

Eldestodge (S. Plaintiff),

Letter discussing order to dismiss the
action

+ form of consent judgment

(1984)

3pgs

post it #1049

ML0003332

RECEIVED

OCT 12 1984

ABRAMS, DALTO, GRAN, HENDRICKS & REINA

A PROFESSIONAL CORPORATION
 COUNSELLORS AT LAW
 1550 PARK AVENUE
 POST OFFICE DRAWER D
 SOUTH PLAINFIELD, NEW JERSEY 07080

(201) 754-9200
 (201) 757-4488

NORMAN J. ABRAMS
 ANGELO H. DALTO
 HOWARD GRAN
 ROBERT E. HENDRICKS
 C. DOUGLAS REINA
 JANE D. CASTNER

JUDGE SERPENTELLI'S CHAMBERS

BOUND BROOK OFFICE
 ROBERT E. HENDRICKS
 RESIDENT PARTNER
 (201) 356-9400

PLEASE REFER TO
 FILE NO.

October 8th, 1984

Honorable Eugene D. Serpentelli
 Judge of the Superior Court
 Ocean County Court House
 C.N. 2191
 Toms River, New Jersey 08754

re: Elderlodge (South Plainfield)

Dear Judge Serpentelli:

The South Plainfield Board of Adjustment met on October 2nd. At that time the public hearing was concluded and the Board deliberated and rendered a decision. They moved to grant the application as originally submitted for 100 Senior Citizen units on the subject parcel. No references to Mount Laurel implications or mandatory set asides were established. The Board reserved decision with respect to the bulk variance for violation of height and parking, and indicated it would consider those requests at the time site plan application was submitted. The approval therefore was purely as to the use variance, partially in accordance with my request to bifurcate the hearing. On the basis of the foregoing, my client has directed me to submit an Order to dismiss the action as originally filed, and I am herewith enclosing a form of Consent Judgment, which I am circulating among all counsel for the purpose of affixing signatures in order to file the same upon the adoption of the Resolution memorializing the Board's approval.

I thank Your Honor for the considerations extended all the litigants in this matter, and I am pleased that the resulting termination appears to be in accordance with the present desires of all litigants.

Respectfully yours,

Angelo H. Dalto
 Angelo H. Dalto

AHD:jsb
 Enclosure

cc: Patrick J. Diegnan, Jr., ESq.
 William V. Lane, Esq.
 Peter J. Calderone, Esq.

ANGELO H. DALTO, ESQ.
Abrams, Dalto, Gran, Hendricks & Reina
1550 Park Avenue
South Plainfield, New Jersey
(201 757-4488, 754-9200
Attorneys for Plaintiff

ELDERLODGE, INCORPORATED,
a New Jersey Corporation,

Plaintiff,

vs.

SOUTH PLAINFIELD BOARD OF ADJUSTMENT,
etc.; BOROUGH OF SOUTH PLAINFIELD BY
ITS MAYOR AND COUNCIL; JOHN GRAF,
BUILDING INSPECTOR OF THE BOROUGH OF
SOUTH PLAINFIELD; and PLANNING BOARD
OF THE BOROUGH OF SOUTH PLAINFIELD,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY

Docket No. L-56349-81

Civil Action

CONSENT JUDGMENT

This matter, having been opened to the Court on Motion of ABRAMS, DALTO, GRAN, HENDRICKS & REINA (Angelo H. Dalto, Esq. appearing), and all parties having consented to the entry of this CONSENT JUDGMENT,

It is hereby ORDERED and ADJUDGED as follows:

By Order of this Court, dated December 23rd, 1983, this matter was remanded to the South Plainfield Board of Adjustment for purposes of amplifying and supplementing the record. Pursuant to said Order, the defendant Board of Adjustment of South Plainfield did in fact conduct public hearings at which time testimony was presented and the public was afforded an opportunity to be heard in accordance with the applicable statutes. On

October 2nd, 1984, the defendant South Plainfield Board of Adjustment did move to grant the requested use variance in accordance with the application as originally filed by the applicant-plaintiff. The defendant Board of Adjustment of South Plainfield did further reserve decision with respect to the height variance request, and parking considerations, to a meeting scheduled for December 4th, 1984, at which time it is intended that site plan application and those variances incident thereto would be considered.

It is further ORDERED and ADJUDGED in view of the foregoing recited factual circumstances, as herein consented to by all parties, that this action be dismissed without costs.

Dated: October _____, 1984.

EUGENE D. SERPENTELLI

J.S.C.

APPROVED and CONSENTED to:

Johnstone, Skok, Loughlin & Lane
Attorneys for South Plainfield Board of Adjustment

WILLIAM V. LANE

PATRICK J. DIEGNAN JR.
Attorney for Borough of South Plainfield and John Graf,
Building Inspector of the Borough of South Plainfield

PETER J. CALDERONE
Attorney for Planning Board of the Borough of South Plainfield