

U.L. Cateret, Old Bridge

1983

- Letter to Old Bridge attorney re zoning ordinance
of the TWP

(Lerman report not enclosed)

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School of Law-Newark • Constitutional Litigation Clinic
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November 29, 1983

Richard Plechner, Esq.
Attorney for Township of Old Bridge
1 Old Bridge Plaza
Old Bridge, New Jersey 08857

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

Dear Mr. Plechner:

On July 9, 1976, Judge Furman entered a judgment in the above-entitled action finding that the zoning ordinance of the Township of Old Bridge (as well as that of ten other defendant municipalities in Middlesex County) was in violation of the constitutional obligation set forth in the Mount Laurel decision. The Township of Old Bridge did not appeal that judgment and never obtained a judgment of compliance. We have now reviewed with care the Land Development Ordinance and Zoning Map of Old Bridge with amendments effective May 16, 1983, and have concluded that they clearly fail to satisfy the requirements of the judgment in this action and the decision in Mount Laurel II. It will thus be necessary for the Township to further revise its land use ordinances and to adopt affirmative measures to afford the realistic opportunity for the requisite amount of low and moderate income housing. 456 A.2d at 490.

The trial of this action on remand from the Supreme Court is set for March 19, 1984 before Judge Serpentelli in Toms River, to whom the case has been reassigned by the Supreme Court for all purposes. Enclosed is a copy of the Judge's case management letter-order of July 25, 1983 setting forth the time schedules for discovery. Enclosed also is a copy of the Interrogatories which we served on seven townships on November 3.

At a hearing on Friday, November 18, Judge Serpentelli granted Cranbury's motion to consolidate five other challenges to the Cranbury zoning ordinance and established a modified discovery schedule for those parties. The judge will shortly be sending a further letter-order summarizing the rulings on that date to all counsel. A further case management conference is scheduled for Tuesday, January 24, 1984 at 10:30 a.m. in Judge Serpentelli's courtroom in the Ocean County Courthouse in Toms River.

Finally, I enclose a copy of the report filed by Carla Lerman, the Court-appointed expert, concerning the issues of region, regional need, and fair share allocation. I will forward a copy of plaintiffs' expert's report as soon as it is distributed to all other parties.

We are, of course, willing to discuss with you at any time any reasonable settlement offers that would meet the Township's obligation under Mount Laurel II without the necessity of a trial.

Sincerely yours,

Eric Neisser

cc/The Hon. E.D. Serpentelli

Carla Lerman

All Counsel:

- William C. Moran, Jr., Esq. (Cranbury)
- Bertram Busch, Esq. (East Brunswick)
- Joseph L. Stonacker, Esq. (Plainsboro)
- Joseph Benedict, Esq. (South Brunswick)
- Phillip Paley, Esq. (Piscataway)
- Patrick Diegnan, Esq. (South Plainfield)
- Thomas R. Farino, Jr., Esq. (Monroe)
- Leslie Lefkowitz, Esq. (North Brunswick)

- Jeffrey Fogel, Esq.)
- Bruce Gelber, Esq.)
- Janet LaBella, Esq.) Urban League
- John M. Payne, Esq.)

- Richard Schatzman, Esq. (Morris)
- Peter Buchsbaum, Esq. (Garfield & Co.)
- Thomas R. Farino, Jr., Esq. (Cranbury Development Corp.)
- Lawrence B. Litwin, Esq. (Browning-Ferris Industries of South Jersey, Inc.)
- Carl S. Bisgaier, Esq. (Cranbury Land Company)

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