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Prerogative writs
(Vicinage of Hon. Stephen Skillman

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SUPERIOR COURT
OF NEW JERSEY
SEP 25 1984
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JOHN M. MAYSON
CLERK

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SEP 27 1984
SUPERIOR COURT OF N.J.
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MIDDLESEX COUNTY CLERK
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| MT. HOPE MINING COMPANY, a New Jersey Corporation and HALECREST COMPANY, a New Jersey Corporation, Plaintiffs, vs. TOWNSHIP OF ROCKAWAY, a Municipal Corporation of the State of New Jersey; GERALD HARTMANN, Building Inspector of the Township of Rockaway; and LUTZ RONLUND, Zoning Official of the Township of Rockaway, Defendants. | SUPERIOR COURT OF NEW JERSEY<br>LAW DIVISION<br>MORRIS/MIDDLESEX COUNTY<br><br>Docket No. (12) 5521 PW<br><br>Civil Action<br><br>MOUNT LAUREL<br><br>COMPLAINT IN LIEU OF PREROGATIVE WRITS<br>(Vicinage of Hon. Stephen Skillman) |

Plaintiffs, MT. HOPE MINING COMPANY, a New Jersey Corporation, and HALECREST COMPANY, a New Jersey Corporation, with offices located at 321 Talmadge Road, Township of Edison, County of Middlesex and State of New Jersey, by way of Complaint against the defendants, SAY:

FIRST COUNT

1. Plaintiff, MT. HOPE MINING COMPANY, is the owner of approximately 1280 acres in the Township of Rockaway which are known and described as Block 229 Lots 10 and 10-3, Block 224 Lots 1, 2, 3 and 4, Block 201 Lots 1, 32, 49 and 52, Block 137 Lots 10, 11, 12 and 13 and Block 136 Lots 3, 4, 5, 6 and 8 also known as Block 135 Lot 10, Block 136 Lot 3, Block 201 Lots 1, 32 and 49, Block 229 Lots 10 and 10.3,and Block 224 Lot 1.

2. Plaintiff, HALECREST COMPANY, is the parent company of the plaintiff, MT. HOPE MINING COMPANY.

3. Since on or about December 30, 1972, plaintiffs, MT. HOPE MINING COMPANY and HALECREST COMPANY, have had an interest in the aforesaid premises and plaintiff, MT. HOPE MINING COMPANY took title of said premises by deed dated December 29, 1976.

4. Defendant, TOWNSHIP OF ROCKAWAY, is a Municipal Corporation of the State of New Jersey (hereinafter "defendant Municipality").

5. The defendant Municipality is a defendant in the lawsuit entitled "Morris County Fair Housing Council, et al. vs. Boonton Township, et al.," Docket No. L-6001-78 P.W., which lawsuit was conditionally settled by an Agreement entered into between the Public Advocate of the State of New Jersey (Exhibit "A") subject to the approval of the Honorable Stephen Skillman, Judge of the Superior Court.

6. Pursuant to said Agreement (Exhibit "A"), the defendant Municipality adopted an amendment to its Zoning Ordinance on or about August 7, 1984 whereby a large portion of plaintiffs' acreage in defendant Municipality was rezoned to the PRD1 and PRD2 Zones (Exhibit "B"). Plaintiffs own 181 acres in the PRD1 Zone and 735 acres in the PRD2 Zone.

7. While ostensibly defendant Municipality has declared its intention to provide for and encourage the construction of 1135 low and moderate income housing units pursuant to its "Mt. Laurel" obligations as set forth in the aforesaid Agreement (Exhibit "A") and the aforesaid Zoning Amendment (Exhibit "B"), the terms of said Agreement and Zoning Amendment are neither intended nor realistically provide for a reasonable opportunity

to build the aforesaid 1135 low and moderate income housing units in Rockaway Township and, more specifically, are neither intended nor do they realistically provide for a reasonable opportunity to build the required low and moderate income units on the lands of plaintiffs in said PRD1 and PRD2 Zones. Said 1135 low and moderate income housing units are "phantom units" in that there is no realistic possibility of being constructed in Rockaway Township for said units and again, more specifically, the amount of units required by said Agreement and Zoning Amendment to be constructed on plaintiffs' premises are certainly "phantom units" in that they will not be constructed at the called for density. In short, said Agreement and said Zoning Amendment are a sham in terms of providing for the construction of low and moderate income housing in defendant Municipality and, specifically, on plaintiffs' premises.

8. Plaintiffs premises in the PRD1 and PRD2 Zones are ideally suited in terms of location and topography for residential development, including low and moderate income housing. Plaintiff wishes to develop its land for such residential use with gross densities of at least 2.06 units per acre in the PRD1 Zone and 3.74 units per acre in the PRD2 Zone and appropriate net densities and other proper conditions for Mt. Laurel housing. However, as previously set forth, based on the implementation of the aforesaid Agreement (Exhibit "A" and Zoning Amendment (Exhibit "B") there is no realistic opportunity that plaintiffs' premises, in fact, will be developed for residential purposes including low and moderate units together with "market" units.

9. The aforesaid Agreement (Exhibit "A") and the aforesaid Zoning Amendment (Exhibit "B") are exclusionary in that the aforesaid 1135 low and moderate income units and, more specifically, the low and moderate income units to be constructed on plaintiffs' premises, do not have a realistic opportunity to be constructed and, therefore, said defendant Municipality has failed to meet its "fair share" obligations under the doctrine of Mt. Laurel I and II decisions.

10. The plaintiffs, if given the aforesaid gross densities of 2.06 units per acre in the PRD1 Zone and 3.74 units per acre

in the PRD2 Zone together with appropriate net densities and other proper conditions will be able to build a significant number of low and moderate income units on their premises thereby meeting a substantial share of the defendant Municipality's Mt. Laurel obligations, said development to be constructed in a manner consistent with good planning and without any adverse effect on the environment.

11. Said Agreement (Exhibit "A") and said Zoning Amendment (Exhibit "B") are also in violation of the laws and Constitution of the State of New Jersey as well as the Constitution of the United States of America in that they, by way of illustration and not by way of limitation, are arbitrary, capricious, unreasonable and represent an illegal and improper use of the zoning power and/or police power.

WHEREFORE, plaintiffs demand Judgment for the following relief:

(a) Declaring the Agreement (Exhibit "A") and the Zoning Amendment (Exhibit "B") to be null and void and of no force and effect as to plaintiffs' premises in the PRD1 and PRD2 Zones;

(b) An Order enjoining the defendant Municipality from enforcing the terms of the aforesaid Agreement (Exhibit "A") and Zoning Amendment (Exhibit "B") as to the aforesaid premises of plaintiffs in the PRD1 and PRD2 Zones;

(c) An Order appointing a Special Master to develop proper zoning and land use regulations for the defendant Municipality generally and, specifically, on plaintiffs' premises in the PRD1 and PRD2 Zones so as to provide for a realistic opportunity to construct the required low and moderate income housing;

(d) An Order requiring the defendant Municipality to adopt the appropriate zoning and land use regulations within a specified time to meet its "fair share" housing obligations as set forth in the Mt. Laurel I and II decisions;

(e) Granting a "Builder's Remedy" to plaintiffs so as to allow them to construct on their premises in the PRD1 and PRD2 Zones at gross densities of 2.06 units per acre and 3.74 units per acre, respectively, together with appropriate net densities and other proper conditions, residential housing of which

a substantial amount will be low and moderate income housing;

(f) An Order denying a Judgment of compliance as to the aforesaid Agreement (Exhibit "A") and the aforesaid Zoning Amendment (Exhibit "B");

(g) Such other relief that the Court deems to be fair and proper; and

(h) Counsel fees and costs.

SECOND COUNT

1. Plaintiffs repeat and reiterate each and every allegation contained in the First Count as if set forth at length and made a part hereof.

2. Located on the premises owned by the plaintiffs in the PRD1 Zone is the Mt. Hope Pond which has been leased by plaintiffs to defendant Municipality for the purpose of allowing the residents of the defendant Municipality to swim therein. Said lease is a year to year lease and the rental is $1.00 per year.

3. The defendant Municipality has expressed its desire to prevent any development by plaintiffs of said Mt. Hope Pond and the surrounding premises by plaintiffs.

4. Pursuant to said intent the defendant Municipality has provided for a "conservation easement" and other provisions in the aforesaid Zoning Amendment which effectively prevent plaintiffs from obtaining any type of reasonable use and/or return from said Mt. Hope Pond and surrounding premises.

5. Said "conservation easement" and other provisions of said Zoning Amendment (Exhibit "B") constitute arbitrary, capricious and unreasonable action by said defendant Municipality.

6. Furthermore, said "conservation easement" and other provisions of said Zoning Amendment (Exhibit "B") constitute a public taking of the aforesaid Mt. Hope Pond and surrounding premises by said defendant Municipality without just compensation in violation of the laws and Constitution of the State of New Jersey and the Constitution of the United States of America.

7. As the result of the location of the said Mt. Hope Pond and surrounding premises, the illegal public taking of said premises also has such an effect on the remaining premises

of plaintiffs as to constitute an illegal public taking of such remaining public lands of plaintiffs.

8. Finally, the illegal public taking of Mt. Hope Pond and the surrounding areas by the use of the "conservation easement" and related provisions of the Zoning Amendment (Exhibit "B") also create a situation whereby there is no realistic possibility of the construction of low and moderate income housing on the remaining lands of plaintiffs in the PRD1 and PRD2 Zones.

WHEREFORE, plaintiffs demand Judgment on this Count as follows:

(a) An Order declaring those provisions of the Zoning Amendment (Exhibit "B") providing for a "conservation easement" and other provisions dealing with development at and/or adjacent to Mt. Hope Pond to be null and void and of no force and effect.

(b) An Order requiring defendant Municipality to pay to plaintiffs the full fair market value of all of the plaintiffs' premises in the PRD1 and PRD2 Zones based on the zoning and land use regulations to be adopted by the defendant Municipality as requested in the First Count;

(c) As to the Mt. Laurel aspects of this Count, as set forth in Paragraph 5 of this Count, the relief sought by plaintiffs in the First Count;

(d) Such other relief as the Court deems proper and fair; and

(e) Counsel fees and costs.

THIRD COUNT

1. Plaintiffs repeat and reiterate each and every allegation contained in the First and Second Counts, inclusive, as if set forth at length and made a part hereof.

2. Since the purchase of the aforesaid premises, plaintiffs' premises were basically zoned in the then M Zone, R88 Zone, R15 Zone, R-13 Zone and R-25 Zone until on or about August 7, 1984 approximately 916 acres of said premises

previously in the M Zone, R88 Zone and R15 Zone were rezoned to PRD1 and PRD2 Zones.

3. Almost immediately after taking plaintiffs' title to said premises, the defendant Municipality, through its agents, servants and employees, has embarked upon an illegal course of conduct to effectively prevent the plaintiffs from utilizing its property for any reasonable use and/or any economically feasible use. By way of illustration, and not by way of limitation, the defendant Municipality, by adoption of various illegal Ordinances and interpretations thereof, has prevented plaintiffs from conducting mining operations at said premises notwithstanding the fact that a portion of said premises have traditionally been used for mining purposes dating back to the Revolutionary Era. Plaintiffs have advised defendant Municipality of this inability to use the premises for mining purposes due to this illegal action of defendant Municipality but defendant Municipality has and still does refuse to enact reasonable requirements which would allow plaintiffs to continue to operate this long standing use of the premises.

4. Notwithstanding this concerted and conscious effort on the part of defendant Municipality to effectively prevent plaintiffs from utilizing its property for any reasonable use and/or any economically feasible use thereof, plaintiffs have on many occasions attempted to cooperate with defendant Municipality in the public interest. By way of illustration, but not by way of limitation, plaintiffs have in the past allowed defendant Municipality to lease for $1.00 per year Mt. Hope Pond so the defendant Municipality would be able to provide to its inhabitants swimming and related recreational facilities. Additionally, defendant Municipality would not allow the plaintiffs to bring in certain types of soil to be placed upon the premises of the plaintiffs but, notwithstanding said objections on the part of the defendant Municipality to plaintiffs bringing in environmental sensitive "muck," the defendant Municipality obtained permission from the plaintiffs to allow contractors who were constructing the new Municipal Building to

bring in and dispose upon the plaintiffs' premises material which was far more objectionable from an environmental point of view than that which the plaintiffs had unsuccessfully requested permission from the defendant Municipality.

5. Plaintiffs have on numerous occasions requested the defendant Municipality and its Planning Board to rezone the premises owned by plaintiffs so as to allow plaintiffs reasonable use of their premises and/or an economically feasible use of their premises but defendant Municipality has and still does consciously and knowingly and illegally refuse to adopt such amendments. By way of illustration, and not by way of limitation, after one of such requests by plaintiffs, the defendant Municipality and/or its Planning Board through their elected and appointed officials in the spring of 1981 requested plaintiffs to prepare and deliver to defendant Municipality and its Planning Board a Master Plan for the development of the premises as a unit rather than to allow it to be developed in a piecemeal fashion which could be to the detriment of the inhabitants of the defendant Municipality. Pursuant to that suggestion, plaintiffs retained an architectual and planning firm which prepared a state of the art land use development plan for the premises effectively utilizing solar, geothermal and other advanced techniques which would result in an orderly, structured and reasonable development for the premises protecting the public's interest. This plan, developed at great cost to the plaintiffs was submitted to the defendant Municipality and its Planning Board in December, 1981 and to date, defendant Municipality, again, in accordance with its conscious plan to prevent and thwart plaintiffs from making any reasonable use of the premises and/or preventing any economically feasible use of the premises, has failed to take any action on said development plan and/or adopt any reasonable zoning as an alternative to plaintiffs' development plan.

6. Defendant Municipality has further acted illegally towards plaintiffs by the discriminatory enactment and enforcement of ordinances. By way of illustration and not by way of

limitation, the defendant Municipality has adopted a certain ordinance entitled "Ordinance to Amend Chapter 83A Entitled 'Tree Removal and Farming' of the Township Code of the Township of Rockaway" which was knowingly adopted for the express purpose of preventing plaintiffs from utilizing their premises for the purpose of tree farming which is legal and proper use of the premises in New Jersey, and in fact, a use which is encouraged by the State Statutes of the State of New Jersey.

7. As further evidence of the discriminatory and illegal manner in which defendant Municipality has acted towards plaintiffs, notwithstanding the fact that plaintiffs have made the aforesaid requests to rezone their premises over the years so they can obtain beneficial enjoyment of their premises and said requests have been refused and/or not acted upon by defendant Municipality and its Planning Board, the defendant Municipality and its Planning Board have been able to rezone premises owned by defendant Municipality in less than two months without conformance to the applicable laws of the State of New Jersey and without regard to the nature and quality of the zoning regulations and their effect in an attempt to obtain a higher price for said municipal lands to be auctioned at a public sale.

8. As a direct and proximate result of these illegal acts and conduct of the defendant Municipality, the Ordinances of the defendant Municipality affecting the use and occupancy of the premises of the plaintiffs, including but not limited to the Zoning Ordinance, the Soil Removal Ordinance, the Tree Removal Ordinance, are illegal and null and void as to the premises of plaintiffs in that they are in violation of the laws of the State of New Jersey, the Constitution of the State of New Jersey, as well as the Constitution of the United States of America.

WHEREFORE, plaintiffs demand Judgment against defendants as follows:

(a) The provisions of the Zoning Ordinance and/or the Land Use Ordinance of defendant Municipality affecting the

use and enjoyment of plaintiffs' premises are null and void and of no further force and effect as to said premises and an Order temporarily and permanently restraining the defendant Municipality and defendants, Hartmann and Ronlund, from enforcing said illegal Zoning Ordinance and/or Land Use Ordinance as to these plaintiffs;

(b) An Order wherein the Court will provide for zoning provisions affecting the use and enjoyment of the premises of plaintiffs so as to allow plaintiffs to make reasonable use of said premises and/or obtain an economically feasible use of said premises in accordance with the aforesaid development plan submitted by the plaintiffs to defendants; or in the alternative, order and direct defendant Municipality to enact such amendments to the said Zoning Ordinance within 60 days of Judgment so as to allow plaintiffs to make reasonable use of said premises and/or obtain an economically feasible use of said premises;

(c) The Court declare the Soil Removal, Mining and Tree Removal Ordinance null and void and of no force and effect as to premises of plaintiffs;

(d) Such other relief as the Court may deem to be equitable and just; and

(e) Counsel fees and costs.

FOURTH COUNT

1. Plaintiffs repeat and reiterate each and every allegation contained in the First, Second and Third Counts, inclusive, as if set forth at length and made a part hereof.

2. The aforesaid Zoning Ordinance and Zoning Amendment (Exhibit "B"), as well as the aforesaid Soil Removal, Mining and Tree Removal Ordinance are in violation of the laws of the State of New Jersey and the due process and equal protection clauses of the New Jersey Constitution, in that they, by way of illustration and not by way of limitation, represent an illegal and improper use of the zoning power and/or police power, have not objective standards, represent an illegal delegation of

municipal power, are void for vagueness, forbid conduct far beyond the public need for protection, are incapable of being enforced on an uniform and equal basis, and are not in accordance with and consistent with the Land Use Plan Element of the Master Plan of defendant Municipality.

3. The aforesaid Zoning Ordinance and Zoning Amendment (Exhibit "B"), as well as the aforesaid Soil Removal, Mining and Tree Removal Ordinances are similarly in violation of the Constitution of the United States of America, including, but not limited to, due process and equal protection clauses of the United States Constitution.

WHEREFORE, plaintiffs demand Judgment against defendants on this Fourth Count as follows:

(a) The provisions of the Zoning Ordinance and/or the Land Use Ordinance of defendant Municipality and/or Zoning Amendment (Exhibit "B") affecting the use and enjoyment of plaintiffs' premises are null and void and of no further force and effect as to said premises and an Order temporarily and permanently restraining the defendant Municipality, Planning Board and defendants, Hartmann and Ronlund, from enforcing said illegal Zoning Ordinance and/or Land Use Ordinance and/or Zoning Amendment (Exhibit "B") as to these plaintiffs;

(b) An Order wherein the Court will provide for zoning provisions affecting the use and enjoyment of the premises of plaintiffs so as to allow plaintiffs to make reasonable use of said premises and/or obtain an economically feasible use of said premises in accordance with the aforesaid development plan submitted by the plaintiffs to the defendants; or in the alternative, order and direct defendant Municipality to enact such amendments to the said Zoning Ordinance within 60 days of Judgment so as to allow plaintiffs to make reasonable use of said premises and/or obtain an economically feasible use of said premises;

(c) The Court declare the Soil Removal, Mining and Tree Removal Ordinance null and void and of no force and effect as to premises of plaintiffs;

(d) Such other relief as the Court may deem to be equitable and just; and

(e) Counsel fees and costs.

FIFTH COUNT

1. Plaintiffs repeat and reiterate each and every allegation contained in the First, Second, Third and Fourth Counts, inclusive, as if set forth at length and made a part hereof.

2. The aforesaid illegal and unlawful conduct of defendant Municipality coupled with the unlawful and unreasonable refusal of the defendant Municipality to properly rezone the premises owned by plaintiffs after numerous requests over the years by plaintiffs, constituted a public taking of the aforesaid premises of plaintiffs by defendant Municipality without just compensation in violation of the laws of the State of New Jersey, the Constitution of the State of New Jersey and the Constitution of the United States of America.

3. Furthermore, the unlawful and illegal adoption of the aforesaid Ordinances, including but not limited to the Soil Removal Ordinance, Mining Ordinance and Tree Removal Ordinance, also constitute a public taking of the aforesaid premises of plaintiffs without just compensation.

WHEREFORE, plaintiffs demand Judgment against defendants as follows:

(a) An Order requiring defendant Municipality to pay to plaintiffs the full fair market value of the premises as based on reasonable zoning regulations, in accordance with the aforesaid development plan submitted by plaintiffs to defendants, rather than the present illegal zoning regulations and also based on reasonable soil removal, mining and tree removal regulations rather than the present illegal soil removal, mining and tree removal regulations, together with interest;

(b) Alternatively, in the event that the defendant Municipality determines to attempt to mitigate the public

taking by enacting reasonable and proper zoning regulations and reasonable and proper soil removal, mining and tree removal ordinances, during the course of this litigation, then, in such event, the Court should order defendant Municipality to pay reasonable and just compensation to plaintiffs for the temporary public taking of its premises for the period of time covered by the enactment of the aforesaid illegal Zoning, Soil Removal, Mining and Tree Removal Ordinances, together with interest;

(c) Such other relief as the Court may deem to be equitable and just; and

(d) Counsel fees and costs.

SIXTH COUNT

1. Plaintiffs repeat and reiterate each and every allegation contained in the First, Second, Third, Fourth and Fifth Counts, inclusive, as if set forth at length and made a part hereof.

2. Defendant, GERALD HARTMANN, is the Building Inspector of the defendant Municipality.

3. Defendant, LUTZ RONLUND, is the Zoning Official of the defendant Municipality.

4. As such, it is defendants Hartmann and Ronlund's duties to enforce the aforesaid illegal Zoning, Soil Removal, Mining and Tree Removal Ordinance.

WHEREFORE, plaintiffs demand Judgment against defendants Hartmann and Ronlund, Building Inspector and Zoning Official respectively, as follows:

(a) An Order temporarily and permanently restraining the defendants Hartmann and Ronlund from enforcing said illegal Zoning, Soil Removal, Mining and Tree Removal Ordinances during the pendency of this litigation as to plaintiffs, MT. HOPE MINING COMPANY and HALECREST COMPANY, and/or as to the aforesaid premises of plaintiffs, MT. HOPE MINING COMPANY and HALECREST COMPANY;

(b) An Order permanently enjoining said defendants Hartmann and Ronlund from enforcing said illegal Zoning, Soil

Removal, Mining and Tree Removal Ordinances as against these plaintiffs, MT. HOPE MINING COMPANY and HALECREST COMPANY, and/or as to the aforesaid premises of plaintiffs, MT. HOPE MINING COMPANY and HALECREST COMPANY;

(c) Such other relief as the Court may deem to be equitable and just; and

(d) Counsel fees and costs.

SEVENTH COUNT

1. Plaintiffs repeat and reiterate each and every allegation contained in the First, Second, Third, Fourth, Fifth and Sixth Counts, inclusive, as if set forth at length and made a part hereof.

2. Plaintiffs are corporations organized under the law of the State of New Jersey with their principal place of business in New Jersey.

3. Defendant Municipality is a Municipality organized and existing under the laws of the State of New Jersey.

4. This action arises under Title 42 of the United States Code Section 1983, and this Court has concurrent jurisdiction of the action under Title 28 of the United States Code Section 1331 et. seq.

5. This Count is brought for injunctive relief and damages, both compensatory and punitive, against defendant Municipality on the grounds that defendant Municipality has consciously and knowingly entered upon a course of conduct designed, and which, in fact, has so done, to prevent plaintiffs from the beneficial use and enjoyment of their premises and thereby deprive plaintiffs of rights secured under the Constitution and laws of the United States of America.

6. Acting under color of law, the defendant Municipality has intentionally and knowingly entered upon a predetermined course of conduct designed to prevent plaintiffs, MT. HOPE MINING COMPANY and HALECREST COMPANY, from the beneficial use and enjoyment of their premises, all of which has resulted in the violation of the civil rights of plaintiffs guaranteed by

the United States Constitution, including, but not limited to the Fifth and Fourteenth Amendments, all in violation of Section 1983 of Title 42 of the United States Code.

7. As a direct and proximate result of the aforesaid illegal acts and conduct of defendant Municipality, plaintiffs have been deprived of the beneficial use and enjoyment of their premises and, as such, have sustained considerable financial damage, loss of income and loss of profits.

WHEREFORE, plaintiffs demand Judgment against defendants as follows:

(a) An Order declaring the aforesaid Zoning Ordinance, Soil Removal, Mining and Tree Removal Ordinances are null, void and illegal;

(b) Preliminarily and permanently enjoining defendant Municipality, and defendants Hartmann and Ronlund and all of their agents, servants and employees from enforcing the terms of said Ordinance as to plaintiffs and any use of their premises;

(c) Damages, both compensatory and punitive, against defendant Municipality;

(d) Such other relief as the Court may deem to be equitable and just; and

(e) Counsel fees and costs.

EIGHTH COUNT

1. Plaintiffs repeat and reiterate each and every allegation contained in the First and Second Counts, inclusive, as if set forth at length and made a part hereof.

2. Said Zoning Amendment (Exhibit B) is in violation of the laws and Constitution of the State of New Jersey as well as the Constitution of the United States of America in that it, by way of illustration not by way of limitation, represents an illegal and inproper use of the zoning and/or police power and is arbitrary, capricious and unreasonable.

WHEREFORE, plaintiffs demand Judgment for the following

relief:

(a) Declaring the Zoning Amendment (Exhibit B) to be null and void and of no force and effect as to plaintiffs' premises in the PRD1 and PRD2 Zones;

(b) An Order enjoining the defendants from enforcing the terms of said Zoning Ordinance as to plaintiffs' premises;

(c) An Order appointing a Special Master to develop proper zoning and land use regulations for plaintiffs' premises so as to allow plaintiffs' to make reasonable use and/or obtain an economically feasible use of said premises;

(d) An Order requiring the defendant Municipality to adjust the appropriate zoning and land use regulations as to plaintiffs' premises;

(e) Such other relief as the Court may deem to be equitable and just; and

(f) Counsel fees and costs.

Dated: 9/24/84

EINHORN, HARRIS & PLATT, P.C.
Attorneys for Plaintiffs

By

Theodore E. B. Einhorn