

RALS-AD-1980-320

9/11/1980

Re: Ltr from Thomas Leahy, J.S.C to Alfred Ferguson,
Re: Adjourning the September 15th court date

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SUPERIOR COURT OF NEW JERSEY

B. THOMAS LEAHY
JUDGE



SOMERSET COUNTY COURT HOUSE
SOMERVILLE, NEW JERSEY 08876
(201) 725-4700

September 11, 1980

RUIS - AD - 1980 - 320

Alfred L. Ferguson, Esq.
McCarter & English, Esqs.
550 Broad Street
Newark, New Jersey 07102

Re: Allan Deane v. Twp of Bedminster, als
Docket No. L 28061 71

Dear Mr. Ferguson:

In light of the information presented in your recent letter,
I agree that it is wise to adjourn the September 15th court date.

The matter will be relisted by the Somerset County Assignment
Clerk some time on or subsequent to October 13, 1980.

Very truly yours,

B. Thomas Leahy, J.S.C.

BTL/d

cc: Edward D. Bowlby, Esq.
Henry A. Hill, Esq.
Gary Gordon, Esq.
Kenneth E. Meiser, Esq.
William Wintermute, Assignment Clerk

10-1-80

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August 25, 1980

Re: Allan-Deane Corporation, et al.
v. Township of Bedminster, et al.
Docket No. L-28061-71

The Honorable Thomas B. Leahy
Somerset County Court House Annex
Somerville, New Jersey 08876

My dear Judge Leahy:

George Raymond called me on August 21, 1980, and requested that I write this letter to you, with a copy to all parties, to set forth the present status of the Land Development Regulations being adopted and considered by Bedminster Township in response to the orders of this Court.

A revised land development ordinance was prepared and was introduced in July of 1980. Allan-Deane had many problems with the ordinance, and a series of meetings ensued which resulted in various proposed amendments to that ordinance.

The ordinance, with the proposed Amendments, is satisfactory to Mr. Raymond, as the court appointed planning master, and to the plaintiff, Allan-Deane. On August 18, 1980, the Township Committee adopted the ordinance and introduced the proposed amendments at first reading. Pursuant to the Municipal Land Use Law, the Committee referred the amendments to the Planning Board for its report. Mr. Raymond pointed out that it was the Planning Board and the Land Use Subcommittee of the Planning Board and Township Committee which developed the ordinance and amendments in the first instance and therefore this was a duplication of effort. However, Mr. Bowlby, as township attorney, believes that we must follow the procedure mandated by statute, and I agree.

The Planning Board cannot meet (because of absences and other problems) prior to September 5, 1980. Assuming that the Planning Board forwards a favorable report to the Township

The Honorable Thomas B. Leahy
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Committee on that date, the Township Committee must then have a public hearing as required by statute, which it will do on September 15, 1980.

The next Township Committee meeting is October 6, and the Township Committee plans to adopt the amendments at that meeting. Therefore, by October 6, 1980, the Township will be in a position to present to the Court a form of judgment accepting the ordinance as amended and terminating this very long litigation.

It therefore appears that it would be impossible to adopt the proposed amendments prior to the September 15 deadline which the Court said in its last order. Accordingly, we request that the Court adjourn the hearing presently scheduled for September 15, 1980, and schedule the final hearing for a date after October 6, 1980. I do not believe this will cause Allan-Deane any problems, since the ordinance and amendments are in a form sufficient to allow them to proceed with their site plan work.

Mr. Raymond told me that he discussed with you his opinion that the ordinance already adopted accomplishes the major task of rezoning which the Court ordered, but that the proposed amendments are significant and must be considered by the Court prior to a final determination. Accordingly, although there has been by now almost complete compliance with this Court's prior orders, it would appear appropriate to postpone the final hearing until after the Township has adopted the proposed Amendments.

Very truly yours,


Alfred L. Ferguson

ALF:ck

cc: Edward D. Bowlby, Esq.
Henry A. Hill, Esq.
Gary D. Gordon, Esq.
Kenneth E. Meiser, Esq.
Mr. George M. Raymond
Mr. Jerry Lenaz
Ms. Anne O'Brien