

U.L. v. Carteret, North Brunswick October 29, 1984

Letter from Hutt to Judge saying they
want to join in request to grant extension
to comply w/ Court Order.

~~request~~

Pgs 3

CA000448L

RECEIVED

NOV - 1 1984

JUDGE SERPENTELLI'S CHAMBERS

Law Offices

Hutt, Berkow & Jankowski

A PROFESSIONAL CORPORATION

Park Professional Bldg.

459 Amboy Avenue

P.O. Box 648

Woodbridge, N.J. 07095

*London Berkow
Stewart M. Hutt
Joseph J. Jankowski
Janice H. Scherer
D. Bruce Unger
Ronald L. Shimanowitz*

*Reply to
P. O. Box 648*

(201) 634-6400

Our File #

October 29, 1984

Honorable Eugene D. Serpentelli, J.S.C.
Superior Court of New Jersey
Ocean County Court House
Toms River, New Jersey 08753

Re: Urban League of Greater New Brunswick,
et al, vs. Borough of Carteret, et al

Dear Judge Serpentelli:

This is to acknowledge receipt of copy of letter dated October 17, 1984 from Leslie S. Lefkowitz, Esq. to you, requesting a four week extension to comply with the Court's Order. At the outset, let me state that I have no objection to Mr. Lefkowitz's request.

Additionally, I must regretfully call to the Court's attention the fact that in the Consent Order dated September 10, 1984 (Page 7, Paragraph 8B) my client has agreed to a provision that states as follows:

"No residential development in the Manor
Realty Tract shall be more than three stories in
height".

This was an inappropriate condition for us to have agreed with.

After the settlement was concluded, we forwarded the settlement documents to our planners and architects in Philadelphia who, when they read that condition, advised us that the type of project that would be acceptable in the market, and that would be of superlative design, could not be done by complying with Page 6, Paragraph 8 (a) to wit:

CA000448L

Hutt, Berkow & Jankowski

A PROFESSIONAL CORPORATION

Honorable Eugene D. Serpentelli, J.S.C.
October 29, 1984
Page -2-

"220 acres of residential development for a total of 2,950 with a gross density of approximately 13.4 units per acre"

without having some residential structures in excess of three stories in height.

You will recall that the Consent Order was done under extreme time constraints because the matter had been scheduled for trial and the trial was adjourned indefinitely under the representation that an agreed-upon Consent Order would be submitted forthwith. I mention that fact as a partial explanation for the "goof" that I and my clients made in hastily agreeing to the three story limitation without getting the input of our planners and architects.

For the last month or so, we have been working with our planners and architects to see whether or not we could live with those height limitations, and still produce a project that would be desirable from the municipality's point of view and from a marketing point of view. We have reluctantly come to the conclusion that while it is theoretically possible for us to live within all the above constraints, the project would end up almost as a "sea of asphalt" and with very few amenities and aesthetic features.

Having come to that conclusion, we had a meeting with the North Brunswick Planning Board, approximately three weeks ago, with all of our experts and presented to them a "slide show" showing various designs and projects that our planner's and others have done in other parts of the country, which illustrated concepts based on a great deal of lakes and inland water ways, and extensive natural parks, walkways and other amenities. This is the concept that we want to incorporate

Hutt, Berkow & Jankowski

A PROFESSIONAL CORPORATION

Honorable Eugene D. Serpentelli, J.S.C.
October 29, 1984
Page -3-

into this project and in order to do so, and still achieve the overall 13.4 units per acre density and 2,950 units on 220 acres, it would require that some of the residential structures exceed the three-story height limitations. We also displayed to them various 4, 5, and 6 story residential structures that have "stepped-back features" that are very handsome and are not typical of the type of high rise residential structures that one sees in New Jersey.

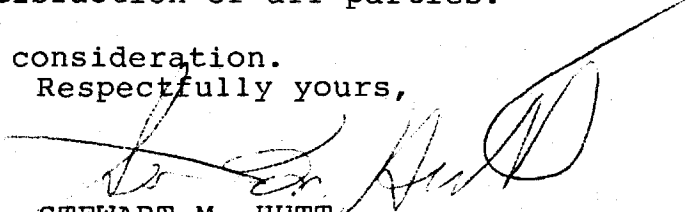
While I got the impression that the planning board had an open mind as to the types of the above mentioned concepts we intended to introduce for this project, we were, of course, confronted with the problem that the Order is both unrealistic and detrimental to the community, as it would prevent a high class project from being constructed. Hopefully, we can prevail upon the governing body to remove those restrictions with possibly some appropriate conditions such as the limitation of the amount of structures that could exceed three stories, the amount of distance such structures would have to be located from abutting perimeter roads, etc.

In the unfortunate event that the governing body does not concur in our opinion, then and in that event, we would want the opportunity to present our position to both the master (if one is appointed by then) and/or to the Court in the hope that we can convince either one or both that the above restriction should be eliminated.

It is for the above reasons that we join in Mr. Lefkowitz's request to grant the extension to comply with the Court Order.

Hopefully, within that period of time this difficult problem can be resolved to the satisfaction of all parties.

Thank you for your kind consideration.
Respectfully yours,


STEWART M. HUTT
For the Firm

SMH:lp

cc: Bruce Gelber, Esq.
Douglas K. Wolfson, Esq.
Frederic S. Kessler, Esq.
Barbara Williams, Esq.
Michael Kaplan
Sam Halpern
Leslie Lefkowitz, Esq.