

U.L. v. Carteret Piscataway

Dec 11, 1984

Letter from Judge to Williams w/ order
attached

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Superior Court of New Jersey

CHAMBERS OF
JUDGE EUGENE D. SERPENTELLI

OCEAN COUNTY COURT HOUSE
C.N. 2191
TOMS RIVER, N.J. 08754

December 11, 1984

Barbara Williams, Esq.
Rutgers - The State University
Constitutional Litigation Clinic
15 Washington Street
Newark, N. J. 07102-3192

Dear Ms. Williams:

I am returning herewith a copy of the executed order in the above referenced matter and sending a copy of that order to all counsel with a copy of this letter. I specifically note Mr. Paley's objection and wish to remind him that an objection to a five day order is limited to its form. The wisdom or propriety of the order is not in issues. I would also urge that the township provide the information required by the ordinance expeditiously so that this matter may proceed to plenary hearing as soon as possible.

Very truly yours,


Eugene D. Serpentelli, JSC

EDS:RDH

cc:

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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 / OCEAN CO.

Civ C 4122-73

MOUNT LAUREL

O R D E R

Urban League plaintiffs having moved for temporary restraining order and interlocutory injunction, the Court having reviewed all papers submitted, having heard the arguments presented in open Court on the return date, and for good cause shown:

IT IS THIS 11 day of ^{December}~~November~~, 1984:

O R D E R E D that pending a hearing on the final report of Carla Lerman dated November 10, 1984 (attached hereto as Exhibit A), no site found suitable for residential development by Ms. Lerman in the November 10, 1984 final report shall be approved for development by the Township of Piscataway and any of its official bodies, officers or agents, unless the approval

requires a 20% set aside for low and moderate income housing consistent with Southern Burlington County N.A.A.C.P., et al. v. Township of Mount Laurel, 92 N.J. 158 (Mount Laurel II), nor shall use of the site be approved for any other purpose. Any approval granted pursuant to this Order shall contain on its face specific reference to this Order of the Court; and

IT IS FURTHER O R D E R E D that no building permits shall be issued by the Township of Piscataway or any of its official bodies, officers or agents as to the sites found suitable for residential development in Ms. Lerman's final report dated November 10, 1984 (Exhibit A) without Court Order granting such permit upon a finding that the proposed development meets affordability and eligibility standards consistent with Mount Laurel II; and


IT IS FURTHER O R D E R E D except as provided in paragraphs 1 and 2 above that the Township of Piscataway and any of its official bodies, officers or agents are permitted to process and approve development applications, provided that such processing and approval, 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 or an Order of this Court for revision of the Piscataway Township zoning ordinances, if the Urban League shall claim or the Court shall order rezoning necessary to satisfy the Township of Piscataway's obligation under Mount Laurel II

to provide opportunities for the development of its fair share of the regional need for low and moderate income housing; and

IT IS FURTHER O R D E R E D that the Orders of this Court dated May 7, 1984, June 26, 1984 and November 5, 1984 shall remain in full force and effect and shall not be deemed superseded by this Order; and

IT IS FURTHER O R D E R E D that within ten (10) days of the entry of this Order, the Township of Piscataway shall furnish the plaintiffs with the names and addresses of the owners of record of all sites found suitable for residential development in Ms. Lerman's final report dated November 10, 1984 (Exhibit A), and any additional sites deemed suitable for Mount Laurel II housing by plaintiffs' expert, Alan Mallach, in his report of June 8, 1984 (attached hereto as Exhibit B); and

IT IS FURTHER O R D E R E D that Urban League plaintiffs shall within ten (10) days following receipt of the Township of Piscataway list, serve a copy of this Order on all such property owners. Objections to the application of this Order to any particular site in Piscataway will be heard by the Court on short notice of not less than two (2) days.


EUGENE D. SERPENTELLI, J.S.C.