

Morris v. Cranbury Twp.

10/22

(1984)

Morris requests to renew the motion filed earlier that year, ~~at~~ as well as a ruling and a hearing as soon as possible.

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October 22, 1984

The Honorable Eugene D. Serpentelli, J.S.C.
 SUPERIOR COURT OF NEW JERSEY
 Ocean County Court House
 CN 2191
 Toms River, NJ 08754

Re: Morris v. Cranbury Township
 Docket No. L-070841-83 P.W.

Dear Judge Serpentelli:

At the most recent meeting of the Cranbury Township Planning Board on October 11, 1984, there was a lengthy dialogue between Mr. Weidner of the Township Committee and Mr. Caton, the Court appointed master, regarding use of TDC in the new ordinance of Cranbury Township.

Before the Planning Board embarks on creating an ordinance which would contain the TDC concept it would be advisable that the question of whether TDC is ultra vires of the Municipal Land Use Law of New Jersey be resolved. It would be absurd to permit the Township to proceed with an ordinance based on TDC if the concept is, as we have contended, unlawful.

Therefore, Morris Brothers seeks to renew its motion which was filed with Your Honor in the early part of this year. It is our recollection that this motion was originally going to be heard sometime in February prior to the Mt. Laurel litigation. It appears it was somehow forgotten and swept aside in the ensuing rush of events. At this time we respectfully request a ruling on our motion and are prepared to appear for hearing at your convenience. We urge only that any hearing necessary be scheduled as soon as possible before Township of Cranbury becomes committed

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once again to an ordinance containing the TDC concept. It is in the interest of all parties to resolve this question at the earliest possible date.

Respectfully submitted,

McCARTHY AND SCHATZMAN, P.A.



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