

CA - Cranbury

8/23/84

letter in lieu of a formal brief on
behalf of UL concerning Stony
Brook-Millstone Watersheds Assoc.'s
motion to appear as amicus curiae
in Cranbury Twp

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CA 002248L



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in Housing

CA002248L

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August 23, 1984

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Honorable Eugene D. Serpentelli
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 Ocean County Court House
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Re: Urban League of Greater New Brunswick, et. al. v. Borough of Carteret, et. al.

Dear Judge Serpentelli:

Please accept this letter in lieu of a formal brief on behalf of the Urban League of Greater New Brunswick concerning Stony Brook-Millstone Watersheds Association's motion to appear as amicus curiae in the Cranbury Township portion of this case.

The Urban League opposes the motion insofar as it would permit the Association to brief the issues of Cranbury Township's fair share obligation or its zoning ordinance's compliance with Mount Laurel II. While it is not altogether clear which issues the Association intends to address, its brief in support of the motion does state that the Association believes "the basic thrust of the Township's Master Plan and zoning ordinances are [sic] in compliance with Mount Laurel ..." (Brief, p. 2, n.3), and also that "in the calculation of the "fair share" for Cranbury ... the Court should not go beyond the numbers currently contemplated in the Township's Master Plan and implementing zoning ordinances." (Brief, p. 6). These questions, however, were fully resolved in this Court's Letter Opinion of July 27, 1984. Accordingly, the Association's motion as to these issues is both untimely and would be prejudicial to those parties who

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participated in the trial of this case. See R. 1:13-9. Moreover, there is no indication that the Association has any "special interest, involvement or expertise" in the areas of fair share methodology or exclusionary zoning. Id.

On the other hand, the Urban League would welcome the Association's participation as amicus curiae during the ordinance revision stage of this case. The Urban League believes that it would be both appropriate and useful for the Association to offer its views and expertise regarding the potential environmental impact of any ordinance revision proposals. Accordingly, we have no objection to the Association's participation as amicus curiae to this extent.

Rule 1:13-9 provides that an order granting leave to participate as amicus curiae "shall define with specificity the permitted extent of participation by the amicus ..." In light of the above comments, and because of the number of parties already participating in the ordinance revision process, the Urban League suggests that the Association's participation as amicus be limited to the submission of written comments on the issues noted above.

Thank you for your consideration in this matter.

Sincerely,



Bruce S. Gelber
General Counsel

BSG:vb

cc: All Counsel of Record