

U.L. v. Carteret

S. Plainfield

June 30 1986

- Letter from Santoro to McLaughlin w/ Notice of Appeal (4 pgs) & Order as to a Borough of S. Plainfield (3 pgs) attached
Dated June 30, 1986

Pgs. 8 total

715

● CACU ~~6/30~~ 0

Law Offices

FRANK A. SANTORO

1500 PARK AVENUE, SUITE ONE

P. O. Box 272

SOUTH PLAINFIELD, NEW JERSEY 07080

MEMBER
NEW JERSEY BAR
U.S. PATENT BARAREA CODE 201
561-6868rec'd 7/1
June 30, 1986Elizabeth McLaughlin, Clerk
Appellate Division
Hughes Justice Complex
CN-606
Trenton, N.J. 08625Re: Urban League of Greater New Brunswick, et al
vs. The Mayor and Council of the Borough of
Carteret, et als
Docket No. C-4122-73

Dear Ms. McLaughlin:

Enclosed, please find an original and four copies of Notice of Appeal in the above-captioned matter. Would you please file same and return a filed copy to my office in the envelope provided.

Also enclosed is a check in the amount of \$250.00 to cover your fee.

The original Prescribed Court Transcript Request Form R.2:5-3(a), with a deposit of \$300.00 has been sent to the Clerk of Ocean County for a transcript of the trial of April 25, 1986.

Thank you for your courtesy in this matter.

Very truly yours,

FRANK A. SANTORO

FAS/al
Encs.CC: Clerk of Ocean County
Carolyn Wolgast C.S.R.
Hon. Eugene Serpentelli, A.J.S.C.
Eric Neisser, Esq.

NOTICE OF APPEAL

PLEASE PRINT OR TYPE

SUPERIOR COURT OF NEW JERSEY - APPELLATE DIVISION

TITLE OF ACTION AS CAPTIONED BELOW:

ATTORNEY OF RECORD

URBAN LEAGUE OF GREATER
NEW BRUNSWICK, et al,

vs.

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

NAME Frank A. Santoro

ADDRESS 1500 Park Avenue
South Plainfield, N.J. 07080

PHONE NO. (201) 561-6868

ATTORNEY FOR Defendant, Borough of So.
ON APPEAL FROM: Plainfield

Trial Court

TRIAL COURT/STATE AGENCY
C 4122-73

TRIAL DOCKET OR INDICTMENT NUMBER

Honorable Eugene Serpentelli

TRIAL COURT JUDGE
CIVIL (X) CRIMINAL () JUVENILE ()

NOTICE IS HEREBY GIVEN THAT Defendant, Borough of South Plainfield
APPEALS TO THE SUPERIOR COURT OF N. J., APPELLATE DIVISION, FROM THE JUDGMENT () ORDER (X)

OTHER (SPECIFY) () _____

ENTERED IN THIS ACTION ON May 21, 19 86, IN FAVOR OF Plaintiff

IF APPEAL IS FROM LESS THAN THE WHOLE, SPECIFY WHAT PARTS OR PARAGRAPHS ARE BEING APPEALED:

Paragraphs Nos. 1 and 3 of the Order. This Order is the Order imposing conditions upon the transfer of defendant, Borough of South Plainfield's exclusionary zoning of litigat to the Council on affordable housing and hence is a final judgment in accordance with the decision in "The Hills Development" of the Township of Bernard, et al (A-122-85).

ARE ALL ISSUES AS TO ALL PARTIES DISPOSED OF IN THE ACTION BEING APPEALED? YES () NO (X)

IF NOT, IS THERE A CERTIFICATION OF FINAL JUDGMENT ENTERED PURSUANT TO R. 4:42-2? YES () NO (X)

PRIORITY UNDER R. 1:2-5 YES () NO (X) APPLICABLE SECTION UNDER THE RULE _____

IN CRIMINAL, QUASI-CRIMINAL, AND JUVENILE CASES. . . NOT INCARCERATED () INCARCERATED ()
CONFINED AT _____
GIVE A CONCISE STATEMENT OF THE OFFENSE AND OF THE JUDGMENT, DATE ENTERED AND ANY SENTENCE OR DISPOSITION IMPOSED _____

SOUTH PLAINFIELD CORRESPONDENCE LIST

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

John M. Mayson
Clerk, Superior Court
Hughes Justice Complex
CN-971
Trenton, New Jersey 08625

Eric Neisser, Esq.
Constitutional Litigation Clinic
Rutgers Law School
15 Washington Street
Newark, New Jersey 07102

Peter J. Calderone, Esq.
Attorney for South Plainfield Planning Board
19 Holly Park Drive
South Plainfield, New Jersey 07080

William V. Lane, Esq.
Attorney for South Plainfield Board of Adjustment
324 East Broad Street
Box 490
Westfield, New Jersey 07091

Angelo H. Dalto, Esq.
Attorney for Elderlodge Plaintiff
1550 Park Avenue
P. O. Drawer D
South Plainfield, New Jersey 07080

McDonough, Murray & Korn, Esqs.
555 Westfield Avenue
Westfield, New Jersey 07090

Leonard H. Selesner, Esq.
Attorney for Gal-Ker, Inc.
225 Millburn Avenue
Millburn, New Jersey 07041

John George, Esq.
Attorney for Larry Massaro
277 South Plainfield Avenue
South Plainfield, New Jersey 07080

Donald R. Daines, Esq.
Attorney for K. Hovnanian Companies
of New Jersey
10 Highway 35
P. O. Box 500
Red Bank, New Jersey 07701

Joseph Buccellato
2232 Park Avenue
South Plainfield, New Jersey 07080

Mayor and Council
Borough of South Plainfield
2480 Plainfield Avenue
South Plainfield, New Jersey 07080

NOTICE OF APPEAL HAS BEEN SERVED ON:

NAME		DATE OF SERVICE	TYPE OF SERVICE
TRIAL COURT JUDGE <u>Honorable Eugene Serpentelli</u>			<u>ordinary mail</u>
TRIAL COURT CLERK STATE AGENCY _____			
ATTORNEY GENERAL OR GOVERNMENTAL OFFICE UNDER R. 2:5-1 (h) _____			
OTHER PARTIES:			
NAME AND DESIGNATION	ATTORNEY NAME, ADDRESS & TELEPHONE NO.	DATE OF SERVICE	TYPE OF SERVICE
<u>See attached South Plainfield Correspondence List</u>			
<small>(SERVE THIS PARTY WITH TRANSCRIPT)</small>			
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I HEREBY CERTIFY THAT I HAVE SERVED A COPY OF THIS NOTICE OF APPEAL ON EACH OF THE PERSONS REQUIRED AS INDICATED ABOVE.

..... June 26 1986..... Frank Santoro
 FRANK A. SANTORO
 SIGNATURE OF ATTORNEY OF RECORD

2 PRESCRIBED TRANSCRIPT REQUEST FORM HAS BEEN SERVED ON:
 (ALSO INDICATE IF SOUND RECORDED)

NAME	DATE OF SERVICE	AMOUNT OF DEPOSIT
ADMINISTRATIVE OFFICE OF THE COURTS CHIEF. COURT REPORTING SERVICES _____		
COURT REPORTER'S SUPERVISOR/ CLERK OF COUNTY OR AGENCY <u>Olga Blum</u>		
COURT REPORTER <u>Carolyn Wolgast, C.S.R.</u>		<u>\$300.00</u>
<u>Court House, Toms River, NJ</u>		

I HEREBY CERTIFY THAT I SERVED THE PRESCRIBED COURT TRANSCRIPT REQUEST FORM ON EACH OF THE ABOVE PERSONS AND PAID THE DEPOSIT AS REQUIRED BY R. 2:5-3(d).

..... June 26 1986..... Frank Santoro
 SIGNATURE OF ATTORNEY OF RECORD

3 I HEREBY CERTIFY THAT:

- () THERE IS NO VERBATIM RECORD.
- () TRANSCRIPT IS IN THE POSSESSION OF THE ATTORNEY OF RECORD.
- () A MOTION FOR ABBREVIATION OF TRANSCRIPT HAS BEEN FILED WITH THE COURT OR AGENCY BELOW.
- () A MOTION FOR FREE TRANSCRIPT HAS BEEN FILED WITH THE COURT BELOW.

..... 19
 SIGNATURE OF ATTORNEY OF RECORD

PREScribed COURT TRANSCRIPT REQUEST FORM - R.2:5-3(a)

Defendant, Borough of South Plainfield [Name of party requesting transcript]

2480 Plainfield Ave., So. Plainfield
N.J. 07080 [Address of party requesting transcript]

Frank A. Santoro, Esq. [Name of attorney for party requesting transcript]

1500 Park Ave., So. Plainfield, NJ [Address of attorney for party requesting transcript]

Urban League of Greater New Brunswick, [Name(s) of plaintiff(s)]
et al. v.

The Mayor & Council of the Borough of [Name(s) of defendant(s)]
Carteret, et als.

C 4122-73 [Lower Court docket no./ind. no./compl. no.]

Superior Court of N.J. Chancery [Court from which appeal taken]

Division, Middlesex/Ocean County

To: CAROLYN WOLGAST, C.S.R. [Name of Court Reporter]*

Court House [Address of Court Reporter]

Toms River, N.J. 08754 [Trial Court Clerk (if sound recorded)]

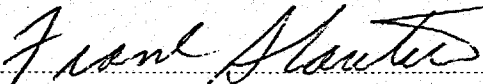
[Address of Trial Court Clerk (if sound recorded)]

It is hereby requested that you prepare for use on appeal an original and one (1) copies of the following:

Date(s) of Proceeding	Type of Proceeding (e.g., trial, sentencing, hearing on petition for post conviction relief)	Name of Judge
<u>May 21, 1986</u>	<u>Order</u>	<u>Honorable Eugene Serpentelli, A.J.S.C.</u>

Herewith is deposit for transcript in the amount of \$ 300.00

Date June 26, 1986


[Signature of pro se party or attorney requesting transcript]
FRANK A. SANTORO, ESQ.

cc: Clerk, Appellate Division, Superior Court**
Administrative Office of the Courts
Attn: Chief, Reporting Services

(The Clerk's copy shall be attached to the notice of appeal - R.2:5 - 1(f))

Olga Blum [Reporter Supervisor for the County]

} [Other attorneys and pro se parties]

*Note: If more than one reporter recorded a portion of the proceeding, a separate form shall be completed for each such reporter.

**Note: Where transcript is to be prepared for use in the Supreme Court rather than the Appellate Division, the copy shall be forwarded to the Clerk of the Supreme Court.

Filed 5-21-86
IN CHAMBERS
EUGENE D. SERPENTELLI, JUSC.

FRANK A. SANTORO, ESQ.
1500 Park Avenue
P.O. Box 272
South Plainfield, New Jersey 07080
(201) 561-6868
Attorney for Defendants

Plaintiffs,

URBAN LEAGUE OF GREATER NEW
BRUNSWICK, et al.,

vs.

Defendants,

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

: SUPERIOR COURT OF NEW JERSEY
: CHANCERY DIVISION
: MIDDLESEX/OCEAN COUNTY
:
: CIVIL NO. C 4122-73
: (Mt. Laurel)
:
:
: ORDER AS TO DEFENDANT
: BOROUGH OF SOUTH PLAINFIELD
:
:
:

THIS MATTER having been opened to the Court by Eric Neisser, Jr., 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 entire record in this action and the papers as submitted by respective counsel, and having heard oral

argument, and good cause having been shown,

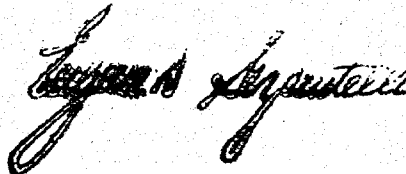
IT IS on this 21st day of May, 1986, ORDERED:

1. Defendant Borough of South Plainfield shall be permitted to close title on current pending outstanding land sales of Borough land, provided the proceeds of said sales are held in a separate escrow account by Defendant Borough of South Plainfield pending further Order of this Court or Order of the Council on Affordable Housing.

2. That the Defendant Borough of South Plainfield is restrained from any further land sales of Borough-owned land pending further Order of this Court or Order of the Council on Affordable Housing.

3. That such discovery as required by Plaintiffs shall be allowable for the purpose of determining whether or not there exists in Defendant Borough of South Plainfield any additional sites suitable for Mt. Laurel Housing construction.

4. That the prior restraints issued by this Court in July of 1985 on the Borough of South Plainfield including all requirements to notify plaintiffs of official actions with respect to the sites listed in Exhibit A, attached hereto, shall remain in effect pending further Order of this Court or Order of the Council on Affordable Housing.



Hon. Eugene D. Serpentelli, A.J.S.C.

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

Pomponio Avenue

Block 448 Lots 2.01, 4.01
Block 427 Lot 1.01

Universal Avenue

Block 255 Lots 14, 33, 34

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

Elderlodge

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