

U.L. v. Cateret, South Plainfield

6 May 1986

● - Plaintiff's letter to judge objecting to form of Order submitted by South Plainfield

Attch: TTS proposed order imposing conditions on transfer of litigation to Council on Affordable Housing

Pgs. 7

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School of Law-Newark • Constitutional Litigation Clinic
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15 Washington Street • Newark • New Jersey 07102-3192 • 201/648-5687
May 6, 1986

The Honorable Eugene D. Serpentelli
Assignment Judge, Superior Court
Ocean County Court House
CN 2191
Toms River, NJ 08754

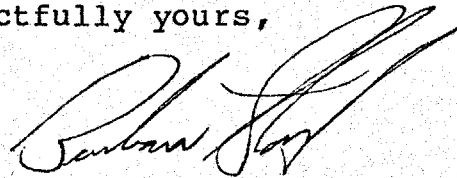
Re: Urban League, et al. vs. Carteret, et al.
(South Plainfield)

Dear Judge Serpentelli:

As we advised Your Honor's Law Clerk on Friday, May 2, 1986, we object to the form of Order submitted by Frank A. Santoro, Esq., attorney for defendant Borough of South Plainfield. Enclosed please find an original and four copies of proposed form of Order which we respectfully submit more accurately reflects the Court's decision. A stamped, self-addressed envelope is also enclosed. A list of the restrained sites has been attached, although not required by the Court, for the convenience of the Council as well as the parties.

Copies of the enclosed form of Order are being served by copy of this letter on all parties, who are hereby advised that unless they notify the Court and this office of their specific objections thereto within five days, same may be signed in Your Honor's discretion pursuant to R. 1:6-2.

Respectfully yours,



encls

cc/South Plainfield Service List (w/encls)

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ATTORNEYS FOR URBAN LEAGUE PLAINTIFFS

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX/OCEAN COUNTY

URBAN LEAGUE OF GREATER
NEW BRUNSWICK, et al.,

Plaintiffs,

vs.

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

Defendants.

Civil No. C 4122-73
(Mount Laurel)

ORDER IMPOSING CONDITIONS ON
TRANSFER OF LITIGATION TO
COUNCIL ON AFFORDABLE HOUSING
(South Plainfield)

This matter having been opened to the Court by Eric Neisser, Esq., John M. Payne, Esq. and Barbara Stark, Esq., attorneys for Plaintiff Urban League, on an application for conditions of transfer and on notice to Frank A. Santoro, Esq., Peter J. Calderone, Esq., William V. Lane, Esq., Angelo H. Dalto, Esq., Raymond Miller, Esq., Leonard H. Selesner, Esq., John George, Esq., Donald R. Daines, Esq., Joseph Buccellato, Joseph Murray, Esq. and Stephen E. Barcan, Esq., and the Court having considered the papers appearing at the foot hereof, and having heard oral argument, and good cause having been shown,

It is on this day of May , 1986, O R D E R E D:

1. Defendant Borough of South Plainfield shall be permitted to close title on sales of Borough land under contract as of the date of this Order provided the proceeds of said sales are held in escrow by Defendant Borough of South Plainfield pending further Order of this Court or Order of the Council on Affordable Housing.
2. Defendant Borough of South Plainfield shall provide the Civic League plaintiffs with a statement of all such funds in escrow including the block and lot numbers of the land sold, the purchase price and the date of sale, as of the date of this Order. An updated statement shall be provided by the 15th of each month thereafter, until further Order of this Court or of the Council on Affordable Housing.
3. Defendant Borough of South Plainfield is restrained from any further sales or contracting for further sales of Borough-owned land pending further Order of this Court or Order of the Council on Affordable Housing.
4. The prior restraints originally issued by this Court shall remain in effect pending further Order of this Court or Order of the Council on Affordable Housing. Specifically, defendant Borough of South Plainfield, and all its boards, agencies, officials, and agents, including but not limited to the South Plainfield Planning Board and South Plainfield Board of Adjustment, are hereby restrained, pending further Order of this Court or of the Council on

Affordable Housing, from granting any site plan approval, variance, building permit, or other development or construction approval for any of the eight sites specified in the attached Exhibit A (and previously specified in the Judgment of May 22, 1984). These restraints may be dissolved, upon appropriate application, to permit construction of projects in accordance with the standards and requirements in South Plainfield Ordinances Nos. 1009 and 1010, adopted August 7, 1985 and rescinded March 25, 1986. The South Plainfield Planning Board and South Plainfield Board of Adjustment, or a duly designated agent of each, shall mail or otherwise serve on C. Roy Epps, President, Civic League of Greater New Brunswick, at 47-49 Throop Avenue, New Brunswick, NJ 08901, at least 14 days in advance of a meeting, a complete written copy of the agenda for such meeting, and shall mail a copy of the minutes and all resolutions adopted at every meeting to Mr. Epps at that address at the same time as copies of the minutes are mailed to the members of the respective Board.

5. Such discovery as required by plaintiffs shall be allowed for the 90 days following entry of this Order for the purpose of determining whether there exist in South Plainfield any additional sites suitable for Mount Laurel housing. Plaintiffs may apply for modification of Paragraph 4 of this Order, upon short notice if necessary, to add restraints on additional suitable sites identified during discovery.

PAPERS CONSIDERED:

____ Notice of Motion
____ Movant's Affidavit
____ Movant's Brief
____ Answering Affidavits
____ Answering Brief
____ Cross Motion
____ Movant's Reply
____ Other _____

Exhibit A

SITES

Harris Steel

Block 459	Lot 1
Block 460	Lot 1
Block 461	Lots 1-3
Block 462	Lot 2
Block 465	Lot 1
Block 466	Lot 1
Block 467	Lots 1, 3, 4, 5, 21

Coppola Farm

Block 528	Lot 43
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Pomponio Avenue

Block 448	Lots 2.01, 4.01
Block 427	Lot 1.01

Universal Avenue

Block 255	Lots 14, 33, 34
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Frederick Avenue

Block 308	Lot 34
Block 310	Lots 1.01, 4.01, 5-7, 9, 11, 13-15, 17, 18
Block 311	Lots 16-36,

Morris Avenue

Block 111	Lots 1-4
Block 112	Lots 1, 2.01
Block 113	Lots 1.01, 2, 4, 5.01
Block 115	Lots 1, 2, 2.01, 3

Archdiocese of Metuchen

Block 12	Lots 9, 16, 17
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Elderlodge

Block 259	Lots 5, 6.01, 6.02, 7, 12
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SERVICE LIST

Urban League v. Carteret, Civ C 4122-73 (Superior Court, Chancery
Div., Middlesex County) (SOUTH PLAINFIELD)

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