

UL. Cartet, Old Bridge

1486

- Order and Judgment (annotated)

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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,

and

WOODHAVEN VILLAGE, INC, a
New Jersey Corporation,

Plaintiffs,

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
and NO. L-036734-84P.W.

Civil Action

ORDER AND JUDGMENT

This matter having been opened to the Court by O&Y/Old Bridge Development Company (hereinafter, "O&Y"), Thomas Jay Hall, Esquire and Dean A. Gaver, Esquire appearing, and in the presence of plaintiff Woodhaven Village, Inc. (hereinafter "Woodhaven"), Stewart Hutt, Esquire appearing, and in the presence of the Urban League (a/k/a Civic League), Eric Neisser and John Payne, Esquires appearing, and in the presence of the Township of Old Bridge Municipal Utilities Authority (hereinafter, OBMUA), William E. Flynn, Esquire appearing, and the Township of Old Bridge Planning Board (hereinafter, Planning Board), Thomas Norman, Esquire appearing, and the Township of Old Bridge and the Township Council of Old Bridge (hereinafter, "Township"), Jerome J. Convery, Esquire appearing; and notice of this compliance hearing having been published by the Township of Old Bridge ten days prior to January 2k, 1986 in the "Woodbridge News Tribune", with copies of materials containing the elements of the compliance package made available to all parties in litigation as well as to members of the public ten days prior to January 2k, 1986; and the Court having reviewed the papers and memoranda submitted and good cause having been shown:

IT IS on this day of , 1986:

ORDERED,

1. The obligation of the Township of Old Bridge to provide affordable housing is set at 1,668 units, half of which are to be low income and half of which are to be moderate income., to be supplied by DeLeimtei 31, 1992.

2. These affordable housing units are intended to be provided as follows:

- A) 500 units to be provided via O&Y's project;
- B) 260 units to be provided via the Woodhaven project;
- C) 263 units to be provided in the Oakwood at Madison, Inc. and Beren Corp. (hereinafter "Oakwood") development;

~~D) 180 units to be provided in the Brunetti development;~~

~~E) 50 units to be provided in the Rondinelli development;~~

J X?) 208 units to be provided through the rehabilitation of existing units;

E pft 150 units to be provided in the new Senior Citizens development; and

F 10 ²⁰⁷ ~~57~~ units to be provided through a mandatory set-aside on all other residential developments within the Township ^{2- M"-*-.**A}

3. The Settlement Agreement attached hereto, together with its Appendices and Schedules, having been reviewed and recommended by this Court's special Master, Carla Lerman, P.P., is found to be acceptable as a component of Old Bridge Township's compliance package to meet the constitutional obligations under Southern Burlington County NAACP v. Township of Mount Laurel (Mount Laurel II) 92 N.J. 158 (1983). The Settlement Agreement, together with its Appendices and Schedules, is hereby incorporated by reference and deemed to be part of this Order and Judgment.

4. Plates A and B, which will embody the overall development plans for both O&Y and Woodhaven require Planning Board hearings, which shall commence in Babcuivy, -1986 and continue, if necessary, into March of 1986. The Planning Board shall complete the hearings and shall forward its recommendations and decisions to this Court no later than March 14, 1986; provided, however, that the Planning Board may petition the Court for additional time.

5. Thereafter, this Court shall review the findings of the Planning Board, in accordance with the procedures set forth in the Settlement Agreement attached hereto.

... duplicated to be provided in the Brunetti development and 60 units will be provided in tk Rondinelli development

6. Other Township actions;

A) Rehabilitation

1. The Township is hereby awarded 28 low and moderate income housing credits towards its fair share, as a result of rehabilitation action taken prior to the compliance hearing.

2. The Township shall commit sufficient community development block grant (CDBG) funds to assure the rehabilitation of an additional thirty units per calendar year for six years, beginning January 1, 1986, for a total of 180 additional units by January 1, 1992.

3. In case sufficient CDBG funds are not available, the Township shall apply for all available funds from the Federal, State and County governments.

4. If sufficient external funding is not available, the Township shall propose an alternative mechanism to provide the required number of rehabilitated units.

5. To be credited under this section, rehabilitation grants must be used towards units currently occupied by low and moderate income households, and grants must average, in any calendar year, \$7,500 each. In addition, these grants must be used to bring the units up to fire, building and housing code standards; and grants must be secured by a lien on the property so that the Township is repaid at the time of sale.

B) Senior Citizens project:

As outlined in the attached Settlement Agreement, O&Y has agreed to construct and sell to the Township a 150 unit Senior Citizens project. Construction on this project shall begin as soon as possible.

C) Residential development set-aside or monetary contribution:

1) The Township ^{has} amended its Land Use Development Ordinance to require that all residential developments which have not received preliminary site

plan approval as of December 19, 1986, shall provide 10% of the total number of units as lower income housing units, 50% low income housing units and 50% moderate income housing units; and ~~the Ordinance shall remain in force through 12/31/92; and~~ *substantial equivalent shall*

2) ~~The Township has introduced an ordinance~~ *which* that in a residential development involving fewer than 100 total units, a developer may pay a minimum of \$3000 per market unit to the Old Bridge Affordable Housing Trust Fund, this fund having been established by ordinance.

D) Old Bridge Township has established an Affordable Housing Agency, and shall begin the process of adopting rules and regulations within thirty (30) days of the entry of this judgment. Final adoption of rules and regulations shall take place no later than 120 days following the entry of this judgment.

7. Judgment is hereby entered against the Township of Old Bridge, the Township Council of the Township of Old Bridge, and the Planning Board of the **Township of Old Bridge in favor of the O&Y Old Bridge Development Corp., Woodhaven Village, Inc.;** and the Urban League of Greater New Brunswick conditioned upon the following:

- a. Carla Lerman, P.P. is retained as standing Master to assist in the resolution of disputes which may arise between the parties under the Settlement Agreement and the Schedules and Appendices attached thereto;
- b. The parties to this litigation may bring a motion, under Ft 1-10(5) to enforce rights under the Settlement Agreement and the Schedules and Appendices attached thereto;
- c. The parties shall conclude an agreement concerning the provision of an adequate supply of potable water for the O&Y and Woodhaven developments no later than March 15, 1986. If the parties have not completed the agreement by March 15, 1986, or such other deadlines

forthwith, but as late as possible, the Ord. presently pending on 1st reading

established by mutual consent between the parties, any party, on Motion, may offer to the Court a mechanism whereby the developers shall be assured of obtaining an adequate supply of potable water for their entire projects.

d. The Planning Board shall report its findings to the Court on or before March 14, 1986 with respect to its acceptance of Plates A and B. If the Board has not acted by March 14, 1986, any party may move to schedule a hearing to determine what, if any, action shall be taken with respect to approval of Plates A and B. ~~V-0.3.8(d)~~

e. The Township shall provide to the Urban League of Greater New Brunswick, or its designee, every three months starting March 31, 1986, a report on the implementation of this Order during those three months containing at least the following:

- i) Details on all residential development applications received by any Township Board or agency, including the name of the applicant, the proposed site, number and type of units, bedroom mix, provision for the development of lower income housing or for financial contributions to the Township of Old Bridge Affordable Housing Trust Fund; and formal actions taken by the Township, its Boards, agencies and officials in response thereto, including preliminary and final approvals, variances, and the number of building permits and Certificates of Occupancy issued for market and lower income housing units;
- ii) Copies of all housing and affirmative marketing plans;
- iii) The sale price and/or the rental charges on all lower income units which have been sold or rented. With regard to

residential developments, the Township may satisfy some of these requirements by providing copies of reports provided by developers with regard to development data.

- f) The Planning Board shall condition grants of approval of final development applications containing residential housing, a requirement that such developers shall pay, prior to the issuance of a Certificate of Occupancy, a fee of \$30 for each lower income unit constructed for purposes of monitoring the implementation of the lower income housing program. This fee shall be paid directly to the Urban League.

8. Repose:

The Township of Old Bridge is hereby entitled to a judgment of compliance granting repose from any further Mount Laurel litigation for six years from the date of this Order.

9. Rezoning:

The Township may, following the receipt of the Judgment of Compliance, rezone portions of the Township which are currently zoned Planned Development (PD) and which are not specifically mentioned in the Order or any attachment thereto, provided that the Township, after a careful review of the planning considerations involved, determines that such a rezoning would not result in a significant diminution of the Township's ability to meet its Mount Laurel obligations.

10. This Court shall retain jurisdiction over this case so as to assure the implementation of the proposed agreement and all other aspects of the compliance package.

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

We consent to the form, substance and entry of this Order.

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Attorney for O&Y Old Bridge Development Corp:

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Old Bridge Municipal Utilities Authority