

Cranbury, UL v. Carter

12/6

(1984)

Letters supporting/objection to an  
additional 30 day extension of the  
compliance period (extension granted)

8 pgs

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# Superior Court of New Jersey

CHAMBERS OF  
JUDGE EUGENE D. SERPENTELLI

OCEAN COUNTY COURT HOUSE  
C.N. 2191  
TOMS RIVER, N.J. 08754

December 6, 1984

Thomas R. Farino, Jr., Esq.  
Corner Applegarth & Half Acre Roads  
Cranbury, N. J. 08512

Re: Monroe Township - Mount Laurel II

Dear Mr. Farino:

This will confirm our telephone conversation of December 3, 1984 wherein I granted your request for an additional 30 day extension of the compliance period. Carla Lerman confirmed her concurrence of this request by telephone the next day. She also indicated that you and the governing body are working hard in your efforts to adopt the ordinance. I appreciate your continuing efforts.

Very truly yours,

EDS:RDH  
cc: Carla L. Lerman, P. P.

Eugene D. Serpentelli, J.S.C.

*Handwritten:* [unclear]  
*Handwritten:* [unclear]  
*Handwritten:* [unclear]

Patrick J. Diegnan, Jr.

Attorney at Law

2325 Plainfield Avenue

P.O. Box 736

South Plainfield, N.J. 07080

December 6, 1984

The Honorable Eugene D. Serpentelli  
Judge, Superior Court of New Jersey  
Ocean County Courthouse  
Toms River, New Jersey 08753

RE: Urban League vs. Carteret et al

Dear Judge Serpentelli:

This will serve to confirm my telephone conversation with your Law Clerk, of this date. Robert Rosa, South Plainfield's Planner, will be hospitalized until December 14, 1984. From his hospital bed, he has completed the proposed revisions to the Zoning Ordinances of the Borough. Said revisions are being typed and will be forwarded to the Planning Board with copies to all parties, next week. Mr. Rosa will then meet with the Planning Board during the week of December 17, 1984.

Therefore, at the latest, the revision to the Zoning Ordinance will have its first reading at the first public hearing of the Mayor and Council in January of 1985.

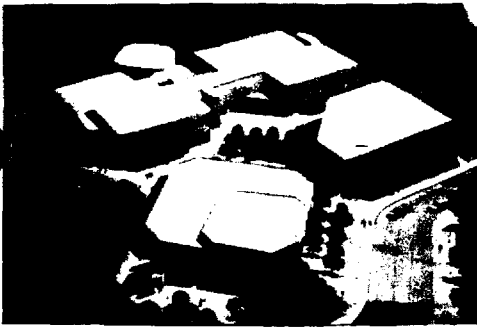
If I can provide any additional information, please advise.

*Handwritten signature:* Patrick J. Diegnan, Jr.  
Very truly yours,

PATRICK J. DIEGNAN, JR.

PJD/cp

cc: Barbara Williams, Esq.  
Angelo Dalto, Esq.  
Mayor and Council  
Bruce Gelber, Esq.



# Township of Old Bridge

MIDDLESEX COUNTY, N.J.

ONE OLD BRIDGE PLAZA • OLD BRIDGE, N.J. 08857

JEROME J. CONVERY  
TOWNSHIP ATTORNEY  
151 ROUTE 516  
OLD BRIDGE, N.J. 08857  
(201) 679-0010

December 6, 1984

Ms. Carla Lerman  
413 West Englewood Avenue  
Teaneck, N.J. 07666

Re: Urban League, et al v. Township of  
Old Bridge

Dear Ms. Lerman:

This is to confirm our telephone conversation of December 3, 1984, wherein I indicated that I had no objection to Carl Hintz, Professional Planner, and Henry Bignell, Old Bridge Township Planner, meeting with you to discuss various Planning issues regarding the above referenced matter. Furthermore, I reiterate my pledge to provide you with any and all documents in the possession of the Township of Old Bridge which may be of assistance to you in this matter.

Furthermore, I would like to confirm that you will meet with the Mayor and Township Council of the Township of Old Bridge on Monday, December 17, 1984 at 6:30 P.M. at the Township Council Conference Room, One Old Bridge Plaza, Old Bridge, N.J. This will be a special meeting prior to the regular meeting on that evening.

Thank you for your courtesy and cooperation in this matter.

Very truly yours,

Jerome J. Convery,  
Township Attorney

JJC/jd  
✓ cc: Honorable Eugene D. Serpentelli, J.S.C.  
cc: Mayor Russell J. Azzarello  
cc: Council President Edward O'Connell  
cc: Stewart Hutt, Esq.  
cc: Thomas Norman, Esq.  
cc: Thomas Hall, Esq.  
cc: Barbara Williams, Esq.

7

*Patrick J. Diegnan, Jr.*

*Attorney at Law*

*2325 Plainfield Avenue*

*P.O. Box 736*

*South Plainfield, N.J. 07080*

December 10, 1984

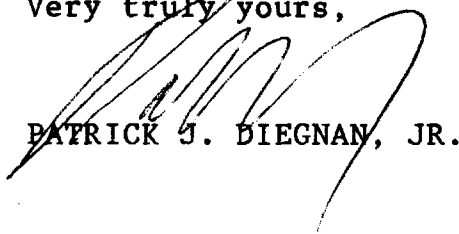
The Honorable Eugene D. Serpentelli  
Judge, Superior Court  
Ocean County Courthouse  
Toms River, New Jersey 08753

RE: Urban League vs. Carteret, et al

Dear Judge Serpentelli:

I, today received Ms. William's letter dated December 4, 1984 concerning the delay in adoption of the changes to the Zoning Ordinances of the Borough of South Plainfield. I presume that Ms. Williams has received my letter dated December 6, 1984. I would ask that any and all parties indicate if they have any objections to the request contained therein.

Very truly yours,



PATRICK J. DIEGNAN, JR.

PJD/cp

cc: Barbara J. Williams, Esq.  
Bruce S. Gelber, Esq.  
Angelo H. Dalto, Esq.  
William V. Lane, Esq.  
Peter J. Calderone, Esq.



# Superior Court of New Jersey

CHAMBERS OF  
JUDGE EUGENE D. SERPENTELLI

OCEAN COUNTY COURT HOUSE  
C.N. 2191  
TOMS RIVER, N.J. 08754

December 10, 1984

Mr. William C. Moran, Jr., Esq.  
Huff, Moran and Balint, Esqs.  
Cranbury-South River Road  
Cranbury, N. J. 08512

Re: Cranbury Township-Mount Laurel

Dear Mr. Moran:

I wish to confirm our telephone conversation in response to your letter of December 5, 1984.

Your requested extension is approved. I appreciate your continued efforts to resolve the matter.

Very truly yours,

EDS:RDH

cc: Thomas Farino, Esq.  
cc: Carl Bisgaier, Esq.  
cc: William Warren, Esq.  
cc: Guiliet D. Hirsch, Esq.  
cc: Michael Herbert, Esq.  
cc: Barbara J. Williams, Esq.  
cc: Philip Caton, P.P.

Eugene D. Serpentelli, JSC

ABRAMS, DALTO, GRAN, HENDRICKS & REINA

A PROFESSIONAL CORPORATION  
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C. DOUGLAS REINA  
JANE D. CASTNER

09-5  
BOUND BROOK OFFICE  
ROBERT E. HENDRICKS  
RESIDENT PARTNER  
(201) 356-9400

PLEASE REFER TO  
FILE NO.

December 4th, 1984

The Honorable Eugene D. Serpentelli  
Judge of the Superior Court  
Ocean County Court House  
Toms River, New Jersey 08753

re: Urban League v. Carteret, #C 4122-73

Dear Judge Serpentelli:

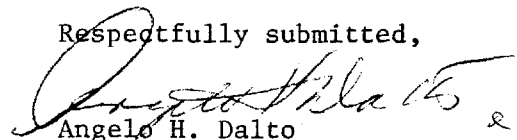
I have returned to my office after an absence of almost two weeks.

In the mail I note a letter dated November 27th, 1984 from Barbara J. Williams, attorney for the plaintiffs; and I am herewith tendering my objections to the form of Order submitted to Your Honor by counsel for the Urban League.

On behalf of Elderlodge, Incorporated, I object to the form of the Order in so far as the prohibition relating to the granting of a final use variance. The use variance has already been granted. I have no objection to the remaining form of the Order. I would suggest that the first 4 lines read as follows:

IT IS FURTHER ORDERED, that the Borough of South Plainfield and any of its official bodies, officers and agents are specifically prohibited from granting building permit with respect to the property at issue in Elderlodge, Inc. v. Borough of South Plainfield, Docket No. L=56349-81. . . .

Respectfully submitted,

  
Angelo H. Dalto

AHD:jsb

cc: Patrick Diegnan Jr., Esq.  
William V. Lane, Esq.  
Peter J. Calderone, Esq.

GREENBAUM, ROWE, SMITH, RAVIN, DAVIS & BERGSTEIN

COUNSELLORS AT LAW

*OBS*

WM. L. GREENBAUM (1914-1983)  
ROBERT S. GREENBAUM  
ARTHUR M. GREENBAUM  
ALLEN RAVIN  
PAUL A. ROWE  
WENDELL A. SMITH  
ALAN E. DAVIS  
MELVYN H. BERGSTEIN  
NATHANIEL H. YOHALEM  
DAVID L. BRUCK  
DAVID S. GORDON  
ROBERT C. SCHACHTER  
MARTIN L. LEPELSTAT  
DENNIS A. ESTIS  
WILLIAM D. GRAND  
CHARLES APPLEBAUM  
VICTOR A. DEUTCH  
DONALD KATZ  
HARRIET FARBER KLEIN  
BENJAMIN D. LAMBERT, JR.  
MICHAEL B. HIMMEL  
DOUGLAS K. WOLFSON  
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ROBERT E. LINKIN

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(201) 623-5600

TELECOPIER 549-1881

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MARK H. SOBEL  
HAL W. MANDEL  
MARIANNE MCKENZIE  
PETER J. HERZBERG  
KENNETH T. BILLS  
THOMAS C. SENTER  
GLENN C. GURITZKY  
MICHAEL NORD  
W. RAYMOND FELTON  
AMY E. STEIN  
ALAIN LEIBMAN  
CHRISTINE F. LI  
BRUCE D. GREENBERG  
JOEL M. ROSEN  
MERYL A. G. GONCHAR  
PAUL F. CLAUSEN  
JAMES P. SHANAHAN  
WILLIAM R. GICKING  
JEFFREY I. BURNETT  
NANCY SIVILLI  
NANCY E. BRODEY  
SHARON L. LEVINE  
JOSEPH M. ORIOLO  
JOHN G. HROMY  
JOAN FERRANTE RICH  
JEFFREY R. SURENIAN

HAROLD N. GAST (1933-1984)  
SAMUEL J. SPAGNOLA  
OF COUNSEL

REPLY TO:

Engelhard

December 5, 1984

*Handwritten notes:*  
12/4/84  
I had a meeting with...  
I have...  
...  
...

Hon. Eugene Serpentelli  
Ocean County Court House  
Toms River, NJ 08754

Re: Urban League of Greater  
New Brunswick vs. Township  
of Piscataway, et al

Dear Judge Serpentelli:

I am in receipt of the form of Order submitted on behalf of the Urban League with reference to the hearing held before Your Honor on November 14, 1984.

For the record, I would like to indicate substantial agreement with the objections stated by Phillip Paley, attorney for the Township of Piscataway, in his letter of November 27, 1984. I would, however, like to take this opportunity to articulate my own objections to the Urban League's proposed form of Order. The third operative paragraph (last ordered paragraph on page 2) provides that the approval of a development application "shall not, until further order of the court, create any vested use of zoning rights...". Quite frankly, I do not see how such a provision could operate without causing substantial detriment not only to the land owners, but to the mortgage lenders and financiers. Moreover, am I to understand that yet another procedure is going to be created so that prior to any of the statutory protections attaching to the approved projects under the municipal land use law, that an applicant must appear before this Court? The inadequacies and impracticalities of such a mechanism are self-evident.



Page Two

December 5, 1984

Even more significantly, it is my recollection from the argument and Your Honor's decision that to the extent restraints were imposed, they were to be limited to those sites found suitable for residential development in Ms. Lerman's final report dated November 10, 1984 or such other sites as deemed suitable by the Urban League. The limitation against obtaining vested rights in accordance with the mandates of the municipal land use law operates without exception under the terms of this Order - a result I find to be wholly contrary to the public interest.

Finally, it is clear, based upon the final paragraph of the Order, that Ms. Williams has totally misunderstood what Your Honor ordered in terms of the notice to be afforded to the affected property owners. I believe that Mr. Paley's paragraph D adequately sets forth the basis for my objections.

Thank you for your consideration in this regard.

Respectfully submitted,



Douglas K. Wolfson

DKW/cm

cc: Phillip Paley, Esq.  
Michelle Donato, Esq.  
Chris A. Nelson, Esq.  
Daniel S. Bernstein, Esq.  
Guliet D. Hirsch, Esq.  
Barbara J. Williams, Esq.