

U.L. v. Carteret

20 Feb 1984

S Brunswick

Letter w/ two copies of Prelim

Memo attached.

Pgs 4

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*rec'd 2/21*  
February 20, 1984

The Honorable Eugene D. Serpentelli  
Ocean County Court House  
CN 2191  
Toms River, NJ 08753

Re: Urban League of Greater New Brunswick, et al.  
vs. Borough of Carteret, et al.  
Docket No. C-4412-73

Dear Judge Serpentelli:

Enclosed please find an original and two copies of the Pretrial Memorandum on behalf of Defendant Township of South Brunswick. I also enclose 19 extra copies of the factual and legal contentions for attachment to the pretrial order.

I understand that the pretrial conference has been rescheduled to Friday, March 2, 1984 at 11 A.M.

Cordially,

BENEDICT AND ALTMAN

By *Joseph J. Benedict*  
Joseph J. Benedict

JJB:dm  
Enclosures  
cc: All Counsel

Cal. No.

Attorney(s): BENEDICT AND ALTMAN

Office Address & Tel. No.: 247 Livingston Avenue, New Brunswick, New Jersey 08901

Attorney(s) for Defendant South Brunswick Township (201) 745-9000

URBAN LEAGUE OF GREATER NEW BRUNSWICK,  
et al.,

SUPERIOR COURT OF NEW JERSEY

CHANCERY DIVISION  
MIDDLESEX COUNTY

vs.  
BOROUGH OF CARTERET, et al.,

Plaintiff(s)

Defendant(s)

Docket No. C-4122-73

CIVIL ACTION

PRETRIAL MEMORANDUM OF

Defendant..South..Brunswick..Twp.

1. NATURE OF ACTION: Remand to trial court for determination of Defendant South Brunswick and other municipalities' fair share of regional low and moderate income housing need and revision of ordinance to allow for construction of same.

2. ADMISSIONS AND STIPULATIONS:  
None.

3-4. FACTUAL AND LEGAL CONTENTIONS: (Annexed hereto).

5. DAMAGE AND INJURY CLAIMS:

None.

6. AMENDMENTS:

None.

7. ISSUES AND EVIDENCE PROBLEMS: Determination of region, fair share allocation formula, and the Township's fair share of present and prospective low and moderate income housing needs, modification of the Township's zoning ordinance to effect compliance with those obligations.

8. LEGAL ISSUES ABANDONED:

None.

9. **EXHIBITS:** South Brunswick Township Zoning Ordinance and Amendments, Master Plan, Zoning Map, Natural Resource Inventory, Critical Areas Analysis Population and Housing Projections prepared by Queale & Lynch; USDA Soil Conservation Service Report for South Brunswick Township; Rutgers University

10. **EXPERT WITNESSES:** Center for Urban Policy Research Mount Laurel II Report.  
David Engel, P.P., A.I.C.P., South Brunswick Township Planner; and, possibly John J. Lynch, of Queale & Lynch, Inc. 20 N. Pennsylvania Ave., Norrisville,

11. **BRIEFS:**  
As required by the Court.

12. **ORDER OF OPENING AND CLOSING:**  
Usual.

13. **ANY OTHER MATTERS AGREED UPON:**  
None.

14. **TRIAL COUNSEL:**  
Joseph J. Benedict, Esq.

15. **ESTIMATED LENGTH OF TRIAL:** Two weeks for determination of region, fair share allocation formula and fair share; two days for compliance hearing.

16. **WEEKLY CALL OR TRIAL DATE:** March 19, 1984

17. **ATTORNEYS FOR PARTIES CONFERRED ON** February 1 19 84.  
**MATTERS THEN AGREED UPON:** None.

18. **IT IS HEREBY CERTIFIED THAT ALL PRETRIAL DISCOVERY HAS BEEN COMPLETED,**  
*except*  
None.

19. **PARTIES WHO HAVE NOT BEEN SERVED:**  
None.

**PARTIES WHO HAVE DEFAULTED:**  
None.

BENEDICT AND ALTMAN  
Attorneys for Defendant South Brunswick Township

By.....  
Joseph J. Benedict

Dated: February 20, 19 84.

BENEDICT AND ALTMAN  
247 Livingston Avenue  
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URBAN LEAGUE OF GREATER NEW BRUNSWICK vs.  
BOROUGH OF CARTERET, ET AL.  
DOCKET NO. C-4122-73

Pretrial Memorandum, Factual and Legal Contentions:

The Township contends that relevant considerations in the determination of housing region in which the Township should fall include (a) the housing market area from which the prospective population of the municipality would be substantially drawn; (b) the area encompassed by significant patterns of commutation; (c) the area served by major public services and facilities; (d) the necessity of data gathering/maintenance; and (e) intraregional differences and interregional similarities as well as consideration of the area in which the housing problem can be solved. These considerations support South Brunswick's position that it is located in the Middlesex, Somerset, Hunterdon and Warren primary metropolitan statistical area, as delineated in and described by the Rutgers Report. The Township's fair share formula, calculation of present and prospective need, and rental and sales prices affordable to low and moderate income households are as set forth in the Summary Report of South Brunswick Township's Fair Share Allocation to 1990 which was previously submitted to the Court.

The Township further contends that its zoning ordinance has been brought into substantial compliance with its Mount Laurel obligation by amendments to the ordinance which were adopted subsequent to Judge Furman's decision in this matter. The ordinance can be brought into full compliance with mandatory set-asides and increased density in several specific developable tracts and increased density in the Township's manufactured housing zone. The specifics of such increases are directly related to judicial determination of the Township's fair share of present and prospective need.