

UL v. Carteret, Piscataway

3-feb-86

(ML2)

Letter from Stark to Paley re: Lackland Bro's Canterbury
Project

encls: newspaper article, Judgment as to Piscataway (signed)

pg. 9

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School of Law-Newark • Constitutional Litigation Clinic
S.I. Newhouse Center For Law and Justice
15 Washington Street • Newark • New Jersey 07102-3192 • 201/648-5687

February 3, 1986

Philip L. Paley, Esq.
17 Academy Street
Newark, NJ 07102

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

Dear Mr. Paley:

We have received a copy of the letter of Howard Gran, Esq., dated January 6, 1986 regarding Lackland Brothers' Canterbury Project. We would be inclined to agree to a consent order for this site (which we understand is part or all of Sites 7 and 8 on the court's list) comparable to that entered into last summer for the Hovnanian project, but have two concerns that need to be addressed before doing so. First, Mr. Gran's letter suggests that he would be interested in using only "some of the deed restrictions" contained in the Hovnanian plan. By copy of this letter, we hereby request that Mr. Gran advise us as to the specific variations he has in mind.

Second, we would want to learn more about the experience with the Hovnanian project; including, the rules, regulations, guidelines, or rulings the Affordable Housing Advisory Commission made or procedures used in the course of the Hovnanian project; details on the units constructed, the households qualified and rejected, and the sales transactions actually concluded in the Hovnanian project. This information would give us all guidance on where, if at all, changes might be made in the prior order. We would appreciate your forwarding to us what you have or asking the Commission and/or Donald Daines from Hovnanian to send us these materials.

Moreover, as set forth in the enclosed newspaper article from the January 22, 1986 Home News, the zoning board has apparently rejected a Mount Laurel allocation in connection with the Mountain Avenue site referred to in that article. Please advise whether this site, or the site referred to in Mr. Gran's letter, is included in the appendix to the Honorable Eugene D. Serpentelli's Judgment of September 17, 1985, a copy of which is enclosed for your convenience. If so, please identify the site and the reason for action. If not, please advise as to the block and lot number. As you know, pursuant to the enclosed Judgment plaintiffs are to be given notice of all official actions regarding said sites. This should at least include the minutes, resolutions, and available transcripts. We are sending a copy of this letter to Michelle Donato, who we assume has most of the relevant material readily available.

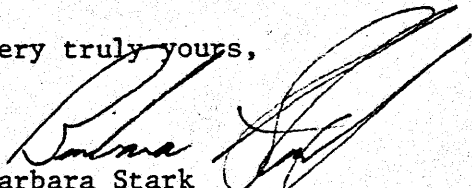
Philip L. Paley, Esq.

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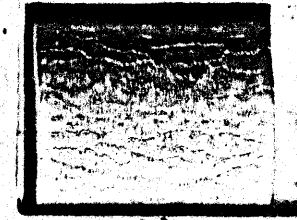
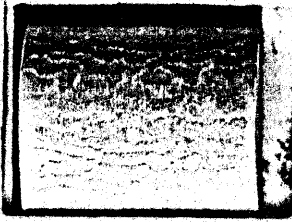
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We look forward to prompt conclusion of the Canterbury project and to clarification of the Mountain Avenue situation.

Very truly yours,


Barbara Stark

cc/Messrs. Nelson, Gran, Lackland, Shapiro
Ms. Donato



Piscataway OKs rezoning of townhouse tract

1/22/86

By **LENNY MELISURGO**
Home News staff writer

PISCATAWAY — Zoning officials last night voted 6-1 to rezone a triangular tract at the southern end of Mountain Avenue to accommodate 80 townhouse units proposed by a Dunellen builder.

The vote, taken Board of Adjustment members, allows the 11-acre tract to be changed from a single-family zone to a multiple-family zone.

The builder, Lackland Brothers Inc., still needs site-plan approval from the board before it can construct the townhouses, all of which would be sold at market value.

Lackland hopes to get construction under way by summer, said Howard Gran, an attorney for the builder. The plan will probably have to be revised before the Zoning Board takes further action.

Most board members last night said the proposed housing density is too high for the site. They worried that traffic conditions in the area would be adversely affected, although traffic experts have argued otherwise at previous hearings.

Lackland Brothers had originally planned to build 110 townhouse units on the Mountain Avenue site, but that proposal was rejected early last year by the zoning board, which at that time felt 110 units was too dense for the tract. The builder then revised the plan and reduced the number of units to 80.

"I think that's still a little too much for the current site," said zoning board Chairman Edward Szesko, who cast the dissenting vote last night. "The number of units should be reduced so the influx of traffic would not be so detrimental."

David Lackland, one of the partners in the Dunellen building company, was surprised the board wanted the number of units reduced again.

"We'll do whatever we have to do to satisfy the members

of the board," Lackland said after last night's vote.

Twenty percent of the housing units in Lackland's original proposal last year would have been designated for families with low and moderate incomes, but the zoning board did not want such housing at that site.

A public hearing on the builder's new proposal was held last month at a zoning board meeting, but no local residents expressed opposition.

According to the most recent Lackland plan, eight separate buildings, each with 10 condominium units, would be constructed on Mountain Avenue. A tennis court, 50 garages and additional recreational areas are planned for the rest of the tract.

Also, 110 off-street parking spaces and 30 parallel parking spots are included in the plan. The builder, if the township agrees, might extend Mountain Avenue to connect with Jarrard Street. Lackland, however, said that extension is already part of the township's master plan.

BARBARA J. WILLIAMS, ESQ.
ERIC NEISSER, ESQ.
JOHN M. PAYNE, ESQ.
Constitutional Litigation Clinic
Rutgers Law School
15 Washington Street
Newark, New Jersey 07102
201/648-5687
ATTORNEYS FOR URBAN LEAGUE PLAINTIFFS
On Behalf of ACLU of NJ

SUPERIOR COURT OF
NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY

URBAN LEAGUE OF GREATER]
NEW BRUNSWICK, et al.,]
Plaintiffs,]
vs.]
MAYOR AND COUNCIL OF THE]
BOROUGH OF CARTERET,]
Defendants.]

No. C 4122-73
Civil Action

JUDGMENT
AS TO PISCATAWAY

The above captioned matter having been tried before this Court commencing on April 30, 1984 pursuant to the remand of the Supreme Court in Southern Burlington County NAACP v. Township of Mt. Laurel, 92 N.J. 158 (1983) [Mount Laurel II]; a further hearing having been held in February, 1985 with respect to the suitability of certain sites within the Township; this Court having personally conducted a site inspection in the Township of Piscataway on May 16, 1985; the Court having heard and considered the testimony and evidence adduced during the trial, the hearing on suitability of vacant land, and during the site inspection, having reviewed all documents filed on behalf of the parties and interested property owners, and the Court having issued a letter-opinion on July 23, 1985, with findings of fact and conclusions of law,

IT IS, THEREFORE, on this 17 day of September, 1985,
I F O R E D and A D J U D G E D, that

I. The total fair share of the Township of Piscataway for the decade of 1980 to 1990 is 2215 units of low and moderate income housing.

II. The Township of Piscataway is not entitled to any "credits" against the fair share established in Paragraph I.

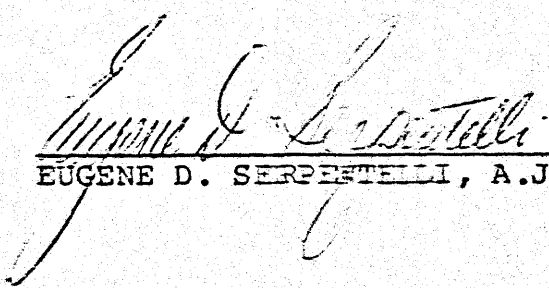
III. The Township of Piscataway's existing zoning ordinance and land use regulations are unconstitutional in that they do not provide a realistic opportunity for satisfaction of the Township's fair share of the regional need for lower income housing.

IV. The Township of Piscataway shall within ninety (90) days of the filing of this Court's letter-opinion of July 23, 1985, that is, by October 23, 1985, revise its zoning ordinances to comply with this Judgment and the letter-opinion of July 23, 1985. This ninety (90) day period shall not be extended unless the Township presents compelling reasons for such extension.

V. Carla Lerman, P.P. is hereby appointed as the Master to assist the Township of Piscataway in revising its zoning ordinances to comply with this Judgment and the letter-opinion of July 23, 1985.

VI. At the conclusion of the ninety (90) day revision period, or upon enactment of the revised ordinance, whichever occurs first, a hearing shall be scheduled, on notice to all parties and public notice, to determine whether the Township's revised zoning ordinance conforms to this Judgment and the letter-opinion of July 23, 1985.

7. Pending further Order of this Court, all restraints set forth in the Order of this Court dated December 11, 1984 and all prior restraints contained by said Order and all requirements for notice to plaintiffs of official actions shall remain in full force and effect as to all sites listed in Appendix A of this Court's letter-opinion of July 23, 1985.


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

APPENDIX

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

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

8,726.95 divided by 5 = 1,745.39

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

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

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

SERVICE LIST

Urban League v. Carteret, Civ C 4122-73 (Superior Court, Chancery
Div., Middlesex County) (Piscataway)

Phillip Paley, Esq.
Kirsten, Friedman & Cherin
17 Academy St., Newark, N.J. 07102

Douglas K. Wolfson
Greenbaum, Greenbaum, Rowe,
Smith, Bergstein, Yohalen,
& Bruch

Michelle Donato, Esq.
Frizell & Pozyczki
PO Box 247, Metuchen, N.J. 08840

Engelhard Building
P.O. Box 5600
Woodbridge, N.J. 07095

Chris A. Nelson, Esq.
Venezia & Nolan
306 Main St., Woodbridge, N.J. 08095

Raymond R. Trombatore, Esq.
Trombadore & Trombatore
33 E. High St., Somerville, N.J. 08876

Daniel S. Bernstein, Esq.
Bernstein, Hoffman & Clark
336 Park Avenue, Scotch Plains, N.J. 07075

Glen S. Pantel, Esq.
Shanley & Fisher
95 Madison Ave., Morristown, N.J. 07960

Lawrence A. Vastola, Esq.
Vogel, Vastola & East
10 Johnston Drive
Watchung, N.J. 07050

Lawrence B. Litwin, Esq.
Scerbo, Kobin, Litwin & Wolff
10 Park Place, Morristown, N.J. 07960

Guliet D. Hirsch, Esq.
Brener, Wallack & Hill
2-4 Chambers St., Princeton, N.J. 08540

Angelo H. Dalto, Esq.
Abrams, Dalto, Gran, Hendricks & Reina
1550 Park Ave., South Plainfield, N.J. 07080

Donald R. Daines, Esq.
K. Hovnanian Companies of New Jersey
10 Highway 35, PO Box 500
Red Bank, New Jersey 07701

John Dusinberre, Esq.
155 Prospect Street
West Orange, N.J. 07052

Howard Gran, Esq.
Abrams, Dalto, Gran, Hendricks & Reina
1550 Park Avenue, South Plainfield, N.J. 07080

Edwin Kunzman, Esq., Kunzman, Kunzman & Foshin