

Ul v. Carteret, Piscataway

19 - March - 86

Letter from developer to Paley re: shopping center

pg. 3

CA 002499L

Gluck and Kelso

ATTORNEYS AT LAW

ROBERT W. GLUCK
THOMAS F. KELSO
BRUCE J. KAPLANP.O. Box 1208
132 HAMILTON STREET
NEW BRUNSWICK, N.J. 08901

(201) 246-4501

FILE NO.

rec'd 3/24
March 19, 1986

Piscat

Phillip L. Paley, Esq.
Kirsten, Friedman & Cherin
17 Academy Street
Newark, New Jersey 07102Re: Peter J. Saker, Jr.
Shopping Center in Piscataway

Dear Phil:

As you are aware, the undersigned attorney represents Peter J. Saker, Jr.

I have reviewed the Order of Judge Serpentelli dated December 11, 1984 in its entirety and I believe this Order clearly indicates, most particularly in Paragraph 3 thereof, that the Township of Piscataway, through its official bodies, may process and approve development applications which, in this instance, would mean that the Planning Board of the Township of Piscataway may process and approve, if they are so inclined, my client's application.

I believe the Order indicates that once the approval is received, however, I cannot proceed with actual development until the Mount Laurel litigation is resolved or unless I am released. Additionally, I believe the Order indicates that any approval I receive is literally at my own risk, again, depending on the ultimate disposition of your litigation.

However, it appears that the basic point remains that your Planning Board can hear and decide my application. I would request that, if you are in agreement, you so notify the Planning Board so that they may be appropriately advised. Please note that the Planning Board passed a Resolution in January of 1985 prohibiting hearing of my application based solely on this particular Order. I have attached a copy of that Resolution for easy reference. I am pointing this out to you so that this does not become a problem for me should I be permitted to proceed.

I am presently scheduled on the agenda for the April 9 Planning Board Meeting. I would, therefore, request your prompt consideration of this letter. For your information, it is my understanding that Mr. Eric Neisser of the Civic League is in essential agreement with my interpretation of this Order.

Finally, I will be away from March 20 through March 25. Therefore, I would appreciate hearing from you on the 26th.

Very truly yours,

Thomas F. Kelso
Enclosures

cc: Eric R. Neisser, Esq.
Mayor Smith

PISCATAWAY PLANNING BOARD

Peter J. Saker, Jr.
P. O. Box 49
Freehold, New Jersey 07728

Application No. 84-PB-154

RESOLUTION
PRELIMINARY AND FINAL SITE PLAN

WHEREAS: PETER J. SAKER, JR., P. O. Box 49, Freehold, New Jersey has requested of the Planning Board of the Township of Piscataway preliminary and final site plan approval for the construction of a 205,200 square foot retail shopping center on South Washington Avenue and Carlton Avenue, Tax Map Lot Nos. 33 - 67 and Lot 134 in Block 228, in SC and R-7.5 zones, AND

WHEREAS: The property is subject to Judge Eugene D. Serpentelli's Order which enjoins Piscataway Township from acting upon any development application on any parcel of land as identified by the Court appointed expert's report dated November 10, 1984, which does not include provisions for low and moderate-income housing and affordability control devices, AND

WHEREAS: This application does not comply with such Order, NOW,

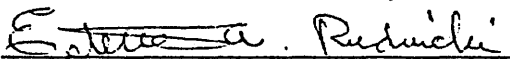
THEREFORE, BE IT RESOLVED THAT: The Planning Board cannot hear this application as the Board is enjoined pursuant to the Court Order of Judge Serpentelli, NOW,

BE IT FURTHER RESOLVED THAT: Copies of this resolution be forwarded to the Tax Assessor, Township Engineer, Zoning Officer and the Applicant.

The undersigned, secretary of Piscataway Township Planning Board, hereby certifies that the above is a true copy of a Resolution adopted and memorialized by said Board on the 9th of January, 1985 on the following vote:

THOSE IN FAVOR: Mrs. Merolla, Mrs. Perry-Allen, Mrs. Rudnicki, Mayor Smith, Mr. Southern, Mr. Zanetti and Mrs. Smith.

ABSTAINED: Councilman Dumphy and Dr. Steckel.


ESTELLE RUDNICKI, SECRETARY
PISCATAWAY PLANNING BOARD