

Attorney's Fees

9-16-83

Cranbury Dev. v. Twp Cranbury

- Complant

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FILED 16 SEP 1983

Chambers of  
H.L. BREITKOPF, J.S.C.

THOMAS R. FARINO, JR., ESQ.  
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Cranbury, New Jersey 08512  
(609) 655-2700  
Attorney for Plaintiff

CRANBURY DEVELOPMENT CORPORATION, : SUPERIOR COURT OF NEW JERSEY  
a corporation of the State of : LAW DIVISION  
New Jersey, : MIDDLESEX COUNTY  
: DOCKET NO. P.W. L-59643-83  
Plaintiff, :  
: Civil Action  
vs. :  
: COMPLAINT

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

*Attacked on*  
: a. 3 acre light residential zone  
: b. TDC permission  
② *only m/f language is cited to case law*  
: *but no request filed for, formula etc*  
③ *no promise to build 4/81*  
④ *no other sought - not of legal nature*

Defendant.

Plaintiff, Cranbury Development Corporation, a corporation

of the State of New Jersey, with offices at 1099 Wall Street West,  
Lyndhurst, New Jersey, by way of Complaint against the defendants,  
Cranbury Township Planning Board (hereinafter "Planning Board")  
and defendant, Township Committee of the Township of Cranbury  
(hereinafter "Township Committee"), says:

FIRST COUNT

1. Cranbury Development Corporation is the owner of lands  
known as Lot 10, Block 10, and Lot 1, Block 12, as shown on the  
Tax Map of the Township of Cranbury, Middlesex County, New Jersey.  
The parcel known as Lot 10, in Block 10, comprises approximately  
375 acres and the parcel known as Lot 1, in Block 12, comprises  
approximately 20 acres; both parcels are situated westerly of the  
New Jersey Turnpike and contiguous thereto.

2. Prior to July 25, 1983, the subject property owned by  
the plaintiff was zoned industrial calling for minimum three-acre  
lot sizes.

OMITTED TO COUNT II →

SECOND COUNT

1. Plaintiff repeats the allegations of the First Count as if set forth hereinafter at length.

2. The defendant, Planning Board, incorporated in the Land Use Plan the utilization of Transfer Development Credits (hereinafter "T.D.C.").

3. The defendant, Planning Board, recommended and the defendant, Township Committee, adopted a zoning ordinance which provided for T.D.C.

4. The Zoning ordinance provides by definition in S 150-7 that:

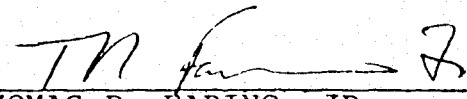
"Development Credit - An interest in land which represents a right to exchange land for residential purposes in accordance with the provisions of this ordinance.

Transfer of Development Credits - Where permitted by this ordinance, the act of using a development credit in order that permission for development may be granted."

5. The use of T.D.C. in the zoning ordinance is not authorized by law.

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

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

  
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THOMAS R. FARINO, JR.  
Attorney for Plaintiff

DATED: September 16, 1983