

Piscataway 1985

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Letter to Judge

Attch: Proposed Order and Judgement

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School of Law-Newark • Constitutional Litigation Clinic  
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August 8, 1985

The Honorable Eugene D. Serpentelli  
Superior Court, A.J.  
Ocean County Court House  
Toms River, N.J. 08754

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

Dear Judge Serpentelli:

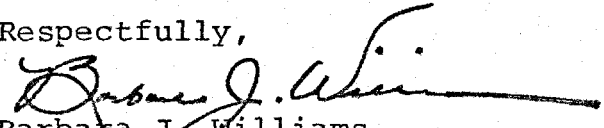
I am enclosing the original and one copy of a proposed Order and Judgment As To Piscataway.

By a copy of this letter, I am forwarding the proposed Order to the counsel listed below pursuant to the Five Day Rule.

If the enclosed Order meets with Your Honor's approval, I would appreciate an executed copy being returned to me for distribution to other counsel.

I thank the Court for its assistance in this matter.

Respectfully,

  
Barbara J. Williams  
Co-Counsel for Plaintiffs

encls

cc/Phillip Paley, Esq.  
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Lawrence Litwin, Esq.  
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On Behalf of ACLU of NJ

SUPERIOR COURT OF  
NEW JERSEY  
CHANCERY DIVISION  
MIDDLESEX COUNTY

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

vs.

MAYOR AND COUNCIL OF THE  
BOROUGH OF CARTERET,  
Defendants.

No. C 4122-73

Civil Action

ORDER and JUDGMENT  
AS TO PISCATAWAY

The above captioned matter having been tried before this Court commencing on April 30, 1984 pursuant to the remand of the Supreme Court in Southern Burlington County NAACP v. Township of Mt. Laurel, 92 N.J. 158 (1983) [Mount Laurel II], the court-appointed Master having concluded that the fair share of the Township of Piscataway was 3744 if calculated in accordance with the methodology approved by this Court in AMG v. Warren Township, et al., decided July 16, 1984; all parties and the Master having recognized that because of the amount of vacant developable land within the Township of Piscataway, it was highly unlikely the aforesaid fair share could be satisfied; this Court having authorized the Master to conduct a physical inventory of all vacant developable land within the Township and to make

recommendations concerning the suitability of that land for Mount Laurel development and the densities which would be appropriate for each suitable tract; the Master having filed with the Court and parties reports reflecting her recommendations; the Urban League having agreed with the Master as to parcels which were suitable for lower income development and the Township of Piscataway having disagreed with that conclusion; a hearing having been held commencing in February, 1985 with respect to the suitability of each tract; all parties and interested property owners having presented proofs, and having been provided the opportunity to cross-examine the Master as to her recommendations; this Court having conducted an actual site inspection in the Township of Piscataway on May 16, 1985; the Court having heard and considered the testimony and evidence adduced during the trial, the hearing on suitability of vacant land, and during the site inspection, having reviewed all documents filed on behalf of the parties and interested property owners, and the Court having issued a letter-opinion dated July 23, 1985;

IT IS, THEREFORE, on this \_\_\_\_\_ day of \_\_\_\_\_, 1985,

O R D E R E D and A D J U D G E D, that

1. The Township of Piscataway's zoning ordinance and land use regulations are not in compliance with the constitutional obligation set forth in Mount Laurel II in that they do not provide a realistic opportunity for satisfaction of the Township's fair share of the regional need for lower income housing.

2. The sites listed on the Appendix annexed to this Order are hereby deemed to be suitable by this Court for Mount Laurel development at the densities therein specified.

3. The total fair share of the Township of Piscataway for the decade of 1980 to 1990 is 2215 units. The recapitulation of the fair share calculation set forth in the Appendix is hereby incorporated herein as part of this Order.

4. Defendant's claim for "credits" against the fair share established in paragraph 2 in accord with the methodology established in AMG v. Warren Township is hereby denied.

5. The Township of Piscataway shall within ninety (90) days of the filing of this Court's letter-opinion of July 23, 1985, revise its zoning ordinances to comply with Mount Laurel II. The Township shall provide for adequate zoning to meet its fair share obligation, shall eliminate from its ordinances all cost generating provisions which would stand in the way of the construction of lower income housing and shall, if necessary, incorporate in the revised ordinances all affirmative devices necessary to lead to the construction of its fair share of lower income housing. The ninety (90) day period shall not be extended unless the defendant presents compelling reasons for such extension.

6. The Township of Piscataway shall retain the option to satisfy its fair share obligation of 2215 units by rezoning a fewer number of sites than have been found suitable by this Court.

7. If the Township of Piscataway seeks relief from this Court based on the contention it cannot accommodate the fair share number set forth in paragraph 2 of this Order, the Township has the burden of demonstrating to this Court that the fair share number cannot be accommodated without a substantial negative impact on the zoning plan or environment of the community.

8. \_\_\_\_\_ is hereby appointed as the Master to assist the Township of Piscataway in revising its zoning ordinance to comply with this Order and Judgment.

9. At the conclusion of the ninety (90) day revision period, or upon enactment of the revised ordinance, whichever occurs first, a hearing shall be scheduled, on notice to all parties, to determine whether the Township's revised zoning ordinance conforms to this Order and Judgment and to the guidelines of Mount Laurel II.

10. Pending further Order of this Court, all restraints set forth in the Order of this Court dated December 11, 1984 and all prior restraints continued by said Order shall remain in full force and effect as to all sites this Court has found suitable for development of Mount Laurel housing.

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EUGENE D. SERPENTELLI, A.J.S.C.

APPENDIX

<u>SITE NUMBER</u>	<u>ACREAGE</u>	<u>DENSITY</u>	<u>TOTAL UNITS</u>
1	10.7	5	53.5
2	110	8	880
3	27.7	8	221.6
4	10	7	70
6	55.6	12	667.2
7 & 8	123	8	984
9 & 13	81 (subject to possible reduced density for buffering to approximately 6 per acre)	8	648
10 & 12	68	8	544
31	11.9	10	119
32,33 & 34	114.02	7	798.14
35	74.65	10	746.5
37	7.82	12	93.84
38	30	12	360
40	15 5	8 (120) 15 ( 75)	195
42	32.4	10	324
43	14.7	10	147
44	20	8	160
45	40.9	8	327.2
46	55.64	8	445.12
47	9.4	10	94
48 & 63	9	5	45
49	17.3	12	207.6

57	40	10	400
75 & 76	10.5	6	63
77	6.45	5	32.25
78	3	7	21
80	10	8	80
			<u>8,726.95</u>

8,726.95 divided by 5 = 1,745.39

	1,745.39
51,52,53	270.00 (senior citizen)
54,60	200.00*
	<u>2,215.39</u>

\*Using the lower estimate of the master (300) and reducing it because of her testimony that most of the units would be lower income.

No units charged against site 79 which was found suitable in conjunction with site 38.