

UL v. Cartbet (Old Bridge)

(1984)

Order + judgment as to Old Bridge Trp

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SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION/MIDDLESEX COUNTY

URBAN LEAGUE OF
GREATER NEW BRUNSWICK,
et al.,

Plaintiffs,

vs.

THE MAYOR AND COUNCIL
OF THE BOROUGH OF
CARTERET, et al.,

Defendants.

Docket No. C 4122-73

Civil Action

ORDER AND JUDGMENT AS TO
OLD BRIDGE TOWNSHIP

THIS MATTER having been opened to the Court by counsel for the Urban League plaintiffs upon their motion to modify and enforce the Judgment of this Court of July 9, 1976 against the defendant Township of Old Bridge in light of the Supreme Court's decision in Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158 (1983), and the Court having reviewed the Stipulation entered into by the parties and having heard counsel for both parties, as well as counsel for Olympia and York/Old Bridge Development Corporation and Woodhaven Village, Inc. (hereinafter "developer plaintiffs").

IT IS, THEREFORE, THIS 13 DAY OF JULY, 1984,

O R D E R E D and A D J U D G E D:

1. For purposes of determining present housing need, the appropriate region for Old Bridge Township is the eleven county region identified in the Fair Share Report prepared by Carla L. Lerman, P.P., dated April 2, 1984. For purposes of determining prospective housing need, the appropriate region for Old Bridge Township is the five county commutershed region, comprised of Middlesex, Monmouth, Ocean, Somerset and Union Counties and based on the methodology contained in Ms. Lerman's Report of April 2, 1984.

2. The Township of Old Bridge's fair share of the regional need for low and moderate income housing through 1990 is 2414 housing units, as per the Report on Fair Share Allocations for Old Bridge Township, prepared by Hintz/Nelessen Associates and dated June 15, 1984. Application of the methodology set forth in Ms. Lerman's Report of April 2, 1984 yields a fair share number for Old Bridge Township through 1990 of 2782 housing units. The methodology set forth in Alan Mallach's Expert Report of November 1983, as modified by his memorandum in this case of May 11, 1984, produces a fair share number for Old Bridge Township through 1990 of 2645 housing units, without including a category for financial need.

The Township of Old Bridge's fair share obligation includes 746 units of present need and 1668 units of prospective need. Of these 2414 units, 1207 shall be low income housing and 1207 units shall be moderate income housing.

3. The Township of Old Bridge is entitled to a credit against its fair share obligation of 2414 units for the following units built or rehabilitated since 1980: 204 units at the Rotary Senior Citizens Housing project which are occupied by low or moderate income households and are subsidized under the

Section 8 New Construction Housing program, and 75 units which have been substantially rehabilitated by Old Bridge Township under the Community Development Block Grant program.

4. The Township of Old Bridge's existing zoning ordinance is not in compliance with the constitutional obligation set forth in Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158 (1983) (Mount Laurel II).

5. The Urban League plaintiffs and the Township of Old Bridge shall seek to reach an agreement as to ordinance revisions and shall submit the proposed revisions to the Court within 45 days of the date of this Order. Any such agreement as to ordinance revisions shall be binding on the developer plaintiffs only if they accept the agreement and join in presenting it to the Court. To assist the Court in determining whether to approve any proposed ordinance revisions, a full hearing shall be held, and the Court shall appoint Ms. Carla Lerman as the Court's expert for the limited purpose of reviewing the proposed revisions to determine whether they are reasonable in light of the Township's obligation under Mount Laurel II. The requirement of a hearing and reference to Ms. Lerman shall apply regardless of whether the agreement is presented by all the parties to the consolidated actions or only by the Township and the Urban League plaintiffs. If no agreement is reached within 45 days of the date of this Order, the Urban League plaintiffs shall seek appointment of, and the Court shall appoint, a master to assist Old Bridge Township in the revision of its zoning ordinance to achieve compliance with its obligation under Mount Laurel II. The proposed ordinance revisions and the master's report with respect to the proposed revisions shall be submitted to the Court within 45 days of the appointment of the master.

6. The time periods set forth in this Order and Judgment may be extended by mutual written consent of the parties, *subject to the approval of the Court and on letter notice to all parties.*

Eugene D. Serpente

EUGENE D. SERPENTELLI, J.S.C.