

AMG

Timber

5-12-83

letter re: This case is ML & needs special list

- w/ letter Persuading this is not ML action

Ass. 3

Pi # 3246

AM000059L

RECEIVED

MAY 13 1983

KUNZMAN, COLEY, YOSPIN & BERNSTEIN

A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

SOMERSET COUNTY  
ASSIGNMENT CLERK

15 MOUNTAIN BOULEVARD  
WARREN, N. J. 07060  
(201) 757-7800

EDWIN D. KUNZMAN  
JOHN E. COLEY, JR.  
HARRY A. YOSPIN  
STEPHEN J. BERNSTEIN  
IRVING KUNZMAN (1914-1980)  
IRA KUNZMAN (1924-1974)

HAROLD DRUSE  
STEVEN A. KUNZMAN  
LINDA E. MALLOZZI

May 12, 1983

# 45

Somerset County Assignment Clerk  
Administration Building  
Somerville, New Jersey 08876

Re: Timber Properties vs. Warren Township  
Docket No. L-67820-80 P.W.  
Our File No. W-47

Dear Mr. Wintermute:

Please be advised that the above matter has Mt. Laurel ramifications and should be placed on your special Mt. Laurel list. This letter is written as a follow up to the oral discussion relative to the same with Ginny.

The matter was recently scheduled for trial on June 6, 1983.

Very truly yours,

JOHN E. COLEY, JR.

JEC/ga

cc: Raymond Trombadore  
Township Committee  
Judge Meredith

RAYMOND R. & ANN W. TROMBADORE  
A PROFESSIONAL CORPORATION  
COUNSELLORS AT LAW  
33 EAST HIGH STREET  
SOMERVILLE, NEW JERSEY 08876

*File*  
**RECEIVED**

MAY 17 1983

TELEPHONE  
(201) 722-7555

SOMERSET COUNTY  
ASSIGNMENT CLERK

RAYMOND R. TROMBADORE

ANN WILKIN TROMBADORE  
OF COUNSEL

MARILYN RHYNE HERR

May 16, 1983

Honorable Wilfred P. Diana  
Somerset County Court House  
Somerville, New Jersey 08876

Re: Timber Properties v. Warren Township  
Docket No. L-67820-80 P. W.

Dear Judge Diana:

On May 11, 1983 your Assignment Clerk wrote to me concerning this case asking me a number of questions with respect to the impact of the case. I assume that you would make any determination as to whether this prerogative writ action should be classified as a Mt. Laurel case and, therefore, be held for the appointment of a "Mt. Laurel judge." I am, therefore, writing to you with a copy of it to the Assignment Clerk.

We do not treat the issues in this case as involving Mt. Laurel issues. We filed a law suit against Warren Township more than a year and a half ago arguing, amongst other things, that the refusal of the Township of Warren to rezone the property of Timber Properties was arbitrary, capricious and unreasonable. We proposed a multi-family use on the land of Timber Properties and the Township has since rezoned the property to permit that use. We will show by our proofs during this trial that the prior large-lot zoning is inappropriate to this piece of land and that the current zoning standards provided for the land are not only consistent with the location of the land but, also consistent with zoning criteria cited by the Township's planner in recommending the zone change. The suit also involves a claim against the Sewerage Authority in Warren Township seeking to commit treatment capacity to the development of this property. We do not consider any of these issues to generate direct or

*Status for wj  
6.6.83 trial Adj  
Mt Laurel*

indirect Mt. Laurel II issues. The proposals made to Warren Township more than two years ago did not involve the construction of low-income or least-income housing and the amendments to the zoning ordinance adopted by Warren Township did not contemplate the construct of least-cost or low-cost housing on this parcel of land. Mt. Laurel I and Mt. Laurel II issues were adjudicated in a companion suit brought by Sky-Top and AMG against the Township of Warren and that matter is presently pending in Court for further determination.

Since we are presently preparing this matter for trial, we would appreciate an early response as to whether or not the matter will in fact proceed.

Respectfully yours,

Raymond R. Trombadore

RRT/ljk

cc: John E. Coley, Jr., Esq.  
Eugene W. Jacobs, Esq.  
J. Albert Mastro, Esq.  
William J. Wintermute, Sr.  
Lawrence R. Olson