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10-29-81

letter re: enclosed memo
- w/ pretrial memo by Twp.

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KUNZMAN, COLEY, YOSPIN & BERNSTEIN

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

EDWIN D. KUNZMAN
JOHN E. COLEY, JR.
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STEPHEN J. BERNSTEIN
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HAROLD DRUSE

15 MOUNTAIN BOULEVARD
WARREN, N. J. 07060
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Please Refer to:
Our File No. W-47

October 28th 1981

RECEIVED

OCT 29 1981

SOMERSET COUNTY
ASSIGNMENT CLERK

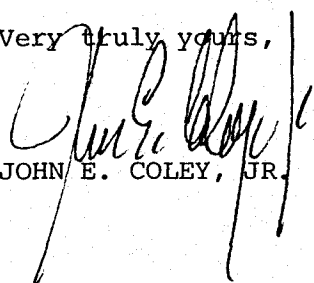
Mr. William Wintermute
Administration Building
Somerville, NJ 08876

Re: Timber Properties v.
The Township of Warren
Docket No. L-6782-80 PW

Dear Mr. Wintermute:

I am enclosing herewith the original and two copies of Pretrial Memorandum of Defendant, Township of Warren, in the above matter, and also three additional copies of the Factual and Legal Contentions. As this matter is scheduled for hearing before Judge Meredith on Friday, November 6, 1981, I would appreciate your forwarding these items to him. Thank you for your cooperation.

Very truly yours,



JOHN E. COLEY, JR.

JEC:g
enclosures
ccs:J. Albert Mastro, Esq.
Raymond Trombadore, Esq.
Eugene Jacobs, Esq.

Attorney(s): KUNZMAN, COLEY, YOSPIN and BERNSTEIN, PA
Office Address & Tel. No.: 15 Mountain Blvd., Warren, NJ 07060 (201) 757-7800
Attorney(s) for Defendant, Township of Warren

TIMBER PROPERTIES, a Corporation of the State of New Jersey,

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION
SOMERSET COUNTY

THE TOWNSHIP OF WARREN, a Municipal Corporation
of the State of New Jersey, THE PLANNING BOARD OF
THE TOWNSHIP OF WARREN and THE WARREN TOWNSHIP
SEWERAGE AUTHORITY,

Plaintiff(s)
vs.
Defendant(s)

Docket No. L-67820-80 PW

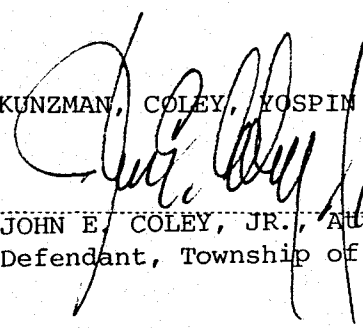
CIVIL ACTION
PRETRIAL MEMORANDUM OF
Defendant, Township of Warren

1. **NATURE OF ACTION:** Action in lieu of perogative writ to review the validity of the Warren Township, Somerset County, New Jersey zoning ordinance.
2. **ADMISSIONS AND STIPULATIONS:** See #9.
- 3-4. **FACTUAL AND LEGAL CONTENTIONS:** (Annexed hereto).
5. **DAMAGE AND INJURY CLAIMS:** Not Applicable
6. **AMENDMENTS:** None
7. **LEGAL ISSUES AND EVIDENCE PROBLEMS:** Exhaustion of administrative remedies, barring of plaintiff's action by the statute of limitations (45 days), estoppel, laches, designation of "region", whether Warren Township is a developing community, whether Warren's zoning ordinance complies with the Court mandates of Mt. Laurel and the cases subsequent thereto, the reasonableness of Warren Township's zoning ordinance in light of ecological and environmental aspects of development within *
8. **LEGAL ISSUES ABANDONED:** None
*the Township boarders, the feasibility of sanitary sewerage disposal, plaintiff's standing, plaintiff's proof of individuals desiring to reside within Warren Township and being excluded by Warren's zoning laws, defination of low cost and least cost housing, question of "fair share" of least cost housing applicable to Warren Township.

9. **EXHIBITS:** Warren Township development regulation ordinances (zoning and land subdivision and land use), other exhibits as produced through the course of trial and/or agreed to prior trial.
10. **EXPERT WITNESSES:** No limit.
11. **BRIEFS:** As directed by the Court.
12. **ORDER OF OPENING AND CLOSING:** Usual.
13. **ANY OTHER MATTERS AGREED UPON:** Discovery to continue up to ten days prior to trial.
14. **TRIAL COUNSEL:** John E. Coley, Jr., Esq. on behalf of the Township of Warren.
15. **ESTIMATED LENGTH OF TRIAL:** Two weeks.
16. **WEEKLY CALL OR TRIAL DATE:** To be set.
17. **ATTORNEYS FOR PARTIES CONFERRED ON MATTERS THEN AGREED UPON:** 19
18. **IT IS HEREBY CERTIFIED THAT ALL PRETRIAL DISCOVERY HAS BEEN COMPLETED, except see paragraph #13.**
19. **PARTIES WHO HAVE NOT BEEN SERVED:** None.

PARTIES WHO HAVE DEFAULTED: None.

KUNZMAN, COLEY, KOSPIN & BERNSTEIN, PA

By  JOHN E. COLEY, JR., Attorney for Defendant, Township of Warren

Dated: October 28th 1981