

ML Piscataway 26-Oct.-84

P's Motion for Consolidation,
Temporary Restraining Order, Interlocutory
Injunction, Appointment of Master,
Notice to P, P's Supporting
Affidavit and proposed order
on the above matter

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School of Law-Newark • Constitutional Litigation Clinic
S.I. Newhouse Center For Law and Justice
15 Washington Street • Newark • New Jersey 07102-3192 -201/648-5687

October 26, 1984

The Honorable Eugene D. Serpentelli
Judge, Superior Court
Ocean County Court House, CN 2191
Toms River, N.J. 08753

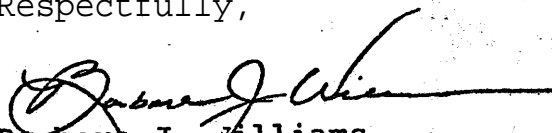
Re: Urban League v. Carteret, et al., No. C 4122-73

Dear Judge Serpentelli: i

I am enclosing plaintiffs¹ Motion for Consolidation/
Temporary Restraining Order, Interlocutory Injunction,
Appointment of a Master, and Notice to Plaintiff, my Supporting
Affidavit and a proposed Order in relation to the above-
referenced matter^

It is my understanding from my telephone conversation
with Your Honor's law clerk today that this matter will be
heard on short notice by the Court on a date to be determined
upon receipt of these documents. By a copy of this letter, I
am advising all interested parties that I will advise them
immediately by telephone as soon as I am informed of the date
and time selected by Your Honor for this matter to be returnable
before the Court.

Respectfully,



Barbara J. Williams
Attorney for Plaintiffs

ends

cc/Clerk, Superior Court, Trenton
Angelo H. Dalto, Esq.
Patrick J. Diegnan, Jr., Esq.
William V. Lane, Esq.
Peter J. Calderone, Esq.
Borough of South Plainfield
South Plainfield Zoning Board of Adjustment
South Plainfield Planning Board
Mr. John Graf

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733 15th St. NW, Suite 1026
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ATTORNEYS FOR PLAINTIFFS

URBAN LEAGUE OF GREATER
NEW BRUNSWICK,, et al.,

Plaintiffs,

vs. .

THE MAYOR AND COUNCIL OF
THE BOROUGH OF CARTERET,
et al.,

Defendants.

SUPERIOR COURT OF "NEW JERSEY
CHANCERY DIVISION/MIDDLESEX
COUNTY

Docket No. C 4122-73

Civil Action

NOTICE OF MOTION FOR
CONSOLIDATION, TEMPORARY
RESTRAINING ORDER,
INTERLOCUTORY INJUNCTION,
APPOINTMENT OF A MASTER AND
NOTICE TO PLAINTIFF fc

TO: The Honorable Eugene Serpentelli
Ocean County Court House
CN 2191
Toms River, N.J. 08753

Mr. John M. Mayson
Clerk, Superior Court
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South Plainfield Planning Board
2480 Plainfield Avenue
South Plainfield, N.J. 07080

Mr. John Graf
Building Inspector
2480 Plainfield Avenue
South Plainfield, N.J. 07080

PLEASE TAKE NOTICE that on short notice to be determined by the Court pursuant to R. 4:38-1, plaintiff Urban League will move for an Order Consolidating Elderlodge, Inc. v. South Plainfield Board of Adjustment, et al., Docket No. L-56349-81 with Urban League of Greater New Brunswick, et al. v. The Mayor and Council of the Borough of Carteret, et al.

PLEASE TAKE FURTHER NOTICE that the plaintiffs will also move for an Order restraining the Borough of South Plainfield and any of its official bodies, officers, and agents from taking any action which may prejudice the development of the fair share number of low and moderate income housing units ordered by the Court in the Judgment As To South Plainfield dated May 22, 1984 and specifically prohibiting the granting of a final use variance, building permit or taking

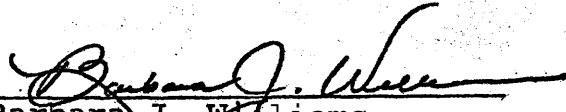
any other action with- respect to the property in issue in Elderlodge, Inc. v. Borough of South Plainfield Board of Adjustment, et al,

PLEASE TAKE FURTHER NOTICE that plaintiffs will also move for an Order appointing a Master to review the proposed draft ordinances developed by Robert Rosa Associates for the Borough of South Plainfield and the comments of Eric Neisser, Esq., dated September 5, 1984 in response thereto and to report to the Court within fifteen (15) days as to the Master's recommendations for revisions to zoning ordinances of the Borough of South Plainfield.

PLEASE TAKE FURTHER NOTICE that the plaintiffs will also move for an Order directing that the Borough of South Plainfield and all governmental bodies, officers and agents thereof including, but not limited to, the South Plainfield Zoning Board of Adjustment, the South Plainfield Planning Board and Building Inspector provide counsel for Urban League plaintiffs with at least fourteen (14) days¹ written notice. addressed to Bruce Gelber, Esq. at 733 15th Street, NW, Suite 1026, Washington, D.C. 20005, and Barbara Williams, Esq., at 15 Washington St., Newark, N.J. 07102, of the filing, placement on agenda, or other action regarding any application concerning any parcel of vacant land in the Borough of South Plainfield, and plaintiffs be granted permission to file a motion for further relief concerning any such application on five (5) days¹ notice to counsel for the Borough of South

Plainfield, the South Plainfield Zoning Board of Adjustment,
and the South Plainfield Planning Board.

Plaintiff will rely on the Affidavit of the undersigned
annexed hereto.


Barbara J. Williams
Attorney for Plaintiffs

Dated: October 26, 1984

BARBARA J. WILLIAMS, ESQ.
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15 Washington St., Newark, N.J. 07102
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ATTORNEYS FOR PLAINTIFFS

URBAN LEAGUE OF GREATER]
NEW BRUNSWICK, et al.,]
Plaintiffs,]
vs.]

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

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY

Docket No. C 4122-73

Civil Action

ORDER
FOR CONSOLIDATION, TEMPORARY
RESTRAINING ORDER, INTERLOCUTORY
INJUNCTION, APPOINTMENT OF A
MASTER AND NOTICE TO PLAINTIFF

Urban League plaintiffs having moved to consolidate
Elderlodge, Inc. v. South Plainfield Board of Adjustment, et al.
[hereinafter Elderlodge, Inc., Docket No. L 56349-81] with
Urban League of Greater New Brunswick v. The Mayor and Council
of the Bdrough of Carteret, et al., for a Temporary Restraining
Order and Interlocutory Injunction, Appointment of a Master,
and Notifications of Actions of the defendant and its
representatives, the Court having reviewed all documents
submitted, and having heard the arguments of all interested
parties, and for good cause shown:

IT IS ON THIS- _____ day of _____, 1984,

O R D E R E D, that the matters of Elderlodge, Inc. v. South Plainfield Board of Adjustment, et al., Docket No. L -56349-81, and Urban League of Greater New Brunswick/ et al. v. The Mayor and Council of the Borough of Carteret, et al., Docket No. G 4122-73 are hereby consolidated; and

IT IS FURTHER O R D E R E D , that the Borough of South Plainfield and any of its official bodies, officers, and agents are hereby restrained from taking any action which may prejudice the development of the fair share number of low and moderate income housing units ordered by the Court as in the Judgment As To South Plainfield dated May 22, 1984; and

IT IS FURTHER O R D E R E D, that the Borough of South Plainfield and any of its official bodies, officers and agents are further specifically prohibited from granting a final use variance, building permit or taking any other action with respect to the property in issue in Elderlodge, Inc. v. Borough of South Plainfield, Docket No. L 56349-81; and

IT IS FURTHER O R D E R E D , that _____ is hereby appointed as the Master to review the proposed ordinances developed by Robert Rosa Associates for the Borough of South Plainfield and the comments of Eric Neisser, Esq. dated September 5, 1984 in response thereto; and

IT IS FURTHER O R D E R E D , that the Master shall report to the Court within fifteen (15) days as to the Master's recommendations for revisions as to the zoning ordinances of

the Borough of South Plainfield; and

IT IS FURTHER O R D E R E D, that the Borough of South Plainfield and all governmental bodies, officers and agents thereof including, but not limited to, the South Plainfield Zoning Board of Adjustment, South Plainfield Planning Board, and Building Inspector provide counsel for the Urban League plaintiffs with at least fourteen (14) days¹ written notice, addressed to Bruce Geiber* Esq. at 733 Fifteenth St. NW, Suite 1026, Washington, D.C. 20005 and Barbara Williams, Esq., at 15 Washington St., Newark, N.J. 07102, of the filing, placement on agenda, or other action regarding any application concerning any parcel of vacant land in the Borough of South Plainfield, and plaintiffs are granted permission to file a motion for further relief concerning any such application on five (5) days* notice to counsel for the Borough of South Plainfield, the South Plainfield Zoning Board of Adjustment, and the South Plainfield Planning Board.

EUGENE D. SERPENTELLI, J.S.C.