

~~W.D. Croft~~, Monroe

9/14 1984

● - Letter to Judge re Twp compliance with Mt. Laurel II.

pgs. 2

p.1. 1049

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## BISGAIER AND PANCOTTO

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JUDGE SERPENTELLI'S CHAMBERS

CARL S. BISGAIER  
LINDA PANCOTTO

September 14, 1984

HONORABLE EUGENE D. SERPENTELLI, J.S.C.  
Ocean County Court House  
CN 2191  
Toms River, New Jersey 08754

Re: Monroe Development Associates  
v. Monroe Tp.

Dear Judge Serpentelli:

Pursuant to your decision of July 27, 1984, in the above-referenced and consolidated matters, an Order and Judgment was entered on August 13, 1984, which, in part, obliged the defendant to revise its land use regulations within ninety (90) days; that is, on or before October 25, 1984. Carla Lerman was appointed as master to assist in the rezoning.

Since the decision, I have made several efforts to ascertain whether the defendant was acting to comply. Bruce Gelber, Esquire, and I talked earlier this week and agreed to seek a definitive statement of the defendant's position. We also agreed that should the defendant not be moving diligently toward compliance that we would seek the assistance of the court. I understand from counsel for the defendant that it is the defendant's position that it will not voluntarily comply and that Ms. Lerman has been so informed.

Mr. Gelber and I discussed this matter today and have agreed to seek the following relief:

1. the remedies suggested by the Supreme Court in Mt. Laurel II, 92 N.J. 158, 285-286 (1983) should be invoked since no revised ordinance will be submitted in the time allotted;

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2. the ninety (90) day period should be terminated forthwith;

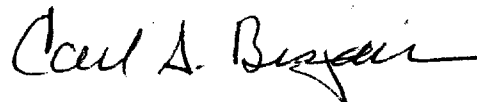
3. Ms. Lerman should be instructed to submit a report within thirty (30) days recommending revisions in the land use ordinances and approval of site specific relief, where appropriate;

4. during this process and until further order, the defendant and all of its agencies of government should be enjoined from approving any requests for a zoning variance, zoning change, site plan review or major subdivision review; and

5. during the process and until further order, the agencies serving the defendant which provide water and sewer service should be enjoined from approving any hook-ups or commitments for reservation of capacity.

Mr. Gelber and I request that your Honor consider this in the nature of an informal motion for relief to be heard on Tuesday, September 18, 1984, at the hearing previously ordered.

Respectfully yours,



CARL S. BISGAIER

CSB:emm

cc: all counsel of record

Ms. Carla Lerman