

Order denying all motions ~~to~~ relating to the to the  
builder's remedy ~~as stated~~ without prejudice

Pg. 6

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RDER  
3-28-85

HUFF, MORAN & BALINT  
Cranbury - South River Road  
Cranbury, N.J. 08512  
(609) 655-3600  
Attorneys for Defendant, Township  
Committee of the Township of Cranbury

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Plaintiff,

LAWRENCE ZIRINSKY;

v.

Defendants,

THE TOWNSHIP COMMITTEE OF THE TOWNSHIP  
OF CRANBURY, A Municipal Corporation,  
and THE PLANNING BOARD OF THE TOWNSHIP  
OF CRANBURY

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Plaintiffs,

JOSEPH MORRIS and ROBERT MORRIS,

v.

Defendants,

TOWNSHIP OF CRANBURY IN THE COUNTY  
OF MIDDLESEX, a municipal corporation  
of the State of New Jersey

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX  
COUNTY

Docket No. L 079309-83 P.W.

Civil Action

Docket No. L 054117-83

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Plaintiffs,  
GARFIELD & COMPANY,

v.

Docket No. L 055956-83 P.W.

Defendants,  
MAYOR AND THE TOWNSHIP COMMITTEE  
OF THE TOWNSHIP OF CRANBURY, a  
municipal Corporation, and the  
members thereof; PLANNING BOARD OF  
THE TOWNSHIP OF CRANBURY, and the  
members thereof.

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Plaintiffs,  
CRANBURY DEVELOPMENT CORPORATION, a  
Corporation of the State of New  
Jersey,

v.

Docket No. L 59643-83

Defendants,  
CRANBURY TOWNSHIP PLANNING BOARD  
and the TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF CRANBURY,

-----  
Plaintiffs,  
BROWNING-FERRIS INDUSTRIES OF SOUTH  
JERSEY, INC., A corporation of the  
State of New Jersey, RICHCRETE  
CONCRETE COMPANY, a corporation  
of the State of New Jersey and  
MID-STATE FILIGREE SYSTEMS, INC.,  
a Corporation of the State of New  
Jersey,

Docket No. L 058046-83 P.W.

v.

Defendants,  
CRANBURY TOWNSHIP PLANNING BOARD  
and THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF CRANBURY,  
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Plaintiff,  
URBAN LEAGUE OF GREATER NEW  
BRUNSWICK, et al.

CHANCERY DIVISION: MIDDLESEX  
COUNTY

Docket No. C 4122-73

v.

Defendants,  
THE MAYOR AND COUNCIL OF THE BOROUGH  
OF CARTERET, et al.

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Plaintiff,  
CRANBURY LAND COMPANY, a New Jersey  
Limited Partnership,

Docket No. L 070841-83 P.W.

v.

Defendants,  
CRANBURY TOWNSHIP, a municipal  
corporation of the State of New  
Jersey located in Middlesex  
County, New Jersey

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Plaintiff,  
TOLL BROTHERS, INC.

Docket No. L 005652-84

v.

Defendant,  
TOWNSHIP OF CRANBURY IN THE COUNTY OF  
MIDDLESEX, A municipal corporation of  
the State of New Jersey, THE TOWNSHIP  
COMMITTEE OF THE TOWNSHIP OF CRANBURY  
and THE PLANNING BOARD OF THE TOWNSHIP  
OF CRANBURY.

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This matter being opened to the court on plaintiff, Garfield's motion for an order declaring it to be entitled to a builder's remedy and for a further order declaring it to be entitled to a first priority among those plaintiff builders entitled to a builder's remedy and on plaintiff Zirinsky's motion for an order declaring him entitled to a builder's remedy and on plaintiff Cranbury Land Company's motion for an order declaring it entitled to a builder's remedy and on Toll Brother's motion for an order declaring it entitled to a builder's remedy and on the motion of Silbert for permission to intervene as party plaintiff and on the motion of Morris Brothers for an order permitting them to assert a claim for a builder's remedy and William Warren, Esq. appearing and arguing in favor of the Garfield motions, and Michael Herbert, Esq. appearing and arguing in favor of the Zirinsky motion, and Carl Bisgaier, Esq., appearing and arguing in favor of the Cranbury Land Company motion, and Guliet D. Hirsch, Esq., appearing and arguing in favor of the Toll Brothers motion, and Steven Barcan, Esq., appearing and arguing in favor of Silbert's motion, and W. Scott Stoner, Esq. appearing and arguing in favor of Morris Brothers motion, and John Payne, Esq., of the Rutgers Constitutional Litigation Clinic appearing in opposition to Silbert's motion to inter-

vene and in support of the Garfield, Zirinsky and Cranbury  
Land motion <sup>for a builder's remedy but not as to principles</sup> and against Toll Brothers motion and William  
C. Moran, Jr., Esq. appearing on behalf of the defendant,  
Township of Cranbury in opposition to the motions for  
builders remedies, and Harry Pozycycki, Esq. having filed a  
brief on behalf of the amici, Cranbury Historical and Preservation  
Society, and Cranbury Landmarks, Inc. having filed an affidavit  
and brief in opposition to the motions for builders remedies,  
and the court having considered the papers filed and the  
arguments of counsel, IT IS

ON THIS 29 day of March, 1985 ORDERED as follows:

1. All motions relating to the builders remedies  
are denied without prejudice.

2. Silbert's motion to intervene is granted on  
the limited basis that it may present testimony and participate  
in the trial on the limited question of whether or not the  
proposed rezoning of its property creates a realistic opportunity  
for the construction of low and moderate income housing on that  
site.

3. The motion of Morris Brothers is denied with  
the proviso that Morris Brothers will be permitted to continue  
to participate in this suit on the limited basis set forth  
in the court's order of August 3, 1984.

  
EUGENE D. SERPENTE<sup>LLI</sup> A.J.S.C.

Send for

Copies of

Mason's Order