

AMG

2-3-84

Objectiv to stipulami by
~~Bojczuk~~ Bojczuk

Pss. 2
Pi # 3340

AM000127L

JOHN T. LYNCH
ATTORNEY AT LAW

1952 WASHINGTON VALLEY RD., P.O. BOX 55
MARTINSVILLE, NEW JERSEY 08836

February 3, 1984

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

Dear Judge Serpentelli:

*Refer to
1/23 meeting
of
1/23 meeting*

Please be advised that on behalf of my clients, Intervenors, Mykola Bojczuk and Mae Bojczuk, his wife, I object to the final paragraph of the Stipulation of Judgment submitted by Joseph E. Murray, Esq., and support the alternate language which is being submitted to you by Robert H. Kraus, Esq. in a separate letter.

*had one
meeting
1/23
att?*

I feel it is premature to remand the Intervenors' claims to Somerset County until such time as Warren Township has rezoned pursuant to the directive of this Court. If Warren Township does not choose to include the Intervenors' property in the Mt. Laurel rezoning, then clearly these claims should be remanded as no further Mt. Laurel issue will exist. If Warren Township chooses to include the Intervenors' property in the Mt. Laurel rezoning, then this Court will want to be satisfied that the properties are functionally situated so that it is realistic to expect that the housing can be built. If that is not the case, then these proceedings become a sham insofar as they apply to the Intervenors' lands and, to that extent, the Mt. Laurel purposes will not be met. Such a result will also create a special place of zoning perdition for Intervenors' lands, as it is highly unlikely that a Somerset County Judge will invalidate zoning for affordable housing once such lands have been incorporated in the housing allocations determined by the Mt. Laurel Court.

For these reasons, I respectfully submit that the issue of

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Hon. Eugene D. Serpentelli
February 3, 1984
Page 2

remand of the Intervenor's claims should await the outcome of the rezoning process.

Very truly yours,


JOHN T. LYNCH

JTL:jf

cc: Eugene W. Jacobs, Esq.
John E. Coley, Jr., Esq.
J. Albert Mastro, Esq.
Leib, Kraus & Grispin, Esqs.
Raymond R. Trombadore, Esq.
Paul R. Williams, Jr., Esq.
Joseph E. Murray, Esq.