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countryside properties inc

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mayer and council of the Borough of Ringwood.

Notice of motion.

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GREGORY J. CZURA, ESQ., P.A.
109 Skyline Drive
Ringwood, New Jersey 07456
(201) 962-9200

COUNTRYSIDE PROPERTIES, INC., a New Jersey Corporation and WALLACE and CZURA LAND CO., a New Jersey Partnership,	:	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: PASSAIC COUNTY/ MIDDLESEX COUNTY
Plaintiffs,	:	(MOUNT LAUREL II LITIGATION)
vs.	:	DOCKET NO. L 42095-81
	:	Civil Action
MAYOR AND COUNCIL OF THE BOROUGH OF RINGWOOD, ET ALS.,	:	NOTICE OF MOTION
Defendants.	:	

TO: Lawrence D, Katz, Esq.
DIAMOND, AFFLJTTO/ & RAIMONDI
376 Hamburg Turnpike
Wayne, NJ Q7470

Kurt E, Johnson, Esq.
DECOTIIS, JOHNSON & PINTO
401 Hackensack Avenue
Hackensack, NJ 07601

Gloria B. Cherry, Esq.
MORRISON & MORRISON
87 Essex Street
P.O. Box 607
Hackensack, NJ 07602-0607

Bernard A, Schwartz, Esq.
445 West Main Street
Wyckoff, NJ 07481

PLEASE TAKE NOTICE that on Friday, January 17, 1986 at 9 o'clock in the forenoon, or as soon thereafter as counsel can be heard, the undersigned, attorney for the plaintiffs, will apply to the Honorable Stephen Skillman, J.S.C., at the Middlesex County Courthouse, New Brunswick, New Jersey, for an Order as follows.-

1. Setting a plenary hearing to determine whether the defendant municipality has encouraged or allowed commercial, residential or industrial development post-decision in "Mount Laurel II" (January 20, 1983) and is subject to having a regional obligation imposed upon it as and pursuant to Exception #3 as outlined in Mount Laurel II at Page 240 through 243 because the concept map has not been revised by the court imposed deadline of January 1, 1985.

2. Setting a plenary hearing to fix the number of over-crowded units within the defendant borough that are not dilapidated and which are occupied by low or moderate income families and to otherwise set the obligation of the defendant municipality for its indigenous need.

3. Holding a summary proceeding to hold the defendant, Borough of Ringwood, in contempt for failure to abide by the court order of July 25, 1984, which order required the defendant to adopt a new zoning ordinance providing a realistic opportunity for lower income housing within ninety (90) days of

the court order and for failure to-"submit-it'to the Court for its review as and pursuant to the Court's decision of July 25, 1984.

Or, in the alternative, to have the master previously appointed by the Court draft the required ordinance.

In addition, the plaintiffs are seeking relief pursuant to R.I:10-5 and therefore, seek an order awarding the plaintiff counsel fees to be paid by the defendant municipality as and pursuant to this rule.

4. Invalidating all of the defendant borough's land use regulations insofar as they are applicable to the plaintiffs¹ property as a remedy for non-compliance with the court order of July 25, 1984.

5. Setting a plenary hearing on the nature and the scope of the builder's remedy to be awarded to the plaintiffs and for a plenary hearing as to whether the Court should not only award the builder's remedy, but also issue a building permit due to the defendant's adamant refusal to provide a realistic opportunity for the creation of housing opportunities for low and moderate income persons within the borders of the defendant municipality.

6. Setting a plenary hearing to determine the defendant municipality's regional obligation due to its reclassification as a non-conservation area by the State of New Jersey.

7. Setting a plenary hearing to determine whether this Court should revert to the standards set forth in "Mount Laurel I" due to the actions of the State of New Jersey that have rendered the SDGP and the concept map inappropriate for Mount Laurel purposes.

8. Allowing the plaintiffs to amend the Complaint to include as parties defendant: The Ringwood Borough Sewerage Authority, The Wanaque Valley Regional Sewerage Authority, and The Passaic County Planning Board.

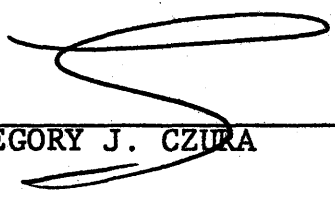
9. Compelling the defendant municipality and the defendant planning board to sign the settlement agreement previously prepared by the defendant municipality and which has already been signed by the plaintiffs as an additional remedy for non-compliance with the order of the Court.

10. Preventing and barring the defendant municipality from offering for sale or making any realty improvements to any commercial and industrial property owned by the defendant municipality until its zoning ordinances are satisfactorily revised or until all or part of its fair share of lower income housing is constructed and/or firm commitments for its construction have been made by responsible developers.

Plaintiffs shall rely upon the annexed Certification and upon oral argument on the return date of the motion.

Pursuant to R.I:6-2(b), the plaintiff requests oral argument. A proposed form of Order is annexed.

Dated: January 3, 1986


GREGORY J. CZURA