

Piscataway 1985

Letter to Intervene on behalf of Harris Structural
Steel Co.

pgs. 3

~~3~~ p.n. 3154

ML000274 L

WILENTZ, GOLDMAN & SPITZER

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

PLAZA 9 BUILDING

900 ROUTE 9

P. O. BOX 10

WOODBIDGE, N. J. 07095

(201) 636-8000

TELECOPIER

(201) 636-0860

ML000274L

Site #2

MILTON B. CONFORD
COUNSEL

DAVID T. WILENTZ
G. GEORGE GOLDMAN (1922-1959)
HENRY M. SPITZER
WARREN W. WILENTZ
MATTHIAS D. DILEO
ROBERT A. PETITO
MORRIS BROWN^o
HAROLD G. SMITH
FREDERIC K. BECKER
DOUGLAS T. HAGUE
NICHOLAS L. SANTOWASSO
ALFRED J. HILL
FRANCIS X. JOURNICK (1962-1982)
RICHARD F. LERT
JOHN A. HOFFMAN
STANLEY L. BENN

STEPHEN E. BARCAN
ROBERT J. CIRAFESI
FRANCIS V. BONELLO
VINCENT P. MALTESE
KENNETH B. FALK^o
DAVID M. WILDSTEIN
ALAN M. DARNELL
GORDON J. GOLUM
JEROME J. BRUDER
FRANK M. CIUFFANI
MARVIN J. BRAUTH
STUART A. HOBERMAN^{o+}
NICHOLAS W. McCLEAR
STEPHEN A. SPITZER
RICHARD R. BONAMO^o
HELEN DAVIS CHAITMAN^o

LAWRENCE J. FREUNDLICH^o
FREDERICK J. DENNEHY
PETER C. PARAS
RICHARD M. BROCKWAY
BRIAN J. MOLLOY
ANNE S. BABINEAU^o
ROY H. TANZMAN
RANDALL J. RICHARDS
CHRISTINE D. PETRUZZELL
BARRY T. ALBIN^o
ROGER B. KAPLAN^o
PHILIP A. PAHIGIAN^{o++}
BONNIE M. S. REISS
SHELDON E. JAFFE^o
RICHARD M. METH

RICHARD P. DANGERFIELD^o
KAREN ANN KUBULAK
STEVEN J. TRIPP
RICHARD J. BINDELGLASS
LINDA LASHBROOK
CHRISTOPHER M. PLACITELLA
JAMES E. TRABILSY
MAUREEN S. BINETTI
JAMES M. BURNS
LILIAN MESSINA NUGENT
JOHN P. PAONE, JR.
MICHAEL J. BARRETT
AIMEE L. MANOCCHIO
PETER C. VISCEGLIA
ROBERT J. LEVIN

^o CERTIFIED CIVIL TRIAL ATTORNEY
^o CERTIFIED CRIMINAL TRIAL ATTORNEY

⁺ ALSO ADMITTED IN V. I.
^o ALSO ADMITTED IN D. C.
^o ALSO ADMITTED IN PA.
^o ALSO ADMITTED IN N. Y.

January 24, 1985

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

Re: Urban League of Greater New Brunswick vs.
Township of Piscataway, et al.

Harris Structural Steel Co. - Piscataway
Property

Dear Judge Serpentelli:

This office represents Harris Structural Steel Co. ("Harris Steel"), owner of approximately 125 acres of land in Piscataway adjacent to New Brunswick Avenue; the site is designated as Site #2 in the "Site Analysis" report of Carla L. Lerman transmitted with Ms. Lerman's letter to Your Honor of November 10, 1984. Please accept this letter as Harris Steel's objection to the rezoning of its property from industrial to residential use; the objection is raised pursuant to the last paragraph of Your Honor's Order of December 11, 1984. We understand that a trial on the report will commence on January 28, 1985 and we request an opportunity to participate in that trial. Our arguments that the Harris Steel site is not suitable for Mt. Laurel housing include the following:

1. A July 12, 1984 Lerman report divides vacant land in Piscataway into three categories. Category II properties are those sites that may be suitable for residential use but

WILENTZ, GOLDMAN & SPITZER

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

Honorable Eugene D. Serpentelli

Page 2

January 24, 1985

have some factor such as being partially in a flood plain or being adjacent to heavy industry that makes residential development unlikely. The Harris Steel site is partially in a flood plain and, of course, is immediately adjacent to heavy industry, including Harris Steel's plant. Yet, the Lerman report fails to include the Harris Steel site in Category II and places it in Category III which consists of sites that do not contain obstacles to residential development.

2. Factors that Ms. Lerman notes as reasons to reject otherwise suitable properties from her list are present in the Harris Steel site: adjacency to industry, large common ownership and greater potential benefit to the Township as a non-residential use. I refer especially to Site #30 which was deleted in the November 10 report and will be developed as offices; this is Mr. Bernstein's client.

3. The Lerman report recognizes that the Harris Steel site would need "substantial buffering" to make the site usable for residential purposes and that the soils impose "'severe' constraints to dwellings with or without basements". Such conditions render a residential development unfeasible, financially and otherwise.

4. The Harris Steel site is the only property in the Lerman report that is adjacent to a currently operating heavy industrial plant. This condition is more severe than all other sites, including Site #30 which was deleted by Ms. Lerman. Site #30, currently farmland and also zoned industrial, is adjacent to an office park which is a more compatible adjoining use for residences than a steel plant.

5. Because the Harris Steel site is immediately adjacent to an operating steel plant, there is a substantial risk that its location will severely impede the marketability of the market rate units, thereby seriously jeopardizing the potential for successful internal subsidy of the 20 percent low and moderate income units.

6. Harris Steel has always intended to use its site for light and/or heavy industrial use, activities more compatible with an existing steel plant and yard than a residential use.

7. Development of the Harris Steel site for industrial purposes, complementing the existing steel plant, is more

WILENTZ, GOLDMAN & SPITZER

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

Honorable Eugene D. Serpentelli
Page 3
January 24, 1985

important to the long term viability of the municipality for employment and tax base reasons than is housing, as the site is one of the few significant nonresidential locations in the municipality. This is the same reasoning Ms. Lerman used in her July 12 report in rejecting Site #30 as unsuitable for Mt. Laurel development.

8. Our investigation has documented that New Brunswick Avenue will not be widened to 104 feet as stated in the Lerman report. The proximity of the Harris Steel manufacturing plant and of certain homes prevents this. This, then, would create a severe traffic impact with Mt. Laurel development, especially considering the Mt. Laurel rezoning in South Plainfield which adjoins Piscataway at the Harris Steel site. We also understand that the sanitary sewer system in the area is at capacity and that the storm sewer system needs extensive work. In fact, the brook on the site currently floods.

9. An additional 85 acres of Harris Steel's property is in South Plainfield and that tract is about to be rezoned for Mt. Laurel housing under this Court's Order of May 22, 1984. Harris Steel had always contemplated industrial development there as well and we respectfully submit that Harris Steel has done its "part" in the Mt. Laurel process.

Our client has retained a planning consultant firm which is prepared to review the positions set forth herein in testimony at the trial scheduled to commence on January 28, 1985. We plan to be present at that time and, as stated above, request an opportunity to participate in that hearing.

Thank you for your consideration.

Respectfully yours,



STEPHEN E. BARCAN

SEB:ls

cc: Barbara J. Williams, Esquire ✓
Bruce S. Gelber, Esquire
Philip L. Paley, Esquire
Raymond R. Trombadore, Esquire
Lawrence B. Litwin, Esquire
Daniel Bernstein, Esquire
Harris Structural Steel Co.
John Rahenkamp and Associates, Inc.
(Attention: Robert Hertzfeld, Esq. & Robert Gray)
Express Mail