

NEW JERSEY COUNCIL ON AFFORDABLE
HOUSING
DOCKET NO. COAH 86-2

MORRIS COUNTY FAIR HOUSING)
COUNCIL, et al.,)
)
Plaintiffs,)
)
v.)
)
BOONTON TOWNSHIP, et al.,)
(DENVILLE TOWNSHIP),)
)
Defendants.)
)
and consolidated cases.)

Civil Action

(MT. LAUREL ACTION)
ORDER IMPOSING CONDITIONS

This matter having been heard on September 22, 1986, in the presence of counsel for plaintiffs the Morris County Fair Housing Council et al. and Stonehedge Associates, defendants Denville Township, Planning Board of Denville Township, and Board of Adjustment of Denville Township, and intervenors Sisters of Sorrowful Mother Primary Care Corporation, et al., on applications of plaintiffs Morris County Fair Housing Council et al. and plaintiff Stonehedge Associates for imposition of restraints upon resources in Denville Township; and

The Council having considered the briefs and exhibits submitted by the various parties and the arguments of counsel; and for the reasons expressed in the Council's written opinion of even date,

IT IS on this 3rd day of November, 1986, ORDERED:

1. The Township of Denville and its officers, agents, employees, and attorneys are hereby enjoined from permitting any additional connection to the public sanitary sewage system, or increased usage by parties presently connected to the system, which would utilize or diminish sewage treatment capacity in the "municipal growth reserve" allocated to Denville Township under the terms of the plan approved by the court in Department of Health v. City of Jersey City, Docket No. C-3447-67 (Ch. Div., Morris Cty.), granting any rights to future connection or increases in usage utilizing or diminishing the "municipal growth reserve," or taking any other action that would diminish or impair, directly or indirectly, the future availability of the "municipal growth reserve."

2. Nothing in this order is intended to limit any power which Denville Township might otherwise lawfully exercise to:

a) engage in planning concerning the allocation of sewage treatment capacity;

b) permit connections to the sanitary sewage system, or increases in usage, which do not utilize or diminish sewage treatment capacity in the Township's "municipal growth reserve."

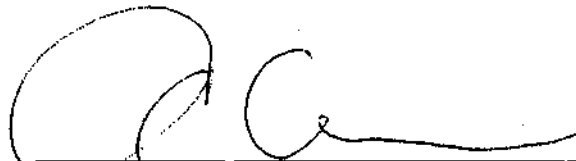
c) receive and process, but not approve, applications for connection to the sanitary sewage system, or increases in usage, which may utilize or diminish the "municipal growth reserve."

3. The applications of plaintiffs for imposition of restraints are in all other respects denied without prejudice.

4. The application of intervenor Sister of the Sorrowful Mother Primary Care Corporation and Senior Services Corporation to be exempted from conditions imposed by the Council is denied.

5. The application of the Plaintiff-Public Advocate to disqualify Council member Carol Rufener is denied.

6. Unless otherwise modified, this order shall remain in effect until the Council acts upon Denville Township's petition for substantive certification and either grants or denies the petition.



Arthur R. Kondrup
Chairman

Dated: 11/3/86
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