



# Township of Branchburg

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Dear Fellow Residents,

I hope this letter finds you healthy, and your family had a safe and enjoyable summer.

The purpose of this letter is to update our residents on the potential development of large vacant properties within town and the recent actions taken to mitigate the anticipated adverse impact of the developments.

The Township Committee recently passed an ordinance that would allow the inclusion of the following question on the ballot at the General Election in November:

“Should the Township of Branchburg expend public funds to acquire land within the Route 22/28 corridor for the purpose of preventing large commercial warehouse/distribution type facility development in favor of development more beneficial to the community and its residents?”

Many residents have asked why there is need to include this question on the ballot and for what purpose? I hope I can provide an answer to this and other questions regarding potential development in town. (I will try my best to keep the explanation brief and concise but it will not be easy so please bear with me).

As you are aware, the Township Committee had successfully limited overdevelopment in Branchburg for the past two decades and the committee has a proven history of actively fighting developers and their attempts to rezone commercial and farmland properties to allow high density residential developments. There have been multiple instances where the Township was sued by developers due to these efforts, often times going as far as the Appellate court and in each case, the Township prevailed. We are not opposed to affordable housing, and it should be noted the Township fully met its previous Council on Affordable Housing (COAH) Round One and Round Two obligations. However, we are adamantly opposed to court ordered high density developments that take precedence over our municipality’s legal and constitutional right of self-governance.

As a reminder, all of the development currently being undertaken in the Township is a direct result of a court ordered and approved settlement of Branchburg’s Round Three COAH Obligation. COAH’s Round Three Obligation retroactively (and irrationally) covered a period from 1999-2024 resulting in a statewide housing obligation (or need) of approximately 280,000 homes!

Branchburg’s Round Three affordable housing obligation was over 1,000 affordable homes resulting in a potential total buildout of 5,000 homes. (4,000 market units and 1,000 affordable units) We successfully settled for a little over 1,800 total units which included multiple age restricted developments.

Unfortunately, the story does not end with Round Three - Round Four begins in 2025 and Branchburg will be assigned another obligation of housing “need” despite the fact that our Round Three developments will not have been completed.

We are often asked, “Why not just rezone the properties to restrict residential development?” It’s a good question, but the New Jersey Supreme Court deemed affordable housing an inherently beneficial use for the purposes of rezoning for residential development regardless of the existing zoning. In a nutshell, a property currently zoned commercial, office space or farmland could be rezoned residential by court order under the auspices of affordable housing. A municipality that does not meet its affordable housing obligations is subject to a Builder’s Remedy Lawsuit which is a court ordered rezoning to allow high density cluster developments.

This brings us back to the referendum. There are several large parcels of land within the Township that are not currently zoned for residential development. Two of the parcels are located on the northside of towns along the Route 28 corridor. We believe these properties could be targets for density or cluster housing based on the yet to be determined Round Four obligations. Further, the current zoning allows for commercial development including the construction of manufacturing facilities with warehousing. The size of the properties could support a 300,000+ square foot facility.

We do not have any predetermined plans for these properties but simply believe there is a better use and purpose than cluster housing or large industrial development. The Township is asking for your feedback and direction through the referendum. Bear in mind, we are not even certain the owners would sell the properties to the Township but we want to preserve the option to purchase and develop the properties in a manner that has a direct and positive benefit to the residents.

The referendum is non-binding but if voted No, then no action will take place whatsoever. If the referendum is voted Yes, then the Township will have the “option” to acquire the properties but would be under no obligation to do so. The market value of the properties is estimated at \$25 million and would result in a potential tax increase of approximately \$220 per household if we acquired the entire parcels. The referendum would also allow for the alternative purchase of a portion of the properties which would also mitigate the ability for the development of large manufacturing facilities or cluster housing. The owners would still retain their right to develop the remaining portions. The owners are under no obligation to sell the properties, in whole or part, to the Township. All purchases would be fully transparent and would be subject to mandatory public readings and Township Committee approval.

Our ultimate goal in this effort, and in all matters of government, is to protect the quality of life of our families. The referendum vote will provide direction to the Committee in developing and administering land use strategies that are fully aligned with our residents’ wishes.

We appreciate your feedback on this issue and we thank you for your continued support.

Mayor James Schworn