

UL v. South Brunswick

(1984)

Letter Advising that office has been returned
by owner of 107 contract in per 3 of consent order

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JUDGE SENTENELLI'S CHAMBERS

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October 9, 1984

Joseph J. Benedict, Esq.
Benedict & Altman
247 Livingston Avenue
New Brunswick, New Jersey 08901

Re: Urban League v. South Brunswick
Docket No. C-4122-73

Dear Mr. Benedict:

This will advise that our office has been retained by Charles Klatskin, the owner of the 107 acre tract referred to in Paragraph 3 of the Consent Order in this case, bordered by Broadway Road and Route 130. The copy of the Consent Order that I have is unsigned and in draft form, and the page and paragraph reference may have been changed.

Apparently the Consent Order and the proposed zoning ordinance pursuant to the Consent Order designate this property for manufactured housing at a gross density of seven units per acre, including a mandatory setback provision requiring that 35% of the units developed on the tract be restricted to low income households, and that an additional 20% be restricted to moderate income households, for a total setback of 55% of the housing to be developed on the tract. My clients believe that a 55% setback is too high to permit the property to be developed profitably. They have asked us to oppose the settlement and the proposed ordinance in the appropriate forum.

Joseph J. Benedict, Esq.

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Based on a preliminary analysis, my client believes that a 20% setback, evenly divided between low and moderate income households, would be adequate to allow the builder to undertake to construct the low and moderate income housing with some expectation of a reasonable profit.

Given a choice, these owners would prefer to develop the property for industrial uses, and to make a fair and equitable contribution toward the development of lower income housing in South Brunswick Township based on the amount of industrially zoned land throughout the Township. Apparently, Mr. Klatskin has made his position known to the Township, with no effect on the direction of the rezoning. Nevertheless, we are hopeful that the matter can be settled among the various interests with the desired result substantially unaffected, that is that the Township would resolve its litigation and receive a six year judgment of repose, and the desired lower income housing would actually be constructed within that six year time frame.

We are prepared to make an appropriate motion to intervene in this action, if required. We would appreciate being noticed of any further proceedings.

Very truly yours,

FRIZELL & POZYCKI


David J. Frizell

DJF:jb

cc: Hon. Eugene D. Serpentelli, J.S.C.
National Committee Against
Discrimination in Housing
Mr. Alan Mallach
Mr. Charles Klatskin