

UL. v. Cateret, # Old Bridge

1984

- Resolution
- Schedule A: Proposed Old Bridge Land Use Ordinance Revision
- Coverletter to judge (2 copies)

pgs. 7

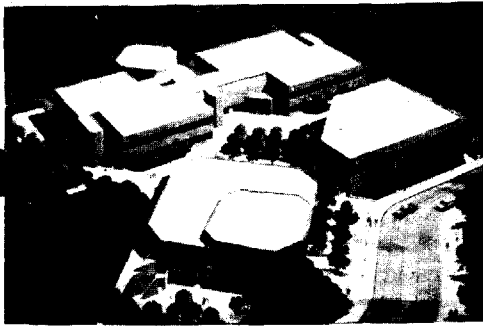
NO P.I.

CA000024 P

# Township of Old Bridge

MIDDLESEX COUNTY, N.J.

ONE OLD BRIDGE PLAZA • OLD BRIDGE, N.J. 08857



JEROME J. CONVERY  
TOWNSHIP ATTORNEY  
151 ROUTE 516  
OLD BRIDGE, N.J. 08857  
(201) 679-0010

October 30, 1984

OCT 31 1984

JUDGE SERPENTELLI'S CHAMBERS

Honorable Eugene D. Serpentelli, J.S.C.  
Superior Court of New Jersey  
Ocean County Courthouse  
Toms River, N.J. 08753

Re: Urban League, et al  
vs. Township of Old Bridge

Dear Judge Serpentelli:

Enclosed please find a copy of a Resolution which was passed by the Old Bridge Township Council on October 29, 1984 at a Special Meeting which was held specifically to take formal action regarding the above referenced matter.

The Resolution in question is an indication of the good faith effort that is being made by the Township of Old Bridge to make Ordinance revisions in order to comply with the Mt. Laurel II case, yet to protect the future health, welfare and safety of the Township. In view of the fact that the Township has been in direct communication with other parties in this matter, I submit that there is no need for a Master at this time.

Respectfully,

Jerome J. Convery,  
Township Attorney

JJC/jd

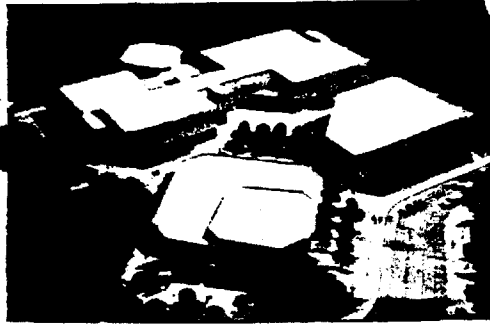
Enc.

- cc: Barbara Williams, Esq. (w/enc.)
- cc: Stuart Hutt, Esq. (w/enc.)
- cc: Henry Hill, Esq. (w/enc.)
- cc: Thomas Norman, Esq. (w/enc.)
- cc: Henry Bignell, Township Planner (w/enc.)
- cc: Dr. Joan George, Old Bridge Township Planning Board (w/enc.)

R

CA000024P

slol



# Township of Old Bridge

MIDDLESEX COUNTY, N.J.

ONE OLD BRIDGE PLAZA • OLD BRIDGE, N.J. 08857

October 30, 1984

JEROME J. CONVERY  
TOWNSHIP ATTORNEY  
151 ROUTE 518  
OLD BRIDGE, N.J. 08857  
(201) 679-0010

Honorable Eugene D. Serpentelli, J.S.C.  
Superior Court of New Jersey  
Ocean County Courthouse  
Toms River, N.J. 08753

Re: Urban League, et al  
vs. Township of Old Bridge

Dear Judge Serpentelli:

Enclosed please find a copy of a Resolution which was passed by the Old Bridge Township Council on October 29, 1984 at a Special Meeting which was held specifically to take formal action regarding the above referenced matter.

The Resolution in question is an indication of the good faith effort that is being made by the Township of Old Bridge to make Ordinance revisions in order to comply with the Mt. Laurel II case, yet to protect the future health, welfare and safety of the Township. In view of the fact that the Township has been in direct communication with other parties in this matter, I submit that there is no need for a Master at this time.

Respectfully,

Jerome J. Convery,  
Township Attorney

JJC/jd

Enc.

cc: Barbara Williams, Esq. (w/enc.)

cc: Stuart Hutt, Esq. (w/enc.)

cc: ~~\_\_\_\_\_~~

cc: Thomas Norman, Esq. (w/enc.)

cc: Henry Bignell, Township Planner (w/enc.)

cc: Dr. Joan George, Old Bridge Township Planning Board (w/enc.)

EX-1014-1

**Be it Resolved,** by the Township Council of the Township of Old Bridge, County of Middlesex, New Jersey, that:

WHEREAS, the Township of Old Bridge recognizes an obligation to insure that its Land Use Regulations provide opportunities for housing development affordable to individuals and families of all income levels, and

WHEREAS, the Township of Old Bridge has over many years demonstrated its support of housing opportunities for lower income households by numerous affirmative action programs; and

WHEREAS, the Township of Old Bridge has been, and continues to promote lower income housing within the Township, and has been successful in making possible development of a substantial number of such housing units, including the Rotary Senior Citizen Housing Complex, all without the compulsion or threat of litigation against the Township; and

WHEREAS, the Supreme Court of New Jersey has established certain standards in its Mt. Laurel II decision regarding Municipal Land Use Regulations, and the Township of Old Bridge regards the mandates of the Mt. Laurel II decision to be an unconstitutional intrusion upon, and infringement of, the legislative and executive powers and functions of State and local government; and further, the Township of Old Bridge has been sued on the basis of Mt. Laurel II by various parties, which litigation is currently pending and vigorously defended by the Township and which litigation the Township Council intends to continue to defend to the fullest extent possible, utilizing all available constitutional and other defenses; and

WHEREAS, a major revision of the Zoning Ordinance will have a profound effect upon the community and will require detailed analysis of the various Land Use planning implications; and

WHEREAS, the Township Council of the Township of Old Bridge requests the input and expertise of its professional staff, and members of the Old Bridge Township Planning Board regarding the effect of a major revision of the Zoning Ordinance; and

WHEREAS, the Township of Old Bridge desires to comply with its obligation to serve the best interest of all current and future residents of the Township of Old Bridge regarding its Land Use, independent of any obligation that may be imposed upon the Township by the Mt. Laurel II Doctrine; and

WHEREAS, the Township Council of the Township of Old Bridge realizes that, in spite of its disagreement with the Mt. Laurel II Doctrine, and its belief that said Doctrine is unconstitutional, that it has no right to refuse to comply with the Constitution as interpreted by the Superior Court of New Jersey; and

WHEREAS, the Township Council of the Township of Old Bridge has been advised that a re-zoning under Mt. Laurel II does not prejudice

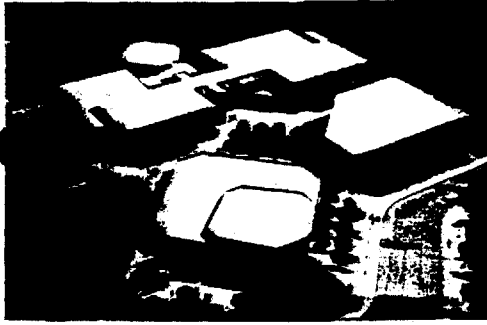
the Township's right to appeal the Court's Order and that no construction will take place until all avenues of appeal are exhausted and then only if the Court Order is sustained; and

WHEREAS, the Township Council of the Township of Old Bridge has been advised that any municipality which revises its Zoning Ordinance under protest (and that any revision is deemed automatically to be under protest if an Appeal is to follow) may pursue every other avenue of relief that it deems appropriate; and

WHEREAS, the Township Council of the Township of Old Bridge specifically states that any revision of its Land Use Ordinance will be made UNDER PROTEST pursuant to the Mt. Laurel II case;

BE IT RESOLVED by the Township Council of the Township of Old Bridge in the County of Middlesex, as follows:

1. The Township Council resolves to adopt Amendments to its Land Use Ordinance to comply with the mandates of Mt. Laurel II, albeit UNDER PROTEST;
2. The Township Council resolves to refer immediately to the Old Bridge Township Planning Board proposed amendments (attached hereto as Schedule A) for its prompt review and recommendation, pursuant to N.J.S.A. 40:55D-26 of the Municipal Land Use Law;
3. The Township Council resolves to schedule such Amendments for Ordinance First Reading at the next-regular meeting following the receipt of the Old Bridge Township Planning Board recommendations;
4. The Township Council resolves thereafter to adopt such Land Use Ordinance revisions as are appropriate to Mt. Laurel II requirements, UNDER PROTEST, following publication and public input, in accordance with N.J.S.A. 40:49-2 and N.J.S.A. 40:49-2.1;
5. The Township Council resolves that it shall, following Land Use Ordinance revision, pursue any and all legal remedies available to challenge the Mt. Laurel II doctrine and its application to Old Bridge Township;
6. The Township Council resolves that the Township Planner and Township Attorney are hereby authorized to take appropriate action to implement the planning and legal procedures necessary to enforce this Resolution.



# Township of Old Bridge

MIDDLESEX COUNTY, N.J.

ONE OLD BRIDGE PLAZA • OLD BRIDGE, N.J. 08857

JEROME J. CONVERY  
TOWNSHIP ATTORNEY  
151 ROUTE 518  
OLD BRIDGE, N.J. 08857  
(201) 679-0010

## SCHEDULE A

### PROPOSED OLD BRIDGE LAND USE ORDINANCE REVISION

1. There shall be a low and moderate income housing section providing for the following:
  - a. There shall be a mandatory set aside provision for low and moderate income housing which shall provide that 20% of the total number of units that may be developed within PD II Zone must be set aside for low and moderate income units.
  - b. The mandatory set aside provision shall require that there be a 50/50 split between such low and moderate income units within any development.
  - c. Section 9-5:1.2 - Maximum Gross Project Density: Class 2 PD shall be amended to read 5.0 DU/AC. All sections inconsistent therewith shall be deleted. (This constitutes an increase from the present 3.4 units per acre. Optional Density Benefit Provisions shall be eliminated in view of the mandatory set aside.)
  - d. There shall be a provision requiring that the low and moderate income units be sufficiently integrated into the developments to insure against undue concentration of those units, and to further assure that they have adequate access to available services and facilities.
  - e. The mandatory set aside provision shall apply to all PD II property, regardless of whether or not the developer wishes to subdivide and build on a parcel less than 300 acres. Furthermore, the mandatory set aside provision shall apply to all areas designated PD II at the time of the adoption of this Ordinance, regardless of whether or not the developer sells part of this property to another party.
  - f. The Ordinance shall provide an affordable housing section which shall provide that units designated as low and moderate income units shall be sold or rented to families who qualify as low or moderate income families. The Ordinance shall

further provide that such units shall be re-rented or re-sold only to qualifying families and that such units are affordable to low or moderate income families. To be affordable, the monthly expenses of a sales unit shall not exceed 28% of family income, while the monthly rental charge, including utilities, shall not exceed 30% of family income. Low income shall be defined as less than 50% of median regional income with adjustments for family size; moderate income shall be defined as between 50% and 80% of median regional income with adjustments for family size. The region for determining median income shall be the eleven county region set forth in the Revised Court Expert's Report, dated April 2, 1984, in this matter. The Ordinance shall further provide exceptions from the resale restrictions in the case of foreclosure and resale by a lender after foreclosure. Restrictions on resale shall expire 30 years from the date of the initial sale of the premises. The Ordinance shall provide for enforcement of the provisions contained herein by either establishing a Municipal Agency or contracting with a non-profit organization or other public agency which has the capacity of administering the requirements set forth herein. Furthermore, the Township of Old Bridge shall adopt a Resolution committing the Township to apply for available State and Federal Housing Subsidy Programs and to encourage and assist private developers to so apply.

- g. The Ordinance shall provide a section which requires that developers of low and moderate income units be required to affirmatively market those units to persons of low and moderate income, irrespective of race, color, sex or national origin. Such affirmative marketing shall include advertisement in newspapers with general circulation in the Urban Core Areas located in the eleven county region identified in the Expert's Revised Report, dated April 2, 1984. The Township shall also require the developer to advertise the low and moderate income units with local fair housing centers, housing advocacy organizations, Urban Leagues and governmental, social service and welfare departments located within the eleven county region
- h. The Ordinance shall provide that developments subject to the mandatory set aside may build 25% of the units in the development up to a maximum height of three (3) stories, and that the remaining 75% of such units shall not exceed a building height of thirty (30) feet.
- i. The Ordinance shall provide a section which requires that low and moderate income units shall be phased in proportionately during the construction of the entire project in the following manner:
  - 1. Not more than 25% market-at least 25% low and moderate income completed.
  - 2. Not more than 50% market - at least 50% low and moderate income completed

3. Not more than 76% market - at least 75% low and moderate income completed.
  4. Not more than 100% market - at least 100% low and moderate income completed.
- j. The Ordinance shall provide a section which requires that there be a "bedroom mix" reflecting the distribution of housing needs by household size for the eleven county region. Said provision shall indicate that no more than 50% of the units shall be one bedroom or efficiency units, and that 20% of the units shall be three bedrooms or larger.
  - k. The Ordinance shall be amended to provide that a developer shall submit an Environmental Impact Statement only if the development is within an environmentally sensitive area as designated by the Township pursuant to a Township wide Environmental Impact Study.
  - l. The Land Development Ordinance shall be amended to provide for mobile homes as a conditional use. The Ordinance shall further be amended to provide that a maximum number of mobile homes permitted per acre shall be seven (7).
  - m. The Ordinance shall provide that the Township will waive the fees attributable to low and moderate income units only regarding the Certificate of Occupancy, Development Plan Review, and the proportionate share of engineering and inspection fees.
  - n. The Ordinance shall provide that all Planning Board meetings regarding Mt. Laurel II developments be set down as Special Meetings so as to expedite the approval process, and to insure that the application will be heard on the scheduled meeting nights.
  - o. Section 12-1:1 regarding parking space requirements, shall be amended to provide for 9 ft. by 18.5 ft. stalls.
  - p. Section 11-3:1 sidewalks, shall be amended to provide that sidewalks be a minimum of 4 ft. wide.
  - q. Section 12-1:8 lighting, shall be amended to provide "a minimum of one foot candle of lighting".