

U.L. v. Carteret, South Plainfield

Nov. 2, 1924

Letter from Diagnan to Serpentelli w/ Cert. In
Response to Motion for Consolidation... attached

Pgs 5

CA000611 ✓

Patrick J. Diegnan, Jr.

Attorney at Law

2325 Plainfield Avenue

P.O. Box 736

South Plainfield, N.J. 07080

RECEIVED

NOV -2 1984

JUDGE SERPENTELLI'S CHAMBERS

November 2, 1984

The Honorable Eugene D. Serpentelli
Judge, Superior Court
Ocean County Court House, CN 2191
Toms River, New Jersey 08753

RE: Urban League vs Carteret, et al.,
No. C 4122-73

Dear Judge Serpentelli:

Enclosed please find Certification in Response to Motion for Consolidation, Temporary Restraining Order, Interlocutory Injunction, and Appointment of a Master and Returnable November 2, 1984.

Very truly yours,


PATRICK J. DIEGNAN, JR.

PJD/sme
Enclosure

cc: Clerk, Superior Court, Trenton
Angelo H. Dalto, Esq.
William V. Lane, Esq.
Peter J. Calderone, Esq.
Mayor and Council
Barbara J. Williams, Esq.

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NOV -2 1984

JUDGE SERPENTELLI'S CHAMBERS

2) Reference is made to the Affidavit in support of the above motion brought by Barbara J. Williams, Esq., the Attorney for Plaintiff, Urban League of Greater New Brunswick.

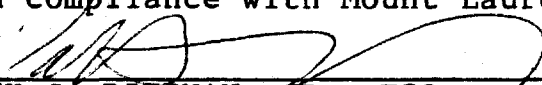
3) The Court is aware that the Board of Adjustment of the Borough of South Plainfield is an independent statutory agency which is not controlled by the governing body. The Judgment in this matter was forwarded to the Board of Adjustment and it is my understanding that the Board of Adjustment was totally aware of the Mount Laurel mandate prior to rendering its decision.

4) It is my further understanding that the Board of Adjustment Attorney, William Lane, Esq., explained to the Board the requirements of the Judgment entered by this Court on May 22, 1984. Specific reference is made to Ms. Williams contention that a pattern of non-compliance has been identified in the actions of the Borough of South Plainfield. It should be noted that this office requested that the Borough Planner, Mr. Rosa, prepare the necessary revisions to the Zoning Ordinance as required by order of this Order. It should additionally be noted that Mr. Rosa completed said revisions which were forward to Mr. Alan Malack and Eric Nisser, Esq. for their review. (See letters dated June 6, 1984 to the Board of Adjustment Attorney, Planning Board Attorney, and Borough Planner by this office attached hereto as Appendix A, B, & C.)

5) It should additionally be noted that Mr. Nisser agreed to the bulk of the proposed revisions to the Zoning Ordinance.

6) The Planning Board of the Borough of South Plainfield has not recommended to the Mayor and Council the adoption of any proposed revisions to the Zoning Ordinance as a result of Mr. Rosa's proposal. (See letter from Planning Board Secretary dated August 28, 1984. Attached hereto as Appendix D.)

7) I have been instructed by the governing body that their position in this matter is that they will refuse to approve any revisions to the Zoning Ordinance in compliance with Mount Laurel.



PATRICK J. DIEGNAN, JR., ESQ.
Attorney for Mayor and Council of the
Borough of South Plainfield

Attorney(s): Brener, Wallack & Hill

Office Address & Tel. No.: 2-4 Chambers Street, Princeton, NJ, 08540, (609) 924-0808

Attorney(s) for Plaintiff

O & Y Old Bridge et al.

Plaintiff(s)

vs.

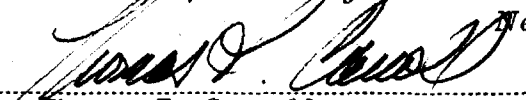
Township of Old Bridge, et al.

Defendant(s)

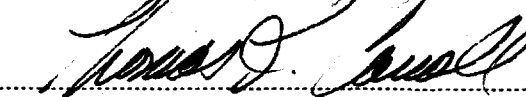
Docket No. L-009837-84 P.W.

CIVIL ACTION

A copy of the within Notice of Motion has been filed with the Clerk of the County of
at Court House, Toms River New Jersey


Thomas F. Carroll
Attorney(s) for Plaintiff

The original of the within Notice of Motion has been filed with the Clerk of the Superior Court in Tren-
ton, New Jersey.


Thomas F. Carroll
Attorney(s) for Plaintiff

Service of the within

is hereby acknowledged this _____ day of _____ 19 _____

Attorney(s) for

I hereby certify that a copy of the within Answer was served within the time prescribed by Rule 4:6.

Attorney(s) for

PROOF OF MAILING: On November 2, 19 84, I, the undersigned, sent to
All Counsel of record.

Attorney(s) for
at

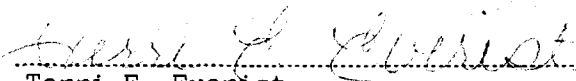
by messenger or regular mail, return receipt requested, the following:

Notice of Motion, Letter Memorandum with attached Exhibits and Affidavits

R. 1:5-3 The return receipt card is attached to the original hereof.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing state-
ments made by me are wilfully false, I am subject to punishment.

Dated: November 2, 19 84.


Terri E. Everist