

UL v. Cartoet, S. Plainfield

7 Oct

Letter from Neisser to Frank re: Letter of
Sept 17

(1985)

3 pgs

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October 7, 1985

Frank Santoro, Esq.
1500 Park Avenue
South Plainfield, New Jersey 07080

Re: Urban League v. Carteret, No. C 4122-73

Dear Frank,

This is to confirm my oral inquiry of Wednesday about your letter of September 17 and some of the materials provided with it.

First, with regard to land sales, your letter states that only 20,000 square feet were transferred yet the Deed dated May 13, 1985 which you provided states that 3 tracts totalling 25,000 square feet were involved. Is the Deed correct or are you asserting that not all three of the parcels were within the Judgment? I note in this regard that your letter states that deeds have been executed conveying only one of the six sales of inventoried lands. Page 1. Yet the Deed provided covers, as far as I can tell, three of the six sales for which you provided Council resolutions of acceptance of bids. With regard to those resolutions, please provide copies of the "Schedules" referred to in the March 26, August 13, and November 13, 1984 resolutions and information or documents permitting us to distinguish and identify "parcel 1" from parcel 2" in the two June 11, 1984 resolutions. Moreover, the copy of the first page of the Deed you provided clipped off the handwritten note on the upper left corner. Please provide a new copy of that page so I can read that note.

With regard to the three parcels mentioned in the May 13, 1985 Deed, it appears that they were originally part of Block 448, Lot 4.01 and were subsequently subdivided into Lots 4.03, 4.04 and 4.05. ~~The three building permits you provided are for the latter numbered lots. Yet nowhere in the Planning Board materials provided does it indicate that the latter three lots were subdivided out of 4.01 or what remains of 4.01. Please~~

confirm that it was a subdivision of Lot 4.01 that produced Lots 4.03, 4.04, and 4.05 within Block 448 and either provide me with the appropriate documentation or confirmation that the subdivision that effected this change was the Planning Board's approval of application 84-20 that was preliminarily approved on April 16, 1985 and finally approved on May 21, 1985, as reflected in the Planning Board minutes and subsequent resolutions for those dates.

My uncertainty and concern in this regard derive from the following discrepancies: the Deed executed by the Mayor and Borough Clerk in your presence on May 13, 1985 says that the lots thereby deeded "were created as a result of subdivision, as evidenced by the signatures of the Chairman and Secretary of the Planning Board of the Borough of South Plainfield below." Page 3. Neither the Chairman's nor the Secretary's signature appears on the Deed. Moreover, the minutes of the Planning Board show that final subdivision approval did not occur until May 21, 1985 and that the subdivision maps were not signed by the Chairman and Secretary until August 20, 1985. Yet building permits for those three subdivided lots were issued on May 16, 1985. My understanding is that the law does not permit issuance of building permits until after the subdivision maps are signed. Please let me know if I am incorrect in this assumption or if there was some special circumstance justifying this unusual deviation from standard practice.

Finally, with regard to the Morris Avenue site, I note that in the recitation of the lots covered by the Judgment in Paragraph 1(F) of your letter, page 2, you state that the lots within Block 112 are Lots 1 and 1.01. However, the Judgment clearly states that it is Lots 1 and 2.01. This discrepancy takes on substantive importance because in Paragraph 6 of your letter, page 4, you state that you have investigated the ownership status of the parcels within the Morris Avenue site and "find that the Borough still owns all of the previously stipulated to lands" except for the Buccellato site. I would, therefore, appreciate your checking the ownership status of Block 112, Lot 2.01 and certifying whether the Township owns it. Also, you make reference in that paragraph to correspondence of the Land Management Advisory Committee with regard to the site owned by Mr. Buccellato. Because this directly involves the Township's compliance with the Judgment of May 22, 1984, I would request again, as I did in my last letter, copies of that correspondence and any minutes or other internal documents bearing on the Township's conduct vis-a-vis that parcel. Lastly, I would appreciate a copy of the incorporation papers relating to the South Plainfield Senior Citizen Housing Finance Committee, Inc., and of any Council meeting agendas at which action was taken or the senior citizen project was discussed.

In closing, let me note my appreciation for your timely and nearly complete response to my prior letter and my hope that we will be able to resolve this matter promptly.

Sincerely yours, .

A handwritten signature in cursive script that reads "Eric Neisser".

Eric Neisser

cc/South Plainfield Service List