

AMG

3-19-86

Letter re:
- Cert by Chadwick

PSS. 6
Pi # 3321

AM000254V

RECEIVED**MAR 24 1986****KUNZMAN, COLEY, YOSPIN & BERNSTEIN**A PROFESSIONAL CORPORATION
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OF COUNSEL

*NY BAR ONLY

Honorable Eugene D. Serpentelli
Ocean County Court House, CN 2191
Toms River, New Jersey 08754RE: AMG v. Warren
Docket No.: L-23277-80 P.W.
L-67820-80 P.W.

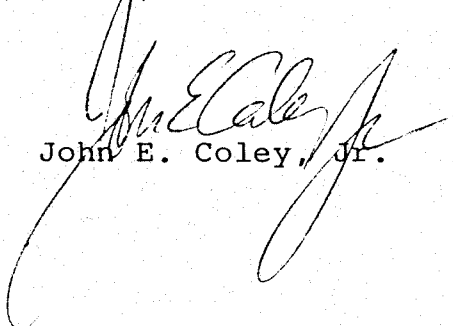
Dear Judge Serpentelli:

Enclosed is the original and two copies of John Chadwick's Certification in the above matter. I would appreciate your attaching the same to my opposition paperwork to Mr. Murray's pending Motion for Imposition of Conditions Upon Transfer.

Thank you.

Respectfully yours,

KUNZMAN, COLEY, YOSPIN & BERNSTEIN


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Attorneys for Defendant, Township of Warren

AMG REALTY COMPANY and SKYTOP LAND CORP.,)	
Plaintiff,)	SUPERIOR COURT OF NEW JERSEY
)	LAW DIVISION: SOMERSET COUNTY
JOAN H. FACEY, et als.,)	DOCKET NO.: L-23277-80 P.W.
Intervenors,)	L-67820-80 P.W.
)	
-vs.-)	Civil Action
)	
THE TOWNSHIP OF WARREN,)	CERTIFICATION OF
Defendant,)	JOHN CHADWICK
)	
CONSOLIDATED WITH)	
)	
TIMBER PROPERTIES,)	
Plaintiff,)	
)	
-vs.-)	
)	
THE TOWNSHIP OF WARREN,)	
et als.,)	
)	
Defendant.)	
)	

JOHN CHADWICK, hereby certifies as follows:

1. I am the Warren Township Planner and I am familiar with all aspects of the Mt. Laurel litigation in which the Township has been involved since 1980 to the present time.

2. I have reviewed Mr. Murray's memorandum and Certification which have been filed in support of his Motion to Impose Conditions Upon Transfer.

3. Mr. Murray in his memorandum of law on Page 9 the section entitled "land inventory" states that I have estimated that 1,160 acres of developable land remain in Warren Township. That representation is true on its face but is quoted out of context. In reality I determined that 1,160 acres of developable land existed in Warren Township when the original Mt. Laurel case was tried before Judge Meredith. This figure was developed based upon an environmental analysis of all of the property in Warren Township. My definition of "developable land" was that the same was only residential properties not commercial, office research or other non-residential tracts. No tract less than 10 acres in size was considered in that figure, no assemblage of lots was considered in that figure (if a 9 acre vacant lot was next to a 9 acre vacant lot, both being developable, neither lot was included in the said figure), and no flood hazard area or water course protection area or steep slope area (land with over a 12 percent grade) was included in the figure (by way of example: if a 20 acre lot had 5 acres in steep slope and 6 acres in a flood designated area than the entire lot was not included).

4. Considering the above explanation of what "developable land" meant in my testimony in this case and prior cases it is obvious that much more property exists to be built upon in Warren over and above the 1,160 acre figure. In fact, I estimate that between 30 and 40 percent could be added to the aforementioned figure if all "developable land" of every nature were considered without the 10 acre restraint, restraints re: water course protection and steep slope areas, and the inclusion of non-residential lots.

5. For the proposed of "vacant developable land" when it comes to Mt. Laurel development it is obvious to me that anything less than a 10 acre tract should not be considered. This type of development requires, at a minimum, a lot of 10 acre size and that is why I developed the figures identified above.

6. All properties identified in the "Conformance Districts" in the proposed Warren ordinance are vacant and developable at this time.

7. Based upon all knowledge which I have gleaned over the last few years from my representation of clients in Mt. Laurel litigation, discussions with other planning experts and my own research I believe that the Warren formula produces a high fair share allocation. It is my feeling that the Council on Affordable Housing will recognize the Warren formula as producing a high

figure and that their fair share numbers will be less. It is my opinion that Warren Township's fair share will be in the neighborhood of 544 based upon my calculations.

8. Warren Township's Public Housing Project proposed in the area of Mountain Avenue and Stirling Road is a viable project from planning and engineering view points. Warren Township has made a proposal to the HMFA for 208 low and moderate income housing units to be developed on its property and the property can be realistically developed to that density. Warren Township is presently considering the development of this property at approximately 180 units which would result in a more esthetically pleasing layout. If required, the 208 units could be built.

9. I have been informed by Warren Township officials that they definitely want to follow the Borough of Watchung's lead and sell one half of their fair share allocation to another municipality within their region. I have been active in the Watchung negotiations for the transfer of fair share housing units and I believe that Warren Township would have readily available sources for the transfer of one half of its fair share allocation.

10. Within a reasonable period of time I would be in a position to prepare the above information for trial and also present a great amount of additional information to the Court as to why no moratorium is presently required to be imposed against Warren Township as requested by Mr. Murray in the pending Motion.

11. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



JOHN CHADWICK

DATED: March 19, 1986