

N. Brunswick Twp

(1984)

Acknowledgement of letter, request for
what action is sought.

4 pgs

ML 000218 ~~W~~ W



Superior Court of New Jersey

CHAMBERS OF
JUDGE EUGENE D. SERPENTELLI

OCEAN COUNTY COURT HOUSE
C. N. 2191
TOMS RIVER, N. J. 08753

August 2, 1984

Arnold K. Mytelka, Esq.
Clapp and Eisenberg, Esq.
80 Park Plaza
Newark, N. J. 07102

Re: KAST Inc. Township of North Brunswick

Dear Mr. Mytelka:

I wish to acknowledge your letter of July 23, 1984.

By copy of this letter I am forwarding a copy of your letter to Ms. Lerman for her information. In doing so I do not suggest what action she should take with regard to the letter. I will leave that to her judgment.

Very truly yours,

Eugene D. Serpentelli, JSC

EDS:RDH
cc: Ms. Carla L. Lerman, P.P.
cc: Leslie Lefkowitz, Esq.
cc: John M. Payne, Esq.
cc: Stewart M. Hutt, Esq.
cc: Douglas K. Wolfson, Esq.

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July 23, 1984

Honorable Eugene D. Serpentelli
Superior Court Judge
Court House
CN-2191
Toms River, New Jersey 08754

RECEIVED

JUL 23 1984

Re: KAST, Inc.
Township of North Brunswick
Block 74 -
Lots 25, 26, 27, 28, 31.01, 31.02, 1.01, 1.02 JUDGE SERPENTELLI'S CHAMBERS

Dear Judge Serpentelli:

We have been retained by KAST, Inc., contract purchaser of approximately 45 acres on Route 1, south of Aaron Road, in the Township of North Brunswick. The property, described in the above block and lot numbers, is apparently designated for Mount Laurel rezoning in a settlement proposal that is before Your Honor in connection with the Urban League litigation.

A principal of our client has advised us as follows:

1. He has discussed a 364 multi-family unit project for the property with North Brunswick Township officials for over a year and believes the project is reflected in the Township's proposed master plan revision.

2. He has never been consulted with respect to the proposed Urban League settlement and, although he is willing to develop low and moderate income housing on the subject property, he has serious doubt about the feasibility of doing so on the basis of eight units per acre with a 20% set aside -- what he now understands the settlement to contemplate.

We understand that, although no order has been entered, Your Honor would prefer not to entertain additional North Brunswick Mount Laurel litigation, and we have so advised our client. We also understand that Ms. Carla Lerman is to be appointed as an expert to help rezone North Brunswick land in accordance with Mount Laurel II.

In these circumstances, we respectfully ask Your Honor for permission (a) to be heard by the Township and by Ms. Lerman with respect to rezoning of the captioned property and (b) to be heard by the Court with respect to any recommendation made by the Township and/or Ms. Lerman concerning said property.

Our reasons for this request are:

A. The main purpose of Mount Laurel II is to assure development of necessary low and moderate income housing. If, as a result of rezoning here, it will be infeasible to construct such housing on our client's property, then the main purpose of Mount Laurel II will be thwarted. If Mount Laurel housing cannot be built on property designated for its development, this massive effort becomes an academic exercise. For this reason, we believe that our client's input will be valuable

to Ms. Lerman and to the Court.

B. It would be unfair and perhaps unconstitutional to zone our client's property in a manner which effectively precludes development. It would be particularly unfair to do so in the circumstance of this parcel, namely, the negotiations history and the lack of consultation concerning the proposed settlement.

If Your Honor desires, we can bring on the foregoing application by formal pleading.

Respectfully,

Arnold K Myerka

AKM:mct

C: Leslie Lefkowitz, Esq.
John M. Payne, Esq.
Stewart M. Hutt, Esq.
Douglas K. Wolfson, Esq.
KAST, Inc.