

AMG

7-13-84

Letter re: oppos. to Court's  
restraints placed on TWP Sewerage Auth.

PS-2

AM000166 L

JOEL S. WADSWORTH  
W. DOUGLAS LANGMACK

**WADSWORTH & LANGMACK**

ATTORNEYS AT LAW

SUITE 205A

3580 PIEDMONT RD. N.E.

ATLANTA, GEORGIA 30305

404/261-2122  
TELEX 80-4294

RECEIVED

July 13, 1984

JUL 19 1984

JUDGE SERPENTELLI'S CHAMBERS

Honorable Eugene Serpentelli  
Judge, Superior Court  
Courthouse CN-2191  
Toms River, New Jersey 08754

Dear Judge Serpentelli:

I am quite concerned about the restraints you recently placed on the Warren Township Sewage Authority in conjunction with litigation involving two condominium developers. My sister, Susan L. Gookin and myself are the owners of a farm located at 143 Mountain View Road in Warren Township. We have contracted and paid a deposit for sewage capacity in the Stage IV plant expansion. Last year we contracted with Diamond Hill Builders, Inc. to sell this property contingent upon having the required utilities including sewage capacity. A delay in the Stage IV expansion would seriously jeopardize our agreement, may put us in default of this agreement, and may cause us irreparable harm.

While I can understand the need to secure sewage capacity for the developers involved in the litigation, I see no reason to secure their rights at the cost of injuring innocent third parties. These developers knew that their condominium development would require litigation in order to obtain Township approval and they also knew that there would be significant delays involved in their development. I'm sure these factors were considered by the developers in their development plans. While I agree with the results of the litigation, I would be quite naive to think that the litigation was motivated by anything other than economic reasons.

My family purchased our farm in Warren Township in 1949. My father served on the Warren Township Planning Board and School Board for a number of years. My mother served as librarian for the Warren Township Library. We have been paying taxes in Warren Township for thirty-five years. In contrast, the developers recently purchased property in Warren Township with the purpose of litigating the zoning issues and developing condominium projects for strictly economic reasons. I would hate to think that the Court considered their right paramount to mine or other third parties.

**WATSWORTH & LANGMACK**

**ATTORNEYS AT LAW**

The Honorable Eugene Serpentelli  
Judge, Superior Court  
July 13, 1984

Page 2

Based on my knowledge of the situation, I see no reason why the developers rights cannot be preserved by ordering the Warren Township Sewage Authority to plan a Stage V expansion to accommodate their needs. This would allow the Stage IV expansion to continue on schedule without damage to the third parties who have contracted for that capacity. The time to obtain an approval of a Stage V expansion would be similar to the time required to submit the Stage IV expansion and obtain approval. I think the importance of this case is that it will open housing opportunities in Warren Township to lower income individuals. The developers are not victims requiring such extraordinary relief as a delay of the Stage IV expansion. The real victims would be those innocent third parties, who are damaged as a result of relief granted the developers.

I appreciate the opportunity to express my opinion on this subject since your ruling will have a significant affect on our property.

Very truly yours,

*W. Douglas Langmack*

W. Douglas Langmack