

U.L. v. Carteret

Nov. 7, 1984

Discataway

Applicant in Support of Motion for TR0
And interlocutory injunction

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ATTORNEYS FOR PLAINTIFFS

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY

URBAN LEAGUE OF GREATER]
NEW BRUNSWICK, et al.,]

Plaintiffs,]

vs.]

THE MAYOR AND COUNCIL OF]
THE BOROUGH OF CARTERET,]
et al.,]

Defendants.]

Civil Action C 4122-73

AFFIDAVIT IN SUPPORT OF MOTION
FOR TEMPORARY RESTRAINING ORDER
AND INTERLOCUTORY INJUNCTION

STATE OF NEW JERSEY)
 : ss.:
COUNTY OF ESSEX)

BARBARA J. WILLIAMS, of full age, being duly sworn
according to law, on oath deposes and says:

1. I am the attorney for plaintiffs in the above-
referenced matter.

2. Pending consideration of the vacant land question in
Piscataway, the Township, as the Court is aware, has continued
to consider and approve applications on properties that appear to
be suitable for Mt. Laurel development.

3. On or about October 24, 1984, developer Lackland Brothers,
Inc. petitioned the Site Plan/Subdivision Committee of the

Piscataway Planning Board for preliminary approval of a subdivision application of seventeen (17) lots located on Hillside Avenue in Piscataway Township. The lots at issue, Site #76, are identified on the Township Tax map as Block 561, Lots 11-15 and 18-21, and Block 564, Lots 29-38, currently zoned as R-10. (The Piscataway Planning Board Site Plan/Subdivision Committee Meeting Agenda of October 24, 1984 is annexed hereto as Exhibit C.)

4. As indicated on the agenda of October 24, 1984 (Item 11), the goal of Lackland Brothers is to construct single family dwellings on the property at issue.

5. I have been informed that the application for preliminary approval was accepted by the Site Plan/Subdivision Committee and scheduled to be heard on November 14, 1984 at 8:00 PM at the regularly scheduled meeting of the Piscataway Planning Board, and may be acted upon at that time.

6. According to the Court-appointed expert, Carla Lerman, P.P., this site is "satisfactory" for Mt. Laurel development, and represents a good "infill" site. I have been advised by plaintiffs' expert, Alan Mallach, that this site can be developed with no negative impact on the existing character of the surrounding area. A conventional single-family subdivision of this site, such as the one proposed by developer Lackland Brothers, Inc., would eliminate a suitable site from consideration toward meeting Piscataway's fair share obligation. Site #76 is representative of a large number of "infill" sites, especially in the western part

of Piscataway. Despite its small acreage (approximately 3 acres), sites of this general size and character are uniquely suitable for medium townhouse clusters. Additional benefits in constructing townhouses are efficiency and economic incentives.

7. If the application for Site #76 is approved, it will create for the applicant substantial vested rights in the terms and conditions of the approval and may preclude rezoning of the tract for residential use as part of a remedy in this case.

8. On or about October 24, 1984, developer New Castle Builders, Inc. appeared before the Site Plan/Subdivision Committee of the Piscataway Planning Board, seeking a reclassification as a minor subdivision to subdivide property located on Morris Avenue into two (2) lots. The property, Site #44, is designated on the Township Tax map as Block 745, Lots, 3, 4C, 4E and 4. These lots are currently zoned as R-15 and R-15A, and amount to a 20.97-acre parcel of land. (Exhibit C, supra).

9. I have been advised that the developer plans to prepare preliminary and final site plan applications providing for development of luxury condominiums, without any set aside for Mt. Laurel housing.

10. Site #44 is located adjacent to two cemeteries and directly across from an area zoned for planned residential development, with a set-aside density bonus for Mt. Laurel units.

11. If the application for Site #44 is approved, it will create for the applicant substantial vested rights in the terms

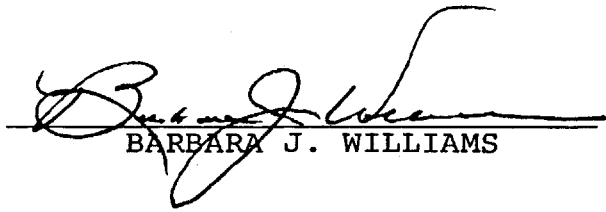
and conditions of the approval and may preclude rezoning of the tract for residential use as part of a remedy in this case.

12. Because the Township of Piscataway has proceeded to receive and approve applications, despite the constraints imposed by the lack of vacant land elsewhere in the Township as identified by the Court-appointed expert, Carla Lerman, P.P., that would be appropriate to meet the Township fair share obligation, plaintiffs continue to be placed in a position of suffering irreparable injury.

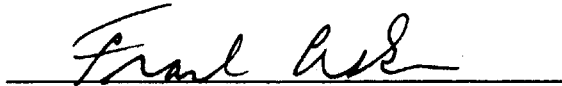
13. Any action regarding the vacant land in Piscataway reduces the amount of land available for satisfaction of Piscataway's fair share.

14. The existing situation as to the Lackland Brothers, Inc. and New Castle Builders, Inc. sites is further evidence of the irreparable injury that plaintiffs will suffer if denied injunctive relief.

15. Because it is clear that there is insufficient vacant developable land in Piscataway to meet Piscataway's fair share obligation, it is essential that the Township of Piscataway Council, Planning Board and Zoning Board of Adjustment take no further action that might limit the availability of such land for these purposes.


BARBARA J. WILLIAMS

SWORN TO and SUBSCRIBED
before me this 7 day
of November, 1984.



Attorney at Law, State of New Jersey

AGENDA
PISCATAWAY PLANNING BOARD
SITE PLAN/SUBDIVISION COMMITTEE MEETING
WEDNESDAY, OCTOBER 24, 1984 — 2:30 P.M.

1. CALL TO ORDER.
2. OPEN PUBLIC MEETINGS NOTICE.
3. ROLL CALL.

4. 84-PB-129 RANDOLPH JAHR CONSTRUCTION (CLASSIFICATION)
5. 84-PB-130V 49 Carlton Club Drive (VARIANCE)
6. 84-PB-131V Piscataway, New Jersey 08854 (VARIANCE)
BLOCK 804, LOT 18, ZONE R-10
Subdivide into two lots on the corner of Fisher
Avenue and Deerfield Avenue to construct houses for sale.

VARIANCES: Both lots have insufficient area and insufficient width; required is 10,000 square feet and 100 feet; proposed is 7500 square feet and 75 feet.

Ruled complete September 14, 1984.

Action to be taken prior to January 12, 1985.

Requires Middlesex County Planning Board review.

Requires owners authorization.

Requires affidavits of publication and service.

Attorney: Peter Lederman

Application was scheduled for a hearing on October 10, 1984. Applicant asked that this be carried to the November 14, 1984 meeting as the contract was not signed between the parties.

7. 84-PB-134 JOHN F. KASAR & NANCY F. KASAR (CLASSIFICATION)
36 Parkside Avenue
Piscataway, New Jersey 08854
BLOCK 151, LOTS 1-7, ZONE R-7.5
Subdivide into two lots for future development
on Parkside Avenue.

Ruled complete October 17, 1984.

Action to be taken prior to December 1, 1984.

Requires up to date proof of tax payment.

*This is a duplicate of a approval granted on Application No. 83-PB-17 on March 28, 1983. Applicant did not record the deed in time.

Attorney: John Lore

PISCATAWAY PLANNING BOARD
SITE PLAN/SUBDIVISION COMMITTEE MEETING
WEDNESDAY, OCTOBER 24, 1984

8. 84-PB-135 JOHN KASAR AND NANCY KASAR (CLASSIFICATION)
36 Parkside Avenue
Piscataway, New Jersey 0884
BLOCK 155, LOTS 1-8, ZONE R-7.5
Subdivide into two lots to construct houses for on
Parkside Avenue.
- Ruled complete October 17, 1984.
Action to be taken prior to December 1, 1984.
- Requires up to date proof of tax payment.
- *This is a duplicate of Application No. 83-PB-16
which was approved March 28, 1983. Applicant did not
record the deed in time.
- Attorney: John Lore
9. 84-PB-139 FRANK AND TERESA LEE (CLASSIFICATION)
18 Third Avenue
Piscataway, New Jersey 08854
BLOCK 452, LOTS 91 TO 102, ZONE R-10
Subdivide into two lots to sell one lot on
Stratton Street South.
- Ruled complete October 15, 1984.
Action to be taken prior to November 29, 1984.
- Requires proof of tax payment.
Requires Middlesex County Planning Board approval.
10. 84-PB-140 KENNETH MERIN ASSOCIATES (FINAL SITE PLAN)
95 Madison Avenue
Morristown, N.J. 07960
BLOCK 460, LOT 8-1, ZONE M-5.
Construction of 20,874 square foot office building
on Old New Brunswick Road.
- Preliminary approval was granted September 12, 1984
subject to certain conditions (See attached resolution).
- Ruled complete October 15, 1984.
Action to be taken prior to November 29, 1984.
- Requires Middlesex County Planning Board approval.
Requires up to date proof of tax payment.

PISCATAWAY PLANNING BOARD
SITE PLAN/SUBDIVISION COMMITTEE MEETING
WEDNESDAY, OCTOBER 24, 1984

11. 84-PB-141 LACKLAND BROS., INC. (PRELIMINARY SUBDIVISION)
400 North Avenue
Dunellen, New Jersey 08812
BLOCK 561, LOTS 11 - 15 AND 18-21,
BLOCK 564, LOTS 29 TO 38, ZONE R-10.
Subdivide into seventeen lots on Hillside Avenue
to construct single family dwellings.
- Determination of completeness pending receipt of checklist.
- Requires up to date proof of tax payment.
Requires affidavits of publication and of service.
Requires Middlesex County Planning Board approval.
Requires proof of ownership or contract purchaser.
12. 84-PB-142 LACKLAND BROS., INC. (CLASSIFICATION)
400 North Avenue
Dunellen, New Jersey 08812
BLOCK 359, LOT 1A, ZONE R-10
Classification to subdivide into four lots on
Myrtle Avenue.
- Requires proof of tax payment.
Requires proof of ownership.
13. 84-PB-143 NEW CASTLE BUILDERS, INC. (RE-CLASSIFICATION)
4 Redbud Road
Piscataway, New Jersey 08854
BLOCK 745, LOTS 3, 4C, 4E, 4, ZONE R-15, R-15A
Subdivide into two lots on Morris Avenue to
Construct condominiums for sale.
14. ADJOURNMENT.