

AMG

12-8-83

Letter opposing motion for SJ

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P: # 3274

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December 8, 1983

**RECEIVED**

**DEC 12 1983**

Hon. Eugene D. Serpentelli  
 Ocean County Court House  
 CN 2191  
 Toms River, New Jersey 08753

Re: AMG Realty Co. vs. Township  
 of Warren, et als.  
 Docket Nos. L-23277-80  
 L-67820-80

JUDGE SERPENTELLI'S CHAMBERS

Dear Judge Serpentelli:

This letter is written in opposition to the Motion for Summary Judgment filed by J. Albert Mastro, attorney for defendant, Warren Township Sewage Authority on behalf of my clients, defendants, Bojczuk, et als.

We adopt the comments in opposition to the Motion previously set forth in letters which you have received from Robert H. Kraus Esq. and Joseph E. Murray, Esq. Additionally, I would like to make the following comments:

The argument in Mr. Mastro's Brief to the effect that relief under Mt. Laurel II should be limited to one developer and one tract of land, and that anything more violates the municipality's "Home Rule" rights, appears to be without support. I would suggest that the rulings in Mt. Laurel I and Mt. Laurel II were made necessary by the fact that municipalities in the exercise of their "Home Rule" prerogatives unconstitutionally prevented housing for low and moderate income families. In addition, it seems odd that Mr. Mastro would strongly urge the single developer-single tract approach when the Township of Warren elected a multi-tract approach in the Zoning Amendment adopted pursuant to Judge Meredith's Order.

Mr. Mastro's arguments as to constitutional questions is not germane here, as these issues have been addressed in Mt. Laurel II and are binding on the Court and counsel.

Mr. Mastro's assertion that the participation of these Intervenor will unduly protract this litigation are unfounded. The pretrial conference was not unduly pro-

tracted and the Pretrial Order deals with the participation of the Intervenors in a convenient and expeditious manner.

Finally, this Motion for Summary Judgment should have been brought promptly after the Order for Consolidation was entered last July, not after discovery proceedings, exchange of experts' reports and the entry of the Pretrial Order.

Respectfully submitted,

*John T. Lynch*  
J.T.L.

JOHN T. LYNCH

JTL:jf

cc: Eugene W. Jacobs, Esq.  
John E. Coley, Jr., Esq.  
J. Albert Mastro, Esq.  
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Raymond R. Trombadore, Esq.  
Paul R. Williams, Jr., Esq.  
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