

ML 2 - Chatham

5/84

Green Village 139 Corp v. Twp of Chatham

Exhibits of IT marked for trial,
and witnesses to be called
+ pre trial memorandum on behalf of
ITS

p 9

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ATTORNEYS FOR Plaintiffs

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MORRIS COUNTY
(Stephen Skillman, J.S.C.
Designated Mt. Laurel II
Judge)

Plaintiff

GREEN VILLAGE 139 CORE., GERALD WEIR
and JOSEPH GIOVANNOLI

vs.

Defendant

TOWNSHIP OF CHATHAM, THE TOWNSHIP
COMMITTEE OF CHATHAM and THE PLANNING
BOARD OF THE TOWNSHIP OF CHATHAM

Docket No. L-29276-78

CIVIL ACTION

EXHIBITS OF PLAINTIFFS

Annexed hereto are the exhibits marked on the trial herein which commenced in March, 1980. In addition thereto, the plaintiffs intend to offer the following exhibits which are being prepared by Mr. Chadwick:

| <u>Designation</u> | <u>Identification of Exhibit</u> | <u>Admitted in Evidence</u> |
|--------------------|--|-----------------------------|
| T-14 | Map showing existing zoning | |
| T-15 | Overlay on map showing existing zoning evidencing U.S.D.A. soil survey | |
| T-16 | Map of Chatham Township indicating what land, boundaries | |
| T-17 | Map of Chatham Township, master plan showing the Green Village area. | |

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COMMITTEE OF CHATHAM AND THE PLANNING
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CIVIL ACTION

EXHIBITS MARKED ON TRIAL

| <u>Designation</u> | <u>Identification of Exhibit</u> | <u>Admitted in Evidence</u> |
|--------------------|---|-----------------------------|
| J-1 | 1979 Zoning Ordinance of Chatham Township. | x |
| J-2 | 1978 Master Plan of Chatham Township | x |
| J-3 | Zoning Map of Township of Chatham | x |
| P-1 | 1978 Land Uae Map of Chatham Township | |
| P-2 | Minutes of the Planning Board of Chatham Township dated November 27, 1978 | x |

| <u>Designation</u> | <u>Identification of Exhibit</u> | <u>Admitted in Evidence</u> |
|--------------------|---|-----------------------------|
| P-3 | Minutes of the Township Council of Chatham Township dated January 30, 1979 | x |
| P-4 | Letter of Norman I. Klein sent to Planning Board of Chatham Township dated November 24, 1978 | |
| P-5 | Letter of Norman I. Klein sent to Township Council dated January 28, 1979 | |
| P-6 | Letter of E. Eugene Oross Associates dated January 9, 1979 | x |
| P-7 | Supplementary Report of E. Eugene Oross Associates | |
| P-8 | Letter of Mayor Willis dated March 12, 1979 | x |
| P-9 | Letter of Norman I. Klein dated April 12, 1979 | |
| P-10A | Letter of Mayor Willis to the Department of Environmental Protection dated May 3, 1979 | x |
| P-10B | Letter of Department of Environmental Protection to Mayor Willis dated June 4, 1979 | x |
| P-10C | Letter of Department of Environmental Protection to Mayor Willis dated October 4, 1979 | x |
| P-10D | Letter of the Department of Environmental Protection to Mr. Fletcher dated December 4, 1979 | x |
| P-11 | Letter from G. Weir to Chairman of the Planning Board of Chatham Township dated June 28, 1972 | |
| P-12 | Letter from E. Weir to Chatham Township Council dated August 30, 1972 | |
| P-13 | 1972 Master Plan | x |

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WITNESSES TO BE CALLED BY THE PLAINTIFFS

1. Plaintiffs intend to recall John T. Chadwick to testify with respect to region, regional need and fair share based upon his participation in the development in the consensus which resulted in the Carla Lerman report as augmented by his report dated May, 1984.

Mr. Chadwick will also testify in the mini trial to follow the consolidated trial with respect to the soil's water table and suitability of the property being questioned for development augmenting his prior testimony in March, 1980 in the

same subject. In essence, his testimony will deal with all of the environmental restraints claimed by the defendants that hereunto exist with respect to the property in question, and to prevent its development as contemplated by the plaintiff.

2. Plaintiffs also intend to rely on the testimony of Carla Lerman. Her reports and analysis have previously been submitted to the court and to counsel.

3. Robert Lawrence of Schoor, DePalma & Gillen, 356 Main Street, Matawan, New Jersey 07747.

Mr. Lawrence is preparing and will have available prior to the pretrial conference, a feasibility study with respect to the development of a package plant in Chatham Township for purposes of treating the effluent created in connection with the proposed development of the property in question, and providing a scheme for the location of sanitary sewers all along the Green Village Road area.

4. Gerald Weir, 555 Broad Hollow Road, Milville, N.Y. 11747. Mr. Weir is one of the plaintiffs herein. He originally testified in this matter in March, 1980. His testimony however has never been transcribed and seems to have been misplaced. As a result, Mr. Weir will testify with respect to his acquisition and ownership of that property owned by Green Village 139 Corp., an additional plaintiff herein.

He will testify with respect to his efforts to have suitable zoning effected on the subject property and the response thereto by the Planning Board and Township Committee of Chatham.

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CIVIL ACTION
PRETRIAL MEMORANDUM ON
BEHALF OF PLAINTIFFS

This Pretrial Memorandum is intended to supplement the Pretrial Order made by The Honorable Jacques H. Gascoyne, J.S.C. on June 26, 1979, as the same was supplemented by a Rider filed on August 13, 1979, and the Pretrial Order entered herein by the Honorable Stephen Skillman, on February 24, 1984, and the provisions of the said Pretrial Orders are as amended are incorporated herein by reference.

1. NATURE OF ACTION:

Proceeding in lieu of prerogative writ seeking to have the zoning ordinance of Chatham Township declared invalid insofar as

it has failed to provide for the Township's appropriate share of low and moderate income housing.

2. ADMISSIONS AND STIPULATIONS:

Reference is made to Pretrial Order of June 26, 1979 as supplemented on August 13, 1979.

3-4. FACTUAL AND LEGAL CONTENTIONS:

See report of Eugene Oross Associates dated May, 1984 annexed.

5. DAMAGE AND INJURY CLAIMS

Reference is made to Pretrial Order of June 26, 1979 as supplemented on August 13, 1979.

6. AMENDMENTS:

Reference is made to Pretrial Order of June 26, 1979 as supplemented in August 13, 1979.

7. ISSUES AND EVIDENCE PROBLEMS:

- (a) Is Chatham Township in a "growth" area?
- (b) What is the region in which Chatham is located?
- (c) What is the low and moderate income family need for that region?
- (d) What is the share of Chatham Township of the low and moderate income family need of the region?
- (e) Does the zoning ordinance of Chatham Township meet the Township's need to provide its share of low and moderate income housing for the region?
- (f) What remedies, including builders remedies, if any, are plaintiffs entitled to and how should they be fashioned?

8. LEGAL ISSUES ABANDONED:

None

9. EXHIBITS:

Unlimited

10. EXPERT WITNESSES:

Unlimited.

11. BRIEFS:

As directed by the Court.

12. ORDER OF OPENING AND CLOSING:

Usual.

13. ANY OTHER MATTERS AGREED UPON:

None.

14. TRIAL COUNSEL:

Norman I. Klein, Esq.

15. ESTIMATED LENGTH OF TRIAL:

The trial has now been bifurcated and consolidated with the Morris County Fair Housing Council, et al v. Boonton Township law suit, Docket No. L-6001-78 PW, for the purpose of determining reaching regional need and fair share. It has been estimated by court that the trial of that portion of the suit will take approximately one month.

It is anticipated that thereafter the balance of the trial with respect to the issues specifically raised herein should not exceed two weeks.

16. WEEKLY CALL OR TRIAL DATE:

July 2, 1984 for that portion of the suit which is consolidated with the Morris County Fair Housing Council suit. The trial relating solely to the issues between

plaintiff and defendant herein shall be set as determined by the court.

17. ATTORNEYS FOR PARTIES CONFERRED FROM time to time, matters agrees upon, none.

18. IT IS HEREBY CERTIFIED THAT ALL PRETRIAL DISCOVERY HAS BEEN COMPLETED except for the conclusion of the depositions of experts of the parties.

19. PARTIES WHO HAVE NOT BEEN SERVED:

None

PARTIES WHO HAVE DEFAULTED:

None.

KLEIN & GIAMPAPA, P.A.
Attorneys for Plaintiffs

By: 

NORMAN I. KLEIN