

RULS - AD - 1977 - 40

8/31/1977

- NOTICE OF MOTION (2)
- AFFIDAVIT IN SUPPORT OF MOTION TO DISSOLVE STAY (4)
- SUBSTITUTION OF ATTORNEY (1)

PGS - 7

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SOMERSET COUNTY
L. R. OLSON, CLERK

Marilyn Morheuser, Esq.
45 Academy Street
Newark, New Jersey 07102

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - SOMERSET COUNTY
Docket Nos. L-36896-70 P.W. and
L-28061-71 P.W.

THE ALLAN-DEANE CORPORATION, et al.:

Plaintiffs, Civil Action

vs.

NOTICE OF MOTION

TOWNSHIP OF BEDMINSTER, et al.

Defendants.

TO: NICHOLAS CONOVER ENGLISH, ESQ.
McCarter & English
550 Broad Street
Newark, New Jersey 07102

WILLIAM W. LANIGAN, ESQ.
Lanigan, O'Connell & Hirsh
59 South Finley Avenue
Basking Ridge, New Jersey 07920

SIRS:

PLEASE TAKE NOTICE that on Friday, September 16, 1977 at
9:00 o'clock in the forenoon or as soon thereafter as counsel can
be heard, the Cieswick plaintiffs shall apply to the Court (Hon.

B. Thomas Leahy, J.C.C.) at the Courthouse, Somerville, New Jersey, for an order dissolving the stay entered on January 29, 1976 in the within action, directing the Township of Bedminster to revise its zoning ordinance in accordance with the order for judgment dated October 17, 1975, and requiring the Township of Bedminster to complete the aforesaid revision forthwith, that is, on or before November 1, 1977.

Yours respectfully,

Marilyn Morheuser
Attorney for the Cieswick
plaintiffs

Marilyn Morheuser, Esq.
45 Academy Street
Newark, New Jersey 07102

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STATE OF NEW YORK)
: SS.:
COUNTY OF NEW YORK)

LOIS D. THOMPSON, being duly sworn, deposes and says:

1. I am a member of the Bar of the State of New York
admitted pro hac vice to represent the Cieswick plaintiffs in the

above captioned matter. I am fully familiar with all prior proceedings in the action. I submit this Affidavit in support of the Cieswick plaintiffs' motion for an order dissolving the stay entered on January 26, 1976 and requiring the Township of Bedminster to revise its zoning ordinance forthwith, that is, on or before November 1, 1977.

2. On October 17, 1975 this Court issued an order for judgment requiring the Township of Bedminster "to revise its zoning ordinance on or before January 31, 1976, in order that the same shall comply with state law; said compliance to expressly include compliance with the mandate of the Supreme Court of New Jersey contained in Southern Burlington County N.A.A.C.P. et als. v. Township of Mount Laurel, _____ N.J. _____ (1975), Supreme Court of New Jersey, A-11, September Term, 1973, decided March 24, 1975."

3. An order for stay of the judgment pending appeal was entered on January 29, 1976. The Township of Bedminster's appeal was finally resolved on May 3, 1977 when the New Jersey Supreme Court entered an order denying certification.

4. Expecting that the Township of Bedminster would comply with the spirit of the stay order -- which obviously was

intended to relieve it of the obligation to adhere to this Court's order of judgment even as it appealed that judgment -- we expected the Township to revise its zoning ordinance within approximately 100 days of May 3, 1977 (applying the time period provided for in this Court's judgment of October 17, 1975). As this Court knows, when we made inquiry in July concerning the Township's progress on its new ordinance, we were informed that it interpreted the stay order literally. It considered the stay order to be in effect "until the further order of the court."

5. By letter to the Court dated July 14, 1977, Nicholas Conover English stated "Notwithstanding the technical posture of the stay, Bedminster Township has been proceeding with commendable diligence to amend its Zoning Ordinance." Having read that statement and learned that there would be a public hearing on proposed revisions to the zoning ordinance on August 17, 1977, we determined not to make an immediate application to the Court to lift the stay. Instead, we decided to review the Township's progress on its ordinance on August 17. We hoped the progress would be substantial and that further intervention by the Court would not be required in order to compel the Township to provide for the construction of low and moderate income housing.

6. We were disappointed. The Township's progress has not been "commendable"; rather, it is lamentable.

7. I am informed that the Township has not yet drafted the text of any proposed new zoning regulations, that, on August 17, 1977, it merely presented a "concept" map relating to limited zoning changes that may be made around Bedminster Village and Pluckemin (and a map of "excluded" areas [slopes and flood plains] where no development will be permitted), and that Township officials stated they were not yet prepared to specify conditions for residential development in the Township or even the densities that might be allowed under a revised ordinance.

8. It is apparent that Bedminster will take no action to comply with the October 17, 1975 judgment of this Court unless expressly required to do so.

9. Accordingly we respectfully request the Court to dissolve the stay entered on January 29, 1976 and to require the Township of Bedminster to comply with the October 17, 1975 judgment of this Court forthwith, that is, on or before November 1, 1977.

Lois D. Thompson

LOIS D. THOMPSON

Sworn to before me this
23rd day of August, 1977.

Jeffrey A. Mishkin

JEFFREY A. MISHKIN
NOTARY PUBLIC, State of New York
No. 31-4507312
Qualified in New York County
Commission Expires March 30, 1978

Completed

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**SOMERSET COUNTY
L. R. OLSON, CLERK**

file → J-8541
J 9224
Ent'd I.C.D. I.J.
Recorded Bk. _____ Page _____

FILED

SEP 1 1977

GE-2
M. Louis Pearson
Clerk

Attorney(s): Law Offices of Lanigan, O'Connell and Hirsh, P.A.

**Office Address & Tel. No.: 150 North Finley Avenue, Basking Ridge, N.J. 07920
(201) 766-5270**

**Attorney(s) for Plaintiff
The Allan-Deane Corporation**

RULS - AD - 1977 - 50

**THE ALLAN-DEANE CORPORATION,
et als,**

Plaintiff(s)

vs.

TOWNSHIP OF BEDMINSTER, et als,

Defendant(s)

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
SOMERSET COUNTY**

Docket No. L-36896-70 P.W.

L-28061-71 P.W.

CIVIL ACTION

SUBSTITUTION OF ATTORNEY

The undersigned hereby consents to the substitution of
201 Nassau Street, Princeton, N.J.

Mason, Griffin & Pierson,

as Attorney(s) for the plaintiff **The Allan-Deane Corporation**

in the above entitled cause.

Dated: August 30, 1977

**LAW OFFICES OF LANIGAN,
O'CONNELL AND HIRSH, P.A.**

By: *[Signature]*
William W. Lanigan
Attorney(s) for Plaintiff The Allan-Deane Corporation