

VL v. Carter / O+Y Old Bridge v. Old Bridge (1984)

Letter requesting appointment of a master.

2 pgs

CAC00019L

BRENER, WALLACK & HILL**ATTORNEYS AT LAW****2-4 CHAMBERS STREET
PRINCETON, NEW JERSEY 08540****(609) 924-0808**CABLE "PRINLAW" PRINCETON
TELECOPIER: (609) 924-6239
TELEX: 837652HARRY BRENER
HENRY A. HILL
MICHAEL D. MASANOFF**
ALAN M. WALLACK*GULIET D. HIRSCH
GERARD H. HANSON
J. CHARLES SHEAK**
EDWARD D. PENN+
NATHAN M. EDELSTEIN+
THOMAS L. HOFSTETTER**
ROBERT W. BACSO, JR.+
EDWARD M. BERNSTEIN^
MARILYN S. SILVIA
THOMAS J. HALL
SUZANNE M. LAROBARDIER
ROCKY L. PETERSON
VICKI JAN ISLER
MICHAEL J. FEEHAN* MEMBER OF N.J. & D.C. BAR
** MEMBER OF N.J. & PA. BAR
+ MEMBER OF N.J. & N.Y. BAR
^ MEMBER OF N.J. & FLA. BAR

FILE NO.

September 26, 1984

RECEIVED**OCT 1 1984****JUDGE SERPENTELLI'S CHAMBERS**Honorable Eugene D. Serpentelli
Judge, Superior Court of New Jersey
Ocean County Courthouse
CN 2191
Toms River, New Jersey 08753Re: Urban League v. Carteret
Docket No. C-4122-73, and
Olympia & York Old Bridge v. Township of Old Bridge, et al.
Docket No. L-009837-84

Dear Judge Serpentelli:

As you are aware, Olympia & York has attempted to work in conjunction with the Urban League plaintiffs, with the Township of Old Bridge to resolve the issue of the Township's exclusionary zoning without further litigation. In furtherance of that effort, and at the request of the Township of Old Bridge, Olympia & York prepared a memorandum detailing its concerns with respect to the current ordinance and its proposals for reform of that ordinance. As Your Honor is further aware, the Township of Old Bridge has submitted a proposal which in no way answers the concerns of Olympia & York, and has not moved forward with any satisfactory reform of its existing exclusionary zoning ordinance.

We are of the opinion that the housing market in Old Bridge is complex, and that the dynamics of the housing market will need to be thoroughly understood by this Court prior to the shaping of an effective remedy which will lead to the construction of affordable housing. We therefore now seek to have a Master appointed to supervise the rezoning process, including appropriate attention to procedural reform of the land development approval process, as well as shaping appropriate non-zoning responses to the problems faced by developers seeking to provide affordable housing.

In seeking the appointment of a Master at this time, we join with representatives of Urban League, who have similarly requested the appointment of a Master. We believe that a cooperative effort with the

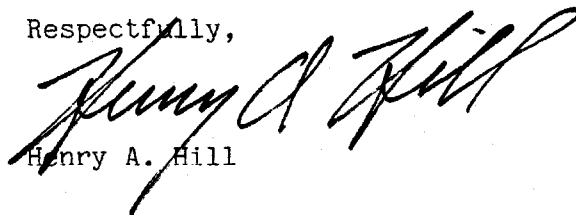
Honorable Eugene D. Serpentelli
September 26, 1984
Page Two

assistance of a Court appointed Master can lead to the shaping of an effective response to Olympia & York's request for reform of the zoning process and appropriate contributions for the construction of affordable housing, which will actually lead to the construction of a significant portion of Old Bridge Township's required fair share of housing for households of lower income by 1990.

We have received the September 24, 1984 letter from Ms. Williams to Mr. Convery. As you will note, Ms. Williams echoes some of the concerns which have been voiced by Olympia & York. However, perhaps because of Mr. Convery's willingness to address some of the traditional issues of importance to Urban League, Ms. Williams' letter seems to indicate that the Township and the Urban League might be able to reach settlement on the major issues. Unfortunately, we have seen nothing from the Township which would indicate that there is any prospect whatsoever of reaching a settlement with Olympia & York without the assistance of a Master. As we think Your Honor will agree after reviewing the materials which we have supplied to the Township, the problems of reforming the land development process and of assuring the creation of realistic apparatus for the construction of lower income housing far transcend the proposals put on the table by the Township this far. We, therefore, urgently request that this Court appoint a Master to assist the parties to resolve the major issues which have not been dealt with thus far.

On behalf of Olympia & York, I thank Your Honor for your attention to this request.

Respectfully,



Henry A. Hill

HAH/tjh/jma

cc: Jerome J. Convery, Esquire
Thomas Norman, Esquire
Stewart Hutt, Esquire
Barbara Williams, Esquire
Bruce S. Gelber, Esquire
John Payne, Esquire