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3/18/76

cover letter
proposed order dismissing complaint against twp

pg 3

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MARTIN A. SPRITZER

ATTORNEY AT LAW

414 MAIN STREET
METUCHEN, NEW JERSEY 08840

548-6455
AREA CODE 201

March 17, 1976

Honorable David D. Furman
Middlesex County Superior Court
Chancery Division
New Brunswick, N.J.

Re: 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 Judge Furman:

Enclosed please find original and two copies of
Order dismissing the complaint in the above matter,
against the Borough of Metuchen. I am simultaneously
delivering a copy of this Order to the attorney for
plaintiffs, with the consent form, as well as the five
day notice form.

I also enclose a certified copy of the amendment
to the zoning ordinance, eliminating the 1,400 square feet
minimum living area in the R-1 zone, in accordance with
your statement from the bench, as well as the affidavit
of publication of the ordinance.

Very truly yours,


MARTIN A. SPRITZER

MAS/eh
encl.

cc: All Attorneys of Record

metuchen

CA001533P

MARTIN A. SPRITZER, ESQ.

~~SPRITZER & BRESSLER, ESQS~~

414 MAIN STREET

METUCHEN, NEW JERSEY 08840

(201) 548-6455

ATTORNEYS FOR Defendant, Mayor and Council
of Borough of Metuchen

Plaintiff

URBAN LEAGUE OF GREATER NEW
BRUNSWICK, et als

vs.

Defendant

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

SUPERIOR COURT OF NEW
JERSEY:MIDDLESEX COUNTY
CHANCERY DIVISION

Docket No. C 4122-73

CIVIL ACTION

ORDER

The Court having heard testimony and other proof respecting plaintiffs' claims based on the complaint in the above matter, and motion for dismissal having been made by Martin A. Spritzer, attorney for the defendant, Borough of Metuchen, in the presence of Daniel A. Searing, attorney for plaintiffs, and argument having been made by the respective attorneys, and the Court having determined that the complaint against the Borough of Metuchen could be dismissed upon the elimination of one

prima facie exclusionary provision of the Metuchen Zoning Ordinance; namely, the 1,400 square feet minimum living area requirement in the R-1 zone, and attorney for defendant having presented proof to the Court that the Metuchen Zoning Ordinance had been amended to eliminate the aforesaid provision,

IT IS HEREBY, on this day of March, 1976, ORDERED that all claims against the defendant, Borough of Metuchen, based on the complaint and pre-trial Order in the above matter, be and are hereby dismissed without costs or attorney's fees to either party, subject to a possible further Order requiring municipalities to participate in State and Federal programs to rehabilitate existing sub-standard housing.

DAVID D. FURMAN, J.S.C.

CONSENTED TO:

Daniel A. Searing, Esq.
Attorney for Plaintiffs

NOTICE TO ALL ATTORNEYS:

PLEASE BE ADVISED that unless you notify the Honorable David D. Furman of any specific objections to the within Order within five days after service of the copy of this Order upon you, the Order may be signed in the Judge's discretion, pursuant to Rule 4:42-1(b).