

Real Estate Equities v. Holmedel

2/18

(1984)

Pretrial Memo of Δ

4 pgs

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A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

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September 18, 1984

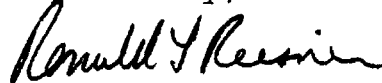
Hon. Eugene D. Serpentelli, J.S.C.
Ocean County Court House
CN-2191
Toms River, New Jersey 08754

Re: Real Estate Equities, Inc.
v. Holmdel Township
Docket No. L-54998-84 (PW)

Dear Judge Serpentelli:

Enclosed please find original and two copies of
Pretrial Memorandum of defendant, Township of Holmdel,
in regard to the above matter set down for Thursday,
September 20, 1984.

Respectfully,



Ronald L. Reisner

RLR/ma
Enclosures

cc: Carl S. Bisgaier, Esq. - w/enc.
J. Peter Sokol, Esq. - w/enc.
Douglas K. Wolfson, Esq. - w/enc.

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SEP 20 1984

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Attorney(s): GAGLIANO, TUCCI, IADANZA AND REISNER
Office Address & Tel. No.: 1090 Broadway, West Long Branch, New Jersey, 07764
Attorney(s) for

SUPERIOR COURT OF NEW JERSEY

REAL ESTATE EQUITIES, et al,

LAW DIVISION
OCEAN/MONMOUTH COUNTY

vs.

Plaintiff(s)

Docket No. L-54998-84 (PW)

TOWNSHIP OF HOLMDEL,

Defendant(s)

CIVIL ACTION

PRETRIAL MEMORANDUM OF

TOWNSHIP OF HOLMDEL DEFENDANTS

1. NATURE OF ACTION:

Suit for relief under recent Mt. Laurel II, Supreme Court of N.J. Decision.

2. ADMISSIONS AND STIPULATIONS:

1. On August 27, 1984, the Township passed Ordinance 84-7, which was duly published according to law on August 31, 1984.

3-4. FACTUAL AND LEGAL CONTENTIONS: (Annexed hereto).

See attached.

5. DAMAGE AND INJURY CLAIMS:

N/A

6. AMENDMENTS:

None.

7. LEGAL ISSUES AND EVIDENCE PROBLEMS:

See attached.

8. LEGAL ISSUES ABANDONED:

None.

9. **EXHIBITS:** Holmdel L. Development Regulations; Ordinance 84-7; Master Plans; Various Geographic Maps and Zoning Maps; other exhibits to be determined.

10. **EXPERT WITNESSES:**

William Fitzgerald, William Queale, Michael Walsh, Edwin Mills and Malcolm Kasler for Holmdel.

11. **BRIEFS:**

As ordered by the Court.

12. **ORDER OF OPENING AND CLOSING:**

Usual.

13. **ANY OTHER MATTERS AGREED UPON:**

None.

14. **TRIAL COUNSEL:**

Ronald L. Reisner, Esq., for the Township of Holmdel.

15. **ESTIMATED LENGTH OF TRIAL:**

Five days as to issues of compliance and fair share.

16. **WEEKLY CALL OR TRIAL DATE:** October 15, 1984, trial date.

17. **ATTORNEYS FOR PARTIES CONFERRED ON MATTERS THEN AGREED UPON:**

19

18. **IT IS HEREBY CERTIFIED THAT ALL PRETRIAL DISCOVERY HAS BEEN COMPLETED,**

except

- 1. Depositions of experts to be taken;
- 2. Plaintiffs have not answered defendant's Interrogatories.

19. **PARTIES WHO HAVE NOT BEEN SERVED:**

None.

PARTIES WHO HAVE DEFAULTED:

None.

GAGLIANO, TUCCI, IADANZA AND REISNER
Attorneys for Holmdel

By Ronald L. Reisner
Ronald L. Reisner, Esq.

Dated: 19 84 .

FACTUAL AND LEGAL CONTENTIONS
AND LEGAL ISSUES OF
DEFENDANT HOLMDEL TOWNSHIP

- 4(a). Ordinance 84-7 satisfies the defendant's obligation and provides a realistic opportunity for building its fair share of low and moderate income housing.
- (b). The number of units which should constitute the defendant's fair share are set forth in the expert's reports and outline both prospective needs and the present indigenous need for 1980-1990.
- (c). The defendant's determined "fair" share should include thorough consideration of the Township's water and sewer capacities.
- (d). Plaintiff has not presented defendant with specific particulars of its plans for constructing and financing the proposed low and moderate income housing.
- (e). Any construction of proposed multi-unit high density housing should be achieved in stages to prevent excessive, rapid population increases and to render feasible the provision of necessary infrastructure.
- (f). The legal issue to be tried is whether the introduction and passage of an ordinance after the filing of plaintiff's complaints can be utilized by the Court to determine the issue of compliance.
- (g). The issues relating to builders remedy are reserved pursuant to the Order of the Court of August 23, 1984.

7. LEGAL ISSUES AND EVIDENCE PROBLEMS:

Determination of fair share for Township Defendant: Determination of regional present and prospective need and compliance of Ordinance 84-7 with the Mount Laurel II decision.