

W. v. Carboet (South Plainfield)

19 Oct (1984)

Letter requesting ~~prompt~~ prompt notice of any proposed action relative to Elderberg site.

2 pgs

postit #1649

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October 19, 1984

Angelo H. Dalto, Esq.  
Abrams, Dalto, Gran, Hendricks & Reina  
1550 Park Avenue  
P.O. Drawer D  
South Plainfield, N.J. 07080

William V. Lane, Esq.  
324 E. Broad Street  
Box 490  
Westfield, N. J. 07091

Dear Mr. Dalto and Mr. Lane,

I am in receipt of Mr. Dalto's letter to Judge Serpentelli of October 8 and the Judge's response of October 15. Plaintiffs in Urban League v. Carteret consider any attempt to construct housing on the Elderlodge site without a 20 percent Mount Laurel set-aside to be in violation of the May 22 Judgment As To South Plainfield, a copy of which is enclosed for your convenience. Both of you knew, from Judge Serpentelli's remand in Elderlodge as well as from conversations and correspondence with Mr. Neisser for the plaintiffs and Mr. Diegnan for the Borough throughout the spring, that the Elderlodge site was one of the few sites in South Plainfield that would be subject to a Mount Laurel rezoning and that the Court had so ordered in May. Any action by the Board of Adjustment or other municipal officials to approve the Elderlodge project without an express, mandatory set-aside would be in violation of the Judgment. Indeed, had the Borough Council complied with the Judgment in a timely manner, the Elderlodge site would have already been rezoned with such a requirement by the time of the Board of Adjustment meeting on October 2. Clearly plaintiffs in Urban League cannot be deprived of the benefits of their Judgment by wilful delay on the part of Borough officials.

Thus, we request that you inform us promptly, in writing or if appropriate by telephone notice, of any proposed action relative to the Elderlodge site, including Board of Adjustment or other official meetings at which the project might be discussed or more informal meetings with the Zoning Officer, Town Engineer or other officials concerning any aspect of the project. If necessary, plaintiffs would move on short notice for an injunction against any action that would prejudice their rights.

Sincerely yours,

*Barbara Williams*  
Barbara Williams  
*by SN*

cc: Judge Serpentelli  
Patrick Diegnan, Esq.  
Peter Calderone, Esq.  
Carla L. Lerman, P.P.