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Garfield; Co. v.

23-Jan-85

Ther. of Cranbury

Letter memo to Judge in support of
Plaintiff Garfield ad Co.'s motion
for an order declaring it entitled
to a builders' remedy ⊕ cover letters

pgs = 22

UWL 000845 D

WARREN, GOLDBERG, BERMAN & LUBITZ

A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW

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PLEASE REPLY TO: PRINCETON

January 23, 1985

John M. Mayson, Clerk
Superior Court of New Jersey
Richard J. Hughes Justice Complex
CN 971
Trenton, New Jersey 08625

Re: Garfield & Company v. Township
of Cranbury, et al.

Dear Mr. Mayson:

Enclosed for filing please find an original and two copies of plaintiff
Garfield & Company's Notice of Motion. Also enclosed is an Affidavit of Service.

Would you be so kind as to return a copy to this office endorsed as
having been filed in the self-addressed, stamped envelope provided.

Thank you for your kind attention in this matter.

Yours very truly,

William L. Warren

WLW/st

Enclosure

cc: The Honorable Eugene D. Serpentelli, J.S.C.
Middlesex County Clerk
All Counsel

WARREN, GOLDBERG, BERMAN & LUBITZ

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PLEASE REPLY TO: PRINCETON

January 23, 1985

The Honorable Eugene D. Serpentelli, J.S.C.
Ocean County Superior Court
Ocean County Courthouse
Washington Street, Courtroom 1
CN 2191
Toms River, New Jersey 08754

Re: Garfield & Company v. Township
of Cranbury, et al.
Docket No.: L-055956083

Dear Judge Serpentelli:

Enclosed please find an original and three copies of a proposed Order along with plaintiff Garfield & Company's Notice of Motion and supporting Letter Memorandum. Also enclosed is an Affidavit of Service.

Would you be so kind as to return any Order which Your Honor may enter with respect to this matter to this office in the self-addressed, stamped envelope provided.

Thank you for your kind consideration in this matter.

Respectfully yours,

William L. Warren

WLW/st
Enclosures
cc: All Counsel

WARREN, GOLDBERG, BERMAN & LUBITZ

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PLEASE REPLY TO: PRINCETON

January 23, 1985

The Honorable Eugene D. Serpentelli, J.S.C.
Ocean County Superior Court
Ocean County Courthouse
Washington Street, Courtroom 1
CN 2191
Toms River, New Jersey 08754

Re: Garfield & Co. v. The Mayor and
Township of Cranbury, et al.
Docket No.: L-055956-83

Dear Judge Serpentelli:

Please accept this letter memorandum in support of plaintiff Garfield & Company's motion for an order declaring it entitled to a builder's remedy in connection with the above captioned litigation. Such an order should issue for two reasons. First, there exists no real factual issue as to Garfield & Company's entitlement to a builder's remedy. Second, without knowing if Garfield & Company is to receive a builder's remedy, neither the other plaintiffs, the Master nor this Court can know whether the compliance proposal submitted by Cranbury to this Court recommends initial construction of low and moderate income housing on Garfield & Company's property or on a neighboring property owned by a non-plaintiff. Mount Laurel II Compliance Program for Cranbury Township, New Jersey at page 89, ¶8.*

In South Burlington County N.A.A.C.P. v. Mount Laurel Township, 92 N.J. 158 (1983) (hereinafter "Mount Laurel II"), the Supreme Court explained that no longer would the award of a builder's remedy be a rare event. Rather, it "will be granted as a matter of course...." 92 N.J. at 330. To be entitled to a builder's remedy a plaintiff need only (1) succeed in Mount Laurel litigation and (2) propose a project which would provide a substantial amount of low and moderate income housing. 92 N.J. at 279. Garfield & Company has met both of these conditions. It is, therefore, entitled to a builder's remedy unless the municipality can shoulder the heavy burden of proving to this Court "that

* Garfield & Company does not by this motion seek an ordering of the priorities among the builder's remedy plaintiffs who have sued Cranbury in this action.

The Honorable Eugene D. Serpentelli, J.S.C.
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because of environmental or other substantial planning concerns," the location of Garfield & Company's proposed residential project "is clearly contrary to sound land use planning." 92 N.J. 279-80.

This burden is far greater than just a showing by the municipality that it prefers another site or even that some other location would be a better site for Mount Laurel housing. 92 N.J. at 280. Rather, the municipality must clearly demonstrate that the proposed project "will result in substantial environmental degradation, 92 N.J. at 331, n. 68. However, by its own acts and admissions the municipality has demonstrated that construction of a relatively high density residential project on Garfield & Company's property is not clearly contrary to sound land use planning as a result of environmental or other substantial planning concerns. These admissions take three forms: the present zoning of the site, the testimony at deposition of the mayor, the Chairman of the Planning Board and two of the municipality's land use consultants and the Compliance Program presented to this Court together with the November, 1984 draft of that program.

Given the present zoning of the Garfield & Company site, adopted less than two years ago, it is difficult to imagine any scenario under which the municipality could convince this Court or anyone else that high density residential development of Garfield & Company's property is clearly violative of environmental or other substantial planning concerns. Garfield & Company's property is presently zoned for up to five residential units per acre. No land in the municipality has been given a higher density, and only 307 acres adjoining Garfield & Company's property are even zoned at as great a density. Indeed, had Garfield & Company wished to make use of the municipality's transfer development credit scheme, it could presumably now be constructing housing on its property at five units to the acre while the neighboring property lay fallow. Unless Cranbury takes the position that its present zoning densities are totally violative of sound planning principles, it can hardly argue that such principles preclude high density development of the Garfield & Company tract.

It is also true that every single representative of the municipality who testified at deposition argued that the 525 acre zone in which Garfield & Company's land is located is the most appropriate area in the municipality for the construction of Mount Laurel housing.

Q. Mayor Danser, at the time the Planning Board recommended the Zoning Ordinance to the Township Committee, did the Planning Board have a view as to what zone would be the most appropriate zone for the construction of low and modern [sic.] income housing in Cranbury?

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A. I would presume from the fact that the Planning Board made provisions for a density bonus in the PD-HD zone that they presumed that that would be the most appropriate zone.

Q. At the time the Township Committee adopted the Zoning Ordinance did the Township Committee have an opinion as to what the most appropriate zone would be for low and modern [sic.] income housing for Cranbury?

A. I believe that the Township Committee felt the same way.

Q. The PD-HD zone?

A. Yes.

Q. Can you tell me whether since the Zoning Ordinance was recommended by the Planning Board and since the Zoning Ordinance was adopted by the Township Committee, whether either the Township Committee or the Planning Board has changed its opinion as to what the most appropriate zone would be in Cranbury for low and modern [sic.] income housing?

A. Not to my knowledge. I don't believe that they have.

Q. As far as you're concerned the Planning Board still believes that the PD-HD zone is the appropriate zone for the low and modern [sic.] income housing in Cranbury; is that correct?

A. I believe so.

Q. And the same thing can be said with respect to the Township Committee; is that correct?

A. I believe so. [Deposition of Alan Danser dated March 12, 1984 at 49-50].

Mr. Don Swanagan, Chairman of the Planning Board, confirmed that at the time the Planning Board adopted the Land Use Plan, and even today, it was and is the unanimous view of the Board that the land use zone in which Garfield & Company's land is located is the appropriate location for low and moderate income housing in Cranbury.

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Q. When the Planning Board adopted that Master Plan that currently exists, was there a unanimous view as to where low and moderate income housing in the Township ought to be located?

A. Yes, it would logically be where we would allow the higher density multi-type housing.

Q. Is there a particular zone in which the Planning Board expressed its opinion that low and moderate income housing ought to be constructed?

A. Yes, I would say in the planning unit development areas.

Q. PD-HD zone?

A. And, I presume the HD, high density.

Q. And is that still the belief of the Planning Board?

A. Yes. [Deposition of Don Swanagan dated March 12, 1984 at 69.]

Thomas March, planning consultant to the Township of Cranbury, testified to exactly the same effect.

Q. By the way, what zone did the Planning Board designate as the appropriate area for the low and moderate income housing?

A. This's the PD-HD zone.

Q. Are you presently retained by the Planning Board?

A. My firm is under contract with the Planning Board.

Q. Do you know presently what area in Cranbury the Planning Board deems to be the appropriate are of low and moderate?

A. It's the PD-HD zone, which is set forth in the land use plan.

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

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

Essentially the township took in its Master Plan and tried to divide up where the many uses would be appropriate; the one use being the very high density residential and the other end of the spectrum obviously being residential. ~~What we did is took a regional view of what was occurring within the township and around its borders, we took a look at the plans of the Middlesex County Planning Board, the State Development Guide, which is intimately involved in the Mount Laurel suit, and we then fashioned a very broad model as to where all uses ought to follow.~~

~~Essentially, if one takes a look at the regional models and has determined that all growth ought to fall from Cranbury Village towards the east, meaning towards the Turnpike, and that all growth would or should be planned for this area. [Deposition of Thomas March dated March 26, 1984 at 38-40].~~

Cranbury's other planning consultant, George Raymond, was in complete agreement.

Q. In your view, is the most appropriate location in Cranbury for low- and moderate-income housing development east of the town?

A. The area that's readily sewerable, which is the basis on which the area east of the town was selected for higher density zoning.

Is this really true?

Q. Does the fact that the area east of the town is also quite close to Route 130 play any part with respect to availability of transportation for low and moderate income families?

A. The area was selected on the basis of many planning factors, including the County Planning Commission recommendations regarding where higher density residential growth in Cranbury should be located.

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Clearly the area between 130 and the Turnpike was selected to begin with the area closest to the village is where the residential area should be with the employment areas being the ones that are further from the heart of the village. [Deposition of George M. Raymond dated March 27, 1984 at 66-67].

Quite apparently, none of these municipal officials or consultants was aware of any substantial environmental or planning concerns which would enable the defendants to demonstrate that construction of a high density residential project on Garfield & Company's land is clearly contrary to sound use land planning. Indeed, Garfield & Company's property is one of the preferred location for such a project, according to the municipal officers and consultants.

Finally, the Mount Laurel II Compliance Program for Cranbury Township which was submitted to this Court by the defendants actually recommends that a residential project with the density of 7 units to the acre be constructed on Garfield & Company's land. Garfield & Company's site is designated by the municipality as a priority site for Mount Laurel II rezoning. See Figure 13. It is true that the municipality suggests that the Garfield & Company property not be developed until after the development of two adjoining properties owned by non-plaintiffs. However, whether or not the properties adjacent to Garfield & Company's land are somewhat more attractive or somewhat less attractive for development than Garfield & Company's land is not an issue here.

"[T]he mere fact that there may be a better piece of land for this kind of development does not justify rejection of plaintiff's builder's remedy." 92 N.J. at 331.

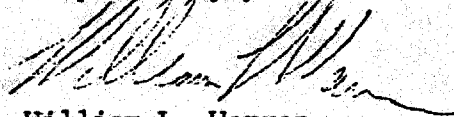
The issue is whether development of the Garfield tract is clearly contrary to sound land use planning. By designating the Garfield tract as a priority site for Mount Laurel development, the municipality itself has answered that question in the negative.

In fact, the municipality's draft compliance report is even stronger evidence that high density development of the Garfield tract could not possibly be clearly contrary to sound land use planning. That draft actually urged that high density development of Garfield & Company's tract take place before the development of any other land in the municipality. See Exhibit A. This draft report provides the strongest possible evidence that development of Garfield & Company's tract is not clearly violative of substantial planning concerns. If it were, how could the municipality's consultants, Raymond, Parish, Pine & Weiner, Inc., propose not only high density development of the Garfield & Company's tract but actually propose first priority high density development.

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By the present zoning of the Garfield & Company tract, the testimony of the Mayor, Chairman of the Planning Board and Cranbury's experts and, finally, the Compliance Program submitted by Cranbury Township to this Court and the November, 1984 draft of that plan, the municipality has conceded in virtually every possible way that development of Garfield & Company's land is not clearly contrary to sound land use planning as a result of environmental or other substantial planning concerns. If it were, it would not presently be zoned five units to the acre; it would not be in the municipality's designated low and moderate income housing development area; and, it would not be a site suggested for Mount Laurel II rezoning by the defendants. Given these undisputed facts, an order awarding Garfield & Company a builder's remedy is appropriate.

Respectfully yours,



William L. Warren

WLW/st

to fluctuate in relation to the cost of such financing. The higher the interest rate, the lower the production level and vice versa. Spread over an 18-year time period, the program would require the construction of an average of 193 units per year. In the first six years this could increase the number of units in the Township by 1,640 units, or 220% over the number existing in 1980.

6. The method proposed to be used to implement the 18-year Cranbury Township phasing plan is also outlined in Table 7. It is based on initially changing the Master Plan and Zoning Ordinance and Map to establish a high density zone for Sites 1-3 in conformance with the Site Suitability Analysis. Between 1984 and 1990, approximately 1,540 new dwelling units (including 308 affordable units) would be permitted to develop on Site 1. To this would be added the 100 senior citizen and 21 rehabilitated units, for a total of 429. This would achieve 52.6% of the Township's 816-unit fair share in six years. Both Sites 2 and 3 will remain zoned at their present minimum 2 acre residential lot base density to discourage their untimely use for multi-family residential development and to keep them in active agricultural use and available to satisfy future Mt. Laurel II low and moderate needs.

The 1,640-unit threshold established for the first 6-year time period considerably exceeds the present sewer allocation to Cranbury Township and will require active renegotiation of the Township's sewer agreement with South Brunswick Township to achieve increased sewer capacity.

After 1990, with adequate sewer capacity achieved during the previous 6-year period, Site 2 would be permitted to develop with 1,085 units (217 Mt. Laurel) while Site 3 would still be zoned for minimum 2 acre lots. Between 1996 and 2002, Site 3 would be permitted to develop with an additional 1,085 units. This will bring the total of low and moderate income units to 863, or 106% of the Township's current fair share.

The Township growth rate of 204% between 1984 and 1990 would exceed that of all but 5 of all New Jersey municipalities in Cranbury's population class (1000-3000) during the 1960 to 1970 and 1970 to 1980 decades (see Table 8). The 342% rate of growth projected for the first 12 years of the program -- which realistically, will occur within 10 years since the first two will be spent on pre-development and development activities -- would exceed that achieved by

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Attorneys for Plaintiff, Garfield & Company

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY

LAWRENCE ZIRINSKY,

Plaintiff,

CIVIL ACTION

vs.

THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CRANBURY, A Municipal Corporation, and
THE PLANNING BOARD OF THE TOWNSHIP OF
CRANBURY,

DOCKET NO.: L-079309-83 P.W.

Defendants.

JOSEPH MORRIS and ROBERT MORRIS,

Plaintiffs,

vs.

TOWNSHIP OF CRANBURY IN THE COUNTY OF
MIDDLESEX, A Municipal Corporation of the
State of New Jersey, .

DOCKET NO.: L-054117-83

Defendant.

CRANBURY LAND COMPANY, a New Jersey Limited
Partnership,

Plaintiff,

vs.

CRANBURY TOWNSHIP, A Municipal Corporation
of the State of New Jersey located in
Middlesex County, New Jersey,

DOCKET NO.: L-070841-83

Defendant.

CRANBURY DEVELOPMENT CORPORATION, A
Corporation of the State of New Jersey,

Plaintiff,

vs.

DOCKET NO.: L-59643-83

CRANBURY TOWNSHIP PLANNING BOARD and the
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CRANBURY,

Defendants.

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

Plaintiffs,

vs.

DOCKET NO.: L-058046-83 P.W.

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

Defendants.

URBAN LEAGUE OF GREATER NEW BRUNSWICK, et al.

Plaintiffs,

CHANCERY DIVISION
MIDDLESEX COUNTY

vs.

DOCKET NO.: C-4122-73

THE MAYOR and COUNCIL OF THE BOROUGH OF
CARTERET, et al.,

Defendants.

GARFIELD & COMPANY,

Plaintiff,

vs.

DOCKET NO.: L-055956-83 P.W.

MAYOR and THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CRANBURY, A Municipal Corporation,
and the members thereof; PLANNING BOARD OF
THE TOWNSHIP OF CRANBURY, and the members
thereof,

Defendants.

NOTICE OF NOTION

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

Joseph L. Stonaker, Esquire
Stonaker and Stonaker
41 Leigh Avenue
Princeton, New Jersey 08540

PLEASE TAKE NOTICE that the undersigned attorneys for plaintiff Garfield & Company will move before the Honorable Eugene D. Serpentelli, A.J.S.C., at the Ocean County Courthouse, Toms River, New Jersey on the earliest date that Judge Serpentelli may allow, for an Order awarding plaintiff Garfield & Company a builder's remedy. Counsel will rely upon the letter brief annexed in support of said motion.

WARREN, GOLDBERG, BERMAN & LUBITZ
Attorneys for Garfield & Company

By: 

William L. Warren

Dated: January 23, 1985
Princeton, New Jersey

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P.O. Box 645
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(609) 924-8900
Attorneys for Plaintiff, Garfield & Company

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY

LAWRENCE ZIRINSKY,

Plaintiff,

vs.

CIVIL ACTION

THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CRANBURY, A Municipal Corporation, and
THE PLANNING BOARD OF THE TOWNSHIP OF
CRANBURY,

DOCKET NO.: L-079309-83 P.W.

Defendants.

JOSEPH MORRIS and ROBERT MORRIS,

Plaintiffs,

vs.

DOCKET NO.: L-054117-83

TOWNSHIP OF CRANBURY IN THE COUNTY OF
MIDDLESEX, A Municipal Corporation of the
State of New Jersey,

Defendant.

CRANBURY LAND COMPANY, a New Jersey Limited
Partnership,

Plaintiff,

vs.

DOCKET NO.: L-070841-83

CRANBURY TOWNSHIP, A Municipal Corporation
of the State of New Jersey located in
Middlesex County, New Jersey,

Defendant.

CRANBURY DEVELOPMENT CORPORATION, A
Corporation of the State of New Jersey,

Plaintiff,

vs.

DOCKET NO.: L-59643-83

CRANBURY TOWNSHIP PLANNING BOARD and the
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CRANBURY,

Defendants.

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

Plaintiffs,

vs.

DOCKET NO.: L-058046-83 P.W.

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

Defendants.

URBAN LEAGUE OF GREATER NEW BRUNSWICK, et al.

Plaintiffs,

CHANCERY DIVISION
MIDDLESEX COUNTY

vs.

DOCKET NO.: C-4122-73

THE MAYOR and COUNCIL OF THE BOROUGH OF
CARTERET, et al.,

Defendants.

GARFIELD & COMPANY,

Plaintiff,

vs.

DOCKET NO.: L-055956-83 P.W.

MAYOR and THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CRANBURY, A Municipal Corporation,
and the members thereof; PLANNING BOARD OF
THE TOWNSHIP OF CRANBURY, and the members
thereof,

Defendants.

ORDER

THIS MATTER HAVING BEEN OPENED to the Court by William L. Warren, Esquire (Warren, Goldberg, Berman & Lubitz) attorneys for plaintiff Garfield & Company on an application for an Order awarding a builder's remedy to Garfield & Company and oral argument having been had and good cause appearing for the entry of this Order;

IT IS ON this day of , 1985;

ORDERED that plaintiff Garfield & Company, its successors and assigns is and shall hereby be deemed entitled to a builder's remedy; and,

IT IS FURTHER ORDERED that as the recipient of a builder's remedy Garfield & Company, its successors and assigns shall have priority in securing all licenses, permits and approvals necessary for the construction on its approximately 220 acres of land located on Half Acre Road in the Township of Cranbury of a high density residential housing project ^{At place; w/a min. density of 7 du/acre} containing a substantial amount of low and moderate income housing ^{replace; containing a min. of 20% of low and mod income housing} over any applications or proposals for the construction of low and moderate income housing in Cranbury put forward by any persons or entities who did not file a Complaint prior to February 1, 1984 challenging the zoning ordinances of the Township of Cranbury on the ground that they fail to provide a realistic opportunity for the construction of the municipality's fair share of its region's need for low and moderate income housing; and,

IT IS FURTHER ORDERED that defendants Mayor and Township Committee of the Township of Cranbury and the Planning Board of the Township of Cranbury and their employees, consultants and agents shall expedite to the extent possible consistent with sound planning principles the consideration and approval of any applications for licenses, permits, approvals, etc. relating in any way to housing to be constructed on Garfield & Company's land located on Half Acre Road in Cranbury pursuant to ordinances to be adopted by the Township of Cranbury or any Order of this Court which may issue in the future governing compliance by the Township of Cranbury with its obligation to make construction of its fair share of its region's low and moderate income housing reasonably probable; and,

IT IS FURTHER ORDERED that the Mayor and Township Council of the Township of Cranbury and the Planning Board of the Township of Cranbury and their employees, consultants and agents shall cooperate to the fullest extent possible with any applications which may be made by Garfield & Company, its successors and assigns to any federal, state, county or regional agency, authority or board for licenses, permits, approvals, etc. relating in any way to housing to be constructed on Garfield & Company's land located on Half Acre Road in Cranbury pursuant to ordinances to be adopted by the Township of Cranbury or any Order of this Court which may issue in the future governing compliance by the Township of Cranbury with its obligation to make construction of its fair share of its region's low and moderate income housing reasonably probable; and,

IT IS FURTHER ORDERED that defendants Mayor and Township Committee of the Township of Cranbury and the Planning Board of the Township of Cranbury and their employees, consultants and agents to the fullest extent possible shall assist Garfield & Company, its successors and assigns in securing tax abatements, below market rate loans, grants or other forms of subsidies for low

and moderate income housing to be constructed on Garfield & Company's land, located on Half Acre Road in Cranbury pursuant to ordinances to be adopted by the Township of Cranbury or any Order of this Court which may issue in the future governing compliance by the Township of Cranbury with its obligation to make construction of its fair share of its region's low and moderate income housing reasonably probable; and,

IT IS FURTHER ORDERED that disputes between Garfield & Company and the Township Committee of the Township of Cranbury⁴ or its Planning Board with respect to the implementation of the builder's remedy hereby awarded to Garfield & Company, its successors and assigns shall in the first instance be brought by these parties to Mr. Philip Caton as Special Master;^{and the Court} and,

IT IS FURTHER ORDERED that if ^{any} ~~all~~ ^y parties [^] to the dispute ^{is} ~~are~~ unwilling to accept Mr. Caton's decision, he shall immediately forward to this Court a report containing a description of the dispute, the positions of the parties and his recommendation, and this Court shall resolve the dispute upon oral argument; and,

IT IS FURTHER ORDERED that each of the parties to the dispute shall pay for Mr. Caton's services on a per capita basis. *The U.L. shall be exempt from this regmt, altho it shall be allowed to make submissions regarding disputes to Mr. Philip Caton as Special Master and the Court.*

A.J.S.C.

4 disputes subsequent to the court order on the Mt. Laurel II Compliance Program for Cranbury and between Garfield & Co. and the Twop, Cte. of the Twop. of Cranbury

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Attorneys for Plaintiff, Garfield & Company

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY

LAWRENCE ZIRINSKY,

Plaintiff,

CIVIL ACTION

vs.

THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CRANBURY, A Municipal Corporation, and
THE PLANNING BOARD OF THE TOWNSHIP OF
CRANBURY,

DOCKET NO.: L-079309-83 P.W.

Defendants.

JOSEPH MORRIS and ROBERT MORRIS,

Plaintiffs,

vs.

DOCKET NO.: L-054117-83

TOWNSHIP OF CRANBURY IN THE COUNTY OF
MIDDLESEX, A Municipal Corporation of the
State of New Jersey,

Defendant.

CRANBURY LAND COMPANY, a New Jersey Limited
Partnership,

Plaintiff,

vs.

DOCKET NO.: L-070841-83

CRANBURY TOWNSHIP, A Municipal Corporation
of the State of New Jersey located in
Middlesex County, New Jersey,

Defendant.

CRANBURY DEVELOPMENT CORPORATION, A
Corporation of the State of New Jersey,

Plaintiff,

vs.

DOCKET NO.: L-59643-83

CRANBURY TOWNSHIP PLANNING BOARD and the
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CRANBURY,

Defendants.

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

Plaintiffs,

vs.

DOCKET NO.: L-058046-83 P.W.

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

Defendants.

URBAN LEAGUE OF GREATER NEW BRUNSWICK, et al.

Plaintiffs,

vs.

DOCKET NO.: C-4122-73

THE MAYOR and COUNCIL OF THE BOROUGH OF
CARTERET, et al.,

Defendants.

GARFIELD & COMPANY,

Plaintiff,

vs.

DOCKET NO.: L-055956-83 P.W.

MAYOR and THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CRANBURY, A Municipal Corporation,
and the members thereof; PLANNING BOARD OF
THE TOWNSHIP OF CRANBURY, and the members
thereof,

Defendants.

AFFIDAVIT OF SERVICE

STATE OF NEW JERSEY)
 : s.s.
COUNTY OF MERCER)

Susan L. Taylor, being duly sworn according to law, upon her oath deposes
and says;

1. I am employed as a secretary in the law firm of Warren, Goldberg,
Berman and Lubitz, attorneys for plaintiff Garfield & Company in the above
entitled action.

2. On January 23, 1985, I mailed in the United States Post Office in Princeton, New Jersey, sealed envelopes with postage prepaid thereon, by regular mail:

Containing a notice of motion for filing to:

John M. Mayson, Clerk
Superior Court of New Jersey
Richard J. Hughes Justice Complex
CN 971
Trenton, New Jersey 08625

and

Containing a notice of motion, supporting letter memorandum and proposed order to the following people:

The Honorable Eugene D. Serpentelli, J.S.C.
Ocean County Superior Court
Ocean County Courthouse
CN 2191
Toms River, New Jersey 08754

Michael J. Herbert, Esquire
Sterns, Herbert & Weinroth
186 West State Street
Trenton, New Jersey 08607

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

Joseph L. Stonaker, Esquire
Stonaker and Stonaker
41 Leigh Avenue
Princeton, New Jersey 08540

Richard Schatzman, Esquire
McCarthy and Schatzman
6 Charlton Street
Princeton, New Jersey 08540

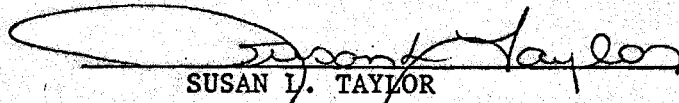
Thomas R. Farino, Jr., Esquire
Corner of Applegarth and Half Acre Roads
Cranbury, New Jersey 08512

Carl S. Bisgaier, Esquire
Bisgaier and Loeffler
510 Park Boulevard
Cherry Hill, New Jersey 08034

Lawrence B. Litwin, Esquire
Scerbo, Kobin, Litwin and Wolff
10 Park Place
Morristown, New Jersey 07960

Eric Neisser, Esquire
John Payne, Esquire
Constitutional Litigation Clinic
Room 338, Rutgers Law School
S.I. Newhouse Center for Law & Justice
15 Washington Street
Newark, New Jersey 07102

Guliet D. Hirsch, Esquire
Brener, Wallack & Hill
2-4 Chambers Street
Princeton, New Jersey 08540


SUSAN L. TAYLOR

Subscribed and sworn to before me
this 23rd day of January, 1985.


Notary Public

DIANA CHIPKIN
A Notary Public of New Jersey
My Commission Expires Sept. 10, 1989