

Old Bridge (0-7)

1985

(1984)

Letters discussing date of case management
conference (+ attached order summarizing
obligations of the parties)

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FILE NO.

October 24, 1984

The Honorable Eugene D. Serpentelli, A.J.S.C
The Court House
Toms River, New Jersey 08754

Re: O&Y Old Bridge/Woodhaven
Village/Urban League v. Twp of Old Bridge

VIA EXPRESS

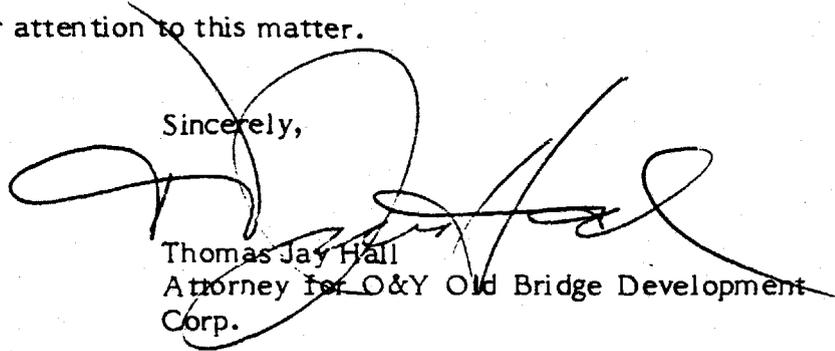
Dear Judge Serpentelli:

At the conclusion of the case management conference which you held in your Court on October 22, 1985, you directed us to prepare an Order summarizing the obligations of the parties, with a view toward completing this case before the end of this year. Enclosed is an original and two copies of an Order, sent under the five-day Rule.

I am enclosing a stamped, self-addressed envelope so that you may return a conformed copy of the Order when it has been entered. We will, of course, take responsibility for providing all parties with a copy of the Order, when entered.

Thank you for your attention to this matter.

Sincerely,



Thomas Jay Hall
Attorney for O&Y Old Bridge Development
Corp.

Enclosure

cc: All parties on enclosed service list

SERVICE LIST FOR PARTIES IN URBAN LEAGUE/O & Y DEVELOPMENT CASE

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(201) 531-5300
Co-Counsel for Plaintiff

URBAN LEAGUE OF GREATER NEW
BRUNSWICK, et. al.,

Plaintiffs,

v.

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

Defendants,

and

O&Y OLD BRIDGE DEVELOPMENT
CORPORATION, a Delaware
Corporation,

Plaintiff,

v.

THE TOWNSHIP OF OLD BRIDGE in
the COUNTY OF MIDDLESEX, a
Municipal Corporation of the
State of New Jersey, THE TOWNSHIP
COUNCIL OF THE TOWNSHIP OF
OLD BRIDGE, THE MUNICIPAL
UTILITIES AUTHORITY OF THE
TOWNSHIP OF OLD BRIDGE, THE
SEWERAGE AUTHORITY OF THE
TOWNSHIP OF OLD BRIDGE and
THE PLANNING BOARD OF THE
TOWNSHIP OF OLD BRIDGE,

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY

DOCKET NO. C-4122-73

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY/
OCEAN COUNTY
(Mount Laurel II)

DOCKET NO. L-009837-84 P.W.

Civil Action

ORDER

This matter having been discussed at a Case Management Conference held in this Court on October 22, 1985, in the presence of plaintiffs O&Y/Old Bridge Development Company, Thomas Jay Hall and Dean A. Gaver, Esquires appearing; Woodhaven Village, Stewart Hutt and Ronald Shimanowitz, Esquires appearing; and Urban League of Greater New Brunswick, Eric Neisser and John Payne, Esquires appearing; and in the presence of the defendants Township of Old Bridge Planning Board, Thomas Norman, Esquire appearing, and the Township of Old Bridge and the Township Council of Old Bridge, Jerome J. Convery, Esquire appearing; and in the presence of the Court-Appointed Master, Carla Lerman, P.P., and the Court having heard the discussion and reviewed the materials submitted and good cause having been shown; and

WHEREAS, it has been represented to the Court by the parties and confirmed by the Master that the Township of Old Bridge (hereinafter, " Township") is working diligently to achieve a settlement of all extant issues affecting their constitutional obligation to provide lower income housing as well as all related issues, and a settlement of this case in toto is possible by the end of 1985; and

WHEREAS, it has been represented to the Court by the parties that the Township Council has reviewed, and approved in principle, the proposed settlement package submitted to it by plaintiff O&Y Old Bridge Development Corp.; subject to certain wording changes which are to be worked out between counsel for the parties, and this agreement is intended to form part of the Township's efforts to comply with the constitutional obligations set forth in Mount Laurel II; and

WHEREAS, it has been represented to the Court by the parties that the Township Council has begun the process of preparing other components of a compliance package, which shall be completed in the near future.

Mr. Convery for potential inclusion in the proposed compliance package.

f. On December 2, 1985, the Township Council shall introduce for first reading, and shall hold a public hearing on the proposed compliance package.

g. The Township shall publish the text of the resolutions and any proposed Ordinances comprising the compliance package as soon as practicable following the public hearing of December 2, and the Township Council shall schedule the second reading on the proposed Ordinance or Ordinances in the compliance package no later than December 16th.

h. On December 10, 1985, the Planning Board of the Township of Old Bridge shall hold a public hearing on "Plate A", which embodies the proposed development plan for O&Y Old Bridge.

i. Following final passage of all resolutions and Ordinances, the parties shall petition the Court to schedule a compliance hearing.

3. The Planning Board, through its attorney, shall supply the parties and the Master with copies of the minutes of all meetings wherein development applications were heard in the months of August, September and October, 1985, and shall supply the parties with agendas for all meetings scheduled from the date of this Order until the compliance hearing is held.

Eugene D. Serpentelli, A.J.S.C.

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MEMORANDUM

TO: Jerome Convery, Esq.
Thomas Norman, Esq.
Thomas Hall, Esq.
Stewart Hutt, Esq.
Dean Gaver, Esq.
William Flynn, Esq.
Frederick Mezey, Esq.

From: Eric Neisser *EN*

Date: October 15, 1985

Re: Urban League v. Carteret (Old Bridge)

Judge Serpentelli's law clerk has asked me to inform you that the conference previously scheduled for this Friday, October 18, at 2 P.M. has been re-scheduled for Tuesday, October 22, at 9:30 A.M.

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July 31, 1985

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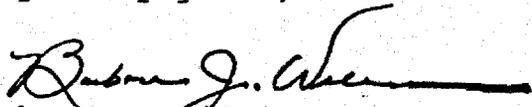
Re: Urban League v. Carteret (Old Bridge), No. C 4122-73

Dear Counsel:

I have been informed by Judge Serpentelli's secretary that return day of the Urban League plaintiffs' motion has been changed by the Court to September 13, 1985.

I understand a meeting is scheduled in Old Bridge this afternoon. As a result, this letter is being hand delivered with copies being mailed tomorrow to any counsel not in attendance at the meeting.

Very truly yours,


Barbara J. Williams
Co-Counsel for Plaintiffs

cc/Judge Serpentelli

Old Bridge officials don't expect Mt. Laurel decision soon

BY LYNN CLINE

Home News staff writer

OLD BRIDGE — The township council will hold its third closed-door meeting in as many weeks tomorrow night to try to come up with a strategy that will satisfy litigants involved in the Mount Laurel II battle — especially those waiting to build housing in the township.

But the summer could well be over before a formal plan is created, according to several Township Council members.

"We voted to start negotiations and

I think it's really difficult to put a timetable on it because there are a lot of things to be resolved," Township Councilwoman Barbara Cannon, a Republican, said recently.

The Democratic-controlled council has decided to meet in executive session every Monday night through the end of the summer, as it tries to develop a zoning ordinance that will satisfy three parties involved in Mount Laurel II-related litigation.

Old Bridge has had its share of lawsuits relating to the 1983 landmark decision by the state Supreme Court, which mandates that municipal-

ities provide their "fair-share" of affordable housing units.

The township was sued by the Urban League of Greater New Brunswick, now called the Civic League, and two of the largest developers among those planning to build in the 88-square mile township, Olympia & York Old Bridge Development Corp., which plans to build 10,260 residential units, and Woodhaven Village, Inc., which plans to build more than 6,000 units.

To settle these suits, Old Bridge last year considered revising the municipal land-use ordinance to re-

quire developers to set aside 20 percent of their projects for affordable housing. But the council had problems with that number, which some council members said were too high.

"A big part of the problem has been the percentages," Republican Councilman Art Haney, an outspoken critic of the Mount Laurel II decision, said recently. "It's conceivable that we could wind up with three or four thousand low- and moderate-income units, which isn't something the community could afford. It's way over our responsibility as a community."

"I think the number of units given to Old Bridge, based on the size of the vacant land, is unfair," Cannon said. "No way would that 20 percent work."

The council last year worked out a settlement, which it never approved, to provide 2,135 low- and moderate-income housing units by 1990. An initial settlement figure of 2,414 was reduced when the township received credit for 204 existing Rotary Senior Citizens Housing units and for rehabilitative work, financed by Community Block Development Grants, done to 75 qualified homes since

1975. The council voted to table negotiations on that 2,135-unit figure because it had concerns about the 20 percent set-aside figure.

"We have three builders in Old Bridge, O & Y, Woodhaven and Oakwood-at-Madison (now called Oakwood at Old Bridge), a 1,750-unit housing project that greatly influenced the state Supreme Court's Mount Laurel I ruling in 1975) that are ready to build," Cannon said. "We would almost double (the 2,135-unit) number if we had those units."

Both Haney and Cannon said if the council doesn't seem to be able to come up with a strategy on its own, the members would consider an appeal to the state Council on Affordable Housing, created in recent legislation approved by Governor Thomas Kean. Once the nine-member council is formed, it will aid municipalities in complying with the Mount Laurel mandate.

Because council members are meeting in executive session to map out a plan they hope will be accepted by all litigants without compromise, they are reluctant to discuss specific details of their negotiations.

But Councilman Thomas O'Malley said the governing body has been considering a recent draft proposal submitted by O & Y that would call for the developer to set aside for affordable housing 10 percent of the 10,260 units it plans to build.

"Here we have one developer that's going to inherit almost half of the affordable housing units the township has been told it must build," O'Malley said. "But this is just the beginning. We're also talking about the Woodhaven Village suit."

Although Woodhaven has yet to come forward with any kind of proposal, Cannon said, the "basic concept" under consideration by the township and the two developers would allocate half of the 20 percent set-aside figure to O & Y and half to Woodhaven.

Mayor Russell Azzarello, a Democrat, has said that a solution to the Mount Laurel litigation could be reached by the end of this month. But both Haney and Cannon said Azzarello's prediction was unrealistic based on the amount of work facing township officials.

"This is the beginning," Cannon cautioned. "But there are many parts that still have to be put before the council."

Old Bridge officials don't expect Mt. Laurel decision soon

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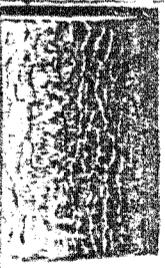
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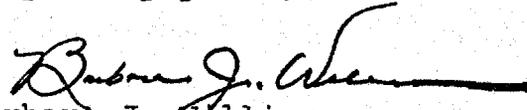
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