**American Civil Liberties Union of New Jersey**

2 Washington Place
Newark, New Jersey 07102
(201) 642-2084

Edward Martone
Executive Director

Annamay Sheppard
President

Eric Neisser
Legal Director

June 8, 1989

Hon. James D. Clyne, J.S.C.
Ocean County Courthouse
Toms River, New Jersey 08754

Re: Civic League of Greater New Brunswick
v. Edison Township, Docket No. L-068376-88

Dear Judge Clyne:

I am in receipt of the Court's notice that the above-referenced action will be dismissed for want of prosecution pursuant to R.1:13-7 on June 16, 1989.

This is a Mount Laurel action, which was transferred by Hon. Eugene D. Serpentelli to the Council on Affordable Housing on July 7, 1988. A copy of Judge Serpentelli's order is attached.

As a result of this disposition by Judge Serpentelli, the action in Superior Court should be closed, but I believe it is inappropriate to dismiss it. The matter is being pursued actively in mediation before the Council on Affordable Housing.

Respectfully,

John M. Payne
Counsel for Civic
League Plaintiffs

JMP/id

OCEAN SUPERIOR COURT
CIVIL LAW DIVISION
OCEAN COUNTY COURT HOUSE
TOMS RIVER, N.J. 08754

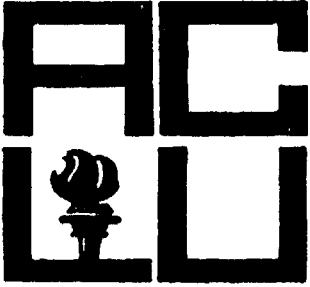
TELEPHONE - (201) 244-2121
8:30 A.M. - 4:00 P.M.

DATE : MAY 01, 1989
DOCKET: OCN - L 068376 88
RE : CIVIC LEAGUE OF GREAT NEW BRUNSW VS EDISON TOWNSHIP

PLEASE TAKE NOTICE THAT ON JUNE 16, 1989, AT 09:00 A.M. BEFORE THE HONORABLE
JAMES D. CLYNE. THE COURT WILL DISMISS THE ABOVE
ENTITLED CASE FOR WANT OF PROSECUTION, PURSUANT TO RULE 1:13-7, UNLESS
GOOD CAUSE TO THE CONTRARY BE SHOWN.

UNLESS WRITTEN OBJECTION TO THE DISMISSAL IS RECEIVED BY THE COURT
AT LEAST 5 DAYS PRIOR TO THE RETURN DATE, THE ACTION WILL THEN BE
HOUT CALL.

JOHN M. PAYNE
RUTGERS LAW SCHOOL
15 WASHINGTON STREET
NEWARK, NEW JERSEY 07102



American Civil Liberties Union of New Jersey

38 Walnut Street
Newark, New Jersey 07102
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Edward Martone
Executive Director

Annamay Sheppard
President

Eric Neisser
Legal Director

July 22, 1988

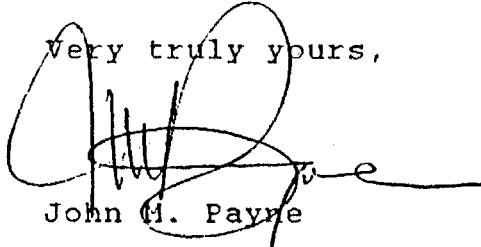
Mr. Douglas V. Opalski, Executive Director
Council on Affordable Housing
11-C Princess Road
CN-813
Trenton, New Jersey 08625-0813

Re: Civic League of Greater New Brunswick
v. Edison Township, Docket No. L-6837688

Dear Mr. Opalski:

Enclosed please find two copies of the consent order signed by Judge Serpentelli transferring this matter to the Council on Affordable Housing.

Very truly yours,



John M. Payne

cc: Louie Nickolaides, Esq.
Donald Palombi, Esq.
Eric Neisser, Esq.

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	:	
	:	(<u>MOUNT LAUREL</u>)
-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 ^{7th}~~15th~~ DAY OF ^{July}~~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.

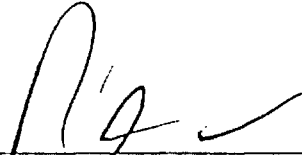
3. Fifteen days notice shall be given by the Planning Board to the Civic League of Greater New Brunswick of any application to alter the terms of the Rivertown development approval, as granted on June 15, 1988, insofar as such application shall affect the requirements concerning low and moderate income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


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

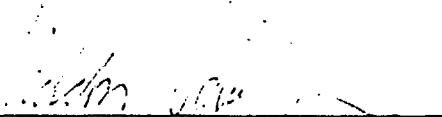
We consent to entry of the above Consent Order:



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
Planning Board

SERVICE LIST

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