

South Plainfield, W.L. v. Carter 1 April (1987)

South Plainfield Planning Board Resolution

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RESOLUTION

SOUTH PLAINFIELD PLANNING BOARD

WHEREAS, Harris Structural Steel Company, Inc. ("Harris") is the owner of certain premises abutting New Brunswick Avenue in South Plainfield, which property (together with other properties) are included in a Judgment entered on May 22, 1984 in the matter of Urban League of Greater New Brunswick, et al. vs. Mayor and Council of the Borough of Carteret, et al. as a site for development of lower income housing; and

WHEREAS, by Orders entered on July 3, 1985, July 19, 1985 and August 9, 1985 the Court in that case restrained South Plainfield and its Planning Board from considering and deciding applications for development on the Harris site and other sites listed in the Judgment of May 22, 1984 referred to above; and

WHEREAS, the aforementioned litigation has been transferred to the Council on Affordable Housing ("COAH"); and

WHEREAS, in January of 1987 the Borough of South Plainfield submitted to COAH a Housing Element and Fair Share Plan which included the Harris site for development by industrial buildings and 70 lower income housing units; and

WHEREAS, Harris has by formal motion requested COAH to release the restraints described above so that Harris can process an application for development in accordance with the Borough of South Plainfield's Fair Share Plan; and

WHEREAS, by letter of March 20, 1987 (a copy being annexed hereto) Donald M. Palombi, Deputy Attorney General of the State of New Jersey, has advised the South Plainfield Planning Board that COAH has considered Harris' motion to release restraints and has reserved decision thereon but is now allowing this Board to process and hold hearings on Harris' application for development but not to decide such applications pending further order of COAH, all conditioned upon the Board's adoption of this Resolution,

NOW, THEREFORE, on this 1st day of April, 1987, the South Plainfield Planning Board, on motion duly adopted, does hereby resolve that it agrees to process Harris' application described above and hold hearings thereon, but that it will not issue conditional, preliminary, or final approval on said applications, pending further order of COAH.
