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Cranbury

8-3-84

Order denying leave to
apply for builder's remedy
as to Morris property

Pgs. 3

CA 002243 0

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FILED AUG 3 1984
E. SERPENTELLI, J.S.C.

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ATTORNEYS FOR Plaintiff, Garfield & Company

JOSEPH MORRIS and ROBERT MORRIS,

Plaintiffs,

vs.

TOWNSHIP OF CRANBURY IN THE
COUNTY OF MIDDLESEX, a
municipal corporation of the
State of New Jersey,

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY
DOCKET NO. L-54117-83 P.W.
CONSOLIDATED WITH:
C-4122-73
L-55956-83 P.W.
L-59643-83 P.W.
L-58046-83 P.W.
L-70841-83 P.W.
L-79309-83 P.W.
L-5652-83 P.W.

CIVIL ACTION

(Mount Laurel)
Assigned to the Honorable
Eugene D. Serpentelli, J.S.C.
by Order of the New Jersey
Supreme Court

ORDER DENYING LEAVE TO APPLY
FOR BUILDER'S REMEDY, ETC.

THIS MATTER having been opened by telephone conference to the Court by
McCarthy and Schatzman, P.A., attorneys for plaintiffs, Joseph and Robert
Morris, (Richard Schatzman, Esquire) on an application for an Order permitting
amendment of the Complaint, or alternatively, participation in the builder's
remedy portion of Urban League of Greater New Brunswick v. Carteret, et al.
action (Docket No. C-4122-73) and other actions against Cranbury Township
previously consolidated therewith, and with the participation of the following
counsel: William C. Moran, Jr., Esquire of Huff, Moran & Balint, Esqs.,
attorneys for defendant Township of Cranbury; Joseph L. Stonaker, Esquire of
Stonaker & Stonaker, Esqs. for defendant Township of Cranbury Planning Board;

(11)

William L. Warren, Esquire, of Warren, Goldberg, Berman & Lubitz, Esqs., attorneys for plaintiff, Garfield & Company; John N. Payne, Esquire for Eric Neisser, Esquire, attorneys for plaintiff Urban League; and Guliet F. Hirsch, Esquire of Brener, Wallack & Hill, Esqs. attorneys for plaintiff Toll Brothers; and the Court having considered both oral and written responses and argument of opposing counsel and having considered the moving and responding papers submitted on behalf of the parties, and good cause appearing for the entry of this Order;

IT IS on this 3 day of Aug., 1984, ORDERED that:

Plaintiffs Robert and Joseph Morris are denied amendment of the Complaint and participation in the builder's remedy portion of Urban League of Greater New Brunswick v. Carteret, et al. action (Docket No. C-4122-73) and other actions against Cranbury Township previously consolidated therewith.

IT IS FURTHER ORDERED that plaintiffs Joseph and Robert Morris are to be given full notice of any hearings to be held with respect to revising and amending defendant Cranbury Township's Land Use Ordinances and said plaintiffs will be given an opportunity to participate in any such hearings.

IT IS FURTHER ORDERED that all plaintiffs who have qualified for a Mount Laurel builder's remedy shall have preference with respect to Mount Laurel construction over Joseph and Robert Morris.

IT IS FURTHER ORDERED that plaintiffs Joseph and Robert Morris are permitted to submit to defendant Cranbury Township and/or the defendant Planning Board of Cranbury Township, and/or a master, if one is appointed by the Court, any proposal these plaintiffs have with respect to so-called Mount Laurel construction with respect to its parcel of land.

IT IS FURTHER ORDERED that any copies of any proposed land use ordinances revisions or amendments that result from the revision process shall be supplied to plaintiffs Joseph and Robert Morris.

Eugene D. Serpentelli
Eugene D. Serpentelli, J.S.C.