

U.L. u. Carteret South Plainfield 15 Nov 1984

Order For TRO, Inter-busway Junction, &
Notice To TC.

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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

Civil Action C 4122-73

ORDER FOR TEMPORARY RESTRAINING
ORDER, INTERLOCUTORY INJUNCTION
AND NOTICE TO PLAINTIFF

Urban League plaintiffs having moved for a Temporary Restraining Order and Interlocutory Injunction, Notification of Actions of the defendant and its representatives, and consolidation of 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., 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 15 day of November, 1984, O R D E R E D, that a hearing on consolidation of the matters of Elderlodge, Inc.

FILED 11/15/84
J. SERPENTELLI, J.S.C.

48-51-11

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, shall be in abeyance pending briefing of the issue by interested parties; 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 further specifically prohibited from granting a use variance, building permit, or taking any other action with respect to the property in issue in Elderlodge, Docket No. L 56349-81, until the return date of plaintiffs' consolidation motion. Memorialization of the South Plainfield Planning Board's October 2, 1984 action on the Elderlodge application may proceed provided that such action, if any, shall not, until further order of the Court, create any vested use or zoning rights or give rise to a claim of reliance against a claim by the Urban League plaintiffs, 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 hereby restrained from the issuance of any land use approvals, the granting of any building permits for other than single family homes, or taking of any other action which may prejudice development of the fair share number of low and moderate income housing units ordered by the Court in the Judgment As To South Plainfield dated May 22, 1984 until further Order of the Court, and

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 at the addresses in the caption of this matter with a summary description with at least fourteen (14) days' written notice of the filing, placement on agenda, or other action regarding any application for other than single family housing on any parcel of vacant land in the Borough of South Plainfield and at least five (5) days' written notice of pending building permits for single family houses. 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.

IT IS FURTHER O R D E R E D, that plaintiffs' Motion for Appointment of a Master is returnable on November 8, 1984.



EUGENE D. SERPENTE, J.S.C.