

U.L. v. Cateret, Old Bridge

1986

- Letter to Judge re ~~the~~ ~~land~~ use of client's land

Pgs. 2

P.i. 3031

CA 000109L

LAW OFFICES

LEVY, SCHLESINGER & BREITMAN, P. A.

LOUIS LEVY (1910-1973)
 HOWARD I. SCHLESINGER (1927-1969)
 MARVIN K. SCHLESINGER
 MILTON M. BREITMAN
 FRED H. SCHLESINGER (N. J. AND FLA. BARS)
 MARK L. BREITMAN

3 AOP BOULEVARD
 ROSELAND, NEW JERSEY 07068
 (201) 992-4400

rec'd 2/14
 February 13, 1986

RONALD HOROWITZ
 WILLIAM ARTHUR SLAVEN
 DAVID MEINHARD (N. J. AND N. Y. BARS)

Hon. Eugene D. Serpentelli
 Judge, Superior Court of New Jersey
 Middlesex County and Ocean County
 (Mount Laurel II)
 Court House
 Toms River, New Jersey 08754

Re: Urban League of Greater New Brunswick, et al vs.
 Mayor and Council of the Borough of Carteret, et al.
 Docket No. C-4122-73
 Docket No. L-009837-84 P.W.
 Docket No. L-036734-84 P.W.

Dear Judge Serpentelli:

This is to advise the Court that I am the attorney for Edward J. Rondinelli, who is the owner of approximately 140 acres of land in Old Bridge, New Jersey. The land is currently zone Planned Development through a variance granted by the Old Bridge Board of Adjustment in the Spring of 1985. By further action of the Board of Adjustment, in September, 1985, we received approval of the General Development Plan which will permit us to construct approximately 1,750,000 square feet of office space, a hotel and conference center, a park-and-ride facility and 400 residential units.

Under the terms and conditions of our approval, which was prior to the settlement of the above entitled action, we received 400 residential units to be located on 42 acres of land with no requirement for providing moderate or low income units. Furthermore, the Board of Adjustment granted us extended vesting pursuant to Section 7-7:1.3, et seq. of the Land Development Ordinance of the Township of Old Bridge, effective May 20, 1983. Specifically, the effect of this approval under the Land Development Ordinance grants us and the Township protection against further change as set forth as follows:

"The Land Use Plan shall not be changed with reference to the maximum permitted total number of dwelling units within the Planned Development, the maximum permitted number and type of dwelling units within each designated residential section and the minimum acreage of commercial, office and industrial land use within each designated non-residential section." (Ordinance Section 7-7:14(b).)

Hon. Eugene D. Serpentelli
Page 2
February 13, 1986

A copy of Your Honor's Order dated January 24, 1986 and served upon us as counsel for Mr. Rondinelli by the attorneys for the Urban League on February 10, 1986, substantially affects our prior approvals (which by the way were not appealed during the 45 day period subsequent to the approvals), inasmuch as it imposes upon my client to provide 40 units of affordable housing. It is unclear, from Your Honor's Order, as to whether or not these 40 units are in addition to the 400 units for which we already have approval (this would increase our total units to 440 units on the 42 acres of land) or if these 40 units fall within the 400 units previously approved. Furthermore, should a finding be made that we are, in fact, under Mount Laurel, I feel that equity dictates that our housing densities be adjusted to compensate my client for the loss sustained in providing low and moderate income housing. I do not believe that this was taken into consideration by the Township in the settlement agreement.

I also wish to inform the Court that this is the first time we have heard or have learned of the terms and conditions of this settlement and the inclusion of my client's property into the lands affected by this settlement. I feel that there is an apparent denial of due process since we were not afforded any type of hearing as to my client's rights. Furthermore, we were not asked to participate in the litigation where our views could be expressed.

At the present time, my client is on vacation and will not be returning until Monday, February 17, 1986. It is the intent of this letter to inform the Court that we object to the entering of this Order and Judgment of Repose and that more formal papers will be filed.

MLB/hws

cc: Edward J. Rondinelli
Fletcher Davis
Jerome Convery, Esq.
Dean A. Gaver, Esq.
Alan J. Karcher, Esq.
Thomas Jay Hall, Esq.
Stewart Hutt, Esq.
Eric Neisser, Esq.
Thomas Norman, Esq.
Bernard Shihar, Esq.
Barbara Stark, Esq.

Respectfully submitted,



MARK L. BREITMAN