

CP L. v. Edison

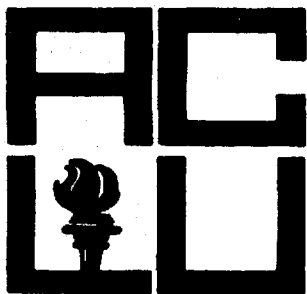
ce/26 June 1988

Letter w/ Consent Order attached (unsigned)

PI # 5193

Pgs 6

ML 0000 560



American Civil Liberties Union of New Jersey

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(201) 642-2084

Edward Martone
Executive Director

Annamay Sheppard
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June 26, 1988

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Peter A. DeSarno, Esq.
11 Route 27
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Sheldon Schiffman, Esq.
636 Morris Turnpike
Short Hills, New Jersey 07078

Re: Civic League of Greater New Brunswick v.
Township of Edison, L-6837688

Gentlemen:

Enclosed is a revised copy of the Consent Order in this case. At Mr. Barcan's suggestion, I have added a phrase clarifying that the order does not prohibit a later agreement to provide a cash contribution in lieu of the Mount Laurel units. I have also agreed that Mr. Barcan need not sign the Consent Order, since his client is not a party and all of his obligations are embodied in the June 15 approval. The final change is a provision giving the Civic League notice of any application to alter the Planning Board's approval insofar as it affects the Mount Laurel obligation, so that we may take steps to protect our rights if necessary.

I will ask Mr. Schiffman to send the signed order to Mr. DeSarno who will return it to me for filing. Thank you for your cooperation.

Sincerely,

John M. Payne

JOHN M. PAYNE, ESQUIRE
Rutgers Law School
15 Washington Street
Newark, New Jersey 07102
(201) 648-5378
Attorney for Plaintiff, on behalf of the
American Civil Liberties Union of New Jersey

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY/OCEAN COUNTY
DOCKET NO. L-6837688

CIVIC LEAGUE OF GREATER NEW BRUNSWICK	:	
	:	CIVIL ACTION
Plaintiff	:	
	:	(MOUNT LAUREL)
-vs-	:	
	:	
EDISON TOWNSHIP, a municipal	:	
corporation of the State of New	:	
Jersey, located in Middlesex	:	
County, New Jersey,	:	<u>CONSENT ORDER</u>
	:	
and	:	
	:	
THE PLANNING BOARD OF	:	
EDISON TOWNSHIP,	:	
	:	
Defendants	:	

This matter having been opened to the Court by the American Civil Liberties Union of New Jersey (John M. Payne, Esq., appearing), attorney for plaintiffs, by way of an application for an Order to Show Cause with Temporary Restraints;

and notice of the application having been given to: Peter DeSarno, Esq., attorney for defendant Township of Edison; Sheldon Schiffman, Esq., attorney for defendant Planning Board of Edison; and Steven Barcan, Esq. (Wilentz, Goldman & Spitzer, Attorneys), attorney for Garden State Buildings, L.P.; and the parties having conferred in an attempt to resolve the matters raised by the Order to Show Cause; and it having been represented to the Court by counsel for the Edison Planning Board that no residential development applications larger than five acres are on the Planning Board agenda for June 15, 1988; and it having been further represented that the Planning Board would not meet again in regular or special session for the consideration of new applications until July 20, 1988; and it having been further represented by counsel for the Civic League that an immediate application would be made to the Council on Affordable Housing for such restraints as COAH determines to be proper; and all parties having agreed orally in the presence of the Court to the terms of this Order on June 15, 1988, prior to the time of the Planning Board meeting;

IT IS ON THIS 15th DAY OF JUNE, 1988, ORDERED AS FOLLOWS:

1. This action is hereby transferred to the Council on Affordable Housing.

2. Any development approval granted to the residential portion of the Rivertown development shall require a 10% set aside, or an equivalent contribution in lieu thereof, for low and moderate income households, as presently embodied in §86-6(Q) of the Zoning Code of Edison. This requirement shall be a part of any approval granted to the Rivertown development by the Planning Board on June 15, 1988 and shall apply to all residential segments of the Rivertown development, whether given final approval before or after 1993. If COAH subsequently determines that some or all of the low and moderate income units must be made available without age restrictions, the Rivertown applicant shall abide by this requirement.

3. ^{Ten}~~Fifteen~~ days notice shall be given by the Planning Board to the Civic League of Greater New Brunswick of any application to alter the terms of the Rivertown development approval, as granted on June 15, 1988, insofar as such application shall affect the requirements concerning low and moderate income housing contained in paragraph (2) of this Order.

EUGENE D. SERPENTELLI, A.J.S.C.

We consent to entry of the above Consent Order:

John M. Payne, Esq.
Attorney for Civic League of
Greater New Brunswick

Peter A. DeSarno, Esq.
Attorney for Township
of Edison

Sheldon Schiffman, Esq.
Attorney for Edison
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