

~~ML~~ ML Piscataway 7-June-1984

Order granting Plaintiff's motion for temporary restraining order with respect to certain lots and denying motion to file amended complaint.

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L. D. SERPENTELLI, J.S.C.

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URBAN LEAGUE OF GREATER)
NEW BRUNSWICK, et. al* ,)
Plaintiff,)

vs.)

THE MAYOR AND COUNCIL OF)
THE BOROUGH OF CARTERET,)
et. al.,)
-----Defendants-----)

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION-MIDDLESEX
COUNTY - 6C4E&AJ *Coda/ >Y*

Docket No. C 4122~73

Civil Action

ORDER

Urban League plaintiffs having moved for leave to file an amended complaint and for a temporary restraining order and interlocutory injunction and having filed in support thereof Affidavits of Bruce Gelber and Alan Mallach, an Amended Complaint, and a Memorandum of Law in Support, and having served those papers upon all counsel, as well as counsel for the Piscataway Township Planning Board, and counsel for the three affected applicants before the Planning Board, and the Court having reviewed all papers submitted and having heard all interested parties in open court on the return date,

IT IS HEREBY O R D E R E D this _____ day of *o^se?*, 1984, that

(1) Plaintiffs' motion for a temporary restraining order is granted as follows:

(a) With respect to the preliminary subdivision application of 287 Associates for Block 497, Lot 3, the Piscataway Township Planning Board is permitted to process and approve the application, except that such processing or approval, if any, shall not, until further order

of the Court, create any vested use or zoning rights or give rise to a claim of reliance against a claim by the Urban League plaintiffs or an order of this Court for revision of the Piscataway Township zoning ordinance if this land (Block 497, Lot 3) must be re-zoned in order to provide low and moderate income housing to satisfy the Township of Piscataway¹'s obligation to provide opportunities for the development of low and moderate income housing under Mt. Laurel II, 92 N.J. 158 (1983). This order shall not affect the applicant's rights under any subsequently approved subdivision or site plan application, except against claims by the Urban League plaintiffs as set forth above.

(b) With respect to the subdivision application of Halocarbon* Products Corp. for Block 413, Lot 3, the Piscataway Township Planning Board is permitted to process and approve the application, except that such processing or approval, if any, shall not, until further Order of the Court, create any vested use or zoning rights against a claim by the Urban League plaintiffs or an order of this Court for revision of the Piscataway Township zoning ordinance if this land (Block 413, Lot 3) must be re-zoned in order to provide low and moderate income housing to satisfy the Township of Piscataway¹'s obligation to provide opportunities for the development of low and moderate income housing under Mt. Laurel II, 92 N.J. 158 (1983). The rights which shall vest upon such approval, if any, of the subdivision application, shall include without limitation the rights to subdivide the property, record the map, and sell the property.

(c) With respect to the request for classification of Algin, Inc.'s application for Block 560, Lot 5-A, the Piscataway Township Planning Board is permitted to classify the application as a major subdivision, except that such action, if any, shall not, until further order of the Court, create any vested use or zoning rights or give rise to a claim of reliance against a claim by the Urban League plaintiffs or order of this Court for revision of the Piscataway Township zoning ordinance if this land (Block 560, Lot 5-A) must be re-zoned in order to provide low and moderate income housing to satisfy the Township of Piscataway's obligation to provide opportunities for the development of low and moderate income housing under Mt. Laurel II, 92 N.J. 158 (1983) .

(2) Plaintiffs' motion for an interlocutory injunction is set down for further hearing to commence at 9:00 A.M. on Friday, June 1, 1984, any affidavits to be filed and served in person no later than Tuesday, May 29, 1984.

(3) The Piscataway Township Planning Board is directed to provide counsel for Urban League plaintiffs with at least fourteen days' written notice, addressed to Bruce Gelber, Esq., at 733 Fifteenth Street, N.W., Suite 1026, Washington, D.C. 20005, and Eric Neisser, Esq., at 15 Washington Street, Newark, New Jersey 07102, of the filing, placement on agenda, or other action regarding any application concerning any parcel of vacant land in Piscataway Township, and plaintiffs are granted permission to file a motion for further relief concerning any such application on five days' notice to counsel for the Township of Piscataway, the Piscataway Township Planning Board, and the affected applicant.

(4) Plaintiffs' motion for leave to file an amended complaint is hereby denied.

Sergio S. Serpente
#J4

SENE D. SERPENTELLI, J.S.C.