

ML

Piscataway

24-Jul-86

A series of letters re: order  
requiring applications to reduce,  
enlarge, or modify restraints on  
development previously imposed by  
court be heard before the NJ  
Council on Affordable Housing.

pgs = 11

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**ABRAMS. BLATZ, DALTO, GRAN, HENDRICKS & REINA**

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24 July 1986

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 FRANK H. BLATZ, JR.  
 (N.O. AND FLA. BARS)  
 ANGELO H. DALTO  
 HOWARD GRAN  
 ROBERT E. HENDRICKS  
 C. DOUGLAS REINA

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PLEASE REFER TO  
 FILE NO.

3-100-19418

**The Honorable Eugene D. Serpentelli**  
**Court House**  
**CN-2191**  
**Toms River, NJ 08754**

**Re: Urban League of Greater New Brunswick, et al. v.**  
**The Mayor and Council of the Borough of Carteret,**  
**et al, Docket No. C-4122-73**

**Dear Judge Serpentelli:**

At the time of oral argument in the above matter on July 15, 1986, Your Honor gave Ms, Barbara Stark an opportunity to respond to the report of Carla L. Lerman dated July 13, 1986,

This response was to be submitted within five days of the hearing date. Since more than that period of time has elapsed, I assume there will be no such response; therefore, I am enclosing an original and two copies of a proposed Order granting our Motion. I trust that if there is any objection to the form of the Order, either Ms. Stark or Mr. Paley will voice their objections in writing and, if not, the Court, in its discretion, may execute the Order.

Thank you for your usual kindness and courtesy.

Respectfully yours,

Howard Gran

HG:rls

✓cc: Ms. Barbara Stark [w/encl]  
 Mr. Phillip Lewis Paley, Esq. [w/encl]  
 Lackland Brothers, Inc. [w/encl]

end.

# Superior Court of ffiefo Jersey

CHAMBERS OF  
JUDGE EUGENE D. SERFENTELLI  
ASSIGNMENT JUDGE



OCEAN COUNTY COURT HOUSE  
C.N.2191  
TOMS RIVER, N.J. 08754

August.8, 1986

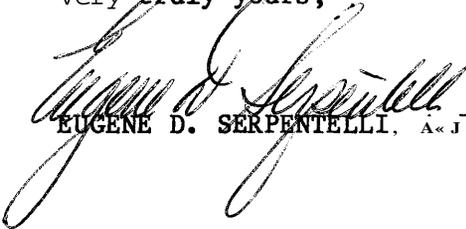
Phillip Lewis Paley, Esq.  
KIRSTEN, FRIEDMAN & CHERIN  
17 Academy Street  
Newark, New Jersey 07102

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

Dear Mr. Paley:

I have your letter of August 4, 1986 relative to scarce resources applications. It is also my understanding that the Council on Affordable Housing is in a position to hear such applications and I have directed, in all other cases, that any pending applications be transferred to the council. You may submit an order so providing under the five day rule. In the event that there is an objection from Ms. Stark, I will schedule a hearing.

Very truly yours,

  
EUGENE D. SERFENTELLI, A« J a 6. 7 i

EDS/ps

cc: Barbara Stark, Esq.

**KIRSTEN, FRIEDMAN & CHERIN**

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JOHN K. ENRIGHT  
SHARON MALONEY-SARLE  
LIONEL J. FRANK\*  
RICHARD M. METH  
SARAH J. McCORMACK

**August 13, 1986**

JOSEPH HARRISON (1930-1976)  
MILTON LOWENSTEIN  
OF COUNSEL

\*MEMBER N.J. & N.Y. BARS  
\*MEMBER D.C. BAR

Honorable Eugene D. Serpentelli  
Assignment Judge  
Superior Court of New Jersey  
Ocean County Court House  
Toms River, New Jersey 08754

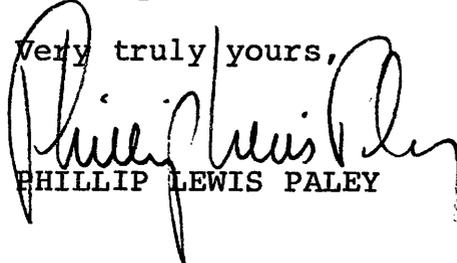
Re: Urban League of Greater New Brunswick  
et al. vs. The Mayor and Council of  
the Borough of Carteret et al.  
Docket No. C-4122-73

My Dear Judge Serpentelli:

With reference to the above-captioned matter, enclosed please find an original and two copies of a proposed Order. If the Order meets with Your Honor's approval, kindly execute and file same in the usual manner. This proposed Order is being submitted pursuant to the Five-Day Rule.

Simultaneously herewith a copy of the enclosed is being forwarded to my adversary, Barbara Stark, Esq.

Very truly yours,



PHILLIP LEWIS PALEY

PLP:Pmmn

Enclosures

cc: Barbara Stark, Esq.

**KIRSTEN, FRIEDMAN & CHERIN**

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NEWARK, NEW JERSEY 07102  
(201) 623-3600  
ATTORNEYS FOR DEFENDANT TOWNSHIP OF PISCATAWAY

----- X

URBAN LEAGUE OF GREATER NEW  
BRUNSWICK, ET AL.,

PLAINTIFFS,

VS.

THE MAYOR AND COUNCIL OF THE  
BOROUGH OF CARTERET, ET AL.,

DEFENDANTS.

: SUPERIOR COURT OF NEW JERSEY  
: CHANCERY DIVISION  
: MIDDLESEX COUNTY/OCEAN COUNTY

:  
: DOCKET NO. C-4122-73

:  
: CIVIL ACTION

:  
: O R D E R

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This matter having been opened to the Court by Phillip Lewis Paley, Esq., a member of the firm of Kirsten, Friedman & Cherin, a Professional Corporation, attorneys for the Defendant, Township of Piscataway, in the presence of Barbara Stark, Esq., of the Rutgers University Constitutional Litigation Clinic, attorneys for the Plaintiff Urban League of Greater New Brunswick,

and the Court having been apprised of the existence of the New Jersey Council on Affordable Housing and of the capacity of that Council to entertain applications to reduce, enlarge or modify existing restraints on land development previously imposed by Order of this Court, and this Court having concluded that the interests of justice require the entry of this Order, providing that any applications to reduce, enlarge or modify restraints previously ordered by this Court be made before the New Jersey Council on Affordable Housing, following the date of this Order:

IT IS ON THIS                    DAY OF AUGUST, 1986, ORDERED AND ADJUDGED that, effective on the date hereof, any and all applications to reduce, enlarge or modify restraints previously imposed by this Court on land development within the Township of Piscataway be filed and heard before the New Jersey Council on Affordable Housing; and be it further

ORDERED that nothing herein shall be deemed to reduce, enlarge and modify any restraint regarding land development in the Township of Piscataway previously imposed by Order of this Court.

---

EUGENE D. SERPENTELLI, A.J.S.C.

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August 4, 1986

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

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

My Dear Judge Serpentelli:

This letter seeks Your Honor's cooperation in advising what procedure you wish followed to terminate the Court's involvement with the Piscataway portion of Mount Laurel. As you will recall, during July, Howard Gran, Esq., attorney for Lackland Brothers, applied to your Court for an Order releasing his client's property (Site 76) from the restraints previously imposed by Your Honor. Barbara Stark, Esq., attorney for the Civic League of Greater New Brunswick, presented argument in opposition to the Motion for Your Honor, and I was present to argue in support of the Motion. During the argument, I indicated to the Court my clear impression that the Court wished all remaining Piscataway matters to be transferred to the Affordable Housing Council, but

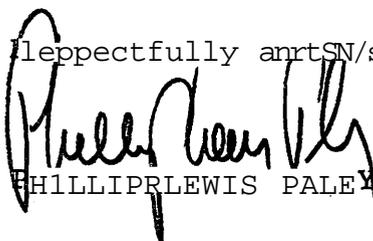
deferred entering an Order to that effect for fear that the Council had not yet developed a procedure to entertain applications. I recall asking Your Honor whether an Order should be submitted to the Court, asserting that all applications to continue, extend or modify existing restraints should be brought before the Affordable Housing Council, at such time as the Affordable Housing Council was properly operational; Your Honor's response to that request was to indicate absolute agreement with that view.

On Friday, August 1, 1986, I spoke at length with Edward Boccher, Deputy Attorney General for the State of New Jersey, an assigned counsel for the Affordable Housing Council. Mr. Boccher advised that the Affordable Housing Council had met the schedule set forth in its guidelines, rules and regulations; that, effective Monday, August 4, 1986, the Council had instituted a procedure for the filing of applications addressing restraints; that the Affordable Housing Council had already received one application (addressing a municipality other than Piscataway) which has been docketed for hearing within the next two weeks; and that the Affordable Housing Council could appropriately address applications regarding restraints into the foreseeable future. I advised Mr. Boccher that I would be corresponding with the Court and would send to him a copy of my correspondence, in

order to enlist any comments from him which he feels appropriate concerning the correctness of the representations contained herein.

It is clear to me that the Affordable Housing Council can deal with any future application regarding restraints. I would ask for Your Honor's guidance in how this matter should be addressed; that is to say, if Your Honor wishes me to make a formal Motion upon notice to all parties, I will be pleased to do so, or, if Your Honor feels that an Order from the Court, on its own Motion, would avoid any ambiguity, delay, and expense, that procedure is similarly satisfactory. I am trying to be helpful without being presumptuous, and I would surely appreciate the Court's guidance in reaching a result consistent with this Court's statements, both formal and informal, at minimum expense to all parties.

Your Honor's usual courtesy and cooperation in considering the matters raised in this letter and providing some responsive communication at Your Honor's earliest convenience will be greatly appreciated.

Respectfully and sincerely yours,  
  
PHILLIP LEWIS PALEY

PLP:pmmn  
cc: Edward Boccher, Esq.  
Barbara Stark, Esq.

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August 4, 1986

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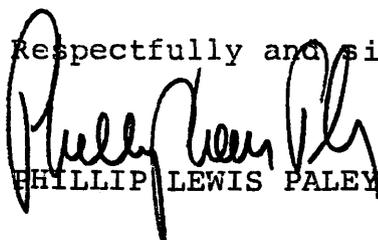
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