

UL v. Cate~~ret~~, Piscataway 1984

5/24/84

- letter to counsel re Piscataway's Mt Laurel ~~re~~ compatibility

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in Housing

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May 24, 1984

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Re: Urban League of Greater New Brunswick v. Borough of Cartaret, et. al., Docket No. C-4122-73

Dear Ms. Donato:

I am one of the attorneys representing the Urban League of Greater New Brunswick in the above captioned Mt. Laurel litigation against several Middlesex County municipalities, including the Township of Piscataway. As you know, the case is on remand from the Supreme Court's decision in Mt. Laurel II, 92 N.J. 158 (1983), and is presently being tried before Judge Serpentelli in the Ocean County Court House in Toms River, New Jersey.

Based on information we have received from the Township and based on our own surveys and analysis, we have concluded that there is an insufficient amount of vacant land suitable for residential development to enable Piscataway Township to meet its entire fair share obligation to provide for the development of low and moderate income housing under Mt. Laurel II. Accordingly, it is our position that development of any sizeable, residentially suitable tracts without a set-aside of low and moderate income housing will seriously interfere with the Township's ability to meet its fair share obligation and therefore would be inconsistent with Mt. Laurel II.

In light of these concerns, on May 7, 1984, we moved for a temporary restraining order against the Piscataway Township Planning Board restraining

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the Board from approving several subdivision applications and requiring it to provide us with notice of any other applications concerning vacant parcels in the Township. The court granted the motion in part as reflected in the enclosed proposed form of order.

Because approval of variance and site plan applications by the Piscataway Township Board of Adjustment may likewise have an adverse effect on Piscataway's ability to meet its fair share obligation, we would appreciate it if the Board, by consent, would agree to keep us informed of all pending applications without the necessity of having us seek an order from the court.

In this regard, I understand that the Board is presently considering an application by Lackland Brothers, Inc. for a "D" use variance to permit construction of 110 townhouse units on a vacant parcel known as Block 371, Lot 1. We have reviewed this site with our planning expert and have preliminarily concluded that it is suitable for multifamily residential development. It is our position, however, that the application should be approved only if subject to a mandatory set-aside requiring that at least 10% of the units be affordable to low income households and 10% affordable to moderate income households. To do otherwise would be inconsistent with the Township's obligations under Mt. Laurel II and would interfere with the Township's ability to meet these obligations.

I look forward to receiving the Board's response to these concerns. If you have any questions in this regard, feel free to contact me.

Sincerely,



Bruce S. Gelber
General Counsel

BSG:vb

Enclosure

cc: Eric Neisser, Esq.
Phillip Paley, Esq.
Chris Nelson, Esq.
Angelo Dalto, Esq.