

UL v. ~~Cartwright~~ (Pisarkany)

(1985)

● Letter discussing expert reports for Lackland ~~Black~~ Bros., Inc., request for consideration of client's position (detailed)

4 pgs

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RECEIVED**JAN 14 1985****JUDGE SERPENTELLI'S CHAMBERS****KUNZMAN, COLEY, YOSPIN & BERNSTEIN**

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January 10, 1985

Honorable Eugene D. Serpentelli, J.S.C.
Superior Court, Ocean County Court House,
CN 2191
Toms River, New Jersey 08753Re: Urban League of Greater New
Brunswick, vs. Piscataway

Dear Judge Serpentelli:

At the status conference held last month, you wanted to know the position of our client with respect to various parcels of land set up on the land inventory as reviewed and reported on by Carla L. Lerman. At that meeting, I advised your Honor that we represent Lackland Bros., Inc., proposed developer of part of Site 76 as well as Lackland & Lackland, a partnership who now own the Halocarbon parcel which is part of Site 8 consisting of approximately 24 acres. In addition, our client is interested in Site 11 presently owned by Union Carbide being 127 acres \pm , in Block 421.

In respect to these properties, we will not be presenting any expert report or witnesses at the trial which will commence January 16. It is our intention by this letter, however, to request consideration by the Court as well as by the plaintiff and its expert and the Court appointed expert, Carla L. Lerman as to our client's position. I shall do so by specific reference to each parcel.

I: Site 76, Hillside Avenue: Our client had pending before the Planning Board of the Township of Piscataway, subdivision for 17 sub-standard lots, being Lots 19-21 and 12-18 in Block 561 and Lots 29-33 and 35-38 in Block 564. We have photocopied and attached hereto the proposed subdivision in question. This matter has now been withdrawn from the Planning Board and will be submitted to the Board of Adjustment.

The total acreage involved on the above lots is 3.18 acres. Ms. Lerman's report recommends this be considered as an infill site with the possibility of increasing the land available through vacation of streets.

Our client would be agreeable to such a proposal providing, and only providing, that:

A. The density as recommended by Ms. Lerman of six per acre be increased to ten, otherwise the development would not be economically feasible on such a limited scale; and

B. The Township vacates the two streets in question, Avon and Long. In respect to Long Street, a major problem exists in that our client has been unable to purchase Lot 16 which would thus prevent the vacation of Long Street.

II: Sites 7 and 8: Our client owns Site 7, being Lot 3B in Block 413 formerly part of the property owned by Halocarbon. Lackland & Lackland, our client, purchased these lands in October of 1984. It is located in the LI-1 Zone and immediately adjacent to other lands owned by Lackland & Lackland presently zoned as PRD and now pending for site plan approval before the Planning Board in Piscataway.

Our client is agreeable that these lands should be re-zoned to PRD as recommended by Ms. Lerman. In addition, our client agrees that lands immediately adjacent to its lands now owned by Wood Industries and being known as Lot 1 in Block 413 should be similarly re-zoned PRD. If such be the case, Lackland & Lackland would immediately undertake steps to purchase the Wood Industries lands and to develop same as an overall PRD plan, along with Site 7 which it presently owns.

Lackland, this past year, has agreed to purchase from the Township of Piscataway, Lot 1 in Block 376 and Lots 4-10 and 12-14 in Block 379, which lands are located on Duffie Place and Gibson Street. These lands immediately adjoin the PRD Tract owned by Lackland known as Site 7 and from a planning standpoint and development of the PRD Zone, they urge consideration that said lands be re-zoned to PRD so that they may be developed along with Site 7.

III: Site 11: Lackland & Lackland is purchaser under contract for a substantial portion of Site 11 presently owned by Union Carbide and immediately adjacent to its plant on River Road in Piscataway. The lands being purchased are approximately 127 acres ± and consists of Tax Lots 3B, 2 and 3A in Block 421; Lots 2A, 3 and 4B in Block 420 and Lots 3, part of 5, part of 6, 7A and 8 in Block 421. This contract was negotiated over this past year, 1984, and it now has been made part of the land inventory in this present litigation. Ms. Lerman's report indicates that Site 11 should remain as a buffer zone, between the heavy industry use by Union Carbide and a proposed PRD Zone South of Site 11.

✓ We urge that immediate consideration be given to eliminate Site 11 or the properties of Union Carbide from this litigation for the following reasons:

A. Union Carbide has made it clear that they will not subdivide any lands or sell off if it is to be built for residential purposes.

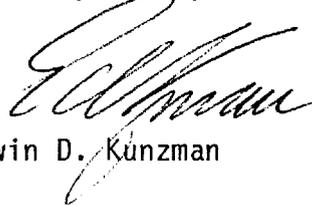
B. Lackland & Lackland intends to develop it as office space, warehouses and/or light industrial use.

C. Ms. Lerman expressed the opinion that in the "ideal world" Site 11, should be planned as a buffer to a proposed PRD Zone in Block 502, etc. The probabilities of one owner of all of these lands is slim, if non-existent. It would therefore follow that the Union Carbide lands should be eliminated from the litigation and not be considered for high density use. To do otherwise would be unfair to Lackland & Lackland, purchaser under contract to Union Carbide creating a position of such uncertainty as to how to proceed with the site plan of this tract, when the recommendation is that it is to be used as a buffer anyway. That would create an undue, unjust and unfair burden on all parties. We have a survey map of the lands being purchased from Union Carbide and if there is consideration of our request in respect to these lands, we shall be pleased to submit a copy of same to the Court as well as to all parties in interest.

Thanking you for your consideration of this very long and detailed letter, I remain,

Respectfully yours,

KUNZMAN, COLEY, YOSPIN & BERNSTEIN

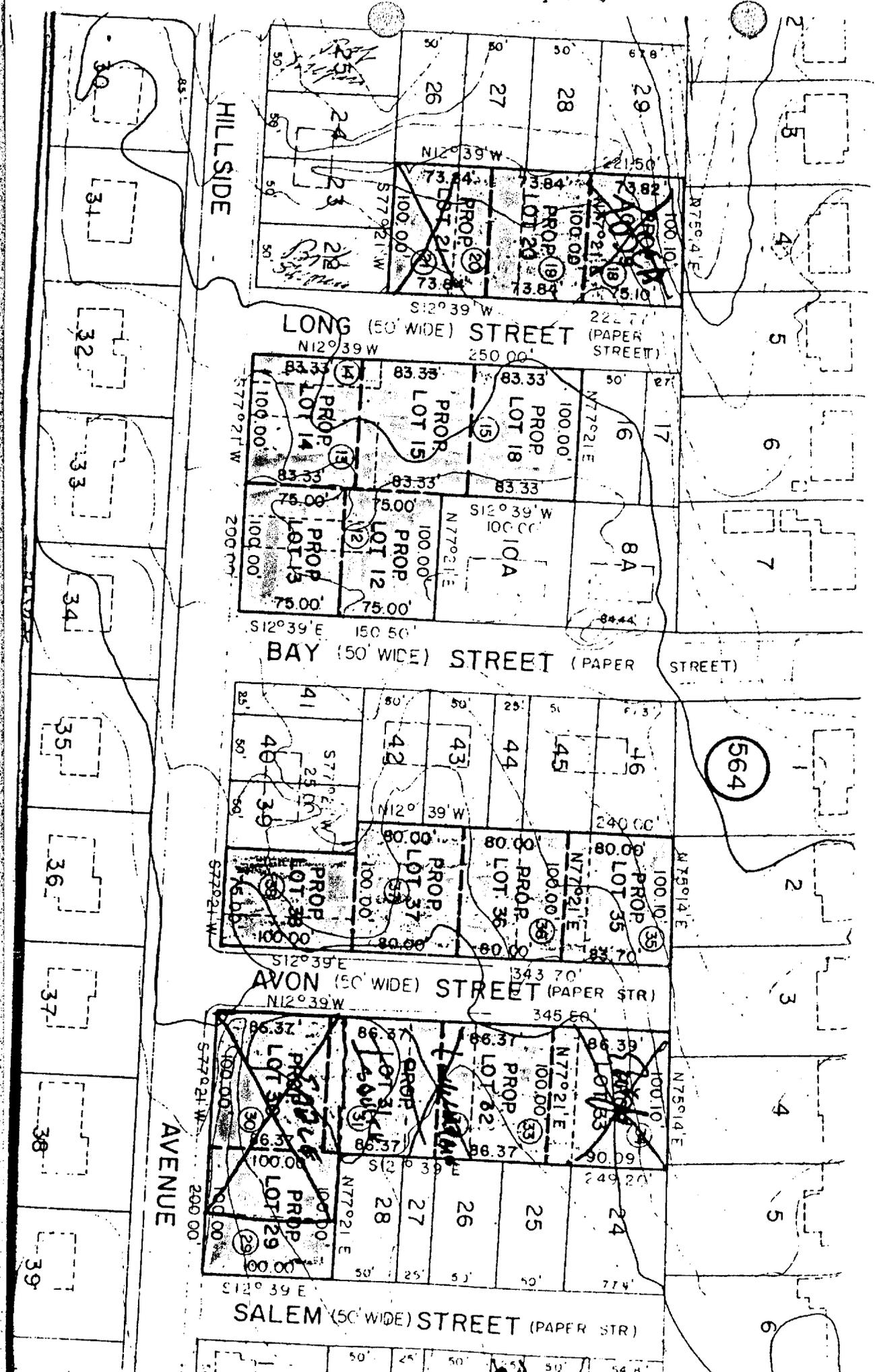


Edwin D. Kunzman

EDK:KG

cc: Ms. Carla L. Lerman
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SITE 76



564