

UL v. Certoret (S. Plainfield) 19 July (1985)

Amended Order regarding housing
Ordinances being reintroduced

4 pgs

Notes : some distortion of the text.

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

FRANK A. SANTORO
2013 PARK AVENUE
P. O. BOX 272
SOUTH PLAINFIELD, N. J. 07080
(201) 561-6868
ATTORNEY FOR Defendants

SUPERIOR COURT OF NEW JERSEY

Plaintiff

URBAN LEAGUE OF GREATER
NEW BRUNSWICK, et al.

vs.

Defendant

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

CHANCERY DIVISION
MIDDLESEX COUNTY
No. C-4122-73
OCEAN COUNTY
Docket No.
MT. LAUREL

CIVIL ACTION
AMENDED ORDER

ELDERLODGE, INC., a New Jersey
Corporation,

Plaintiff

vs.

SOUTH PLAINFIELD BOARD OF ADJUSTMENT
BY ITS MAJORITY MEMBERS (Ronald Hepburn,
Chairman; Carl Abbruzzese; Robert Horne;
Carl La Ferrara; Cynthia GaNun, First
Alternate); BOUOUGH OF SOUTH PLAINFIELD
BY ITS MAYOR AND COUNCIL: JOHN GRAF, BUILDING
INSPECTOR OF THE BOROUGH OF SOUTH PLAINFIELD;
and PLANNING BOARD OF THE BOROUGH OF SOUTH
PLAINFIELD,

Defendants

LAW DIVISION
MIDDLESEX COUNTY
No. 56349-81
OCEAN COUNTY
MT. LAUREL

Urban League plaintiffs having opened this matter to the Court by a motion to hold South Plainfield in contempt and for temporary restraints against any subdivision or site plan approvals, variances or issuance of any building permits with regard to property subject to rezoning for Mount Laurel compliance under this Court's Judgment of May 22, 1984, and against sale by the Borough of specified lots subject to rezoning under the Judgment, and Urban League plaintiffs having filed in support thereof Affidavits of Eric Neisser, Esq. and Barbara Williams, Esq., a Memorandum of Law in Support, and a proposed Order, and having served all parties and affected property owners or contract-purchasers in person on June 21, 1985, and Frank Santoro, Esq., having served and file on June 24, a Certification In Opposition on behalf of the Borough South Plainfield, and the Court having heard oral argument in open court on June 24, 1985 from Eric Neisser, Esq., for Urban League plaintiffs, Frank Santoro, Esq., for defendant Borough of South Plainfield, William Lane, Esq., for the South Plainfield Board of Adjustment, and John George, Esq., for Larry Massaro, a contract-purchaser,

It is hereby O R D E R E D this 19 day of July, 1985 that:

1. If the South Plainfield Planning Board has already passed upon the final versions of the zoning and affordable housing ordinances required by the Judgment As To South Plainfield, the South Plainfield Borough Council shall reintroduce those ordinances, if need be, on first reading no later than Friday, July 5, 1985, and shall adopt the ordinances on second reading no later than Monday, July 22, 1985. If the Planning Board has not yet passed upon the final versions of the ordinances, then the Planning Board shall meet and make its recommendation:

no later than ~~Friday~~, July 5, 1985, the Borough Council shall reintroduce the ordinances, if need be, on first reading, no later than Monday, July 15, 1985 and shall adopt the ordinances on second reading no later than Tuesday, July 30, 1985. If the ordinances need not be reintroduced on first reading, then the dates for first reading stated in the preceding sentences shall be the deadlines for final adoption by the ~~the~~ Borough Council.

2. Should the Council not take any one of the appropriate actions by the date specified in Paragraph 1 above, the Court, on request of the plaintiffs, will appoint a Master to submit forthwith a proposed compliance plan for South Plainfield for the Court's immediate consideration.

3. Pending further Order of this Court, defendants are enjoined from issuing building permits for any purpose in the Borough of South Plainfield, without the prior consent of the plaintiff; Urban League.

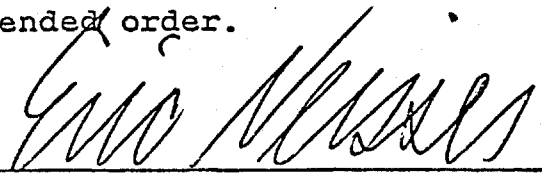
However, this provision shall not prevent the issuance by the Borough of South Plainfield of Alteration and Demolition Permits, nor building permits for additions and/or miscellaneous types of work provided the cost of such additions or miscellaneous types of work does not exceed twenty-five thousand dollars; the Borough of South Plainfield shall forward copies of these latter building permit applications to the Urban League in due course.


4. Pending further Order of this Court, defendant Borough of South Plainfield is enjoined from making any land sales or consummating any existing land sale contracts.

5. The other relief requested by plaintiffs in their motion is denied without prejudice as premature.


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

The undersigned as attorneys for Plaintiff Urban League and Defendant South Plainfield hereby consent to the form of this amended order.


ERIC NEISSER, ESQ, ATTORNEY
FOR PLAINTIFF URBAN LEAGUE


FRANK A. SANTORO, ESQ, ATTORNEY
FOR DEFENDANT SOUTH PLAINFIELD