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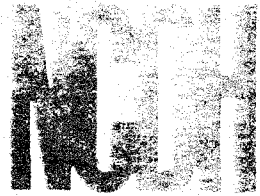
Letter to Judge detailing objections to proposed order of D.

3 pgs

CA002164L

NATIONAL COMMITTEE AGAINST DISCRIMINATION IN HOUSING, INC.

1425 H Street, N.W., Washington, DC 20005 • (202) 783-8150



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March 19, 1976

The Hon. David D. Furman
Post Office Box 788
New Brunswick, New Jersey 08903

Re: Urban League of Greater New Brunswick v.
The Mayor and Council of the Borough of
Carteret, et al., Docket No. C 4122-73

Dear Judge Furman:

We have received copies of the letter to you from Frank Cofone, Jr., of the firm of Rafano and Wood, together with a proposed Order dismissing the plaintiffs' complaint against the Borough of South River in the above-captioned litigation. We have the following objections to the proposed Order:

First, the Order is clearly premature in that South River does not purport to have amended its zoning ordinance as yet.

Second, several of the proposed revisions to the South River zoning ordinance are unsatisfactory. For example, provision four is unsatisfactory in that the acreage requirements for multi-family dwellings should be reduced from four to two acres. Provision five is unsatisfactory in that the minimum square footage requirement should be reduced to no more than nine hundred square feet or be subject to applicable minimum floor area requirements of the New Jersey Housing Finance Agency. In plaintiffs' view, rezoning to the standard presented in provision five would not be adequate. Plaintiffs also contend that additional land within the Borough should be provided for minimum size single family dwellings or multi-family dwellings as of right.

FIELD OFFICE:

NCDH IS A PUBLICLY-SUPPORTED ORGANIZATION, AND CONTRIBUTIONS ARE TAX DEDUCTIBLE.

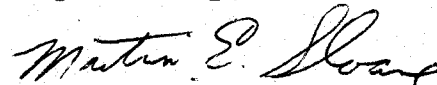
CA002164L

The Hon. David D. Furman
March 19, 1976
Page Two

Third, provision six of the proposed Order is vague and virtually unintelligible. The Court will recall that plaintiffs have expressly reserved the right to retain any and all defendants for purposes of any affirmative relief that the Court may order. The Court is aware that plaintiffs are currently presenting evidence on the important issue of remedy. We believe this evidence will assist the Court in determining the appropriate relief that should be afforded to plaintiffs and the class they represent. Concomitantly, we believe this evidence will also assist the Court in determining the nature and scope of the Order against various defendants, including South River. In any case, we contend that provision six, insofar as it purports to describe the Order that may be imposed on South River, is clearly inadequate.

Finally, plaintiffs object to the last sentence of the proposed Order in that the Court has not yet ruled on costs or counsel fees. Therefore, this is premature and will remain so until final judgement in the above-captioned litigation.

Respectfully,



Martin E. Sloane
General Counsel

MES:ld

cc: Frank Cofone, Jr., Esq.
All Defense Counsel

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Th. Louis Rantini
Acting Clerk

Attorney(s): RAFANO AND WOOD, ESQS.
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South River, NJ 08882
(201) 257-2200
Attorney(s) for Defendant Mayor and Council of the
Borough of South River

URBAN LEAGUE OF GREATER NEW BRUNSWICK,
et al
Plaintiff(s)
vs.
THE MAYOR AND COUNCIL OF THE BOROUGH
OF CARTERET, et al
Defendant(s)

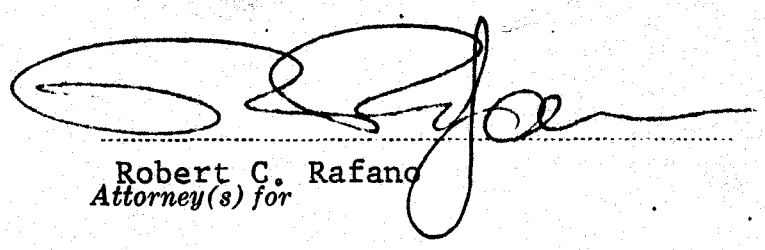
Miller
SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION

Docket No. C-4122-73 ✓

CIVIL ACTION
SUBSTITUTION OF ATTORNEY

The undersigned hereby consents to the substitution of
Gary Schwartz, 65 Milltown Road, East Brunswick, NJ
as Attorney(s) for the Mayor and Council of the Borough of South River
in the above entitled cause.

Dated: March 17 19 76


Robert C. Rafano
Attorney(s) for