

# Woolson Sutphen Anderson

*A Professional Corporation • Attorneys at Law*

11 EAST CLIFF STREET • SOMERVILLE, NEW JERSEY 08876  
Telephone (908) 526-4050 • Fax (908) 448-0120 • www.WoolsonLaw.com

MARK S. ANDERSON  
DIANTA MAZIARZ  
ROBYN D. WRIGHT

O. STANLEY WOOLSON  
1950 - 2011  
WILLIAM R. SUTPHEN III  
*Retired*

March 11, 2016

Honorable Thomas C. Miller, J.S.C.  
Somerset County Court House  
P.O. Box 3000  
Somerville, NJ 08876

Re: IMO The Township of Branchburg's Housing Element and Fair  
Share Plan

Docket No.: SOM-L-898-15  
Our file: 16bl-47

Dear Judge Miller:

This firm represents the Township of Branchburg ("Branchburg") in the above referenced matter. On February 5, 2016, this Court issued an Order Appointing Special Master and Providing for the Payment of the Special Master Fees (the "Order"). In paragraph 5, the Court ordered each of the parties to provide a concise position paper on certain issues by March 11, 2016. Branchburg respectfully requests that the Court accept this letter in lieu of a more formal pleading as its concise position paper. Pursuant to the Order, Branchburg states as follows:

(a) Issues to be resolved: Whether Branchburg's third round housing element and fair share plan will provide a realistic opportunity for the construction of Branchburg's fair share of the regional need for affordable housing during the period 1993 through 2025 and whether Branchburg is therefore entitled to a judgment of compliance and response. Subsidiary issues include determining how many units of housing constitute Branchburg's prospective need for the period from 2015 through 2025, whether and to what extent Branchburg must provide housing for the "gap" period from 1999 through 2015, to what degree phasing will be allowed, and what compliance mechanisms are permissible.

(b) Witnesses to be called: Branchburg has not finalized its witness list, but it anticipates that it may call as witnesses expert planner Dennis Hudacsko, planner Elizabeth McKenzie, and an expert from Econsult Solutions.

(c) Anticipated issues or problems that need to be addressed: This case has been consolidated with other declaratory judgment actions filed by municipalities in Vicinage 13 regarding affordable housing obligations. There is an issue as to what extent Branchburg is expected to coordinate its trial and discovery efforts with other municipalities.

(d) Preliminary list of exhibits or evidence to be presented: Branchburg respectfully requests more time to prepare its list of exhibits and evidence.

(e) Anticipated length of the trial: Branchburg anticipates that the trial will take between one and two weeks.

(f) Proposal for the exchange of pretrial information: Branchburg proposes that pretrial information be exchanged seven days before trial.

(g) Plan for accomplishing any stipulations on contested procedural, evidentiary and substantive issues: Branchburg proposes that the parties contact each other fourteen days before trial to determine whether they can stipulate to any contested matters.

(h) Plan for submission of trial briefs: Branchburg proposes that the parties submit trial briefs seven days prior to trial.

(i) Counsel and expert availability: Counsel is not available March 28, 2016 through April 11, 2016; May 5, 2016; May 6, 2016; and July 5, 2016 through July 20, 2016. Counsel availability after July 29, 2016 is yet to be determined. Expert availability is yet to be determined.

(j) Proposal to address such other issues as any party deems appropriate for the management of the case and/or the "fair share" portion of the trial: None at this time.

Woolson Sutphen Anderson  
*A Professional Corporation*

Page 3  
March 11, 2016

Branchburg has not finished its trial preparation efforts and reserves the right to amend its positions on the above issues.

Respectfully submitted,



Jolanta Maizarz

RDW:no  
cc: Service List, attached hereto.

Service List - Parties

**New Jersey Builders Association**  
c/o Stephen Eidsorfer, Esquire  
Hill Wallack, LLP  
202 Carnegie Center  
P.O. Box 5226  
Princeton, NJ 08543

**New Jersey State League of  
Municipalities**  
c/o Edward J. Buzak, Esquire  
The Buzak Law Group, LLC  
Montville Office Park  
150 River Road, Suite N-4  
Montville, NJ 07045

**Borough of Atlantic Highlands**  
Jeffrey R. Surenian, Esquire  
Michael A. Jedziniak, Esquire  
Jeffrey R. Surenian & Assoc., LLC  
707 Union Avenue, Suite 301  
Brielle, New Jersey 08730

**Ken Pizzo, Sr.**  
Richard J. Hoff, Jr.  
Bisgaier Hoff, LLC  
25 Chestnut Street, Suite 3  
Haddonfield, New Jersey 08033

**John Jay Hoffman,**  
**Acting Attorney General**  
Office of the Attorney General  
Attn: Geraldine Callahan, Esq.  
Deputy Attorney General  
25 W. Market Street  
P.O. Box 112  
Trenton, NJ 08625

**Fair Share Housing Center**  
510 Park Boulevard  
Cherry Hill, New Jersey 08002

**3361 Route 22 LLC**  
Craig M. Gianetti, Esquire  
One Jefferson Road  
Parsippany, NJ 07054

**The Weingarten 2013 Family  
Trust**  
Bruce H. Snyder, Esquire  
Lasser Hochman, L.L.C.  
75 Eisenhower Parkway  
Roseland, New Jersey 07068

**Advance/GLB Partners, LLC**  
**Advance at Branchburg II, LLC**  
Henry L. Kent-Smith  
Fox Rothschild LLP  
997 Lenox Drive, Building 3  
Lawrenceville, NJ 08548-2311

**S/K Stoney Brook Associates**  
John P. Inglesino, Esquire  
Inglesino, Webster, Wyciskala  
& Taylor, LLC  
600 Parsippany Road, Suite 204  
Parsippany, NJ 07054

**American Properties at  
Branchburg, LLC**  
Matthew N. Fiorovanti, Esquire  
Giordano, Halleran & Ciesla, P.C.  
125 Half Mile Road, Suite 300  
Red Bank, NJ 07701-6777

**MTAE, Inc.**  
Jeffrey Kantowitz, Esquire  
Law Office of Abe Rappaport  
195 Route 46 West, Suite 6  
Totowa, New Jersey 07512

**Bernards Township**  
Jonathan E. Drill, Esquire  
Stickel, Koenig, Sullivan  
& Drill, LLC,  
571 Pompton Avenue  
Cedar Grove, New Jersey 07009

**Clinton Township**  
Jonathan E. Drill, Esquire  
Stickel, Koenig, Sullivan  
& Drill, LLC,  
571 Pompton Avenue  
Cedar Grove, New Jersey 07009

**Union Township**

Jonathan E. Drill, Esquire  
Stickel, Koenig, Sullivan  
& Drill, LLC  
571 Pompton Avenue  
Cedar Grove, New Jersey 07009

**Greenwich Township**

Jonathan E. Drill, Esquire  
Stickel, Koenig, Sullivan  
& Drill, LLC,  
571 Pompton Avenue  
Cedar Grove, New Jersey 07009

**Kenneth Martin and Alice Martin**

c/o Jeffrey Kantowitz, Esquire  
Law Office of Abe Rappaport  
195 Route 46 West, Suite 6  
Totowa, New Jersey 07512

**Sycamore Developers**

Alexander G. Fisher, Esquire  
The Law Offices of Mauro Savo  
Camerino, Grant & Schalk  
77 North Bridge Street  
Somerville, New Jersey 08876