

**The Hon. Aravind Aithal, J.S.C.**  
Superior Court of New Jersey  
Law Division, Middlesex County  
Middlesex County Courthouse  
56 Paterson Street, 3<sup>rd</sup> Floor  
Chambers 305/Courtroom 302  
New Brunswick, New Jersey 08903-0864

**FILED**

**MAR 19 2024**

Hon. Aravind Aithal, J.S.C.

**PREPARED BY THE COURT:**

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SAZHA ALEXANDRA RAMOS,  
SHANTELL CHERRY, PRATIK PATEL,  
DANIEL JACKSON, SARAH JACKSON,  
MATTHEW KNOBLAUCH, RALPH JOHNSON,  
ZOE SCOTTO, KAMUELA TILLMAN and  
STACI BERGER, individually and  
o/b/o the PISCATAWAY PROGRESSIVE  
DEMOCRATIC ORGANIZATION,  
PISCATAWAY FAMILIES FOR CLEAN AIR,  
and PISCATAWAY YOUTH PROGRESSIVE  
ORGANIZATION,

Plaintiffs,

vs.

TOWNSHIP COUNCIL OF PISCATAWAY  
TOWNSHIP, PLANNING BOARD OF  
PISCATAWAY TOWNSHIP,  
JOHN DOES 1- 10 and XYZ CORPS. 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
MIDDLESEX COUNTY

DOCKET NO. **MID-L-519-22**  
Civil Action

**ACTION IN LIEU OF  
PREROGATIVE WRITS**

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**ORDER AND OPINION OF THE COURT**

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**THIS MATTER**, having come before the Court for trial on August 28, 2023, with Cynthia A. Hadjiyannis, Esq. (Lead Trial Counsel) and Renée Steinhagen, Esq. (New Jersey Appleseed Public Interest Law Center, co-counsel), attorneys for and on behalf of **Sazha Alexandra Ramos, Shantell Cherry, Pratik Patel, Daniel Jackson, Sarah Jackson, Matthew Knoblauch, Ralph Johnson, Zoe Scotto, Kamuela Tillman and Staci Berger, individually and on behalf of the Progressive Democratic Organization, Piscataway Families for Clean Air and Piscataway Youth Progressive Organization** (collectively “Plaintiffs”), Matthew R. Tavares, Esq. of the law firm of Rainone Coughlin Minchello, LLC, appearing on behalf of the Defendant, **Township Council of Piscataway** (“Township”), and Thomas W. Barlow, Esq. of the law firm of Lombardi & Lombardi, P.A., attorneys for and on behalf of the Defendant, **Planning Board of Piscataway Township** (“Board”);

**AND THE COURT**, having reviewed and considered the argument of counsel, having considered the evidence presented and admitted at trial, and having further reviewed and considered the pre-trial submissions, trial briefs and reply briefs of the parties, including the attachments thereto, and the transcripts of the proceedings below;

**AND THE COURT**, for the reasons set forth in the written Opinion accompanying this Order, attached hereto and made an integral and material part hereof, and for good cause having otherwise been shown:

**IT IS** on this 19th day of **MARCH 2024, ADJUDGED AND ORDERED**, as follows:

1. The action against the fictitiously pled defendants John Does 1-10 and XYZ Corporations 1-10 is **DISMISSED** with prejudice for failure to amend the Complaint in Lieu of Prerogative Writs prior to Judgment pursuant to R. 4:26-4.

2. The relief sought by the Plaintiffs declaring Ordinance 2021-38 inconsistent with the 2005 Master Plan and the 2020 Reexamination Report void *ab initio* because Defendant Township failed to justify inconsistencies as required by law is **DENIED** with prejudice.

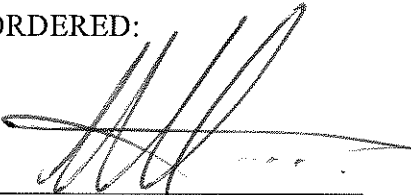
3. The Plaintiffs' demand for judgment declaring Ordinance 2021-38 void *ab initio* because Defendant Township actions were arbitrary, capricious and unreasonable is **DENIED** with prejudice.

4. The Plaintiffs' demand for judgment invalidating Ordinance 2021-38 *ab initio* for failure to provide public notice pursuant to N.J.S.A. 40:55D-62.1 is **DENIED** with prejudice.

5. The Court will not retain jurisdiction over this matter.

**IT IS FURTHER ORDERED** that a copy of this Order shall be deemed served on all counsel of record upon its posting by the Court to the eCourts case jacket for this matter. Pursuant to R. 1:5-1(a) and R. 1:32-2A, the Plaintiff, Northwood Manor at Old Bridge, LLC, shall serve a copy of this Order on all parties not served electronically within seven (7) days of this Order.

SO ORDERED:



HON. ARAVIND ATHAL, J.S.C.

**Pursuant to R. 1:6-2(f), the Court's written Opinion of even date (with Appendix) is attached hereto and made an integral and material part hereof.**

**PAPERS/MATERIALS CONSIDERED:**

- (X) APPENDIX OF EXHIBITS from the record below and attached to the Court's Opinion.
- (X) Plaintiff's Trial Brief in the PW Appeal (and referenced exhibits and supporting papers).
- (X) Defendant Zoning Board's Trial Brief in the PW Appeal (and referenced exhibits and supporting papers).
- (X) Defendant-Applicant's Trial Brief in the PW Appeal (and referenced exhibits and supporting papers).

- (X) Reply Brief of the Plaintiff in the PW Appeal (and referenced exhibits and supporting papers).
- (X) Defendant Zoning Board's Supplemental Submission in the PW Appeal (and referenced exhibits and supporting papers).
- (X) Defendant-Applicant's Supplemental Submission in the PW Appeal (and referenced exhibits and supporting papers).
- (X) Plaintiff's Supplemental Submission in the PW Appeal (and referenced exhibit)