

UL v. Carteret (Monroe)

2/4 (1985)

Letter asking court to address concerns about Mr. Farino requesting yet another extension.

2 pgs

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February 4, 1985

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Honorable Eugene D. Serpentelli
Court House
CN 2191
Toms River, New Jersey 08754

Re: Urban League v. Carteret (Monroe Township)

Dear Judge Serpentelli:

We are in receipt of Mr. Farino's letter of January 29, 1985 requesting a still further extension of time for the Township of Monroe to submit a revised zoning ordinance pursuant to Your Honor's Order dated August 13, 1984. We have several comments:

1. We are dismayed by the Township's unexplained delay in retaining Mr. Hintz. In December, Mr. Farino advised Your Honor that the Township had authorized the retention of Mr. Hintz, yet Mr. Farino's latest letter indicates that Mr. Hintz was not retained until January 28, 1985. Thus, it is not surprising that Mr. Hintz now requires an additional three weeks to prepare a "compliance package".

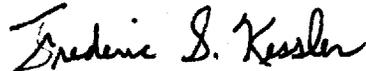
2. We have trouble understanding Mr. Farino's comment that the governing body is now "evaluating 17 site selection criteria for the 15 development proposals. . ." We were led to believe that the Township Council had reached a consensus in mid-December as to which sites will be rezoned. Does this mean that the consensus has disappeared and the Council is back to where it started? Or does it mean that the Council made its decisions without these criteria and is now seeking after-the-fact justifications? All that we know is that our clients' properties are apparently not under consideration, since neither we nor our clients have heard from the Township for quite some time.

Honorable Eugene D. Serpentelli
Page Two
February 4, 1985

3. In our letter to Your Honor dated January 7, 1985, we suggested that the Township be required to disclose to the plaintiffs those sites which have been selected for rezoning. The Township has not offered any reasons why this should not be done. As we previously noted, our experts cannot meaningfully prepare for the compliance hearing until they know which sites to address. In the absence of any reasons for withholding that information (which can be supplied subject to the provisions of a Protective Order), the information should be provided immediately to all parties.

We again believe that it would be futile to object to the requested extension, but we hope that our concerns will be addressed by Your Honor. It is in the Township's interest to prolong these proceedings as much as possible. If the Council believes that it can continue to have these requests for extension routinely granted, this undoubtedly will not have been the last such request.

Respectfully,



Frederic S. Kessler

FSK:mtp

cc: Thomas R. Farino, Jr., Esq.
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