

# TOWNSHIP OF SOUTH BRUNSWICK

Municipal Building • P.O. Box 190 • Monmouth Junction, NJ 08852-0190

Phone 732-329-4000 TDD 732-329-2017 Fax 732-329-0627
---

July 29, 2015

Via email and regular mail

Honorable Douglas K. Wolfson, J.S.C.  
Superior Court of New Jersey  
Middlesex County Courthouse  
56 Paterson Street  
P.O. Box 964  
New Brunswick, NJ 08903-0964

Re: South Brunswick Declaratory Action and Motion for  
Temporary Immunity from Mount Laurel Lawsuits  
Docket No. MID-L-3878-15  
Our File No. L1347

Dear Judge Wolfson:

Please accept this Letter Memorandum on behalf of the Township of South Brunswick ("Township") in opposition to the Motion to Intervene filed by Stanton Girard, LLC ("SG"), in the above referenced matter, and in further support of the Township's Motion for Temporary Immunity filed in conjunction with the rulings and guidance articulated by the Supreme Court on March 10, 2015, in In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. (2015) ("Mount Laurel IV"). All such motions are returnable before Your Honor on July 31, 2015.

Initially, the motion to intervene is out of time, having been filed a mere two (2) days prior to the return date established by the court for such motions. As such, it should be denied on procedural grounds alone.

If the motion will be considered on its merits, SG indicates that it:

"does not oppose the Township's motion for temporary immunity from Mount Laurel lawsuits nor does it take a position on whether the Township has met its constitutional obligation, under Southern Burlington County NAACP v. Twp. of Mount Laurel, 92 N.J. 158 (1983), to provide for its fair share of its region's present and prospective need for affordable housing." (See Moore Certif., para. 12; Proposed Answer to Counts One, Two and Three; SG Letter Memorandum, p. 3).

# TOWNSHIP OF SOUTH BRUNSWICK

---

Municipal Building • P.O. Box 190 • Monmouth Junction, NJ 08852-0190

Rather, it argues that it seeks intervention in this matter:

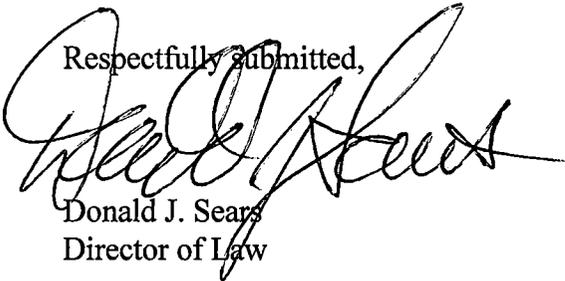
“in order to participate in the conciliation and mediation process of the [Declaratory Judgment] Action; so that the [SG] Property can be rezoned to permit the Inclusionary Development [proposed by SG] and the Township can achieve adoption of a municipal housing element and implementing ordinances that are deemed to be presumptively valid if thereafter subjected to challenge by third parties.” (See Moore Certif., para. 14; Proposed Counterclaim For Rezoning; SG Letter Memorandum, p. 3).

For the reasons set forth in the Township’s Main Brief dated July 1, 2015, submitted in support of its motion for temporary immunity; the Letter Memoranda dated July 22 and July 24, 2015, previously submitted to the Court and incorporated herein by reference, SG’s motion to intervene should be denied.

Reliance shall be placed upon the arguments set forth in the filings referenced in the preceding paragraph. No oral argument is needed or requested and the Township hereby consents to a disposition on the papers.

Thank you for your considerations in this matter.

Respectfully submitted,



Donald J. Sears  
Director of Law

DJS/lw  
Enclosures

Cc: Middlesex County Superior Court Clerk  
Henry Kent-Smith, Esq., attorney for Richardson  
Kenneth D. McPherson, Jr., attorney for SBC  
Kevin Walsh, Esq., attorney for FSHC  
Robert A. Kasuba, Esq., attorney for AvalonBay  
Kevin J. Moore, Esq., attorney for SG  
Benjamin Bucca, Jr., Esq., attorney for SB Planning Board  
Christine Nazzaro-Cofone, PP, Special Master