

Quarry Plan Developer Seeks Reconsideration of Proposal, Files Legal Action

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An overhead view of the Millington Quarry property off Stonehouse Road in Basking Ridge. *Credits: By Linda Sadlouskos*

BERNARDS TWP., NJ - An attorney for Community Investment Properties, which previously proposed building 235 homes as well as commercial space on the defunct Millington Quarry, approached the Township Committee this week asking for another look at scaled-back version of the proposal that would reflect input that residents and officials had given before the plan was rejected in January.

But this time, CIP's proposal to work out a deal to develop the 180-acre quarry site comes with a lawsuit attached.

Both township officials and the citizens' group, Stop the Quarry Plan, responded by saying they will oppose CIP's efforts to revive the proposal as one means of meeting Bernards Township's affordable housing obligation, for which final numbers have yet to be determined by the state.

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CIP attorney speaks before Township Committee

Anne S. Babineau, an attorney representing CIP, said at Tuesday's Township Committee meeting that the partners wanted to "express our strong desire to move ahead with the planning process for the quarry property."

"It's a very significant amount of property in the township," Babineau said of the now-industrial site off Stonehouse Road in Basking Ridge. She added that a "lot of labor" went into the planning process for the site, and that the partners would like to continue working on a version of the plan that would eliminate a proposed hotel, call for a lower density of buildings on the property, and provide more open space, services and public amenities on the site.

Babineau then added that CIP had filed a legal action in state court, and is looking to bring the quarry site back into the public discussion of where to provide additional affordable housing in the township.

"We would very much like your input and guidance," Babineau said during the conclusion of her comments.

At the meeting, Township Attorney James Belardo responded by saying that any motion filed by CIP seeking to be legally inserted in the township's affordable housing plans will be "zealously opposed."

Belardo said that CIP already had dropped its "frivolous" against the Planning Board as part of its legal action, "and I would hope that they would also be aware that the lawsuit against the township is equally frivolous."

Belardo said the township has already filed for protection from developer's lawsuits while devising its own affordable housing plan, and added the deadline for developers to file legal actions to be included in such plans has already passed.

On Saturday, Mayor John Carpenter called the legal action "baseless," and said the township will defend itself.

Stop the Quarry group urges township officials to "Don't be bullied"

After the meeting, the local Stop the Quarry group sent out an email urging residents to write Township Committee members asking them to uphold two-acre zoning on the site. The group sent out a sample letter that would urge township officials to "Stay true to your word to our community. Don't be bullied."

The email said that, "They [CIP] claim to be seeking 'input and guidance and will be at our service in terms of continuing the planning process.' In reality they are attempting

to scare the Township Committee into reinstating the area of redevelopment which is a known tactic that developers are using throughout New Jersey to overdevelop under the guise of Affordable Housing."

"Do we really want to open that door again with this same group?" the email asked recipients.

Zoning for the property's future reverted to two-acre residential lots after the Township Committee dropped CIP's proposal [following a groundswell of public input, primarily negative](#), after a final version of a concept for the quarry's redevelopment was unveiled last year. However, some residents had praised CIP's stated intention to build housing for developmentally disabled adults as part of its plan.

The Township Committee voted 4-1 to [reject the plan "in its entirety" on Jan. 24](#), and also to at that time revoke an earlier vote to identify the quarry as a "non-condemnation" redevelopment area that would have allowed participation in a statewide program aimed at rebuilding so-called blighted properties.

During the previous two years, the Township Committee had initially supported and worked with CIP, and also a previous developer, on the overall concept of redeveloping the quarry in a way to provide public access to the property, which is to include a lake, and also give the township a chance to help determine the future of the property.

"The process started out on the right foot," Bianchi said of the state redevelopment program after plans were rejected on Jan. 24. However, she said she later learned "the redevelopment process was not the process I understood it to be." She said that two years after the process was begun, major concerns about the property had not been addressed, and she felt the township would have less input in planning than she originally believed.

During discussions on the state redevelopment program, township officials also said they wished to try to end an often-contentious relationship with the Millington Quarry owners. About a decade ago, the township sued the quarry owner and Tilcon N.Y., which was operating the quarrying, after township tests found contaminants in soil being trucked onto the property to fill in pits that had been dug as part of the quarrying process. The state has been working with Millington Quarry to remediate any contaminated area, although Friends of Stop the Quarry had hired its own expert to help determine if the cleanup really has been successfully completed.