

CA - Piscataway

4-Jan-1988

- Brief and appendix in opposition to motion for leave to  
appeal an interlocutory order and stay enforcement  
Pending Appeal

pgs. 76

Note: may be duplicate of CA000795B but contains  
appendix

CA 002471B

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION

Docket No.: AM-390-84T5

Motion No.: M-1563-84

URBAN LEAGUE OF GREATER NEW :  
 BRUNSWICK, et al., :  
 :  
 Plaintiff/Appellee, :  
 :  
 vs. :  
 :  
 THE MAYOR AND COUNCIL OF THE :  
 BOROUGH OF CARTERET, et al. :  
 :  
 Defendant/Appellant. :  
 :

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 Hon. Eugene D. Serpentelli

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BRIEF AND APPENDIX IN OPPOSITION TO MOTION FOR LEAVE TO  
 APPEAL AN INTERLOCUTORY ORDER AND  
 STAY ENFORCEMENT PENDING APPEAL

---

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 On the Brief

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STATEMENT OF FACTS AND PROCEDURAL HISTORY

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a. Initial proceedings in the Urban League case: This Mount Laurel action was brought in 1974, the year before Mount Laurel I was decided by the Supreme Court. The case, originally naming the Township of Piscataway among twenty-

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three municipal defendants in Middlesex County, was tried fully by Judge Furman in 1976 and resulted in a finding that the land use ordinances of Piscataway and other defendants unconstitutionally denied opportunity for the construction of low and moderate income housing. Urban League of Greater New Brunswick v. Borough of Carteret, 142 N.J. Super. 11 (Ch. Div. 1976).

30

In 1979 the Appellate Division reversed, 170 N.J. Super. 461, 475 (App. Div. 1979), concluding that the trial court's method for determining the relevant housing region did not

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comport with the language of the Supreme Court's subsequent opinion in Oakwood at Madison, Inc. v. Township of Madison, 72 N.J. 481 (1977). Upon further appeal to the Supreme Court, the case was consolidated with five other appeals raising Mount Laurel issues and, after extensive consideration in the

50

Supreme Court, was decided as part of the Mount Laurel II decision in January 1983. See Southern Burlington County N.A.A.C.P. v. Township of Mount Laurel, 92 N.J. 158 (1983) (Mount Laurel II).

60

As to Piscataway and the other Middlesex County defendants, the Supreme Court specifically approved Judge Furman's finding of unconstitutionality, "for that has already been amply demonstrated," 92 N.J. at 350. The Urban League case was remanded solely for redetermination of region and fair share as those concepts were explicated by Mount Laurel II, and for judicially supervised revision of the ordinances. Id. at 350-51.

b. The Urban League remand: Nine years after filing suit and seven years after first winning on the issue of unconstitutionality, the Urban League returned to the trial court to pursue its remedy. Of the nine municipalities that remained in the litigation at the time of the remedial remand in 1983, the Urban League was able to reach negotiated, court-approved dispositions with respect to six of them prior to the retrial, resulting in an aggregate fair share provision of 8803 units through 1990. Piscataway Township (along with Cranbury and Monroe Townships) did not settle and a plenary methodology trial was conducted by Judge Serpentelli on eighteen trial days in May and June, 1984, covering issues of region, fair share, and compliance.

The major doctrinal result of this trial was the so-called AMG/Urban League methodology, by which housing region, regional need, and fair share allocations can be numerically determined. This methodology was developed under a court-

approved procedure by the court's separate expert in the Urban League case, Carla Lerman, who consulted extensively with the individual retained experts in this case and in AMG Realty Company, et al. v. Township of Warren et al. (unreported), Docket Nos. L-23277-80PW, L-67820-80PW (L.Div., July 16, 1984)[Da 1-5], another Mount Laurel action which was then pending before Judge Serpentelli. The methodology was first adopted in the AMG opinion, which is as yet unreported, and was thereafter applied to Cranbury and Monroe Townships in an unreported letter opinion dated July 27, 1984. The Court found both townships in non-compliance and appointed a master to assist each in the revision of its ordinances, by an order entered on August 13, 1984 (Da 6-13). Their aggregate fair share was found to be an additional 1590 units, bringing the Urban League total to 10,393 units. The initial revision process was completed in Cranbury on December 21, 1984, and is due to be completed in Monroe in late January, 1985.

Thus, eleven years and twenty-two defendants later, Piscataway Township remains the only defendant in the Urban League case with neither a constitutionally acceptable ordinance nor an ordinance revision process underway. At trial, moreover, the Township's planner essentially conceded that Piscataway's present ordinance does not meet Mount Laurel standards. Relying on a voluntary density bonus approach, it provides for no more than 462 units of low and

moderate income housing, and it contains neither mandatory set  
asides nor price and occupancy controls. If the AMG/Urban  
10 League methodology were applied, Piscataway's fair share  
obligation works out to 3806 low and moderate income units.  
This is by far the largest fair share obligation of the nine  
municipalities involved in this litigation, and results  
principally from Piscataway's explosive business and  
20 commercial growth along the I-287 corridor in recent years.

Piscataway's anomalous position in having delayed its  
remedial obligation longer than any other defendant  
municipality arises from its success as an office building  
center. So much of Piscataway's vacant land has been used  
30 without regard to regional housing need in recent years that  
the Township has raised as its principal defense that there is  
insufficient suitable land left to meet a fair share  
obligation of 3806 units. Recognizing this problem, the Trial  
Court decided not to enter judgment as to Piscataway when the  
40 joint trial with Cranbury and Monroe was concluded, but  
instead directed the court-appointed expert, Carla Lerman, to  
"assist the Court in determining the amount of available acres  
and specific sites in Piscataway Township which are suitable  
for development of Mount Laurel housing and the appropriate  
50 densities for development of each such site." [Da 15:1-10]  
The Court has indicated that after submission of Ms. Lerman's  
report and consideration of any objections thereto, it would

consider adjusting the numerical fair share in light of the amount of land realistically available. [Da 15:40]

10 Ms. Lerman submitted a preliminary report to the Court on July 12, 1984, [Da 17-25] but was not able to submit a final report until November 10, 1984, [Da 26-52] because of difficulty in obtaining necessary information relevant to densities from township officials. She has recommended as  
20 suitable approximately half of the sites suggested by the Urban League; the Urban League has noted to the Court its continued belief that four additional sites are appropriate, and Piscataway has noted its objections to all of the recommended sites. The Court has scheduled a hearing on these  
30 objections for January 16, 1985 [Da 53], at the conclusion of which the Urban League's case against Piscataway can be submitted for judgment on issues of fair share and compliance. (By letter dated December 21, 1985, received by counsel for the Urban League on January 2, 1985 [Da 54-56], Piscataway has  
40 asked for a substantial delay in the date of this hearing. The Urban League will in due course oppose this request.)

c. The temporary restraints. Despite Piscataway's clear Mount Laurel obligation and its reliance on the defense of insufficient land, it has continued to entertain commercial  
50 development proposals for sites that could be used for low and moderate income housing. In May, 1984, when three such proposals came to the attention of then Urban League during

the trial of this action, it sought and obtained temporary restraints against Planning Board approval, because the sites were deemed suitable for low and moderate income housing by the Urban League's housing consultant, Alan Mallach. [Da 57-60] But for this action, vested rights for non-Mount Laurel use could have been created on each of these three sites, totaling 84 acres.

The Court's Order, converted into a preliminary injunction after further hearing on June 26, 1984, permitted Planning Board processing of the three subdivision applications, but provided that no rights would vest as against the Urban League's Mount Laurel claims pending the outcome of the trial. The Court also required that the Urban League be given continuing notice of proposed development actions so that it could seek further restraints if necessary. Da 14-16]

Application for further restraints did become necessary in September and November, 1984. By an order entered on September 11, 1984 [Da 61-62] an additional tract, whose potential development status had not been disclosed previously to the Urban League, was made subject to the May and June restraints. The restraint as to this site was dissolved by order of the Court dated November 5, 1984, after Ms. Lerman inspected the parcel and the Urban League accepted her conclusion that it would not be practical to develop it for

10 Mount Laurel purposes. [Da 63] In November, upon learning that  
several additional proposals were pending, these involving  
sites on Ms. Lerman's list of suitable locations, the Urban  
League sought and obtained general restraints as to any site  
deemed suitable for Mount Laurel housing in Ms. Lerman's  
final, November 11 report. It is this Order, signed by Judge  
Serpentelli on December 11, 1984 [Da 32-34], which Piscataway  
20 seeks to bring before the Court on interlocutory appeal.

The December 11 Order was carefully tailored to the  
objective of preserving the status quo until the Trial Court  
could finally rule on the fair share and compliance issues in  
Piscataway. Development applications can continue to be  
30 processed, subject to the no-vesting provision included in the  
previous orders; applications containing a 20% set aside for  
low and moderate income housing can be given final approval;  
and any landowner aggrieved by the restraint can move on short  
notice to have it lifted as to his property. The requirement  
40 of Court approval of any building permit (probably moot in any  
event since none of these proposals is anywhere close to  
actual construction) was intended by Judge Serpentelli to  
insure that satisfactory price and occupancy controls would be  
in place for any development reaching the final approval stage  
50 with a Mount Laurel component, a necessary provision since  
Piscataway at present includes no such controls in its land  
use ordinances. The Order applies only to those sites found

acceptable by Ms. Lerman, about half the sites originally  
suggested by the Urban League, so that for any others the  
10 Urban League seeks to preserve it must make individual  
applications to the Court under the May and June orders. The  
December 11 Order will continue in force only until the  
hearing on Ms. Lerman's report in a few weeks.

20 Defendant's moving papers were received by counsel for  
the Urban League on December 26, 1984. By leave of Court, the  
Urban League was given until Friday, January 4, 1985, to  
respond.

10

POINT I

LEAVE TO APPEAL THIS INTERLOCUTORY ORDER SHOULD NOT BE GRANTED BECAUSE THE ORDER IS CAREFULLY TAILORED TO PRESERVE THE STATUS QUO AND THEREFORE DOES NOT MEET THE EXTRAORDINARY STANDARDS FOR INTERLOCUTORY APPEAL ESTABLISHED BY MOUNT LAUREL II

20 This is a Mount Laurel case, and the standards for interlocutory appeal are those established by Mount Laurel II, not the conventional standards noted by Piscataway in its brief at pp.3-5.

30 In Mount Laurel II, the Supreme Court sought to eliminate the unfairness to plaintiffs that had occurred because of the lengthy litigation delays permitted under Mount Laurel I. In particular, it held that under almost all circumstances, each Mount Laurel action should be completed through adoption of remedial ordinances, if necessary, before the underlying  
40 judgment of non-compliance with the Constitution could be tested on appeal. 92 N.J. at 285. The Court recognized that some "wasted effort" might occur if the non-compliance judgment were later to be overturned, but concluded that there was an offsetting advantage not only in providing timely  
50 remedy for the plaintiff but also in assuring that "the appellate court will have before it everything needed to fully determine the issues." Id. at 290.

10 The Court did not wholly rule out interlocutory appeals, but held that they could be "taken (or attempted)" only "[i]n the most unusual circumstances." Id. at 290-91. In advising the trial courts when an interlocutory issue should be certified, it stated that the court

20 "should ordinarily do so only when it entertains substantial doubts as to the correctness of its position and concludes that on balance an immediate appeal is clearly preferable to any procedures that might otherwise follow the interlocutory judgment of invalidation." Id. at 291.

30 From the foregoing statement of the history of this case, it should be obvious that there is no reason to entertain an interlocutory appeal at this time. The Order itself will have only a short additional life, terminating at the January 16 hearing on Ms. Lerman's report. Even in the unlikely event that the hearing is delayed somewhat, the Order could well expire before this Court is able to consider the interlocutory issue on its merits.

40 More than this, however, the Order itself is carefully limited in its effect and serves only to prevent harm, rather than to cause it. Because of this care, it cannot be said either that the issue presents a "most unusual circumstance" or that "on balance an immediate appeal is clearly preferable" to any other procedures. In effect, the December 11 Order merely continues the earlier system of interim restraints

developed in Judge Serpentelli's Orders of June 7 and June 26,  
a system that since May 7 has infringed one of Piscataway's  
"primary municipal functions -- the power to regulate land  
use" [Db 5] but which Piscataway nevertheless accepts and  
extols. Id. p.7.

The only significant addition in the December 11 Order is  
that the moving burden has been shifted from the Urban League  
to either the municipal defendant or the individual landowner  
to question the application of the interim restraint to a  
specific parcel of land. Relieving the Urban League of the  
burden of scrutinizing each Planning Board agenda, often on  
the eve of the scheduled meeting, to see whether a "Mount  
Laurel" parcel is involved, is amply justified given the  
township's demonstrated unwillingness to preserve the status  
quo voluntarily. At the same time, there is ample protection  
against error, both in the limitation to those parcels which  
have already survived the scrutiny of the Court's independent  
expert, Ms. Lerman, and in the procedure for lifting the  
restraints on short notice. The Urban League has already  
demonstrated its commitment to fair play by agreeing promptly  
to dissolving the restraint on one site that Ms. Lerman's  
additional information showed to be unacceptable. Finally, it  
should be noted that the procedures at issue here do not  
restrict land development rights at all, except in the sense  
that the Mount Laurel doctrine itself conditions those rights  
on compliance (at a profit) with the Constitution.

Piscataway also argues that it can meet its fair share without new construction, by taking credit for existing housing that is said to serve low and moderate income needs. The inference is that the December 11 Order is oppressive because no new construction will be necessary (although Piscataway does not explain why the May 7 and June 26 Orders, which also presume the possibility of new construction, are acceptable to it). By making this argument, Piscataway unfortunately projects this Court into matters upon which the Trial Court has not yet ruled (thereby illustrating the wisdom of the Supreme Court's preference that appeals not be taken until the Appellate Court has before it "everything needed to determine fully the issues"). The Urban League here states its position briefly on the issue of credits not to anticipate the ruling of the Trial Court, but to demonstrate that Piscataway's position is sufficiently improbable that it cannot be used as a basis for interlocutory appeal.

Piscataway's inventory of existing garden apartments, upon which it heavily relies, consists completely of units built prior to 1980, meaning that they are already incorporated into the statistical base from which additional need is calculated, and at least half rent at levels beyond the Mount Laurel affordability range. (None, it should be noted, are within the low income, as opposed to moderate income, range.) In addition, none are subject to occupancy

controls and thus are wholly excludable on that basis. Even  
if such controls could be successfully added at this point, a  
matter of some possible legal difficulty, it is wholly  
unrealistic to anticipate that any significant portion of the  
2600 units relied upon can meet Mount Laurel standards.

Similarly, Piscataway's claim of 1200 "affordable" single  
family homes is based on a theory of tax valuation that was  
discredited at trial by plaintiffs' expert, and its reliance  
on Rutgers dormitory housing is incorrect since such "group  
quarters" housing is excluded from the census data on which  
the AMG/Urban League methodology is based. Indeed, if these  
data were included, Piscataway's fair share obligation would  
rise dramatically, since dormitory rooms almost invariably  
meet the census definition of "overcrowded," one of the major  
surrogates for housing need used in the methodology. The  
Urban League's expert conceded at trial that the 320 units of  
Rutgers married student housing in Piscataway should be  
credited towards the fair share obligation, since it is  
included in the census base, but this is a far cry from the  
3806 unit total. The "credit" claim should have no bearing on  
the question of this interlocutory appeal.

Since Piscataway has demonstrated its unwillingness to  
voluntarily preserve the status quo pending the outcome of the  
main action (an outcome delayed by the Trial Judge solely to  
give Piscataway a fair opportunity to develop its

10 "insufficient land" defense), it has been necessary for the  
Urban League to seek the aid of the Court in doing so. This  
case has been in litigation for eleven years, and Piscataway  
was first held to have a fair share obligation nine years ago,  
in a ruling that the Supreme Court held two years ago to be  
"amply demonstrated." During those nine years, Piscataway has  
20 enjoyed the fruits of spectacular growth without taking any  
effective steps to deal with the housing need that its growth  
policy has impacted.

Piscataway, in short, stands as one of the great lost  
opportunities for planning that could have created a socially  
responsible mix of housing and jobs. It was to prevent such  
lost opportunities henceforth that Mount Laurel II was framed  
30 with the vigorous remedial powers that have been employed in  
this case by Judge Serpentelli. Indeed, if there is any "most  
unusual circumstance" in this case, it is that Piscataway  
should be attempting to give away what little land it has left  
while simultaneously defending the Urban League's case on the  
40 ground that it has too little land to comply. It goes without  
saying that its conduct has been inconsistent both with Mount  
Laurel II and with the "interests of justice" that its own  
motion sets up.

50 The motion should be denied.

POINT II

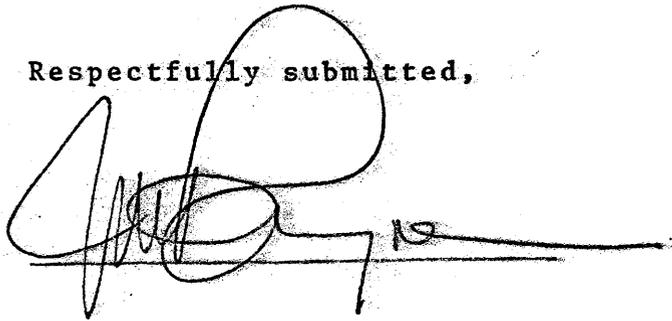
10 THE DECEMBER 11 ORDER SHOULD NOT BE STAYED PENDING  
APPEAL BECAUSE THERE IS NO EXTRAORDINARY CIRCUMSTANCE  
WHICH WARRANTS DOING SO

20 Interlocutory stays in Mount Laurel actions are to be  
granted only on the same "most unusual circumstances" standard  
as for interlocutory appeals. 92 N.J. at 290. As Point I,  
supra, demonstrates, there are no such extraordinary  
circumstances here. The December 11 Order is carefully  
30 limited to preserving the status quo, it will operate for only  
a short additional time, and provides for fair and speedy  
relief from its provisions should any land be erroneously  
restrained from development.

CONCLUSION

For the forgoing reasons, the motion for leave to bring an interlocutory appeal and for a stay of the December 11, 1984 Order pending appeal should be denied.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "John M. Payne", written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the right.

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# Superior Court of New Jersey

10

CHAMBERS OF  
JUDGE EUGENE D. SERPENTELLI

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July 27, 1984

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## LETTER OPINION

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Re: Urban League v. Carteret  
Docket No. C-4122-73

Gentlemen:

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Before the receipt of this letter, you should have received a copy of the court's opinion in the AMG Realty Company et al v. Township of Warren. That opinion is dispositive of all of the legal issues relating to the establishment of a fair share methodology concerning the Townships of Monroe and Cranbury and is fully incorporated herein by this reference.

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Based upon that opinion and the calculations contained in J-5 marked in evidence, the fair share of the Township of Monroe is established at 774 units, representing 201 indigenous and surplus present need units and 573 prospective need units for the decade of 1980 to 1990. As to Cranbury the fair share is established at 816 units representing 116 indigenous and surplus present need units and 700 prospective need units for the decade of 1980 to 1990. The reduction in the fair share numbers as shown on Tables

60

13A, 13B, 15A and 15B of J-5 represents a recalculation of the indigenous need based upon Carla Lerman's memorandum of May 24, 1984 and the use of J-20 in evidence. As to Monroe, the indigenous need is reduced from 196, as shown on Table 15A, to 133, as shown in J-20. As to Cranbury, the indigenous need is reduced from 29, as shown on Table 13A to 23, as shown in J-20.

In the case of Monroe the total fair share shall consist of 387 low cost and 387 moderate cost units. As to Cranbury, the total fair share shall consist of 408 units low cost and 408 moderate cost. The use of the terms "low and moderate" shall be generally in accordance with the guidelines provided by Mount Laurel II at p. 221 n 8. I find that the factual circumstances which warranted an equal division between low and moderate income housing in the AMG case exist with respect to Monroe and Cranbury. (AMG at 24) Similarly, the factual circumstances justifying phasing of the present need in the AMG case are sufficiently analogous here. (AMG at 24-25)

As should be evident from the fair share discussion above, I have rejected Cranbury's challenge to the State Development Guide Plan (hereinafter SDGP). Essentially, Cranbury argued that since the 1980 version of the SDGP, the Department of Community Affairs (hereinafter DCA) amended the concept maps, thereby characterizing less of the municipality as growth area. A reduction in growth area would lower Cranbury's obligation somewhat and might impact on the granting of a builder's remedy.

Cranbury's argument fails for two reasons. First, the testimony at trial did not demonstrate that the SDGP was ever formally amended. Apparently, the DCA considered many possible changes to the May, 1980 SDGP

and summarized their comments in a document dated January, 1981. (J-8 in evidence). However, the process never progressed beyond mere general discussion and, in fact, Mr. Ginman did not recall any specific discussion of a change affecting Cranbury with the Cabinet Committee. Second, and more importantly, our Supreme Court has adopted the May, 1980 SDGP - not the subsequent alleged amendments. Indeed, the Supreme Court went as far as giving the 1980 SDGP evidential value. (Mount Laurel II at 246-47) Any informality in adoption of the 1980 edition of the SDGP is overcome by the Supreme Court's endorsement of it as a means of insuring that lower income housing would be built where it should be built. (Mount Laurel II at 225)

With respect to the issue of compliance of the respective land use regulations of Monroe and Cranbury, counsel for both townships have stipulated that the ordinances do not provide a realistic opportunity for satisfaction of the municipalities' fair share of lower income housing. Therefore, the land use regulations of both municipalities are invalid under Mount Laurel II guidelines.

Having identified the obligations of Cranbury and Monroe, and having found their land use regulations noncompliant, I hereby order these municipalities to revise their land use regulations within 90 days of the filing of this opinion to comply with Mount Laurel II. Both townships shall provide for adequate zoning to meet their fair share, eliminate from their ordinances all cost generating provisions which would stand in the way of the construction of lower income housing and, if necessary, incorporate in the revised ordinances all affirmative devices necessary to lead to the

construction of their fair share of lower income housing. (see generally  
Mount Laurel II at 258-278)

In connection with the ordinance revisions, I hereby appoint Carla  
L. Lerman, 413 Englewood Avenue, Teaneck, New Jersey, 07666 as the master to  
assist the Township of Monroe in the revision process and Philip B. Caton,  
342 West State Street, Trenton, New Jersey, 08618, as the master to assist  
the Township of Cranbury in the revision process.)

The right to a builder's remedy relating to both municipalities is  
reserved pending the revision process. To the extent that any of the  
plaintiff builders are not voluntarily granted a builder's remedy in the  
revision process, each master is directed to report to the court concerning  
the suitability of that builder's site for Mount Laurel construction. As to  
the issue of priority of builder's remedies in Cranbury, Mr. Caton should  
also make recommendations, from a planning standpoint, as to the relative  
suitability of each site. After the 90 day revision period, all builder's  
remedy issues in both municipalities will be considered as part of the  
compliance hearing.

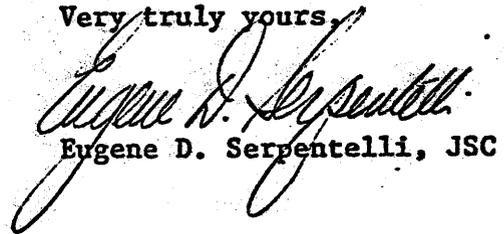
As the AMG opinion indicates, it is not the court's desire to  
revise the zoning ordinances of Monroe or Cranbury by its own fiat. Rather,  
the governing body, planning board, the master and all those interested in  
the process now have the opportunity to submit a compliant ordinance to the  
court. (AMG at 68) All those involved in the process must strive to devise  
solutions which will maximize the housing opportunity for lower income people  
and minimize the impact on the townships. (AMG at 80) Only if the townships

should fail to satisfy their constitutional obligation must the court  
implement the remedies for noncompliance provided for by Mount Laurel II.

10 (Mount Laurel II at 285 et seq)

Mr. Gelber shall submit a single order relating to both townships  
incorporating the provisions of this letter opinion pursuant to the five day  
rule.

20 Very truly yours,

  
Eugene D. Serpentelli, JSC

EDS:RDH

cc: Carla L. Lerman, P.P.

cc: Philip B. Caton, P.P.

30

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FILED 8/13/84  
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Order & Judgment As to Cranbury  
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Plaintiffs,

vs.

THE MAYOR AND COUNCIL OF THE  
BOROUGH OF CARTERET, et. al.,

Defendants.

SUPERIOR COURT OF  
NEW JERSEY  
CHANCERY DIVISION  
MIDDLESEX/OCEAN  
COUNTIES

Docket No. C4122-73

JOSEPH MORRIS AND ROBERT  
MORRIS,

Plaintiffs,

vs.

THE 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/OCEAN  
COUNTIES

Docket No. L054117-  
83

10 GARFIELD & COMPANY

Plaintiff,

vs.

20 MAYOR AND THE TOWNSHIP  
COMMITTEE OF THE TOWNSHIP  
OF CRANBURY, A Municipal  
Corporation and the Members  
thereof; PLANNING BOARD OF  
THE TOWNSHIP OF CRANBURY, and  
the members thereof,

Defendants.

30 BROWING FERRIS INDUSTRIES  
OF SOUTH JERSEY, INC., A  
Corporation of the State of  
New Jersey, RICHCRETE  
CONCRETE CO., A corporation  
of the State of New Jersey,  
and MID-STATE FILIGREE  
SYSTEMS, INC., A Corporation  
of the State of New Jersey,

vs.

40 CRANBURY TOWNSHIP PLANNING  
BOARD AND THE TOWNSHIP  
COMMITTEE OF THE TOWNSHIP  
OF CRANBURY,

Defendants.

50 CRANBURY DEVELOPMENT  
CORPORATION, A Corporation  
of the State of New Jersey,

Plaintiff,

vs.

60 CRANBURY TOWNSHIP PLANNING  
BOARD AND THE TOWNSHIP  
COMMITTEE OF THE TOWNSHIP OF  
CRANBURY,

Defendants.

SUPERIOR COURT OF  
NEW JERSEY  
LAW DIVISION  
MIDDLESEX/OCEAN  
COUNTIES

Docket No. L055956-  
83 P.W.

SUPERIOR COURT OF  
NEW JERSEY  
LAW DIVISION  
MIDDLESEX/OCEAN  
COUNTIES

Docket No. L058046-  
83 P.W.

SUPERIOR COURT OF  
NEW JERSEY  
LAW DIVISION  
MIDDLESEX/OCEAN  
COUNTIES

Docket No. L59643-83

0 CRANBURY LAND COMPANY, a  
New Jersey Limited  
Partnership,

Plaintiff,

vs.

20 CRANBURY TOWNSHIP, A  
Municipal Corporation of the  
State of New Jersey located  
in Middlesex County, New  
Jersey,

Defendant.

30 MONROE DEVELOPMENT  
ASSOCIATES,

Plaintiff,

vs.

MONROE TOWNSHIP,

Defendant.

40 LAWRENCE ZIRINSKY,

Plaintiff,

vs.

50 THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF CRANBURY, A  
Municipal Corporation and THE  
PLANNING BOARD OF THE TOWN-  
SHIP OF CRANBURY,

Defendants.

SUPERIOR COURT OF  
NEW JERSEY  
LAW DIVISION  
MIDDLESEX/OCEAN  
COUNTIES

Docket No. L070841-  
83

SUPERIOR COURT OF  
NEW JERSEY  
LAW DIVISION  
MIDDLESEX/OCEAN  
COUNTIES

Docket No. L-076030-  
83PW

SUPERIOR COURT OF  
NEW JERSEY  
LAW DIVISION  
MIDDLESEX/OCEAN  
COUNTIES

Docket No. L079309-  
83 PW

10 TOLL BROTHERS, INC., A  
Pennsylvania Corporation,

Plaintiff,

vs.

20 THE TOWNSHIP OF CRANBURY IN  
THE COUNTY OF MIDDLESEX, A  
Municipal Corporation of the  
State of New Jersey, THE  
TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF CRANBURY AND THE  
PLANNING BOARD OF THE TOWN-  
SHIP OF CRANBURY,

Defendants.

30 LORI ASSOCIATES, A New Jersey  
Partnership; and HABD  
ASSOCIATES, a New Jersey  
Partnership,

Plaintiffs,

vs.

40 MONROE TOWNSHIP, A municipal  
corporation of the State of  
New Jersey, located in  
Middlesex County, New Jersey,

Defendant.

50 GREAT MEADOWS COMPANY, A New  
Jersey partnership; MONROE  
GREENS ASSOCIATES, as tenants  
in common; and GUARANTEED  
REALTY ASSOCIATES, INC., a  
New Jersey Corporation,

Plaintiffs,

SUPERIOR COURT OF  
NEW JERSEY  
LAW DIVISION  
MIDDLESEX/OCEAN  
COUNTIES

Docket No. L005652-  
84

SUPERIOR COURT OF  
NEW JERSEY  
LAW DIVISION  
MIDDLESEX/OCEAN  
COUNTIES

Docket No. L-28288-  
84

SUPERIOR COURT OF  
NEW JERSEY  
LAW DIVISION  
MIDDLESEX/OCEAN  
COUNTIES

Docket No. L-32638-  
84 P.W.

vs.

MONROE TOWNSHIP, a municipal corporation of the State of New Jersey, located in the State of New Jersey, located in Middlesex County, New Jersey,

Defendant.

ORDER AND JUDGMENT AS TO MONROE AND CRANBURY TOWNSHIPS

The above entitled matters 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 Mount Laurel, 92 N.J. 158 (1983) (Mount Laurel II), the Court having heard and considered the testimony and evidence adduced during the trial, and the Court having rendered its opinion in a letter opinion dated July 27, 1984,

IT IS, THEREFORE, ON THIS 13 DAY OF August, 1984 ORDERED AND ADJUDGED AS FOLLOWS:

1. Based on the fair share methodology set forth and fully described in this Court's opinion in AMG Realty Company, et. al. v. Township of Warren, Docket Nos. L-23277-80 PW and L-67820-80 PW, dated July 16, 1984, the Township of Monroe's fair share of the regional need for low and moderate income housing for the decade of 1980 to 1990 is 774 housing units, representing 201 units of indigenous and surplus present need and 573 units of prospective need.

2. Based on the fair share methodology set forth and fully described in this Court's opinion in AMG Realty

10 Company, et. al. v. Township of Warren, supra, the Township  
of Cranbury's fair share of the regional need for low and  
moderate income housing for the decade of 1980 to 1990 is  
816 housing units, representing 116 units of indigenous and  
surplus present need and 700 units of prospective need.

20 3. The total fair share for the Township of Monroe of  
774 units shall consist of 387 low cost units and 387  
moderate cost units. The total fair share for the Township  
of Cranbury of 816 units shall consist of 408 low cost units  
and 408 moderate cost units. Use of the terms "low and  
moderate" shall be generally in accordance with the  
30 guidelines provided by the Supreme Court in Mount Laurel II  
at p. 221, n. 8.

40 4. The Township of Monroe'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.

50 5. The Township of Cranbury'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.

60 6. The Townships of Monroe and Cranbury shall, within  
90 days of the filing of this Court's letter opinion of July  
27, 1984, revise their zoning ordinances to comply with

0  
20  
Mount Laurel II. Both townships shall provide for adequate zoning to meet their fair share obligation, shall eliminate from their 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 their fair share of lower income housing.

30  
7. Carla L. Lerman, of 413 Englewood Avenue, Teaneck, New Jersey 07666, is hereby appointed as the master to assist the Township of Monroe in revising its zoning ordinance to comply with this Order and Judgment. Philip B. Caton, of 342 West State Street, Trenton, New Jersey 08618, is hereby appointed as the master to assist the Township of Cranbury in revising its zoning ordinance to comply with this Order and Judgment.

40  
50  
8. The issue of the right to a builder's remedy with respect to both municipalities shall be reserved pending completion of the revision process. To the extent any of the developer-plaintiffs are not voluntarily granted a builder's remedy in the revision process, each master shall report to the Court concerning the suitability of that builder's site for the construction of Mount Laurel housing. As to the issue of priority among builders for a builder's remedy in Cranbury, Mr. Caton shall make recommendations as to the relative suitability, from a planning standpoint, of each builder's site.

60  
9. At the conclusion of the 90 day revision period, or upon enactment of the revised ordinance, whichever occurs

10 first, a hearing shall be scheduled, on notice to all  
parties, to determine whether each township's revised zoning  
ordinance conforms to this Order and Judgment and to the  
guidelines of Mount Laurel II. All builder's remedy issues  
regarding either municipality shall be considered as part of  
this compliance hearing.

20  
  
\_\_\_\_\_  
EUGENE D. SERPENTELLI, J.S.C.

FILED JUN 26 1984  
E. D. SERPENTELLI, J.S.C.

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ATTORNEYS FOR PLAINTIFFS

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION-MIDDLESEX  
COUNTY

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

Plaintiffs, )

vs. )

THE MAYOR AND COUNCIL OF )  
THE BOROUGH OF CARTERET, )  
et. al., )

Defendants. )

Docket No. C 4122-73

Civil Action

O R D E R

This matter having been opened to the Court upon oral motion by the defendant Township of Piscataway, the Court having heard from counsel for the Urban League plaintiffs and the Township of Piscataway, and good cause appearing for the entry of this Order,

IT IS HEREBY ORDERED this <sup>26</sup> ~~31~~st day of <sup>June</sup> ~~May~~, 1984, that

(1) Ms. Carla Lerman of 190 Moore Street, Hackensack, N.J. 07601, be and is hereby appointed as the Court's expert

10 in the above-captioned matter for the limited purpose of assisting the Court in determining the amount of available acres and specific sites in Piscataway Township which are suitable for development of Mount Laurel housing, and the appropriate densities for development of each such site;

20 (2) Within 30 days of the date of this Order, Ms. Lerman shall submit to the Court and the parties a report containing a list of vacant sites in Piscataway Township which are clearly suitable for development of Mount Laurel housing, a list of vacant sites in the Township which are clearly unsuitable for development of Mount Laurel housing, and a list of sites whose suitability is subject to dispute; her recommendations regarding the suitability for development of Mount Laurel housing of the last list of sites; and her recommendations regarding the appropriate densities for development of the sites contained in the first and third lists of sites;

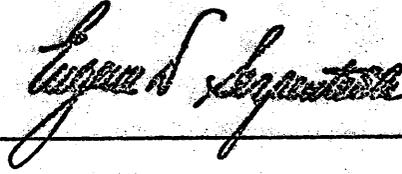
30 (3) Either party, within 10 days of the date of Ms. Lerman's report, may submit written objections to said report, and, if deemed necessary by the Court, the matter shall be set down for further hearing;

40 (4) A ruling as to fair share and compliance with respect to the Township of Piscataway shall be withheld until after submission of Ms. Lerman's report and any objections thereto, and a hearing on the matter, if one is deemed necessary;

50 (5) Ms. Lerman shall bill the Township of Piscataway for the cost of her services, which payment shall be without

prejudice to an ultimate determination of liability for  
costs.

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

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July 12, 1984

10 Honorable Eugene D. Serpentelli  
Superior Court  
Ocean County Court House  
CN 2181  
Toms River, N.J. 08753

Dear Judge Serpentelli:

20 I have reviewed all of the sites that were listed in the  
Vacant Land Inventory, April 1984 in the Township of Piscataway.  
Based on Alan Mallach's classification, I have personally in-  
spected all of the sites in the Category II and III, and many of  
those in Category I. Some of the sites in Category I, which  
both the township planner in Piscataway and the plaintiff's  
30 expert witness agreed were not suitable sites for residential  
development, were not inspected by me personally.

In Category I, there was one site which Alan Mallach in-  
dicated was not suitable for development, a large part of which  
I believe would be very suitable for residential development.  
40 This site, #55, owned by Rutgers University, is zoned for  
educational research use at this time; sixteen acres of this 120  
acre area has been zoned for Hotel/Conference Center. If that  
portion remains as it is now designated, and some additional  
adjacent land is also set aside in that zone, there still might  
50 be at least 80 to 90 acres that would be very appropriate for  
higher density residential development. Other than this site,  
I would agree that all of the sites in Category I would be better  
developed in a use other than residential.

60 In Category II, twelve sites were listed as questionable  
for residential development. Most of these sites are located

entirely or partially in the flood plain, or have been dedicated as open space in a planned residential development, or are located adjacent to heavy industry or other uses that are inappropriate for residential development. Two of the sites in Category II might be partially useable for residential development: Site #9 and Site 13. Both sites are adjacent to existing residential areas but border on their western edge on an area of heavy industry. In both cases a buffer strip on the western edge could be reserved, while the eastern portion of the sites might be appropriate for development. Both sites need examination in the field as to the proximity of the industrial buildings and their possible impact regarding pollution, noise, etc. The specific reason for excluding each of the sites in Category II from development is listed in the attached description.

Category III included all of those sites that Allan Mallach thought were suitable for residential development. I have reviewed and personally inspected all of those sites, and for the most part agree with their suitability for residential development. There are, however, nine sites that I would disagree are realistic or desirable for development of high density residential use. These sites I would recommend not be designated for this use; in addition there are five sites that are only partially useable. There are several of the suitable sites that are of such small size that I would not think them suitable or realistic for development under the "20 percent set aside" policy.

Altogether there are 37 sites recommended by the plaintiffs' expert that I would find entirely or partially suitable for higher density residential use, totaling 1100 acres, approximately.

In response to the specific requests from property owners regarding an opinion for suitability for residential development, I would like to give the following opinion:

0 A. Gerickont property (Site #43 and 45) on the north and south sides of Morris Avenue is very well suited for residential development. It is almost identical in character to the site immediately to the west which will be developed at 10 units per acre, and it is in a location where development at a similar  
20 density would not be detrimental to any of the surrounding properties. Morris Avenue is a collector street and will connect with the proposed arterial which will connect the existing Hoes Lane with Route 18. Traffic from the adjacent high density area (Hovnanian) will be able to have direct access to  
30 this new arterial, which should minimize the impact from that development, which has already been approved. The two cemeteries which comprise most of the northern side of Morris Avenue between Hoes Lane and the Gerickont site will not generate significant traffic. In the Piscataway Master Plan, a  
40 collector street was proposed (1978) that would separate the southeast edge of the Gerikont site from the adjacent single family uses. This collector street would connect Morris Avenue to the new arterial extension of Hoes Lane, thereby relieving Morris Avenue of the sole burden of the additional traffic. The  
50 development of this street should be an essential component of the development of the Gerickont site.

B. The Lange property (Site #6) is located immediately north of the Port Reading Railroad tracks with frontage on Old New Brunswick Road. This property, designated as Block 319 Lot 1  
60 AQ and Block 317 Lot 11B, is part of a much larger vacant area,

which would be very suitable for higher density residential development. Old New Brunswick Road is a collector street which leads directly to an I-287 interchange about ½ mile away, as well as connecting to the neighborhood shopping area on Stelton Street to the north of the site. There is multi-family housing across the street, on the west side of Old New Brunswick Road.

C. 287 Associates (Site #30) is located immediately south of 287 Corporate Plaza, an office park which has access from South Randolphville Road. Designated as Block 497, Lots 3 and 3Q, this site is presently a farm devoted to raising horses. It is flat, open and not in a flood plain. It is bordered on the south by a paved road which is an easement to provide access to a public elementary school. The south side of the easement is bordered by the school playing fields and an eleven acre vacant parcel that is proposed as suitable for higher density residential development.

Although the characteristics of this site would make it satisfactory for residential use as well as light industry, for which it is zoned, its contiguous nature with the office park, its common ownership and the significant benefit that the office park provides for the township makes this site particularly valuable for office/light industry use. It would be important to buffer this use from the uses to the south.

Site #31 would, however, be appropriate for higher density residential as a transition zone between the office uses and the lower density residential uses to the south. The easement roadway should be upgraded as necessary to make it a public road to be dedicated to the township. This road development would logically be the responsibility of the adjacent property developers.

Because of the limited width and winding nature of the southern part of South Randolphville Road, no access should be permitted to Site 30 from that side of the site. All access should continue to be gained through the existing office park entrance. The attached list identifies those sites in Category II and III which are not recommended for residential use.

I realize that the Court Order requested that I propose a density for each site. However, in order to recommend a specific density for any site, further study would be necessary regarding projected traffic volumes, proposed street improvements, soil conditions, adequacy of available infra-structure, possible impact of adjacent or nearby uses, and potential environmental constraints. If data is readily available, this type of evaluation is easily accomplished.

As the Township of Piscataway has its own Planning Department, I would like to propose that, in the interest of saving time and money for the Township, the Township Planning Department gather all the required data for each site, particularly as it relates to traffic generation and proposed street improvements and constraints due to soil and environmental conditions. I would then be able to make a recommendation on density for each suitable site, based on my own observations and the Township Planning Department's site analysis.

If this is not satisfactory to the parties involved, I would be happy to confer with you regarding an alternative procedure.

Sincerely,

  
Carla L. Lerman

CLL/bcm

cc: Philip Paley, Esq.  
Bruce Gelber, et al.

Attachment

Carla L. Lerman

July 16, 1984

## Township of Piscataway - Vacant Land Inventory

10 Category I - Not suitable for residential development or for  
residential development at higher than the exist-  
ing zoning permits. All sites are appropriate  
to this category except Site #55. This site is  
owned by Rutgers University and is currently  
20 zoned for Education and Research. On the north,  
it is adjacent to residential development in an  
area zoned R-15. A portion of this site which  
fronts on Hoes Lane could be considered appro-  
priate for a use which would compliment the  
30 Hotel Conference Center zone of Site #56. The  
remaining 80± acres would be appropriate for  
higher density residential development which  
might include a mix of higher density garden  
apartments and lower density townhouses.

40 Category II - Not apparently suitable for residential develop-  
ment by virtue of environmental or other con-  
straints. Two of the sites listed in Category  
II are considered to be worth further considera-  
tion for residential development, with certain  
50 proportions reserved for buffers. Sites #9  
and 13 are adjacent on the north to a heavy  
industry site, for which a substantial buffer  
zone might be required. Site #9 is presently  
zoned R-10 and is adjacent on the south to  
60 Sites 10 and 12, which are recommended for

higher density residential development.

Site #13 is surrounded on three sides by residentially zoned land and would appear to be of similar character. Both Sites #9 and 13 therefore appear appropriate for residential use of a higher density if the appropriate buffer area is provided.

The remainder of the sites in Category II are not considered suitable for higher density residential development. They are identified as follows:

Site # 5: adjacent to railroad track, manufacturing site, and site identified as toxic waste site.

15: floodplain

39: part of business district on heavy traffic street

61 and 62: dedicated open space as part of planned residential development

65, 66 and 67: floodplain

Category III - Potentially suitable for residential development of multi-family housing.

Site # 1: satisfactory

2: approximately 15 acres are in the floodplain, on the northern end of the site. The remainder is satisfactory

3: satisfactory. This site has been proposed for a shopping center. There is an existing neighborhood shopping area on Stelton Road between Old New Brunswick Road and Lakeview Avenue which can serve the same area as the proposed shopping center, as well as the area south of Old New Brunswick Road which is recommended for higher density development. Strengthening that shopping area through upgrading

of properties and provision of off-street parking would appear to be more beneficial to the neighborhood than creating a new competing shopping center.

0

4: not satisfactory - toxic waste site

6: satisfactory

7: satisfactory

8: satisfactory with buffer-needs further study

20

10: satisfactory

12: satisfactory

14: not satisfactory. This site presently serves as the buffer which is generally desirable between an interstate (I-287) and residential uses. Access is difficult; the north-eastern half is very narrow and crossed diagonally by a pipeline easement, limiting development; if used at all for residential use, a buffer strip of at least 250' with substantial plantings should be required between the development and I-287.

30

16 and 17: not satisfactory. Presently part of Rutgers Industrial Park which is well developed with industrial uses. It is crossed by power lines and is best retained for industrial development.

40

28 and 29: not satisfactory. Partly in floodplain

30: not satisfactory. Preferred for extension of office park use (see text)

31: satisfactory

50

32, 33, 34: satisfactory, although development limited by presence of power lines

35: satisfactory

37: satisfactory

38: not satisfactory. Surrounded by business district on heavy traffic street, power lines

60

40: partially satisfactory, requires further study. Frontage on heavy traffic business street, adjacent to residential and light industry. Excluding frontage, might be appropriate for mobile home park.

41: not satisfactory, part of existing industrial park

43: satisfactory

44: satisfactory

45: satisfactory

46: satisfactory

47: satisfactory

48: satisfactory

49: satisfactory

51: satisfactory

52: satisfactory

53: satisfactory

54: satisfactory

57: satisfactory

60 A,B,C: satisfactory. Good infill sites

63: satisfactory

68: satisfactory

75,76: satisfactory. Good infill sites

77: satisfactory

78: satisfactory

79: not satisfactory. Narrow strip on heavy traffic street

CARLA L. LERMAN  
413 W. ENGLEWOOD AVENUE  
TEANECK, NEW JERSEY 07666

Report of C. Lerman dated  
November 10, 1984

November 10, 1984

10

Hon. Eugene D. Serpentelli, J.S.C.  
Superior Court  
Ocean County Court House  
CN 2191  
Toms River, N.J. 08753

Dear Judge Serpentelli:

20

Enclosed is the report which the court requested, and to which I referred in my letter of July 12, 1984, reviewing the characteristics of vacant sites in Piscataway as those characteristics relate to recommended densities for residential development.

Each site has been identified by the number on the Vacant Land Inventory (April, 1984), and matches the numbers used in my letter of July 12, 1984.

30

I would like to clarify my intention in recommending specific densities. Assuming certain measurable characteristics, one can assign a density that will be appropriate for a certain site and for certain types of development. In a number of the vacant sites in Piscataway, I have recommended designation as Planned Residential Development, which is a generic term, as well as a specific conditional use in Piscataway's amended zoning ordinance. I mean in these recommendations to refer to the concept of a Planned Residential Development, not necessarily the specific limitations or permitted uses in the Planned Residential Development as defined in Piscataway's ordinance.

40

I would like to clarify further that the recommended densities in this report are those that would, in my opinion, be appropriate for the vacant sites named, if these sites were to be developed. This does not mean to imply a recommended compliance route for Piscataway. For example this report does not address correction of indigenous need through rehabilitation, nor does it address the provision of low and moderate income units in existing multi-family housing through control of occupancy and rents. Similarly, a recommended density is not intended to imply the assumption that no more than 20% of that number will be reserved for low and moderate income households. I assume that these issues of compliance will be addressed subsequently by the Township.

50

If you have any questions regarding this report, or would like any additional information please let me know.

Sincerely,

  
Carla L. Lerman, P.P.

jk

Enclosure

CC: Bruce S. Gelber, Esq.  
Philip L. Paley, Esq.  
Barbara Williams, Esq.  
Raymond R. Trombadore, Esq.  
Lawrence B. Litwin, Esq.  
Daniel S. Bernstein, Esq.

60

SITE ANALYSIS: TOWNSHIP OF PISCATAWAY

Sites Identified in Vacant Land Inventory

10 Introduction

A Vacant Land Inventory was prepared in April 1984 by the Planning Department of Piscataway Township. Seventy sites were identified in that inventory. In a report dated July 12, 1984 Carla L. Lerman evaluated these sites and recommended 37 as suitable for higher density residential development.

This analysis attempts to evaluate more specifically the potential for residential development on each site. Factors considered include the present character of the neighborhood, the long range plan for the general area, environmental constraints, traffic impact and drainage implications.

The Piscataway Township 1983 Master Plan and the 1978 Reexamination Report indicate that water service by the Elizabethtown Water Company and sewerage service by the Middlesex County Utilities Authority are being adequately provided with future facility enlargement not perceived as a problem. Over 95 percent of the households are presently served by the sewerage system, and almost the entire Township is within the water service area. Therefore this was not a factor considered relevant in this analysis.

30 Many of the vacant sites indicated soil types that might provide severe limitations on residential development. This is noted in each site analysis. The soil survey from which this information was obtained (National Cooperative Soil Survey by U.S. Department of Agriculture Soil Conservation Service) indicates that the survey cannot replace detailed on-site investigations. This survey also indicates that the "severe" rating does not necessarily mean the site is unsuitable for the use. Rather, it is factor to be taken into account when planning the cost of development, and the impact of that cost on long range planning decisions.

40 The expressed interest in development of the sites is most often "unknown". The meaning of that category is only that the writer has not been informed of interest in development. It does not preclude the possibility that property owner and/or developer may already have approached the Planning Board regarding future development of the site.

The densities recommended are based on the assumption that all of the dwelling types listed in the zoning ordinance as permitted uses in a Planned Residential Development might be included. Where garden apartments are being suggested, that is so indicated.

50

60

Site #1 - New Brunswick Avenue north of Conrail. "Pansy Farm"  
Block 68 Lots 35-51, 51A

Area: 10.7 acres

10 Physical Description: Flat open area; on the southern end, about 1/3 is in the "A" Flood Zone (100 year flood) and approximately 1/5 is in the "B" (100-500 year flood) Flood Zone.

Present Land Use: Pansy Farm / Nursery.

Existing Zoning: R 75

Master Plan Proposal: Single family

20 Adjacent Land Uses: Residential single family uses, primarily 50' and 75' lots.

General Neighborhood Characteristics: New Brunswick Avenue is a major arterial with moderately heavy traffic flow, classified in the Master Plan as a major arterial street. Borough of South Plainfield borders east side of New Brunswick Avenue. The uses in South Plainfield (the east side of New Brunswick Avenue) are primarily

30 Environmental Conditions affecting Development: The southern one-third of this site will have development constraints because of its location in the "A" flood zone. Permits will be required from the Department of Environmental Protection, although that portion of the site might be retained for open space, which will also serve as a buffer between the residential development and the Conrail railroad tracks, approximately 300-400' south of this site.

Road Access: New Brunswick Avenue and Garden Street

40 Traffic Conditions/Impact: All access should be via Garden Street to New Brunswick Avenue; therefore no impact will be felt by adjacent residential uses to the west. New Brunswick Avenue is a major arterial and is proposed to have a 104' right of way. This improvement should be adequate to handle any increases in traffic volumes from new residential development along this street.

Special Site Constraints: The soils in this area are of two types (Durallen and Ellington) which offer slight to moderate limitations on residential development. Soil tests (borings or pits) will be necessary to determine any constraints due to the site's use as a nursery. The extent of fill required might impact on the economic feasibility of the site for multi-family housing in this area.

50 Expressed interest in development: unknown

Recommendation: This site is appropriate for development at 5-6 units per gross acre for townhouses, or zero lot line development.

Site #2 - New Brunswick Avenue, primarily south of Lakeview Avenue, Block 116, Lot 1; Block 188, Lots 1, 1A, and 2.

Area: 125.1 Acres

10

Physical Description: This site, adjacent to New Brunswick Avenue, extends from the Conrail Railroad tracks across Lakeview Avenue to a point on a line with Brandywine Circle. The portion between Lakeview Avenue and the railroad tracks is two-thirds in Flood zone A and Flood zone B. The site south of Lakeview Avenue is about half open (northern half) and half wooded.

Present Land Use: Vacant

Existing Zoning: Light Industry (LI-5)

20

Master Plan Proposal: Industrial

Adjacent Land Uses: To the north of the site is park area, surrounded by single family residential; to the west is single family residential and a school; to the south is multi-family residential. The southeast corner of the site is adjacent to an industrial site. To the east of New Brunswick Avenue is an industrial area in South Plainfield.

30

General Neighborhood Characteristics: The area is strongly influenced by New Brunswick Avenue as a major arterial street, which serves as the boundary between Piscataway and South Plainfield. The area in Piscataway is mixed single and multi-family residential. East of New Brunswick Ave. is the Harris Steel plant.

Environmental Constraints affecting Development: The northern portion of the site should not be considered for development due to the existence of the flood zones. The industrial plant will need substantial buffering to protect the residential development from adverse effects of noise, dirt, fumes, etc.

Road Access: Lakeview Avenue and New Brunswick Avenue

40

Traffic Conditions/Impact: Access to this site should be from Lakeview Avenue which is described as a secondary arterial street in the Master Plan. Lakeview Avenue, New Brunswick Avenue, Washington Avenue and Old New Brunswick Road offer a variety of southbound routes, all with access to I-287. The proposed 104' right of way for New Brunswick Avenue should create a more efficient link to I-287, via Stelton Road, which is also proposed as a 104' right of way.

50

Special Site Constraints: The soils in the site are of three types, (Ellington TN, Parsippany, and Reaville) all of which are described as offering "severe" constraints to dwellings with or without basements. These constraints are potential seasonal high water table, potential frost action, and bedrock in one area within 40 inches. It would be advisable to conduct test borings prior to developing site plans.

The nature of the adjacent industrial site must be evaluated in relation to the proposed orientation of the development, as well as the extent of buffering that will be necessary.

Expressed interest in development: unknown

60

Recommendation: This site should not include the portion north of Lakeview Avenue Block 116, Lot 1, which would be better included in the adjacent park area. The portion remaining, 110 acres, is appropriate for development at a gross density of 8-10 units per acre, as a Planned Residential Development, including garden apartments as a dwelling type.

Site #3 - Washington Avenue and Carleton Avenue, Block 228, Lots 134, 21-32 (incl. Site 68)

Area: 24.9 acres and 2.8 acres

Physical Description: This site is entirely wooded.

Present Land Use: Vacant

Existing Zoning: SC (Shopping Center) and R-75

Master Plan Proposal: Commercial

Adjacent Land Uses: An elementary school is located to the north, multi-family housing on the east, and single family residential on the south and west.

General Neighborhood Characteristics: This site is located in a residential neighborhood of smaller, older homes. It is a neighborhood served by an elementary school, a neighborhood shopping area on Stelton Road, and good access to Route 287. This shopping area contains a variety of types of shops and appears to need some upgrading and improved off-street parking.

Environmental Constraints affecting Development: This site is not in the Flood Plain. It is classified as Zone C which means areas of minimal flooding. There are no adjacent uses which would present problems for the development of this site.

Road Access: Washington Avenue. There are also five partial paper streets which abut this site, of which one or two could be constructed by the developer to give access to Carleton Avenue.

Traffic Conditions Impact: Both Stelton Road and Washington Avenue experienced significant increases in traffic volumes in the past decade. The proposed classification of New Brunswick Avenue as a major arterial street should lead toward some relief on Washington Avenue and Stelton Road.

Special Site Constraints: Most of this is described with soil types (Ellington 5N) that present moderate limitations on dwelling development. A small portion of the site to the east presents the same potential problems as Site #2, i.e., bedrock at 40" and seasonal high water table and possible frost action.

Expressed Interest in Development: A shopping center developer has expressed some interest. Status of inquiry unknown.

Recommendation: This site is recommended for a planned residential development at a density of 8-10 units per acre.

Site #6 - Old New Brunswick Road, Port Reading Railroad tracks and Stelton Road.  
Block 317 Lots 6A, 8, 9, 9A, 9B, 9C, 11A, 11B, 11C and Block 319 Lot 11A.

Area: 55.6 acres

0 Physical Description: This site is primarily wooded. On the peripheral streets there are scattered single family houses. The railroad tracks on the south might be a negative influence, but it is not a commuter line and train traffic is not frequent.

Present Land Use: Vacant

Existing Zoning: R-20

20 Master Plan Proposal: Single family residential.

Adjacent Land Uses: The railroad and industrial uses are located to the south; an elementary school is on the southeast corner; single family residential is located on the northeast, and multi-family residential is located on the northwest.

30 General Neighborhood Characteristics: This area is essentially part of the Stelton Road neighborhood. It would be served by the Stelton Road shopping area, and the elementary school on Stelton Road. There is a very large, attractive multi-family development on the northwest side of Old New Brunswick Road which has access only from Old New Brunswick Road.

Environmental Constraints affecting Development: The presence of the railroad tracks and the existence of heavy traffic on Old New Brunswick Road and Stelton Road where it borders the eastern side of this site must be considered as constraints on the site design. Sufficient buffer areas, as well as carefully placed and controlled access points will be very important for the successful development of this area.

Road Access: Old New Brunswick Road and Stelton Road.

40 Traffic Conditions/Impact: Traffic on Old New Brunswick Road, which provides no direct access to I-287, has increased significantly in the last decade, but not as much as Stelton Road leading to Washington Avenue. The Master Plan addresses the possibility of widening the two lane bridge over the railroad at Old New Brunswick Road. This widening will become a necessity if all of Site 6 is to be developed at higher densities.

50 Special Site Constraints: The soils in this site (Ellington 7: and Ellington 6:1) are about evenly divided, east and west, between ones that present moderate limitations to residential development and those that present severe limitations. Primarily the problems are seasonal frost action because of a seasonal high water table and bedrock at 40" or less. These potential limitations should be evaluated before site planning is complete. The site is in the C flood zone, which means minimal flooding.

Expressed interest in development: A portion of the site, Block 319 Lot 11A and Block 317 Lot 11B, is owned by Leonard Lange who is interested in developing these 16 acres for multi-family or townhouse development.

Recommendations: This site appears appropriate for densities which could accommodate garden apartments as well as townhouses. With a gross density of 12 units per acre, a planned residential development could include townhouse and other zero lot line dwelling types as well as garden apartments.

10

Sites #7 and 8

Block 389, 390, 396, 397, 398, 403, 407-413

Area: 123 acres

Physical Description: Wood area with existing streets butting into the woods; area contains a number of paper streets which are proposed to be vacated.

20

Present Use: vacant

Existing Zoning: R-10A FRD (Site 7)  
LI-1 (Site 8)

Master Plan Proposal: Planned Residential Development

30

Adjacent Land Uses: Single family residential, with some new units under construction on the northeast; the Port Reading Railroad borders the area on the south, with industrial uses south of that. There is an industrial plant on Possumtown Road that creates the western boundary of the area.

General Neighborhood Characteristics: The area is a mix of older single family houses on small lots, some new single family houses, including a development under construction, and undeveloped woods. There is almost a rural quality where streets dead-end into the woods. As there are no through streets west of North Randolphville Road, it is a self-contained and somewhat isolated neighborhood, served by an elementary school on North Randolphville Road.

40

Environmental Conditions affecting Development: No portion of Site 7 is in Flood zones A or B. Flood zones A and B encompass Possumtown Road from I-287 to the Township's northwest boundary. Although this should not have serious consequences for the development of these sites, it should be considered in the site planning.

The industrial use that is located in the northwest corner of Site 8 will require adequate buffering to separate it and the residential uses to the north.

50

Road Access: North Randolphville and Grandview Avenue. A new street is proposed connecting Birch Drive westward to Possumtown Road, which will greatly improve the accessibility of these two sites.

60

Traffic Conditions/Impact: The existing paper streets in this area are proposed to be vacated so that the Planned Residential Development will be based on a new street layout appropriate for access to Possumtown Road and to Grandview Avenue. A partial interchange with I-287 is located at its intersection with Possumtown Road and with North Randolphville Road. A full interchange is located at River Road, reached via Possumtown Road and Centennial Avenue. The completion of the open sections of Centennial Avenue will provide good east-west access for more local traffic from this site. By concentrating I-287 traffic and local east-west traffic on the extension of Birch Run Drive to Possumtown Road, high density residential development should not have negative impact on the existing local streets.

Special Site Constraints: The soil types (Parsippany, Ellington 7N and Lansdowne) on these two sites present "severe" limitations on residential development because of the potential for seasonal high water. These sites are in Flood zone C which presents little risk of flooding. Any other water problems could be handled on site through use of retention basins.

Expressed interest in development: unknown

Recommendation: It is recommended that the portion of Site 3 which is occupied by the industrial use be retained in zone LI-1. The remainder of the sites should be designated for planned residential development at densities of 3-10 units per acre.

Sites #10 and 12 - Off River Road, south of Maplehurst Lane, extending all the way to Hancock Road. Block 502 Lot 2 (part); Block 502A Lots 2 (part), 6.

Area: 68 acres

Physical Description: Flat site, primarily farm land with wooded sections to the northeast.

Present Use: Agricultural and vacant.

Existing Zoning: R 15 and R 20.

Master Plan Proposal: Cluster single family

Adjacent Land Uses: Single family residential, park land, other agricultural, and wooded vacant area.

General Neighborhood Characteristics: The area is a mixture of single family residential and agricultural uses. I-287 and the Port Reading Railroad tracks tend to isolate this neighborhood from the adjacent neighborhoods. Multi-family development is located on the west side of River Road, comprised of three apartment complexes with approximately 675 apartments. A neighborhood park/ball field/playground is located geographically in the center of this neighborhood.

Environmental Conditions affecting development: These sites are located in Flood zone C, which offers minimal risk. The wooded area to the northeast is the location of some drainage ways from Ambrose Brook and may be seasonally marshy.

Road Access: River Road, Wynnwood Avenue, Maplehurst Lane. It is proposed to extend Maplehurst Lane northeast to Hancock Road, and provide a connection from this extension to Brentwood Drive. These two improvements would give these sites access to Possuntown Road.

Traffic Conditions/Impact: There is a complete interchange with I-287 at River Road. Centennial Avenue is proposed as a major arterial street, on which two signalization improvements are proposed. If the improvements and new sections of roads that are proposed are constructed, the traffic impact of development on these two sites will not have a negative effect.

Special Site Constraints: The soil types (Ellington 7M and Reaville) in these two sites offer "severe" limitations on development because of potential seasonal high water conditions and frost conditions. This, in combination with the drainage ways mentioned under Environmental Conditions, indicates the need for particular attention to water retention and provisions for drainage on the site as part of the site design.

Expressed interest in development: unknown

Recommendations: It is recommended that these two sites be developed at densities of 8-10 units per acre as a Planned Residential Development. The best development could occur if the site plan were developed for these sites in conjunction with the development of Sites #9, 11 and 13. This will be particularly true regarding buffers, drainage and street design.

Sites #9 and 13 - These two sites are being treated singly because their development should be closely coordinated in terms of drainage and buffers to the heavy industrial uses on the north. These sites are located to the north of Maplehurst Lane extending to Hancock Road on the northeast.

Block 502 Lots 1, 2 (part); Block 421 ; 442B Lots 7A (part) and 1B.

Area: 81 acres

Physical Description: open farmland, with wooded areas to the northeast, containing some marshy areas around drainage ways from Ambrose Brook.

Existing Zoning: R10, LI-5

Master Plan Proposal: single family

Adjacent Land Uses: Raritan River on the southwest, single family residential on the northeast; a 400' deep strip of farmland separating a heavy industry on the northwest (chemical plant); and farmland on the southeast.

General Neighborhood Characteristics: This is an agricultural area, part of a neighborhood of multi-family and single family residential uses, separated to some extent by I-287 and incomplete street pattern.

Environmental Conditions affecting development: These sites are located in Flood zone C which offers minimal risk. There are several drainage ways in the northeast wooded portion which have created seasonal marshy areas. There is a major chemical manufacturing installation to the northwest of these sites, separated by a 400' deep farm property, which must be evaluated for environmental pollution, (noise, fumes, smoke, waste disposal, etc.). The adequacy of Site 11 as a substantial buffer zone will require evaluation before the need for further buffers can be determined.

Road Access: River Road, Maplehurst Lane. The latter is proposed to be extended to Hancock Road, with a spur to connect with Brentwood Drive. This would result in access from three directions.

Traffic Conditions/Impact: River Road and I-287 provide adequate facilities for any traffic generated by development on these sites. When the road and intersection improvements are completed as proposed, there should be very little negative impact from this development.

10 Special Site Constraints: The soil types (Ellington 7N, and Reaville) on these two sites offer "severe" limitations for dwelling development because of seasonal high water, potential frost action, and bedrock within 40" of the surface. These conditions will need particular attention in the site design in relation to drainage provisions and placement of utilities.

Expressed interest in development: unknown

20 Recommendations: The 149 acres that make up sites 9, 10, 12 and 13 should be developed as one planned residential development. In this way the potential drainage problems, the buffers that are necessary, and shallow bedrock can all be treated in one design which can maximize development, without exacerbating the potential problems.

Site #31 - South Randolphville Road at Holly Lane  
Block 497 Lot 4

30 Area: 11.9 acres (less 50' right of way for school access)

Physical Description: Flat, open farmland

Present Land Use: Agricultural

Existing Zoning: R-20

Master Plan Proposal: Cluster single family

40 Adjacent Land Uses: Single family residential, elementary school, horse breeding farm and the Ambrose Brook, with municipal complex beyond the brook.

General Neighborhood Characteristics: This is a neighborhood in a state of flux. Farms between Holly Lane and Centennial Avenue are gradually giving way to office/industrial park uses. This neighborhood has been a rural one, but is now being developed with small residential subdivisions and a major office park.

50 Environmental Conditions affecting Development: There appear to be no environmental conditions that would affect this site. The Flood zone is C which presents minimal risk. Flood zone A forms a strip along the Ambrose Brook approximately 400' wide, but does not impact the east side of South Randolphville Road.

Road Access: South Randolphville Road

50 Traffic Conditions/Impact: This is a relatively small site and will not generate sufficient traffic to impact on South Randolphville Road. The office park which is proposed to the north will be buffered and have all traffic access through Centennial Avenue.

Special Site Constraints: The soil types (Ellington 6N and Klinesville) on these 11 acres present "moderate" limitations on residential development, mainly due to seasonal high water table and shale bedrock at 1-3 feet.

10 Expressed interest in development: unknown

Recommendation: This site is appropriate for development at 10-12 units per acre for townhouses or other attached units.

20 Site #32, 33 and 34 - South Washington Avenue and Centennial Avenue  
Block 496 Lots 1A, 2, 11 and 12

Area: 121.77 acres

Physical Description: partially wooded, partially open; the site is traversed by a powerline easement which occupies approximately 7.75 acres, and runs diagonally across the property, from southeast to northwest.

Present land use: vacant, scattered agricultural

30 Existing zoning: LI-5 and R20

Master Plan Proposal: Residential (single family) and industrial

Adjacent land uses: farm to the east; office park and light industrial uses to the north and northwest; a school and single family residential to the west; single family residential to the south.

40 General Neighborhood characteristics: This is an area that has been a concentration of agricultural uses. Working farms extend from Morris Avenue to South Randolphville Road and across South Washington Avenue. Residential subdivisions have replaced some of this agricultural land, and an elementary school serves the area.

Environmental Conditions affecting Development: All of this site is in the Flood zone C, but Doty's Brook which is bordered by Flood zone A runs along the northern edge of the site and drainage from immediately adjacent development should be adequately controlled to prevent any adverse environmental impact.

50 The Jersey Central Power and Light Company easement for power lines will have an impact on the development design. It will be important to minimize the potential negative affect that this might have on the development.

Road Access: South Washington Avenue, and stub streets off Woodland Avenue, i.e. Sylvan Avenue, Brockfield Road, and Nelson Avenue North.

60 Traffic Conditions/Impact: At present there are heavy traffic volumes on several major roads in this area: South Washington, Morris and Centennial Avenues. These roads serve as access or connections to I-287. The proposed extension of Route 18 will provide a major arterial route to I-287 and should relieve some of the local streets of the traffic burden. The route alternative called "Metlars/Hoes Lane Alternative" which is preferred by Piscataway's Planning Board, would pick up much of the present Morris Avenue/Metlar's Lane traffic flow. In addition the intersection of Metlar's Lane with South Washington Avenue is proposed for intersection improvement.

Traffic Conditions/Impact: (continued)

With the development of the proposed roadways and intersection improvements, the traffic impact of development in these sites will be within reasonable levels.

10

Special Site Constraints: Other than the development constraints relating to the power line easement, discussed earlier, these sites appear to have no special site constraints. The majority of soil types (Klinesville, Lansdowne, Reaville) present "moderate" limitations to development. Where the soils present "severe" limitations, it is due to seasonal high water table and seasonal potential frost action, which can be handled by adequate drainage design.

Expressed interest in development: unknown

20

Recommendation: This area would be appropriate for a Planned Residential Development with a variety of housing types: garden apartments along South Washington Avenue, cluster single family houses, perhaps around the power line easement, and town-houses or quad or eight-plexes, with a gross density of seven units per acre.

30

Site #35 - Northeast corner of South Washington Avenue and Metlar's Lane  
Block 495 Lot 46

Area: 74.65 acres

Physical Description: This area is presently a working farm, flat, open and under cultivation.

Present land use: agricultural

Existing zoning: R 20

40

Master Plan Proposal: Single family residential

Adjacent Land Uses: The Diocese of Trenton has a cemetery to the east; a county-owned park area is located to the north, through which runs a stream and its Flood zone A; single family residential is located on the south and vacant land (Sites 32, 33 and 34) lies to the west.

50

General Neighborhood Description: The neighborhood is primarily agricultural and open with residential to the south. There is substantial traffic on South Washington Avenue and Metlar's Lane both of which provide through major streets for commuter traffic.

Environmental Conditions affecting development: This entire site is in Flood zone C which represents minimal risk. Doty's Brook, which lies to the north of the site, is located in a County park area where it is adjacent to this site, which should minimize any flooding impact.

Road Access: South Washington Avenue and Metlar's Lane

60

10 Traffic Conditions/Impact: Presently there is very heavy traffic on South Washington Avenue and Metlar's Lane, and with no improvements, high density development would have a negative impact in this area. However, several improvements are recommended in the 1983 Master Plan which when complete will relieve this area of a significant traffic impact and will improve the movement of traffic on the existing roads. Particularly this is true of several Metlar's Lane intersection improvements, and the Route 18 connection, as a freeway, with I-287.

Special Site Constraints: The soils (Klinesville) on this site are almost entirely of the type that present "moderate" limitations to development. There do not appear to be any significant constraints to site development.

20 Expressed interest in development: unknown

Recommendation: This site would be appropriate for a Planned Residential Development with a gross density of 10-12 units per acre including townhouses, patio houses, stacked flats, and limited garden apartments.

Site #37 - Stelton Road, south of Haines Avenue  
Block 696 Lot 27E

30 Area: 7.82 acres

Physical Description: flat, thinly wooded with small trees, shrubs

Existing zoning: R 10; GB on Stelton Road frontage

Master Plan Proposal: single family; commercial on Stelton Road

40 Adjacent Land Uses: scattered commercial on Stelton Road; single family houses, playground, fire station.

General Neighborhood Description: Residential neighborhood of subdivisions of past 15-20 years, with some older single family houses. No through traffic because Ambrose Brook runs to the west of this neighborhood.

Environmental Conditions affecting development: This site is in the Flood zone C which represents minimal risk. There do not appear to be any environmental constraints to development.

50 Road Access: Stelton Road and a 40' access to Haines Avenue. Haines Avenue connects with Brookside Road which provides access to Metlar's Lane.

Traffic Conditions/Impact: Stelton Road experiences heavy traffic at peak hours, but this is primarily concentrated in the area closest to the I-287 interchange. However, it will be important in the development of this site to make use of the access to Haines Avenue as well as Stelton Road. As this is a relatively small site it would not be expected to generate substantial volumes of traffic.

10 Special Site Constraints: Approximately half the site (northern half) is of a soil type (Klinesville) that presents "moderate" limitations to development, due to rippable shale bedrock at 1-1.5 feet and potential frost action. The southern half of the site consists of a soil type (Reaville) that present "severe" limitations to development due to high seasonal water table and high potential frost action. It will be necessary to consider these two conditions when designing parking areas and driveway layout, and the on-site drainage system.

Expressed interest in development: unknown

20 Recommendations: This area could be developed at a fairly high density as there is a neighborhood park immediately adjacent to the site. Apartments and town-house/duplex or quadplex units could be developed at a combined density of 12 units per acre.

Site #38 (part)-Ethel Road, at Stelton Road (omitted from 7/12/84 report).  
Blocks (partial) 710, 712, 713, 715, 716, 717, 718, 719, 721, 730, and 734  
This portion of Site #38 occupies the northeast quadrant of this intersection.

30 Area: 30+ acres

Physical Description: flat, lightly wooded

Existing zoning: R-10A PRD

Master Plan Proposal: Planned Residential Development

Present Land Use: vacant

40 Adjacent Land Use: single family residential to the north and east; vacant and scattered commercial to the west; school property and vacant land to the south, crossed by power lines.

General Neighborhood Characteristics: Stelton Road is a heavily traveled street which contains mixed commercial and residential uses, with scattered vacant areas. There is a large semi-public property on the southern edge of the Township, and a new developing industrial park to the southwest. Northward from Ethel Road the neighborhood is primarily residential behind the scattered commercial on Stelton Road.

50 Environmental Conditions affecting development: This site is located in Flood zone C representing minimal risk.

Road Access: Ethel Road

60 Traffic Conditions/Impact: Stelton Road is proposed as a 104' right of way major arterial street. The traffic on Stelton Road should be relieved somewhat by the proposed improvements further north on Stelton and at the intersection with I-287. The construction of the extension of N.J. Route 18 will alleviate much of the congestion experienced on Stelton Road during peak hours. For residents on this site, a full intersection with I-287 is available about 2 miles to the north; Ethel Road provides access to South Plainfield and Stelton Road continues south to Edison. If the proposed improvements are made, development of this site should not have a significant negative impact on traffic conditions.

Special Site Constraints: The soil types on this site are Klinesville and Lansdowne presenting respectively "moderate" and "severe" limitations to development of residential uses. The moderate limitations are based on rippable shale bedrock at 1-1.5 feet and moderate potential frost action. The severe limitations are based on bedrock within 40 inches, seasonal high water level at 1-2.5 feet and potential frost action. This latter soil type represents less than 1/3 of the site and should be controllable through careful site design and placement of structures and utilities.

Expressed interest in development: This site is almost entirely municipally owned, which gives the municipality a broader range of options for its use for housing development.

Recommendations: This site is appropriate for a Planned Residential Development at a density of 12 units per acre.

Site #42 - Smith Farm - Suttons Lane  
Block 735 E Block 27A, 28A

Location: This site is located northeast corner of intersection of Suttons Lane and Drake Lane.

Area: 32.4 acres

Present Land Use: agricultural

Existing zoning: R-20

Physical Description: flat, open working farm

Master Plan Proposal: Cluster single family

Adjacent Land Uses: To the east there is a Planned Residential Development, to the south the Livingston Campus of Rutgers University; new single family residential houses are located on the west side of Drake Lane and Metlar's Lane, as well as on the north side of the Smith Farm.

General Neighborhood Characteristics: This is a neighborhood in transition from agricultural and open space to residential development of varying densities. The Planned Residential Development consists of townhouses of relatively high density and the single family developments are of lower densities.

Environmental Conditions affecting development: This site is in Flood zone C which indicates minimal risk. There are no other environmental conditions which would affect development.

Road Access: Suttons Lane and Drake Lane

Traffic Conditions/Impact: Drake Lane is not a through street and only serves a single family residential area. Suttons Lane serves as a connection between South Randolphville Road and Ethel Road West. The road to the south and west is Metlar's Lane which makes the first of its several right angle turns at this point. This intersection is scheduled for an improvement. The extension of Metlar's Lane to the southern end of Hoes Lane should relieve the existing Metlar's Lane substantially. These improvements, combined with the broad frontage on Drake Lane and Suttons Lane for access, should minimize traffic impact of development on this site.

Special Site Constraints: The soil type on this site is all Hinesville which presents only "moderate" limitations on development for residential use, due to rippable shale bedrock at 1-1.5 feet and some potential frost action. These are not serious deterrents to higher density development.

The Samuel Smith House is located on this site and its preservation may present some constraint in the development of the site. Frequently the existence of a historic structure, preserved and integrated into the site plan, can be a very positive element in a residential development. It is, however, a potential constraint in terms of use of the site and site design.

Expressed interest in development: unknown

Recommendation: This site should be developed with townhouse or stacked flat dwelling types at a total density of 10 units per acre, as a planned residential development.

Site #43 - Morris Avenue  
Block 647 B Lot 21

Location: This site is located on the north side of Morris Avenue, on the east side of a cemetery and a stream tributary of Ambrose Brook.

Area: 14.7 acres

Present Land Use: agricultural

Existing zoning: R-20

Physical Description: flat, open cultivated farmland

Master Plan Proposal: Single family

Adjacent Land Uses: former agricultural, now zoned residential 2-10 units per acre; cemetery and new single family housing.

General Neighborhood Characteristics: This is an open rural area in the sense that the two working farms on Morris Avenue combined with cemetery lands have resulted in the exclusion of any other development. As these farms cease operation and the land is developed a "neighborhood" sense will be much more noticeable.

Environmental Conditions affecting development: This site is in Flood zone C indicating minimal risk, in spite of the fact that several tributaries from Ambrose Brook cross this general area.

Road Access: Morris Avenue

Traffic Conditions/Impact: Morris Avenue is a collector street and presently is used as a connection between Metlar's Lane and Hoes Lane. Several important improvements are proposed that will provide alternatives to increasing traffic on Morris Avenue: a major arterial from the south end of Hoes Lane to Metlar's Lane; the completion of Centennial Avenue as a major arterial east-west route; a jug handle intersection improvement at Morris Avenue and Hoes Lane; and a new collector street between Morris Avenue and the new Hoes Lane at the western edge

Traffic Conditions/Impact: (continued)

10 of the old Gerickont Farm. These improvements will result in a much improved circulation pattern, capable of absorbing considerable development without negative impact.

Special Site Constraints: The soils on this site are of two types (Klinesville and Lansdowne) that offer "moderate" to "severe" limitations on residential development, due to rippable shale bedrock at 1-1.5 feet, seasonal high water level through proper site drainage planning and careful placement of impermeable drives, parking areas, etc.

20 Expressed interest in development: The owners of this farm have requested a re-zoning for high-density residential with the intention of discontinuing the agricultural use and developing their entire farm for residential use, including Site #45.

Recommendation: This site is recommended for a Planned Residential Development at 10 units per gross acre.

30 Site #44 - Morris Avenue, north side, part of Gerickont Farm  
Block 745 Lots 3, 4, 4C and 4E

Location: On the north side of Morris Avenue, approximately 350' of frontage between two existing cemetery properties.

Area: 20 acres

Physical Description: relatively flat, open farm land

Present Land Use: vacant - discontinued as agricultural use

40 Existing Zoning: R 15A PRD

Master Plan Proposal: Planned Residential Development at 5 dwelling units per acre.

Adjacent Land Uses: East and west of the site are cemetery lands, while on the north the land is church owned and vacant. To the south, across Morris Avenue are the lands of the Gerickont Farm, in two ownerships, which are being proposed for high density residential development.

50 General Neighborhood Characteristics: This is an open rural area in the sense that the two working farms on Morris Avenue combined with cemetery lands have resulted in the exclusion of any other development. As these farms cease operation and the land is developed a "neighborhood" sense will be much more noticeable.

Environmental Conditions affecting development: This site is in Flood zone C, indicating minimal risk.

Road Access: Morris Avenue

10 Traffic Conditions/Impact: Morris Avenue is a collector street and presently is used as a connection between Metlar's Lane and Hoes Lane. Several important improvements are proposed that will provide alternatives to increasing traffic on Morris Avenue: a major arterial from the south end of Hoes Lane to Metlar's Lane; the completion of Centennial Avenue as a major arterial east-west route; a jug handle intersection improvement at Morris Avenue and Hoes Lane; and a new collector street between Morris Avenue and the new Hoes Lane at the western edge of the old Gerickont Farm. These improvements will result in a much improved circulation pattern, capable of absorbing considerable development without negative impact.

20 Special Site Constraints: The soil type on this site is entirely Klinesville which presents only "moderate" limitations on development for residential use, due to rippable shale bedrock at 1-1.5 feet and some potential frost action. These are not serious deterrants to higher density development.

Expressed interest in development: The owner/developer has applied for approval to build a higher density planned residential development on this site.

30 Recommendations: This site could be developed appropriately as a Planned Residential Development at 8-10 units per acre in conjunction with Site #46.

Site #45 - Gerickont Farm on South Side of Morris Avenue  
Block 744 Lot 2A

Location: This site is on the south side of Morris Avenue, approximately midway between Hoes Lane and Suttons Lane.

40 Area: 40.9 acres

Physical Description: relatively flat open land which is part of a dairy farm.

Present Land Use: agricultural: presently used as dairy farm.

Existing zoning: R-20

Master Plan Proposal: Cluster single family, including Planned Conservation Area for existing stream areas.

50 Adjacent Land Uses: To the north, across Morris Avenue, is cemetery land and the remaining portion of the Gerickont Farm in this ownership; to the east and south-east are residential developments of single family houses. To the west and southwest is the Gerickont Farm in another's ownership. This area is proposed to be developed as a Planned Residential Development, with a proposed density of 8-10 units per acre.

60 General Neighborhood Characteristics: This is an open rural area in the sense that the two working farms on Morris Avenue combined with cemetery lands have resulted in the exclusion of any other development. As these farms cease operation and the land is developed a "neighborhood" sense will be much more noticeable.

Environmental Conditions affecting development: This site is in Flood zone C, indicating minimal risk.

Road Access: Morris Avenue

Traffic Conditions/Impact: Morris Avenue is a collector street and presently is used as a connection between Metlar's Lane and Hoes Lane. Several important improvements are proposed that will provide alternatives to increasing traffic on Morris Avenue: a major arterial from the south end of Hoes Lane to Metlar's Lane; the completion of Centennial Avenue as a major arterial east-west route; a jug handle intersection improvement at Morris Avenue and Hoes Lane; and a new collector street between Morris Avenue and the new Hoes Lane at the western edge of the old Gerickont Farm. These improvements will result in a much improved circulation pattern, capable of absorbing considerable development without negative impact.

Special Site Constraints: The soil types on this site are a combination of Klinesville, Rowland, and, to a very small extent, Reaville. The first type only presents "moderate" limitations on development because of rippable shale bedrock at 1-1.5 feet and some frost action potential. The second type borders the stream areas in the entire Gerickont Farm and is the type of soil that is frequently found in areas subject to flooding. In this case, the stream areas are not in Flood zone A or B, but the Master Plan has proposed Planned Conservation Areas which would ensure that the stream areas are not built on, but are protected. The third soil type experiences seasonal high water table and potential frost action. These limitations can be dealt with through carefully controlled site planning.

Expressed interest in development: The present owners of this site have requested a re-zoning for high density residential development with the intention of discontinuing the agricultural use (dairy farm) and developing their entire property (including site #43) for residential use.

Recommendations: This site is appropriate for Planned Residential Development with a density of 8-10 units per acre. Its site design should be coordinated with that of Site 46.

Site #46 - Morris Avenue - Gerickont Farm  
Block 744 Lot 2

Area: 55.64 acres

Physical Description: Open, very gently sloped, cultivated as farm land

Existing zoning: R 20 A PRD

Master Plan Proposal: Planned Residential Development, including Planned Conservation Area for existing stream areas.

Present Land Use: Vacant (recently discontinued as farm)

Adjacent Land Uses: On the north and northeast in vacant and agriculture land and cemetery lands; to the west is single family residential; on the south the land is vacant and on the east is single family residential.

10 General Neighborhood Characteristics: This is an open rural area in the sense that the two working farms on Morris Avenue combined with cemetery lands have resulted in the exclusion of any other development. As these farms cease operation and the land is developed a "neighborhood" sense will be much more noticeable.

Environmental Conditions affecting development: This site is located in Flood zone C, and therefore faces minimal risk of flooding.

Road Access: Morris Avenue

20 Traffic Conditions/Impact: Morris Avenue is presently a collector street and is proposed to continue to function in that capacity. An important street improvement that will impact this area is the extension of Hoos Lane to Metlar's Lane. This will provide alternative routes north and south, and combined with the proposed collector street on the west side of Site 46, will provide the means to handle the increased traffic to be expected from the proposed development on Morris Avenue.

30 Special Site Constraints: The soil types on this site present "severe" limitations to residential development, with the exception of a small area of Klinesville soil series which offer "moderate" limitations. The site is approximately one half Reaville which has a limitation of seasonal high water at 0.5-3 feet, and a high potential frost action. The other half of the site is Rowland which offers the risk of frequent flooding. This exists along the stream areas on this site. These areas however are not represented in the flood zones A or B. The protection of these stream areas is recommended in the Master Plan through the establishment of Planned Conservation Areas, and this treatment should be incorporated into the site planning for all of the Morris Avenue sites.

40 Expressed interest in development: The Hovnanian Company has applied for approval to build a higher density planned residential development on this site.

Recommendation: This site is appropriate for Planned Residential Development with a density of 8-10 units per acre. This site will be developed most effectively if coordinated with the development of Site 45.

50 Site #47

Block 743 Lot 1

Area: 9.4 acres

Physical Description: relatively flat, wooded area

Existing zoning: R-20

Master Plan Proposal: Planned Residential Development

Present Land Use: vacant

60 Adjacent Land Uses: Rutgers University building border the southern edge; vacant/ agricultural land is on the north, with single family residential on the west and a commercial property on the east.

General Neighborhood Characteristics: This is an area of combined agricultural, university and residential characteristics. The large farms have maintained a rural atmosphere for this site. The increasing development of farms for residential use, particularly of higher density, will have an impact on this area in terms of creation of a neighborhood quality.

Environmental Conditions affecting development: This site is located in Flood zone C which represents minimal risk of flooding. The proposed Planned Conservation Area will be located partly on this site and will provide for protection of any possible wet areas.

Road Access: Presently access is from Orris Avenue on the eastern edge of the site. When the connector road is built to connect the end of Hoes Lane and Morris Avenue, access will be provided from the western edge of the site.

Traffic Conditions/Impact: The new roads proposed for this area will provide adequate road service for any development on this site.

Special Site Constraints: The soil types on this site are essentially the same as those found on Site 46 with severe limitations on residential development. The actual extent of the limitations will only be able to be evaluated after the actual right of way for the Hoes Lane extension and Morris Avenue connector are established.

Expressed interest in development: unknown

Recommendation: The characteristics of this site would make it appropriate for town-house development at eight units per acre. However, the location of a Planned Conservation Area and the establishment of two new streets will put certain site development limitations on the site. The housing type therefore may have to reflect the limited space in order to make productive use of this site. As there are university apartments in the general vicinity, garden apartments developed on considerably less than the whole site would be appropriate, at a gross density of ten units per acre.

Sites #48 and 63 - Zirkel Avenue and Wickley Avenue (Both sites have comparable characteristics)

Block 737 Lots 4, 5, 8, 9, 10 and 11

Area (combined): 9 acres

Physical description: relatively flat, lightly wooded, some open

Existing zoning: R-20

Master Plan Proposal: Single family residential

Present Land Use: vacant

Adjacent Land Uses: Vacant, agricultural and scattered single family; new residential subdivision to the north; adjacent to Gerickont Farm which is proposed for higher density residential.

General Neighborhood Characteristics: agricultural and residential; still essentially rural, but with developing subdivisions of single family residential.

10 Environmental Conditions affecting development: These sites are in Flood zone C, suggesting minimal flooding risk.

Road Access: Wickley Avenue

20 Traffic Conditions/Impact: Wickley Avenue and Zirkel Avenue feed into Metlar's Lane and provide the only access to these sites. These sites are not large and will not generate substantial increase in traffic. Consideration should be given, however, to requiring at least an emergency street connection between Wickley or Zirkel Avenue and the streets to be planned on the Gerickont Farm.

Special Site Constraints: The soil type in both of these sites is Rowland which offers severe limitations to residential development because of potential frequent flooding. The existence of a stream area across these sites will require careful site design and will limit maximum use of the sites.

Expressed interest in development: unknown

30 Recommendation: These sites should be developed at relatively low gross densities, such as five to six units per acre; this final decision will depend on the extent of the stream area. Site 63 is municipally-owned and could provide the Township with broader choices for housing development.

Site #49 - Davidson Road and Metlar's Lane (two separate sites)  
Block 845 Lots 1A, 2, 9B, 10

Area: (combined) 17.3 acres

40 Physical Description: partially wooded, primarily open, flat

Existing zoning: R-20

Master Plan Proposal: Business, office, research and education

Present Land Use: vacant

50 Adjacent Land Uses: Scattered single family residential, vacant land, and Rutgers University apartments.

General Neighborhood Characteristics: fringe area of scattered single family uses, vacant and partially wooded area, bordering on university uses (Livingston Campus)

Environmental Conditions affecting development: This site is in Flood zone C, which suggests minimal potential for flooding.

Road Access: Metlar's Lane and Davidson Road

60 Traffic Conditions/Impact: A major arterial roadway has been proposed in the Master Plan to connect the southern end of Hoes Lane with a realigned Metlar's Lane, coinciding with one of the alternatives for N.J. Route 18. The exact alignment of this extension will impact the potential development of this site. The road will provide adequate facilities to handle any increase in traffic from develop-

Special Site Constraints: This entire site consists of Klinesville soil series which presents only moderate limitations on residential development.

10 Expressed interest in development: unknown

Recommendations: This site is suitable for garden apartments and other multi-family housing types, i.e., quadplex, triplex, etc., at a density of 12-15 units per acre, depending on unit type. This determination will depend, in part, on the location of the Hoes Lane extension.

20 Sites #51, 52, 53, 54 and 60 - Hoes Lane to River Road, Rivercrest Drive to Westfield Avenue  
Portions of Blocks 774 through 834

Area: These scattered sites, some in single lots, some in larger parcels, total over 110 acres.

Physical Description: This is an area of scattered single family houses, paper streets, unpaved streets, developed and undeveloped park land, and significant amounts of municipally owned land.

30 Existing zoning: R 10, R 15 and four lots zoned for Senior Citizen Housing.

Master Plan Proposal: single family residential, public (part of the "Civic Center"), senior citizen housing.

Present Land Use: single family residential, vacant, park area, two schools.

40 Adjacent Land Uses: This area is bordered on the north by a single family residential neighborhood, on the northeast by the municipal complex, on the south by Rutgers University-owned vacant land, and on the east by River Road and Johnson Park.

General Neighborhood Characteristics: This neighborhood consists of a mixture of very modest homes and larger homes, unpaved streets and vacant lots. There are several park areas and a few scattered commercial uses.

50 Environmental Conditions affecting development: This entire neighborhood is in Flood zone C, suggesting minimal risk of flooding. Flood zone A, which borders the Raritan River for its entire length in Piscataway, extends up to River Road, but the gradual slope upward, in an easterly direction, protects this neighborhood from danger of flooding.

Road Access: This neighborhood is served by a grid pattern of streets, but a number of these are unpaved, or partial paper streets. River Road and Hoes Lane provide road access on the west and east respectively.

60 Traffic Conditions/Impact: As this neighborhood would be developed primarily on smaller sites and infill sites, and as River Road and Hoes Lane each provide direct access from the area to I-287, no negative traffic impact would be expected from new residential development in this area.

10 Special Site Constraints: Most of this neighborhood consists of soil in the Klinesville series which offers "moderate" limitations for development. The area zoned for senior citizen housing is comprised of soil of the Reaville series which presents "severe" limitations in residential development due to seasonal high water and potential frost action. As this zone is appropriate for a five story building it will be important to consider these problems when planning construction and site layout.

Expressed interest in development: The municipality has expressed interest in having senior citizen housing available as a housing type. Actual developer interest is unknown.

20 Recommendation: The available sites in this neighborhood range in size from single house lots to six acres. The neighborhood is one of relatively small lots and houses. It would be appropriate to develop these sites in small scale developments: duplex, triplex, quadplex or patio homes, using a density of five units per gross acre as a standard. The site zoned for senior citizen housing should be developed with at least 30 units per acre if the building is to be five stories in height. The entire site would not be developed simultaneously, but could be staged in two buildings, over five or six years. Based on 100 acres of vacant land in this neighborhood, and assuming provision of some for park use or other public use, it would be possible over a six to ten year period to provide the opportunity for 300-400 housing units, using primarily municipally owned land.

30 Site #57 - River Road, at Piscataway-Highland Park border  
Block 872 2, 3 (part)

Area: 40 acres

40 Existing Zoning: R20A - PRD

Present Land Use: vacant

This site is owned by Rutgers University and is proposed for multi-family residential development. In conjunction with this Rutgers proposal the Township has zoned the site for PRD at a maximum of 10 units per acre. As this site has been studied and this density is appropriate, no further analysis is necessary.

50 It is recommended that this site be designated for 10 units per acre for a Planned Residential Development.

Site #75 and 76 - Hillside Avenue, between River Road and Scott Street  
Block 560 Lot 5A, Bl. 561 Lots 8A-22, 25-36, 39, 40  
Block 564 Lots 18-37

Area: 10.5 acres

60 Physical Description: flat, primarily open, scattered growth.

Existing zoning: R-10

Master Plan Proposal: Single family

Present Land Use: vacant

Adjacent Land Uses: single family residential

General Neighborhood Characteristics: residential neighborhood; houses on moderate size lots, all relatively close in development age; well defined by industrial area to north and east, and by park and Raritan River to the west. This is part of neighborhood discussed in Sites 51-60

Environmental Conditions affecting development: This area is located in Flood zone C, offering minimal risk of flooding, but it is adjacent to Flood zone A along the Raritan River.

Road Access: Hillside Avenue, River Road

Traffic Conditions/Impact: River Road provides easy access to I-287. This site is small and is not expected to generate sufficient traffic to have a negative impact on River Road.

Special Site Constraints: This entire area is Klinesville soil series which presents "moderate" limitations to development which would not be significant in a small area such as this.

Expressed interest in development: unknown

Recommendations: This area would be appropriate to be developed at a fairly low density in keeping with the nature of the existing housing. The paper streets could be vacated so as to provide freedom of site design. The density per gross acre should not exceed six dwelling units.

Site #77 - Metlar's and Suttons Lanes, northeast corner.  
Block 647 Lot 67A

Area: 6.45 acres

Physical Description: open, light woods and brush, relatively flat corner property.

Existing Zoning: R20

Master Plan Proposal: single family residential

Present Land Use: vacant

Adjacent Land Uses: New single family residential has been completed or is under construction on all sides of this intersection; existing single family residential is located on Metlar's Lane to the east.

General Neighborhood Characteristics: This is a neighborhood in transition from an agricultural area to a developed area. The new development is all residential and it will be further strengthened by the conversion of the farms in the area to higher density residential use, as suggested in this vacant land analysis.

Environmental Conditions affecting development: This site is in Flood zone C, suggesting minimal flood risk.

Road Access: Metlar's Lane and Suttons Lane

Traffic Conditions/Impact: This site is located at the intersection of Metlar's Lane and Suttons Lane, at one of the right angle turns taken by Metlar's Lane. The traffic on Metlar's Lane is heavy, increasing as it gets closer to interchanges on I-287 at South Washington Avenue and Stelton Road. Improvements at these interchanges, proposed in the Master Plan, as well as the completion of the extension of N.J. Route 18, will relieve Metlar's Lane of a significant amount of traffic congestion. This site is small and will not contribute substantially to the traffic flow on either Metlar's Lane or Suttons Lane. However, ingress and egress on this site will require careful planning to avoid conflicting with the turning movements on Metlar's Lane.

Special Site Constraints: This soil type on this site (Klinesville) offers "moderate" limitations to residential development, due to rippable shale bedrock at 1-1.5 feet and potential frost action. These conditions will not seriously impact development of this site.

Expressed interest in development: unknown

Recommendation: This site of limited size in a primarily single family area should be developed at a low townhouse density, not exceeding 5-6 units per acre.

Site #78 - School Street and Water Street, northwest corner.  
Block 698 Lot 16

Area: 3 acres

Physical Description: flat, light woods

Existing zoning: R-10

Master Plan Proposal: single family residential

Present Use: vacant

Adjacent Land Uses: This site is surrounded by single family residential uses, some of which are semi-rural in character.

General Neighborhood Characteristics: This area which is immediately west of the Stelton Road business area gives a sense of a rural community, due in part to the lot configuration of very deep lots (over 400'). The small houses are actually not always visible to each other, suggesting more vacant undeveloped land than is actually the case.

Environmental Conditions affecting development: This site is located in Flood zone C, suggesting minimal risk of flooding.

Road Access: School Street and Water Street

10 Traffic Conditions/Impact: The size of this site is such that it will not have any significant impact on traffic volumes.

Special Site Constraints: The soil type found in this site (Reaville) offers "severe" limitations for residential development due to seasonal high water and potential frost action. Ambrose Brook and its adjacent Flood zone A are located about 1000' to the west of this site. As the site is so small, attention to these facts in site layout and building design should preclude any problems of a serious nature.

20 Expressed interest in development: unknown

Recommendations: This site would be appropriate for a small townhouse, triplex or quadplex cluster development, at a gross density of not over 7-8 per acre.



# Superior Court of New Jersey

OCEAN COUNTY COURT HOUSE  
C.N. 2191  
TOMS RIVER, N.J. 08754

CHAMBERS OF  
JUDGE EUGENE D. SERPENTELLI

December 26, 1984

Barbara Williams, Esq.  
Philip L. Paley, Esq.  
Michelle Donato, Esq.  
Edwin D. Kunzman, Esq.  
John R. Dusinger, Esq.

Bruce Gelber, Esq.  
Raymond R. Trombadore, Esq.  
Lawrence A. Vastola, Esq.  
Daniel S. Bernstein, Esq.

Re: Urban League v. Carteret  
Piscataway Township

Counsel:

I have been advised by Mr. Gelber that the Urban League will not contest the unsuitability of site 30 and is willing to be bound by the findings of Ms. Lerman. Based on that fact, I have decided to set the trial date for Wednesday, January 16, 1985 at 9:30. We will be in trial continuously thereafter with the exception of Thursday afternoon, January, 17. Unless the Urban League intends to contest the findings of Ms. Lerman concerning the other four parcels as to which Ms. Lerman and Mr. Mallach disagree, I would expect the plaintiffs to rest and the defendants to go forward with their claim of unsuitability.

By copy of this letter I am requesting that Ms. Lerman be present on Wednesday, January 16, at 9:30 to be examined concerning her findings. Upon completion of her testimony any property owner shall be heard with respect to any claim of unsuitability and then the Township will present its case.

As agreed upon at the case management conference of December, 17, all interrogatories are to be answered by January 7, and all expert reports are to be served by that date. Ms. Lerman will also file an amended report by January 7 concerning the parcel omitted from her prior report.

Very truly yours,

Eugene D. Serpentelli, JSC

EDS:RDH  
cc: Carla L. Lerman, P. P.

KIRSTEN, FRIEDMAN & CHERIN

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DENNIS C. LINKEN

December 21, 1984

JOSEPH HARRISON (1930-1976)  
MILTON LOWENSTEIN  
OF COUNSEL

\*MEMBER N.J. & N.Y. BARS  
\*MEMBER D.C. BAR

20 Honorable Eugene Serpentelli  
Judge, Superior Court of New Jersey  
Ocean County Court House  
Toms River, New Jersey 08754

Re: Urban League of Greater New  
Brunswick, et al., vs. Township  
of Piscataway, et al.

30 My dear Judge Serpentelli:

Following our status conference of Monday last, I  
conferred with appropriate municipal officials regarding the  
scheduling of this matter.

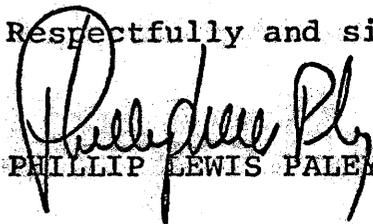
40 With respect to the early scheduling of applications  
by individual developers who may differ with the conclusions  
reached in the Lerman report, we certainly have no objection to  
that proceeding during January, 1985. We are not quite certain  
that the Township will take a position as to each application,  
50 other than to maintain that each developer should have the  
right to process his application before the Planning Board or  
Zoning Board, as appropriate, in the normal course. Therefore,  
it is unlikely that our participation in that phase of the  
hearing will be extensive.

10                   With respect to the remaining issues regarding  
Ms. Lerman's report and questions as to Rutgers, the State  
University which we discussed, the Township will not be pre-  
pared to go forward during January, 1984. The reason for this  
is the absence of a municipal planner, which has been the  
20 case for approximately one month. As I represented to the  
Court, the Township is in the process of interviewing applicants.  
The Township has scheduled several interviews for December 26,  
1984, and it is unlikely that a municipal planner will be  
retained early in the year. Depending upon the planner's back-  
ground and familiarity with Piscataway, some time will be re-  
30 quired for him or her to review Ms. Lerman's report,  
Mr. Nebenzahl's earlier submissions and the other documents  
earlier submitted to the Court, so that an educated judgment  
can be made with respect to the suitability of any particular  
40 parcel of land.

I wanted to communicate our position as early as  
possible, so that appropriate plans could be effected. We  
will, of course, notify Your Honor promptly upon our appointment  
of a planner, and will be happy to discuss with Your Honor  
50 further subsequent scheduling of the hearings.

10                   Of course, it is unlikely, given this posture, that  
we can comply with the guidelines proposed by the Court at our  
status conference, with respect to the provision of any reports,  
and appropriate extensions are therefore requested with respect  
to this matter.

20                   Respectfully and sincerely yours,

  
PHILLIP LEWIS PALEY

PLP:pmm

30                   cc: Barbara Williams, Esq.  
Bruce Gelber, Esq.  
Honorable Paul Abati

40

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60