

UL2 - Piscataway

9-Nov-84

Letter to Williams ~~is~~ from developer ~~at Piscataway~~ re
restraint in proposed order that may hinder
development

Pg. 2

CA002467 L

Piscataway

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November 9, 1984

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RUTGERS CONSTITUTIONAL LITIGATION CLINIC
15 Washington Street
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Re: Urban League of Greater New Brunswick et al
v. Mayor and Council of the Borough of Carteret
et al; New Castle Builders, Inc. - Township of
Piscataway

Dear Ms. Williams:

This letter will serve to confirm the contents of our telephone conversation of this date. As you know, this firm represents New Castle Builders, Inc., developer of a 20-acre parcel on Morris Avenue in the Township of Piscataway.

I have reviewed the documentation with respect to the Order to Show Cause returnable on November 14, 1984 at 9:00 a.m. I have also seen that the Order attempts to restrain any further action with respect to the minor subdivision granted on October 14, 1984 to New Castle Builders with respect to the creation of the 20-acre parcel in question. As I advised you, on October 24, 1984, the Planning Board Minor Subdivision Committee not only re-classified this matter as a minor subdivision, but also approved the subdivision. I am expecting a written resolution in the near future.

In order that we do not have to argue about whether or not the approval of our minor subdivision predated your actions in this matter, I am enclosing herewith a copy of the subdivision map showing the land in question. I am of the opinion that this map will clearly show to you that it is in the best interest of your client to permit the minor subdivision to proceed and be finalized in order that our 20-acre parcel will be created and

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segregated from the parent lot so as to be available for use as a Mt. Laurel II project.

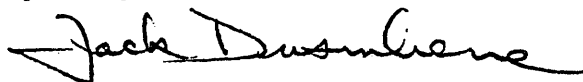
I direct your attention to the enclosed Map No. CE-15. Our parcel in question is tracts 1A consisting of 20 acres and located in zone R-15A, which zone is for condominium use of five units to the acre. The minor subdivision in question separates our tract 1A from tract 1B to be comprised of 9.22 acres. Do not be misled by tract 1C which is an adjacent piece of property and not the subject matter of our two lot minor subdivision. Tract 1C was created by a major subdivision in February of this year. Tract 1C has a cemetery on it.

Tract 1A, to be used for future condominium development, was attached to tract 1B upon which there is presently located, and clearly shown on the map, a mausoleum. You will note that we chose a natural breaking point on the westerly end of tract 1B as the dividing line between the mausoleum lot and the 20-acre piece being developed by New Castle Builders, Inc. This dividing line is just to the west of the tennis courts shown the mausoleum tract.

It may be helpful to give you a brief overview with respect to some of the miscellaneous buildings shown on the property. You will note that on Lot 5 there is a two and a half story dwelling. This lot was at the time of the major subdivision, and still is, owned by Mr. and Mrs. O'Neil. They perfected the original major subdivision creating all of the lots shown on this parcel in February of this year. They operated the cemetery which is commonly known as the Lake Nelson Memorial Park. Their major subdivision reflects the unusual character and nature of the activities on the entire piece of land, and that is why the lot lines are so unusually shaped.

I am writing this letter in the hope and expectation that you will delete any restraint in your order to be entered on November 14, 1984 with respect to the finalization of the minor subdivision. It is in the best interests of your client to allow the minor subdivision to be completed in order that the 20-acre parcel will be in fact created so as to be available for Mt. Laurel II development. Should you have any questions with respect to the foregoing, please do not hesitate to contact me.

Very truly yours,



John R. Dusenberre

JRD:dln
Enclosure