

UL v. Cartoet (N. Brunswick) 3/21 (1986)

Order + Judgment of Reprise (N. Brunswick)

4 pgs

CA0004360

THE STATE UNIVERSITY OF NEW JERSEY
RUTGERS
Campus at Newark

School of Law-Newark • Constitutional Litigation Clinic
S.I. Newhouse Center For Law and Justice
15 Washington Street • Newark • New Jersey 07102-3192 • 201/648-5687

March 12, 1986

The Honorable Eugene D. Serpentelli
Assignment Judge, Superior Court
Ocean County Court House
CN 2191
Toms River, NJ 08754

Re: Urban League of Greater New Brunswick vs.
Carteret, et al. (North Brunswick)
No. C 4122-73

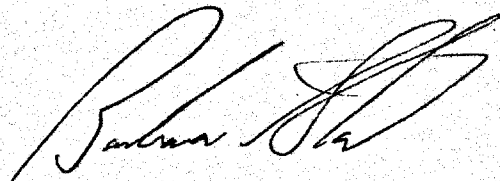
Dear Judge Serpentelli:

Enclosed please find original and three copies of Order and Judgment of Repose (North Brunswick) and a stamped, self-addressed envelope. Also enclosed please find two additional copies of the Order submitted by Eric Neisser, Esq. by letter dated February 26, 1986. I hereby certify that copies of the within Order and Judgment of Repose are being served on Leslie Lefkowitz, Esq., Stewart M. Hutt, Esq., Douglas K. Wolfson, Esq., Donald R. Daines, Esq., and Jeffrey Kantowitz, Esq., who are hereby advised that unless they notify the Court and this office of their specific objections thereto within five (5) days, same may be signed in Your Honor's discretion pursuant to R. 1:6-2.

Respectfully yours,

encls

cc/Leslie Lefkowitz, Esq. (w/encls)
Stewart M. Hutt, Esq. (w/encls)
Douglas K. Wolfson, Esq. (w/encls)
Donald R. Daines, Esq. (w/encls)
Jeffrey Kantowitz, Esq. (w/encls)
Carla Lerman, P.P.



ERIC NEISSER, ESQ.
 BARBARA STARK, ESQ.
 Rutgers Constitutional Litigation Clinic
 15 Washington Street
 Newark, NJ 07102
 201/648-5687
 ATTORNEYS FOR PLAINTIFFS

SUPERIOR COURT OF NEW JERSEY
 CHANCERY DIVISION
 MIDDLESEX/OCEAN COUNTY
 (Mount Laurel)

URBAN LEAGUE OF GREATER]
 NEW BRUNSWICK, et al.,]
 Plaintiffs,]
 vs.]
 THE MAYOR AND COUNCIL OF]
 THE BOROUGH OF CARTERET,]
 et al.,]
 Defendants.]

No. C 4122-73

ORDER AND JUDGMENT OF REPOSE
 (North Brunswick)

The Township of North Brunswick having failed to adopt an affordable housing ordinance in accordance with Paragraph 17 of this Court's Consent Order of September 10, 1984 and Paragraphs 2 and 3 of this Court's Order of _____, 1986,

IT IS HEREBY ORDERED THIS ___ DAY OF MARCH 1986:

1. The attached January 29, 1986 revision of the Affordable Housing Ordinance of North Brunswick, adoption of which was favored by a majority of the voting members of the North Brunswick Township Council at its February 3, 1986 meeting, is hereby placed into effect, upon entry of this Order, as the Affordable Housing Ordinance of North Brunswick. The ordinance shall have the same effect as if it had been formally adopted by

the Township Council and the Township Clerk shall forthwith publish and record this ordinance in the same manner as ordinances formally adopted by the Council.

2. As a result of this Order placing this ordinance into effect, the Township of North Brunswick is in compliance with the Consent Order of September 10, 1984 and the constitutional requirement to provide a realistic opportunity for its fair share of the regional need for low and moderate income housing and is hereby granted repose from any further exclusionary zoning litigation until July 2, 1991.

3. Pursuant to the recommendations of Carla L. Lerman, P.P., the Amended North Brunswick Land Use Ordinance shall be further amended as follows:

a) The following shall be added to paragraph E, Section 145-45.2 General Regulations for Residential Districts,

"Designated lower income units shall be subject to the controls established by the Township of North Brunswick Affordable Housing Ordinance, including, but not limited to, price, rental, resale, occupancy, and affirmative marketing requirements."

b) The requirement set forth in Section 145-92.7 of the R-M Residential District under Design Standards and Improvements, regarding minimum pavement width of 36 feet for any roadway that leads to a public street or highway shall not apply to access to the mobile home park from a local municipal street.

EUGENE D. SERPENTELLI, A.J.S.C.

PAPERS CONSIDERED:

_____ Notice of Motion
_____ Movant's Affidavits
_____ Movant's Brief
_____ Answering Affidavits
_____ Answering Brief
_____ Cross Motion
_____ Movant's Reply
_____ Other _____