

CN - Orgo Farms v. Two Colts Neck

1/6/84

Affidavit of Robert W. Clark, Licensed Planner
of State of NJ

P 8

CN 000 021 ✓

STOUT, O'HAGAN & O'HAGAN

~~CENTRAL JERSEY BANK BUILDING~~ 1411 Highway 35 North
~~NEW JERSEY~~ Ocean, New Jersey 07712

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ATTORNEYS FOR Township of Colts Neck

SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION, MONMOUTH COUNTY
: DOCKET NUMBER: L-3299-78 P.W.
: L-13679-80 P.W.

ORGO FARMS & GREENHOUSES, INC.
a New Jersey Corporation, and
RICHARD J. BRUNELLI,

Plaintiffs

-vs-

Civil Action

TOWNSHIP OF COLTS NECK, a
Municipal Corporation,

Defendants

AFFIDAVIT

STATE OF NEW JERSEY)
)ss:
COUNTY OF MONMOUTH)

ROBERT W. CLARK, being sworn according to law, upon his
oath deposes and says:

1. I am a licensed Planner of the State of New Jersey.

2. Since October of 1981, I have served as Director of Planning of the Monmouth County Planning Board. Immediately prior to assumption of my present position, I served as the Assistant Director of the Monmouth County Planning Board. I am now starting my 14th year with the Monmouth County Planning Board.

3. I am familiar with the General Development Plan adopted by the Monmouth County Planning Board in 1970 along with the Growth Management Guide adopted in 1982 by the Monmouth County Planning Board.

4. Similarly I am familiar with the State Development Guide Plan authored by the Department of Community Affairs.

5. I am familiar with the fact that the State Development Guide Plan characterizes Colts Neck as being a limited growth area, except for a small sliver of land situated at the southwest boundary of the Township of Colts Neck as it adjoins Freehold Township.

6. The Growth Management Guide above referenced provides that all of Colts Neck should be in a limited growth area, except for a village center which is situated at the intersection of County Route 537 and Route 34 in the Township of Colts Neck. It is our plan that the ultimate development of this village center will result in a approximately 200 residential units situated

on small single family lots, and in addition neighborhood convenient shopping area.

7. It is our plan that the balance of Colts be retained at its present densities. We feel that a should be limited throughout the limited growth areas on our map attached to the Growth Management Guide.

8. It is our position that growth in Colts Neck Township should be limited for a variety of factors which include the following:

(a) a desire on our part to protect the Swimming River Reservoir by limiting residential and commercial development.

(b) our desire to protect agriculture ^{and} in the equine industry in the Township of Colts Neck.

(c) our desire to channel growth adjacent to the development corridors in the eastern and central parts of the County (generally the eastern development corridor runs parallel to the Garden State Parkway while the central growth corridor runs parallel to Route 9, especially into our designated urban centers.

(d) a desire on the part of the Monmouth County Planning Board to channel growth into areas which are presently served by utilities.

(e) a desire on our part to limit sprawl development.

9. It is the position of the Monmouth County that residential and commercial development threatens of the Swimming River Reservoir as the runoff of petro-c. from the roads, other by-products of housing, and lawn ferti and pesticides threaten the reservoir.

10. We take the view that concentrated development within the Township of Colts Neck would serve to detrimentally effect the strong agricultural and equine industries thriving in Colts Neck. In this connection, we have seen other areas in the County where there is friction as the result of the interaction of develop- ment residents and farmers. The residential dwellers complain about farm noises, odors and farm related activities while the farmers contend that their properties, crops and livestock are damaged by trespassing residential occupants while motorists passing by the farms are likely to cause litter that damages the crops and livestock.

11. The Monmouth County Planning Board has taken the view that there is sufficient room within the development corridors to handle the growth that is reasonably foreseen in the central and eastern portions of the Township. The County Planning Board has taken the view that development in these areas is proper as the residents would be adjacent to sources of employment,

shopping centers and markets, good road systems and would be able to utilize existing utilities.

12. It is our view that it is wasteful to develop in virgin areas as water and sewer lines would either have to be extended, or otherwise provided for, roads developed, etc. The monies available should properly be channelled into the growth areas for the benefit of the residents of Monmouth County and the State of New Jersey. We do not encourage either the extension of utility lines or the development of private systems intended merely to serve a proposed development.

13. Extension of development away from the development corridors into the middle of a limited growth area serves to consume too much land, as it would be better if development would be in the growth areas or immediately adjacent to the growth areas, in order to conserve land. If a large development were approved in the limited growth area, we feel that there would be secondary impacts as other property owners would seek to develop in similar fashion and be in a position to make a case before the Zoning Board of Adjustment to prove their variance. A large scale development would require the development of shopping facilities sufficient to handle the influx of people. In addition, various service type businesses such as physicians, dentists,

lawyers would seek to locate their practices adjacent to concentrated residential development.

14. If all of this development should come to pass as the result of a single property being developed in a large scale fashion it might be that existing and/or proposed utilities would be insufficient. Thought would have to be given to a municipal wide utility system or possibly tying into an existing regional system.

15. Thus, it is the contention of the Monmouth County Planning Board that development should not be allowed in the limited growth sections of the Township of Colts Neck.

16. I would advise that the Monmouth County Planning Board made a site by site inspection of the land mass within the Township of Colts Neck and indeed within the County of Monmouth before it developed its Growth Management Guide. It is as the result of such site by site inspections that we determined that Colts Neck should be classified as a limited growth area. It is the position of the Monmouth County Planning Board that no large scale development should be allowed within Colts Neck Township. The growth area should be located west of the ridge line that crosses Route 537 as anything east of that line drains into the reservoir.

17. It is our understanding that the Department of Community Affairs did not make a site by site examination when it developed a State Development Guide Plan, and indeed the language of the Plan so indicates.

18. Insofar as the Township of Colts Neck is concerned, we would advise that there are even large contrasts between the present Growth Management Guide and the 1969 General Development Plan which was adopted by the Monmouth County Planning Board.

19. Indeed, in the earlier Plan in the southwest corner of the Township the Planning Board proposed low density development ranging from .05 building units per acre to 1.19 dwelling units per acre. At the intersection of 537 and Route 34 we proposed a highway business and commercial area and suggested that adjacent property be developed for office and research purposes.

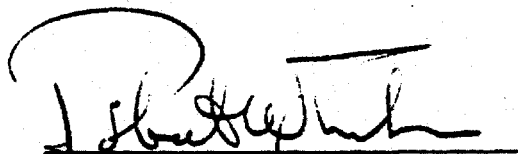
20. We have amended our plans after the site by site examination above described for the reasons set forth elsewhere in this Affidavit.

21. We have not proposed actual numbers for the limited growth areas as we feel to the extent constitutionally permissible no development at all should occur in such areas. Rather development should be targeted for village centers or town centers or growth

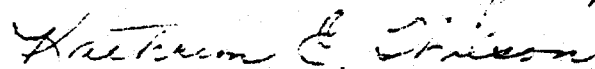
areas.

22. In this connection, we would advise that Colts Neck is unique among Monmouth County municipalities. The fact of the matter is that even for those municipalities that are classified as limited growth, except for Colts Neck Township, provision is made for town centers. No such provision is made in Colts Neck Township for the reasons set forth above.

23. I am making this Affidavit at the request of Robert W. O'Hagan, attorney for the Township of Colts Neck with the understanding that he will submit the same to Superior Court, Law Division in support of a Notice of Motion to be filed by him.


ROBERT W. CLARK

Sworn to and subscribed to
before me this 5th day of January, 1984



A Notary Public of New Jersey

KATHERINE E. WILSON
NOTARY PUBLIC NEW JERSEY
My Commission Expires Nov. 9, 1987