ready-Mix Company in
connection with Revision to :
Master Plan and/or Proposed :
Zoning Ordinance* :
----- :

TRANSCRIPT
OF
PROCEEDINGS

Cranbury Township Planning
Board
Cranbury, New Jersey
April 21, 1983
11:30 p.m.

B..E.F O R E :

- D. Swanegan - Chairman
- A. Hasselbach
- C. Wright
- J. Toscano
- B. Wagner
- D. Wohlers
- T. Harvey
- R. Jones - Engineer .
- A. Danser--•- Mayor

REPORTED BY:
JONI LYNN DOTZAUER. C.S.R,

ROBERT CIRILLO, INC.
24 Commerce Street
Newark, N.J. 07102
(201) 622-6969

PENGAD CO., BAYONNE, N.J. 07002 FORM 1048

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

SCERBO, KOBIN, LITWIN & WOLFF, ESQS.,
BY: LAWRENCE LITWIN, ESQ.
Attorneys for the Applicant

JOSEPH STONAKER, ESQ.
Attorney for the Board

1 MR. LITWIN: There is a place on
2 **your** agenda for any orther business and I have some other
3 business to bring before the Board.

4 MR. CHAIRMAN: All right. Will
5 you mention the subject?' State your name, also.

6 MR. LITWIN: My name is Lawrence
7 Litwin. Attorney at Law. I practice in Morristown. I
8 represent Richcrete Midstate Filagree and Plant Foods.

9 In December we appeared before you in connectioi
10 with some information we wanted to provide to you in
11 connection with a Master Plan. We were encouraged to do
12 so, we volunteered to do so. We retained a planned, Mr.]
Simanski, we gave a report to this Board in March.

13 I sent a follow-up letter at the arid of
14 March. I had one telephone conversation with Mr. Stonaker I
15 and I know that Mr. Simanski has had comments and dis-
16 cussions with the planners - The report is very comprehensive
17 and I believe we are entitled to some kind-of a response^

18 The report indicates the existing land use,
19 the ordinance, the proposed uses, the adjoining town,
20 traffic, environmental considerations and it comes to
21 certain conclusions and recommendations including the
22 fact that the property should not be zoned by light
23 industrial but industrial and that the adjoining property
should not be zoned light impact residential.

24 I believe this Board has an obligation to
25 act in a reasonable fashion and listen to what I have

1 to say and consider what we have presented to this Board*

2 I think that we are entitled to -

3 MR. STONAKER: May I be heard,
4 Mr* Chairman?

5 MR. LITWIN: May I finish?

6 MR. CHAIRMAN: I was hoping that
7 you would finish your statement and let us reply to you.

8 MR, LITWIN: Now, I will finish
9 in the space of two minutes, I guarantee it*

10 Now, in reviewing the zoning ordinance based
11 upon a Master Plan this Board is not obligated to have
12 a mirror image of the Master Plan in the zoning ordinance
13 that it recommends to the governing board* In the case
14 of Boring Arrow versus West Orange - that case stands
15 for that proposition.

16 The zoning is to consider the character and
17 suitability with a view of conserving value of the , -
18 property and encouraging the most appropriate use* -

19 We don't believe that it is taken into
20 account in the Master Plan and in the ordinance that
21 you are about to or have recommended to the governing
22 body.

23 I believe that the Mount Laurel Two obligations
24 that this community has in no way has an effect on this
25 area* There is nothing in Mount Laurel Two that would
obligate this Board to recommend to the governing body
an ordinance that turns what is a presently conforming

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2 use into a non-conforming use in any manner, shape or
3 form in that particular area of the community on the
4 Hightstown and Cranbury Station Road.

5 I would like to have my planner communicate
6 in an open communication with this Board so that we
7 might understand your problems with what we are suggesting
8 because we are at great riff* We are at very great
9 riffs in terms of how our property can be used in terms
10 of the potential for future development there.

11 I thank you for your time. I want to be
12 brief and to the point, the hour is late and you ladies
13 and gentlemen all have put in a full day. I have too:
14 I have an hour ride home. I thank you.

15 MR. STONAKER: I would like to
16 . be heard. I would like the record to indicate that we
17 are talking at 11:30 p.m.: that I told Mr. Litwin that
18 we had a very full agenda this evening and there was n o n
19 chance of his having a hearing because the Board had to
20 consider all of these matters.

21 I told him that it was not worthwhile for him
22 to appear here tonight. I also communicated to him that
23 he had a right to have a public hearing on the ordinance
24 before the Township Committee and that we went through
25 the Master Plan hearings for some 14 months and his
client never appeared at that time.

So, you know, there is still a public
hearing, the ordinances have not even been introduced

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or recommended by this Board,

So, he has a right to be heard at the public hearing before the governing body,

MR. HARVEY: When everybody else is heard. We have read his report and taken it into account but we are not having any public hearings on the ordinance in front of the Planning Board*

MR. LITWIN: I didn't suggest that you should. I would suggest that this Board has some type of obligation at, at least, acknowledge receipt* I have not received one letter, one communication other than the courtesy of Mr. Stonaker's phone call and I know that the planner had conferred with our planner.

But, I think that this Board should listen to what our planner has to say, I only think so in fairness.

MR. CHAIRMAN: The Board, has each received a copy of his report and to my knowledge the Board has all read his report. So, they have considered his report.

MR. LITWIN: I would wonder if there is anybody who thinks that there is merit to his report. I would wonder if there is anyone who thinks that there is substantial merit to your report.

The gentleman to your left is shaking his head yes so maybe he does and maybe others do. If so, maybe there should be some dialogue between the Board

1
2 and our planner because when you recommend the ordinance
3 to the governing body there is nothing that says that you
4 must mirror image what the Master Plan calls for.

5 MR. HARVEY: I am not interested
6 in pursuing a discussion of the law. We have an attorney
7 who advised us on that and we will act accordingly.

8 MAYOR DANSER: The time for
9 input was at the public hearing for the Master Plan which
10 had been developed for approximately 14 months prior to
11 September 1982 at which time it was adopted.

12 MR. LITWIN: That's correct. Mayor,
13 and the last time I appeared in December I said to Mr.
14 Stonaker, and he nodded his head approvingly, but I had
15 a client who came to me too late but it does not mean
16 that they should be penalized if they have a meritorious
17 position. You are absolutely right.

18 But, the law also indicates that you don't
19 have to mirror image the zoning ordinance on the Master
20 Plan.

21 MAYOR DANSER: We have heard
22 this evening that there is a public hearing where you
23 will have your opportunity.

24 MR. LITWIN: I think that this
25 Board may have an obligation in terms of reasonableness
to listen to what we have to say.

MAYOR DANSER: I can assure
you that this Board read that and has considered the things

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1 that your planner has recommended and discussed them
2 during the workshops when we are finalizing the draft
3 of the ordinance*

4 I move that we adjourn.

5 MR. HARVEY: Second.

6 MR. LITWIN: Thank you.

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C E R T I F I C A T E

I, JONI LYNN DOTZAUER, a Notary Public and Certified Shorthand Reporter of the State of New Jersey do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

Joni Lynn Dotzauer
A Notary Public of New Jersey

My commission expires: March 28, 1984

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