

U.L. v. Carteret, Piscataway

5/6

1986

- Plaintiff's letter to judge objecting to form of Order submitted by Piscataway

Attach: IT's proposed form of Order for the Imposition of Conditions on
Transfer

Pgs. 7

P.i. 1043

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THE STATE UNIVERSITY OF NEW JERSEY
RUTGERS
Campus at Newark

CA000882L

School of Law-Newark • Constitutional Litigation Clinic
S.I. Newhouse Center For Law and Justice
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

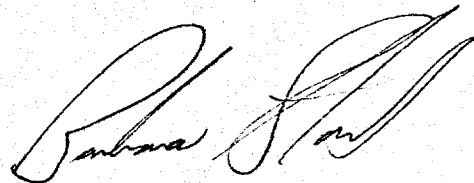
Re: Urban League, et al. vs. Carteret, et al.
(Piscataway)

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 Phillip Lewis Paley, Esq., attorney for defendant Township of Piscataway. 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 on Affordable Housing as well as the parties. By copy of this letter, Mr. Paley is hereby requested to advise the Court of the Block and Lot numbers for sites 4, 40 and 80, to be inserted on Exhibit A.

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/Piscataway Service List (w/encls)

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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 FOR THE IMPOSITION OF
 CONDITIONS ON TRANSFER
 (Piscataway)

This matter having been opened to the Court by Plaintiff Urban (now Civic) League of Greater New Brunswick, by Notice of Motion for Imposition of Conditions on Transfer (Piscataway); Eric Neisser, Esq., John M. Payne, Esq., and Barbara Stark, Esq., of the Constitutional Litigation Clinic of Rutgers Law School, attorneys for the said Plaintiff, appearing, in the presence of Phillip Lewis Paley, Esq., of Kirsten, Friedman & Cherin, a Professional Corporation, attorneys for the Defendant, Township of Piscataway, and the Court having considered the papers appearing at the foot hereof, and the Court having further heard oral argument on Friday, April 25, 1986, and good cause having been shown for the entry of the within Order:

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

1. Plaintiff's application for discovery with regard to Defendant, Township of Piscataway, shall be, and the same is hereby, denied;

2. Plaintiff's application to impose a condition upon the transfer of this litigation to the Affordable Housing Council which would effectively continue the restraints upon development contained in the Court's Judgment as to Piscataway dated September 17, 1985, shall be, and the same is hereby granted. The restrained sites are set forth on Schedule A, annexed hereto. The Piscataway Planning Board and Piscataway 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.

3. Plaintiff's application for expansion of the restraints contained in the Judgment as to Piscataway dated September 17, 1985, to incorporate other lands not therein expressed, be, and the same is hereby, denied; and

4. Plaintiff's application to have the Rutgers Constitutional Law Clinic be permitted to continue its representation of the Urban

League before the Affordable Housing Council is neither granted or denied, the Court making no decision with respect to the substantive request.

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

PAPERS CONSIDERED:

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

EXHIBIT A

<u>SITE</u>	<u>BLOCK</u>	<u>LOT</u>
1	68	35-51, 51A
2	116 188	1 1, 1A, 2
3	228	134, 21-32 (incl. Site 68)
4		
6	317 319	6A, 8, 9, 9A, 9B, 9C, 11A, 11B, 11C 1AQ
7 & 8	389, 390, 396, 387, 398, 403, 407-413	
9 & 13	502 421 442B	1, 2 (part) 7A (part) and 1B
10 & 12	502 502A	2 (part) 2 (part), 6
31	497	4
32, 33 & 34	496	1A, 2, 11 and 12
35	495	46
37	696	27E
38	(partial) 710, 712, 713, 715, 716, 717, 718, 719, 721, 730, 734	
40		
42	735E	27A, 28A
43	647B	21
44	745	3, 4, 4C and 4E
45	744	2A

<u>SITE</u>	<u>BLOCK</u>	<u>LOT</u>
46	744	2
47	743	1
48 and 63	737	4, 5, 8, 9, 10 and 11
49	845	1A, 2, 9B, 10
57	872	2, 3 (part)
75 and 76	560	5A
	561	8A-22, 25-36, 39, 40
	564	18-37
77	647	67A
78	698	16
80		

SERVICE LIST

Urban League v. Carteret, Civ C 4122-73 (Superior Court, Chancery
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