

Attorney's Fees

9-13-83

Brownj - Ferris v. Crabony TWP.

#incomplete

- Complaint

Pgs. 4

AF 000 008C

REC'D & FILED
SUPERIOR COURT
OF NEW JERSEY

SEP 14 2 14 PM '83

W. LEWIS BAMBERICK
CLERK

1. First count) attacks zoning of 37's capacity light industrial. It is presently used for industrial purposes.
 2. Second count attacks 700 sq. ft. ultra area.
 3. Third ct. cites m/p II but is not a basis for affirmative L-058046-83 relief.
 4. Fourth Ct alleges procedural defect.
- NO 7 m/p obligation - no m/p offered
no BE sought

SCERBO, KOBIN, LITWIN & WOLFF

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(201) 538-4220

ATTORNEYS FOR **Plaintiffs**

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

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY**

Docket No. P.W.

Civil Action

COMPLAINT

vs.

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

Defendants

Plaintiffs, Browning Ferris Industries of South Jersey, Inc., a corporation of the State of New Jersey, (hereinafter "BFI"), Richcrete Concrete Company, a corporation of the State of New Jersey, (hereinafter "Richcrete") and Mid-State Filigree Systems, Inc., a corporation of the State of New Jersey

OMITTED TO COUNT III →

are transferred including a percent of the road frontage equivalent to the percent of the total land retired through deed restriction. The Township Clerk shall keep a record of the total approved number of credits and the number authorized to be transferred.

7. The use of TDC in a the Zoning Ordinance is not authorized by law.

Wherefore plaintiff demands judgment that the Zoning Ordinance and the Land Use Plan be declared null and void.

Wherefore, plaintiffs demands judgment appointing a Master to prepare a new land use plan and a new zoning ordinance.

Wherefore, plaintiffs demand judgment for counsel fees and costs of this action.

THIRD COUNT

1. Plaintiff repeat the allegations of the Second Count as if set forth hereinafter at length.

2. The defendant Planning Board provided in the land use plan that the use of T.D.C. in the Zoning Ordinance would lead to approximately 1500 credits or 1500 units of a residential character.

3. The utilization of T.D.C. assisted the defendant, Township Committee, in meeting the obligations of South Burlington County NAACP v. Mt. Laurel Twp. 92 N.J. 158(1983).

4. The use of T.D.C. in a zoning ordinance is not authorized by law.

5. Therefore, the Township Committee will be unable to meet the obligations of South Burlington County NAACP v. Mt. Laurel Twp. 92 N.J. 158

(1983).

WHEREFORE, plaintiff demands judgment that the Zoning Ordinance and the Land Use Plan be declared null and void.

WHEREFORE, plaintiff demands judgment appointing a master to prepare a new land use plan and new zoning ordinance.

WHEREFORE, plaintiff demands judgment for counsel fees and costs of this action.

FOURTH COUNT

1. Plaintiff repeat the allegations of the First, Second, and Third Counts of the Complaint as if set forth hereinafter at length.

2. The Planning Board's public notice of Master Plan hearings provided:

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 adoption of a Farmland 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.

Please take notice that the Planning Board of the Township of Cranbury will hold a public hearing on Thursday, July 29, 1982, 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.

Please take notice that the continuation of the public hearing to consider an amended

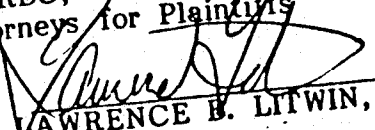
element of the Land Use Plan of the Township of Cranbury and, specifically, a Farmland Preservation Plan has been rescheduled August 3, 1982, at the Cranbury Elementary School at 8:00 p.m. At that time the Planning Board will also consider possible revisions to the plan specifically in the high density 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 Planned road in the agricultural district. The Board will consider any written material provided it is submitted before the public hearing. Maps and reports are available for review at the Cranbury Township office between the hours of 9-12 a.m. and 1-4 p.m. Copies of the reports may be purchased at the Cranbury Township Office for a fee of \$10.00.

3. Said notice is inadequate and unduly vague in that it does not put a property owner on notice that the zoning of property can be changed as a result of the adoption thereof.

4. Said notice is violative of law and the United States Constitution.

Wherefore, plaintiff demands judgment that Land Use Plan and Zoning Ordinance be declared to be null and void.

Dated: September 13, 1983

SCERBO, KOBIN, LITWIN & WOLF
Attorneys for Plaintiffs
BY: 
LAWRENCE B. LITWIN, ESQ.