

NEW JERSEY COUNCIL ON  
AFFORDABLE HOUSING  
DOCKET NO. COAH-87-11

MEADOWVIEW AT MILLINGTON, INC., )  
 )  
 ) Plaintiff, )  
 )  
 ) v. )  
 )  
 ) TOWNSHIP OF PASSAIC, )  
 )  
 ) Defendant. )

Civil Action

AMENDED ORDER IMPOSING RESTRAINTS

This matter having come before the Council on Affordable Housing by application of Plaintiff, Meadowview at Millington for an Order granting discovery consisting of written interrogatories and depositions relating to sewer capacity and vacant developable land in the Township of Passaic and for an Order to impose restraints on the granting of any development approvals for vacant land in the Township of Passaic with Joseph E. Murray, Esquire, appearing on behalf of plaintiff and John R. Pidgeon, Esquire, appearing on behalf of defendant and the Council having issued an Opinion and Order dated February 2, 1987 and all interested parties having had an opportunity to be heard and the Council having considered all papers submitted by the various parties:

IT IS on this *4<sup>th</sup>* day of *MAY* 1987,  
ORDERED that the Order entered by the Council on Affordable Housing on February 2, 1987 is hereby amended as follows:

1. The Township of Passaic, the Township of Passaic Planning Board, the Township of Passaic Board of Adjustment

and any and all employers, agencies or officers of any of the aforementioned offices and any and all employers, agencies or officers of any other Passaic Township office which may grant any type of development approval, are hereby restrained from receiving and/or processing applications for any type of development approvals, including but not limited to conditional approvals, unless the Township of Passaic Planning Board complies with paragraphs two and three of this Amended Order;

2. The entities in paragraph one may receive and/or process applications for development approvals contingent upon the Township of Passaic Planning Board adopting a resolution stating that it will process the applications only and will not grant any type of development approvals, including but not limited to conditional approvals;

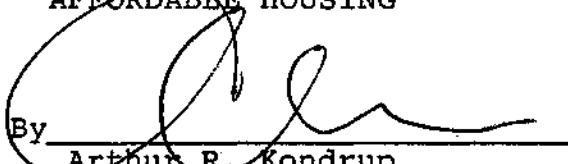
3. The entities in paragraph one may receive and process applications for development approvals provided that paragraph two of this Order has been complied with and provided that such processing and approval, if any, shall not create any vested use or zoning rights or claims of reliance in or by the applicant.

4. The failure of any entity or person named in paragraph one of 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 Amended Order or the Order entered on February 2, 1987, shall not be deemed to constitute a decision favorable to the applicant;

5. A copy of this Order shall be served upon any applicant for a development approval.

6. All terms of this Amended Order and the Order entered on February 2, 1987 shall remain in full force and effect, unless modified by the Council, until the Township of Passaic is either granted or denied substantive certification of its housing element.

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AFFORDABLE HOUSING

By   
Arthur R. Kondrup  
Chairman