

COUNCIL ON AFFORDABLE HOUSING
DOCKET NO. COAH87-7

FAIR SHARE HOUSING CENTER,)
INC., NEW JERSEY COUNCIL OF)
CHURCHES, CAMDEN COUNTY)
BRANCH OF THE N.A.A.C.P. and)
SOUTHERN BURLINGTON COUNTY)
BRANCH OF THE N.A.A.C.P.,)

Plaintiffs,)

v.)

TOWNSHIP OF CHERRY HILL,)
NEW JERSEY,)

Defendant.)

Civil Action

AMENDED ORDER IMPOSING
RESTRAINTS

This matter having been raised by the Council on Affordable Housing sua sponte and heard on March 16, 1987 in the presence of counsel for plaintiffs Fair Share Housing Center, Inc., et al; defendant Township of Cherry Hill; interested party Builders League of South Jersey; and in the presence of counsel for property owners Tedco Equities; the Bleznak Organization; Unity Capital Corporation; Northern Lites, Ltd.; KIMCO of Cherry Hill, Inc.; Lone Tree Partnership; Rouse & Associates; Woodland Falls Associates and, Alan Ebert of Springdale Farms appearing pro se, on the issues of whether vacant land is a scarce resource in the Township of Cherry Hill and further whether, if vacant land is a scarce resource, the Council on Affordable Housing should impose conditions upon the

development of vacant land in the Township of Cherry Hill in order to preserve said scarce resource; and

The Council having considered all papers submitted and having heard oral argument; and all parties who might be affected by the imposition of conditions having been notified of the hearing; and the Council having issued an opinion and entered an Order dated April 20, 1987; and the Council having determined that the Order entered on April 20, 1987 should be amended for the sole purpose of clarifying the terms of the Order;

IT IS on the 1ST day of JUNE, 1987

ORDERED that the Township of Cherry Hill, the Township of Cherry Hill Planning Board, Board of Adjustment and Zoning Board and any of its official bodies and any persons, agents or employees thereof who have the authority to grant any type of development approvals are hereby restrained from granting any type of developmental approval for the development of any parcel of vacant land in excess of two acres in size; and it is further

ORDERED that the following properties shall not be included within the terms of this Order:

1. Those projects which have received preliminary or final site plan approval before April 20, 1987;
2. Those projects which have received preliminary or final subdivision approval before April 20, 1987 provided they do not additionally require preliminary or final site plan approval;

3. Those properties where the owner seeks to add to or demolish an already existing structure;

and it is further

ORDERED that the Township of Cherry Hill and any of its official bodies, agents, officers and employees may receive and process applications for development approvals if the Cherry Hill Planning Board or other appropriate body which may grant development approvals provides the Council with an adopted resolution stating that it will not grant any development approvals, including but not limited to preliminary, final and conditional approvals, without further order of the Council; and it is further

ORDERED that any action of the Planning Board or any other official body, agent, officer or employee of Cherry Hill, in processing an application shall not create any vested rights or uses or claims of reliance in or by the applicant; and it is further

ORDERED that the failure of any entity or person named in this Order to act upon a complete application for development within the time periods prescribed in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., by virtue of this Order, shall not be deemed to constitute a decision favorable to the applicant; and it is further


ORDERED that a copy of this Amended Order shall be served upon any party who seeks to submit an application for development approvals; and it is further

ORDERED that this Amended Order is in no way intended to preclude any affected party from moving before the council for an exemption from the terms of this Order; and it is further

ORDERED that the Order entered by the Council on March 16, 1987 which exempts Block 521, Lots 4 and 5 from the Order of the Honorable L. Anthony Gibson, J.S.C. shall remain in full force and effect; and it is further

ORDERED that the Order entered by the Honorable L. Anthony Gibson, J.S.C. on January 23, 1986 shall remain in full force and effect; and it is further

ORDERED that this Amended Order shall remain in full force and effect, unless otherwise modified by the Council, until the Council either grants or denies Cherry Hill's petition for substantive certification.



Arthur R. Kondrup
Chairman