

O & Y vs. Old Bridge

30 May 1986

Letter from Norman to Judge Serpentelli

Re: Olympia + York, Woodhaven Village

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CA000117L

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CA00Q117L

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May 30, 1986

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Honorable Eugene Serpentelli, J.S.C.  
Ocean County Court House  
CN 2191  
Toms River, N.J. 08754

Re: O & Y vs. Township of Old  
Bridge, et al

Dear Judge Serpentelli:

As the Court is aware, both Olympia and York and Woodhaven Village have requested and received continuations of their applications before the Old Bridge Planning Board in order to permit both applicants to revise their respective plans in light of the existence of significant areas of wetlands.

Old Bridge Township has now been advised by the New Jersey Affordable Housing Council that the Township's projected Fair Share responsibility equals 411 dwelling units for low and moderate income housing subject to certain credits and adjustments which would reduce the fair share number to 0 at least through 1993, the term for which the fair share number has been projected by the Affordable Housing Council. Carl Hintz, the Township Planning Consultant, has been authorized by the Planning Board to verify the admittedly rough calculations although the Planning Board believes, strongly, that the final calculations, based upon the proposed regulations of the Affordable Housing Council, will produce a negative fair share responsibility for Old Bridge Township.

The settlement involving the parties hereto was based upon a fair share number of 1649 units of low and moderate income housing. The settlement was also based upon the understanding on the part of Old Bridge Township that its legal responsibilities, under the terms of Mount Laurel I and the Oakwood at Madison opinion as well as Mount Laurel II, required rezoning of vast amounts of land in Old Bridge Township for planned developments with the additional requirement

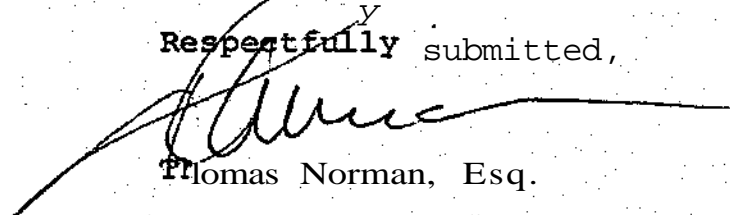
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that the developers must provide low and moderate income housing. As a consequence, Old Bridge Township resolved to permit Olympia and York and Woodhaven Village to develop and construct approximately 16,000 units of residential dwellings with commercial and office development on approximately 4,000 acres in the southern portion of Old Bridge Township. It now appears that more than 1200 acres may be classified as wetlands pursuant to regulations promulgated by the U.S. Army Corps of Engineers. These lands cannot be developed. Sound planning requires that lands adjacent to large tracts of wetlands must be planned carefully and sensitively and certainly not at high development densities.

Clearly the advent of the wetlands issue has seriously affected the viability of the settlement. The proposed criteria and guidelines promulgated by the Affordable Housing Council also impact upon the viability of the settlement. Old Bridge Township will, in good faith, satisfy its Mount Laurel obligation as it has attempted to do in the past and as the record made before this Court clearly demonstrates.

It is within this context that the Township, through its Governing Body and Planning Board, will meet with the developers of the Olympia and York development and the Woodhaven development in order to identify areas of commonality as well as areas of disagreement. However, in this attempt to explore the extremely complicated issues raised as a result of the wetland issue and the proposed fair share standard, the Old Bridge Township Planning Board seeks to go on record as not waiving any rights it may have to reopen the terms of the settlement due to the wetlands issue or due to the significant change in municipal responsibility under the proposed regulations of the Affordable Housing Council.

Respectfully submitted,



Thomas Norman, Esq.

TN:mk  
CC: All Parties