

Piscataway 1985

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letter to Judge re: motion of Intervenor, Saker

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May 31, 1985

The Honorable Eugene D. Serpentelli  
Judge, Superior Court  
Ocean County Court House  
Toms River, New Jersey 08754

Re: Urban League of Greater New Brunswick v. Carteret  
Docket No. C-4122-73

Dear Judge Serpentelli:

I am writing to the Court in response to the Motion of Intervenor, Peter J. Saker, Jr. for dissolution of the restraints as to Site No. 3 (Lots 33 through 67; Lot 134, Block 228) in the Township of Piscataway. It is my understanding from a letter from Mr. Salsburg dated May 25, 1985, received on May 30, 1985, that the Motion is returnable before the Court on June 7, 1985.

It is significant to note that the Intervenor has no vested interest in the maintenance of the existing zoning of the subject parcel. The Township has at all times remained free to rezone the site. The existing situation outlined by the Intervenor is no different than if the Township had exercised its inherent right to alter the present zoning of Site 3.

In addition, the statement in Paragraph 12 of the Affidavit of Mr. Saker that "... it is clear that there is more than sufficient available land within the Township to meet any criteria or requirement imposed by the Court pursuant to the applications of plaintiff" is patently incorrect. To the contrary, it is precisely because of the lack of vacant land within the Township that dissolution of the existing restraint prior to a determination on the merits will be detrimental to the plaintiffs.

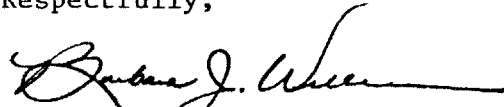
As a result of the Township of Piscataway interposing a defense of lack of vacant developable land to satisfy the Township's fair share of low and moderate income housing, the Court-appointed expert, Ms. Carla Lerman, analyzed from a planning perspective the vacant developable land with respect to its suitability for Mount Laurel development. Ms. Lerman's Report dated November 10, 1984, reflects that in her expert opinion Site No. 3 "is recommended for a planned residential development at a density of 8-10 units per acre."

At the hearing on the issue of vacant developable land held before this Court in February, extensive testimony was introduced as to the issue of the suitability of Site #3. Ms. Lerman testified that the subject site was suitable, as did plaintiffs' expert Alan Mallach. The Township of Piscataway and the Intervenor introduced testimony in opposition.

It is my understanding that on May 16, 1985, the Court personally toured Piscataway, viewing all the vacant land at issue, including, but not limited to, Site #3. All post-trial briefs have been filed with the Court.

Given the fact that virtually all aspects of the hearing have been concluded excepting the rendering of an opinion by the Court and that it is anticipated that the opinion will be issued shortly, it is respectfully submitted that it is inappropriate to separately address Site #3 and consider dissolution of the existing injunction as to this one particular site. Since nothing in the Affidavit of Peter J. Saker, Jr. sets forth any specific deadlines which must be met, but relates solely to the passage of time, we believe that the interest of all parties will be better served by awaiting a decision by the Court on the merits.

Respectfully,



Barbara J. Williams  
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