

UL. v. Catet, South Plainfield 1984 Nov 15

-Order

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CACCOGITO

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ATTORNEYS FOR PLAINTIFFS

URBAN LEAGUE OF GREATER
NEW BRUNSWICK, et al.,

Plaintiffs,

vs.

THE MAYOR AND COUNCIL OF
THE BOROUGH OF CARTERET,
et al.,

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY

Docket No. C 4122-73

Civil Action

ORDER

Urban League plaintiffs having moved to consolidate Elderlodge, Inc. v. South Plainfield Board of Adjustment, et al. [hereinafter Elderlodge, Inc., Docket No. L 56349-81] with Urban League of Greater New Brunswick v. The Mayor and Council of the Borough of Carteret, et al., for a Temporary Restraining Order and Interlocutory Injunction, Appointment of a Master, and Notification of Actions of the defendant and its representatives, the Court having reviewed all documents submitted, and having heard the arguments of all interested parties, and for good cause shown:

IT IS ON THIS 13 day of December, 1984,

12-13-84

O R D E R E D, that the matters of Elderlodge, Inc. v. South Plainfield Board of Adjustment, et al., Docket No. L 56349-81, and Urban League of Greater New Brunswick et al v. The Mayor and Council of the Borough of Carteret, et al., Docket No. C 4122-73 are hereby consolidated; and

IT IS FURTHER O R D E R E D, that the Borough of South Plainfield and any of its official bodies, officers and agents are specifically prohibited from granting a final use variance or building permit with respect to the property at issue in Elderlodge, Inc. v. Borough of South Plainfield, Docket No. L 56349-81. Said municipal entities are permitted to process and approve any other applications and take any other actions regarding the subject site but such processing, approvals and actions (including, but not limited, to the action of the South Plainfield Planning Board on October 2, 1984) shall not, until further Order of this Court, create any vested use or zoning rights or give rise to a claim of reliance against a claim by the Urban League plaintiffs or an Order of this Court for revision of the South Plainfield zoning ordinances in accord with the obligation of South Plainfield to provide opportunities for the development of its fair share of the regional need for low and moderate income housing; and

IT IS FURTHER O R D E R E D, that the Borough of South Plainfield shall complete the revision of its zoning ordinances and complete the first reading of said ordinances at the first regular meeting in January, 1985, but in no event later than January 10, 1985 and that the second reading and final passage occur no later than January 31, 1985.

IT IS FURTHER O R D E R E D, that the Borough of South

Plainfield and all governmental bodies, officers and agents thereof including, but not limited to, the South Plainfield Zoning Board of Adjustment, South Plainfield Planning Board, and Building Inspector provide counsel for the Urban League plaintiffs with at least fourteen (14) days' written notice, addressed to Bruce Gelber, Esq., at 733 Fifteenth St. NW, Suite 1026, Washington, D.C. 20005 and Barbara J. Williams, Esq., at 15 Washington Street, Newark, N.J. 07102, of the filing, placement on agenda, or other action regarding any application concerning any parcel of vacant land in the Borough of South Plainfield, and plaintiffs are granted permission to file a motion for further relief concerning any such application on five (5) days' notice to counsel for the Borough of South Plainfield, the South Plainfield Zoning Board of Adjustment, and the South Plainfield Planning Board; and

IT IS FURTHER O R D E R E D, that the temporary restraint against the Borough of South Plainfield, Zoning Board of Adjustment and Planning Board ordered by this Court on November 15, 1984 is hereby vacated.


EUGENE D. SERPENTELLI, J.S.C.