

CA - Perth Amboy

5/76

proposed judgment/order

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CA0017880

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ATTORNEYS FOR Defendant, Township Committee of
the Township of Piscataway

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: MIDDLESEX COUNTY
DOCKET NO. C-4122-73

URBAN LEAGUE OF GREATER NEW BRUNSWICK, :
a non-profit corporation of the State :
of New Jersey, et als, :

Plaintiffs, :

-vs- :

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

Defendants and :
Third Party :
Plaintiffs, :

Civil Action

JUDGMENT

-vs- :

CITY OF NEW BRUNSWICK and CITY OF PERTH :
AMBOY, :

Third Party :
Defendants, :

and :

NEW JERSEY LEAGUE OF WOMEN VOTERS and :
MIDDLESEX COUNTY LEAGUE OF WOMEN VOTERS, :

Intervenors. :

It is the Judgment of this Court on the _____ day of _____, 1976, as follows:

1. As to Dunellen, the Complaint is dismissed.

2. As to all defendant municipalities, the following provisions of the Complaint are dismissed:

A. Racial discrimination,

B. Violation of Federal Civil Rights Acts, 42 U.S.C.A. §§1981, 1982 and 3601 et seq.,

C. Affirmative action on the part of the municipalities, other than rezoning,

D. Permitting trailers and trailer parks in each municipality's zoning ordinance,

E. Prohibiting air conditioning as a requirement for apartments,

F. Prohibiting aesthetic or zig-zag provisions for apartments,

G. Requiring municipalities to participate in rehabilitation of existing housing,

H. Requiring municipalities to participate in Federal and State programs,

I. Requiring municipalities to construct housing units, or set up a housing authority.

*Standing
Class
action*

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4. As to the 11 defendant municipalities which had received conditional dismissals, namely, Borough of Carteret, Borough of Helmetta, Borough of Highland Park, Borough of Jamesburg, Borough of Metuchen, Borough of Middlesex, Borough of Milltown, City of South Amboy, Borough of South River, Borough of Spotswood and Township of Woodbridge,

It is hereby ORDERED that all counts of the Complaint, and all claims for relief based thereon, are dismissed against said municipalities upon presentation of proof that the respective ordinances have been amended to eliminate any prima facie exclusionary zoning provision(s) in accordance with pages 11 and 12 of the Opinion of the Court, and if clarification is necessary in accordance with the terms of the verbatim transcript of the Court proceedings at which each municipality was given a conditional dismissal. In the event an ordinance is not so amended within 90 days of the signing of this Judgment, then all residential zones of the offending municipality shall become invalid, unless the time limitation is extended for good cause.

It is FURTHER ORDERED that the form of said Final Order, which may be submitted as to each of the 11 conditionally dismissed municipalities, is settled to be as follows:

ORDER

The Court having determined that the Complaint against (name of municipality) should be dismissed upon the elimination of certain prima facie exclusionary provisions of the (municipality's) zoning ordinance (naming of provisions to be optional), and the attorney for said defendant having presented proof to the Court and to the attorney for plaintiffs that the (municipality's) zoning ordinance has been amended to eliminate the aforesaid provision(s),

IT IS, on this _____ day of _____, 1976,
ORDERED, that all claims against the defendant (muni-
cipality) based on the Complaint and Pre-Trial Order
in the above captioned matter, be and are hereby dis-
missed without costs or attorney's fees to either
party.

It is FURTHER ORDERED, that Orders heretofore submitted
by any defendant municipality which had amended its ordinance,
and which Order in form complies with the Order hereby approved,
and to which no objections as to substance have been made, is
acceptable without need to submit further Orders.

5. As to Cranbury, East Brunswick, Edison, Monroe,
North Brunswick, Old Bridge, Piscataway, Plainsboro, Sayreville,
South Brunswick and South Plainfield:

A. Those sections of each of the aforementioned
municipalities' zoning ordinance which are said to be
exclusionary on pages 19 through 30 of the written
Opinion are declared invalid.

B. Each of the municipalities must zone for the
following number of low and moderate income housing
units, but may stage that zoning until 1985:

Cranbury	1351
East Brunswick	2649
Edison	2625
Monroe	1356
North Brunswick	1513
Old Bridge	1634
Piscataway	1333

Plainsboro	1333	-
Sayreville	1661	
South Brunswick	1489	
South Plainfield	1749	

C. In the event the changes in Paragraph A are not adopted within 90 days of the signing of this Judgment, the entire affected zone of the offending municipality shall be invalid.

D. The time limitations of C may be extended if good cause is shown.

6. No costs.

DAVID D. FURMAN

J.S.C.