

U.L. v. Carteset

18 August 1986

Letter w/ Order enclosed + newspaper-  
article attached

Pgs 2

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School of Law-Newark • Constitutional Litigation Clinic  
S.I. Newhouse Center For Law and Justice  
15 Washington Street • Newark • New Jersey 07102-3492 • 201/648-5687

August 18, 1986

Frederick Mezey, Esq.  
Box 238  
New Brunswick, NJ 08903

Re: Urban League, et al. v. Carteret, et al.

Dear Mr. Mezey:

As we discussed in our telephone conversation on Friday, there are many relatively minor provisions in the proposed consent Order forwarded by you which do not accurately reflect the agreement between the parties. These could probably be resolved. The proposal that your client be permitted to construct more than half of his market units prior to the construction of a single lower income unit, however, is obviously unacceptable. As you know, the Civic League agreed to a reduction of the Kaplan Organization's obligation to build 183 units on the condition that they would be built now -- not after years of further delay.

C. Roy Epps, President of the Civic League, has advised that there was no ambiguity in his agreement with Mr. Kaplan. It was absolutely clear that your client would be entitled to the same ratio as O&Y or Woodhaven, rather than the same numbers, as set forth in your proposed consent decree. Indeed, Mr. Epps finds it is incredible that your client could actually have believed that the Civic League would agree that he could construct "801-1000 units", as set forth in paragraph 7, of his 1750 units prior to any Mount Laurel construction. This proposal, moreover, is completely inconsistent with all prior discussions and correspondence.

Although Mr. Epps is disappointed by your client's apparent bad faith, he has advised us that he is willing to again attempt to settle this matter. As you know, until this is resolved, the Order of the Honorable Eugene D. Serpentelli dated May 31, 1985 enjoining the Township from issuing more than 120 building permits for construction of any units by Oakwood at Madison or Beren Corp. remains in full force and effect. An extra copy of this Order is enclosed.

Frederick Mezey, Esq.  
Page Two  
August 18, 1986

Finally, enclosed please find a copy of a recent newspaper article regarding Oakwoode at Old Bridge. Please advise as to the number of units in this project, the number of building permits issued, the location of these units, and the owner of record.

Very truly yours,

encls

cc/Mr. C. Roy Epps, President  
Civic League of Greater New Brunswick

ERIC NEISSER, ESQ.  
JOHN M. PAYNE, ESQ.  
BARBARA J. WILLIAMS, ESQ.  
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ATTORNEYS FOR URBAN LEAGUE Plaintiffs

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URBAN LEAGUE OF GREATER  
NEW BRUNSWICK, et al.,  
Plaintiffs,  
v.  
THE MAYOR AND COUNCIL OF  
CARTERET, et al.,  
Defendants.

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O&Y OLD BRIDGE DEVELOPMENT  
CORP.,  
Plaintiff,  
v.  
THE TOWNSHIP OF OLD BRIDGE,  
THE TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF OLD BRIDGE and  
THE PLANNING BOARD OF THE  
TOWNSHIP OF OLD BRIDGE,  
Defendants.

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WOODHAVEN VILLAGE, INC.,  
Plaintiff,  
v.  
THE TOWNSHIP OF OLD BRIDGE,  
THE TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF OLD BRIDGE and  
THE PLANNING BOARD OF THE  
TOWNSHIP OF OLD BRIDGE,  
Defendants.

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CARWOOD AT MADISON, INC.,  
et al.,  
Plaintiffs,  
v.  
THE TOWNSHIP OF MADISON and  
THE STATE OF NEW JERSEY,  
Defendants.

] SUPERIOR COURT OF NEW JERSEY  
] CHANCERY DIVISION  
] MIDDLESEX COUNTY

] Docket No. C-4122-73

] LAW DIVISION-MIDDLESEX COUNTY

] Docket No. L-009837-84 P.W.

] LAW DIVISION-MIDDLESEX COUNTY

] Docket No. L-036734-84 P.W.

] LAW DIVISION-MIDDLESEX COUNTY

] Docket No. L-7502-70 P.W.

Plaintiffs in Urban League having moved on April 3, 1985, to consolidate the Oakwood at Madison action with the other actions or, alternatively, to intervene in the Oakwood at Madison action and at the same time having moved to restrain defendants from issuing building permits or granting other approvals for construction by Oakwood at Madison, Inc., unless such approvals insure that 20 percent of the units constructed are affordable to, and maintained for 30 years for occupancy solely by, low and moderate income households and that construction of these units is phased with the construction of the market units, and Urban League plaintiffs having filed in support of said motion Affidavits of Eric Neisser, Esq., and Alan Mallach and a Memorandum of Law, and the defendant Township of Old Bridge having filed a letter-brief on April 8 interposing no objection to consolidation or intervention and leaving to the Court's sound discretion the matter of temporary restraints, and the Oakwood at Madison plaintiff having filed letter-briefs on April 10 and 18, 1985 in opposition to consolidation, intervention and temporary restraints, and Woodhaven plaintiff having filed a letter brief on April 16, 1985 opposing consolidation but taking no position with regard to intervention and temporary restraints, and the Urban League plaintiffs having filed a reply letter-brief on April 12, 1985, and the Court having reviewed all the papers submitted and having heard oral argument in open Court on May 10, 1985 from Eric Neisser, Esq. for Urban League plaintiffs, Frederick Mezey, Esq. for Oakwood at Madison plaintiff,

Stewart Hutt, Esq. for Woodhaven plaintiff, and Thomas Norman, Esq. for defendant Old Bridge Planning Board,

IT IS HEREBY O R D E R E D this 31 day of May, 1985, that:

1. The motion for consolidation or intervention is denied but Oakwood at Madison, Inc. and Beren Corp. are herewith joined as parties-defendant in Urban League of Greater New Brunswick, et al. vs. Mayor and Council of Carteret, et al., (Old Bridge), No. C-4122-73, for the limited purpose of insuring that 20 percent of the units they construct in Old Bridge are affordable to low and moderate income households, that adequate restrictions are imposed on the re-sale and re-rental of those units to assure continued occupancy for 30 years by low and moderate income households, and that construction of these units is phased with construction of the market units to guarantee construction of the former units, and provided further that the earlier service upon the attorney for Oakwood at Madison, Inc. and Beren Corp. of the motion papers herein, which included this Court's Orders of July 2, July 13, August 3, and November 13, 1984, concerning the Urban League and consolidated cases involving Old Bridge, shall constitute sufficient service to join Oakwood at Madison, Inc. and Beren Corp. as parties-defendant for the limited purpose specified in this paragraph.

2. Defendants Old Bridge Township, Old Bridge Township Council and Old Bridge Planning Board, and all their agents, employees, and other persons and entities acting in concert with them are hereby enjoined, pending further Order of this Court approving a phasing, affordability and re-sale/re-rental restriction plan for

Oakwood at Madison's project, from issuing building permits for construction of any units by Oakwood at Madison, Inc. or Beren Corp., pursuant to the Old Bridge Planning Board's Resolution of Final Subdivision Approval dated August 23, 1979 or the Planning Board's Resolution of Preliminary Approval of June 30, 1978, which is incorporated therein, after the issuance of building permits for the first 120 market units; Provided, however, that nothing herein shall prevent the municipal defendants from reviewing and processing any requests for additional approvals in connection with this project, including requests for site plan approval for the low and moderate income units, but not including requests for building permits.

3. Attorneys for Urban League plaintiffs, the municipal defendants, and defendants Oakwood at Madison, Inc. and Beren Corp. are hereby directed to attempt to agree upon a phasing, affordability, and re-sale/re-rental restriction plan for the Oakwood at Madison project and, should agreement prove impossible, to seek the assistance of Carla Lerman, the Master for Old Bridge, appointed by this Court's Order of November 13, 1984. Should agreement still prove unattainable, any party may apply to this Court on seven (7) days' written notice for a formal Order establishing phasing, affordability, and re-sale/re-rental restrictions for the Oakwood at Madison project.

4. Oakwood at Madison, Inc. and Beren Corp. are parties-defendant only for the specific purposes set forth herein. They shall be under no obligation to participate in any other aspect

of the instant cases, but may, should they so desire, elect to participate in any and all issues, *relating to them*.

*Eugene D. Serbentelli*  
EUGENE D. SERBENTELLI, J.S.C.





Phase I of the single-family homes at Oakwoode sold out in just over three hours. An artist's rendering of one of the country homes is shown above.

## Oakwoode at Old Bridge is selling out fast

Just a little over three hours, the first phase of Oakwoode at Old Bridge, the new single family homes in The Kapian Organization community, was a complete sellout. The difference between this and other recent preconstruction sale stories is that the homes here average \$260,000 plus.

"Oakwoode set a record," said Robert Gottfried, executive vice president of The Kapian Organization. "People saw the opportunity to own a luxurious home at preconstruction prices in an excellent location. They jumped at the chance."

After a decade of planning, the Oakwoode community opened with single family homes, soon to be followed by other housing types, on-site recreational facilities and a shopping and office complex. In the coming months, Oakwoode will introduce townhomes, patio homes and rental apartments. Residents will enjoy an exclusive recreational complex with a clubhouse, swimming pool, tennis and basketball courts, a tot lot and winding jogging trails through a peaceful nature preserve. The Oakwoode community will be highlighted by the natural wood-

lands, springs, and brooks surrounding the property.

The Spring Knolls collection of single family homes will be the next phase to open at Oakwoode. Names are being accepted for the September preconstruction sale mailing list.

Oakwoode residents will have all the advantages offered by the town of Old Bridge, an established community with a new municipal complex including a recreational center, an ice skating rink and lighted tennis courts. Express bus service to Manhattan is conveniently located at the Route 9 entrance to the community, and a

new park and ride facility is planned near Cheesequake State Park, with 1,000 acres for recreational use, is located nearby within Old Bridge Township.

The Jersey shore, with its excellent beaches, marinas, boardwalks, restaurants, is just a short drive from Oakwoode. The Garden State Arts Center, featuring programs ranging from rock stars and comedians to classical concerts, is within easy reach. For the convenience of the busy executive, there is an airport located nearby, right in Old Bridge Township.

For further information about Oakwoode, call (201) 679-0888.