



Clarke Caton Hintz

Architecture
Planning
Landscape Architecture

Hon. Maryann L. Nergaard, J.S.C.
Superior Court of New Jersey
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**Re: In the Matter of the Application of the Township of
Denville for Declaratory Judgment
Docket No. MRS – L – 1641 – 15**

Dear Judge Nergaard:

This letter is in response to recent correspondence from Irina Elgart on behalf of Defendant, U.S. Home Corporation d/b/a Lennar (“Lennar”) and Jeffrey Kantowitz on behalf of Defendant – Intervenor 382 Franklin LLC (“382 Franklin”) in the above captioned matter.

Counsel for both Lennar and 382 Franklin urge the Court and me, in my role as special master to expedite the management of this matter. Counsel identify the setting of a Realistic Development Potential (“RDP”) and Unmet Need for Denville Township’s Third Round obligation as the next logical step toward resolving/adjudicating this matter. I agree with that assessment. Planners for the Township, Lennar and 382 Franklin have all submitted expert reports on the RDP as have I. The Planners have also submitted supplemental reports commenting on my report. The next step is for me to issue a final report on the RDP. Thereafter we can determine whether mediation or another approach would be most productive.

Philip Caton, FAICP
John Hatch, FAIA
George Hibbs, AIA
Brian Slaugh, AICP
Michael Sullivan, AICP

I will submit my RDP report within 4 weeks, or by August 7, 2018. I regret not being able to produce my report sooner but responsibilities in other *Mount Laurel* cases make an earlier delivery date infeasible.

Emeriti
John Clarke, FAIA
Carl Hintz, AICP, ASLA

I recommend that Your Honor schedule a case management conference/call for mid to late August at which time we can discuss the most effective way forward.



Clarke Caton Hintz

Sincerely

Philip B. Caton, PP, FAICP

- c. Henry Kent Smith, Esq.
- Irina Elgart, Esq.
- Jeffrey Kantowitz, Esq.
- Edward Buzak, Esq.
- Kevin Walsh, Esq.
- Joshua Bauers, Esq.
- Derek Orth, Esq.
- Brett Tanzman, Esq.
- Richard Hoff, Esq.

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