

Old Bridge (1986)

Copy of Consent Judgement ⊕ 1986

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No P.i.

CA 0001370

THE STATE UNIVERSITY OF NEW JERSEY
RUTGERS
Campus at Newark

School of Law-Newark • Constitutional Litigation Clinic
S.I. Newhouse Center For Law and Justice
15 Washington Street • Newark • New Jersey 07102-3192 • 201/648-5687

VIA LAWYERS SERVICE

Dec. 19, 1986

Mr. C. Roy Epps
President
Civic League of Greater New Brunswick
47-49 Throop Avenue
New Brunswick, N.J. 08901

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

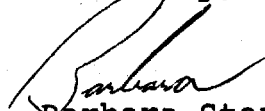
Dear Roy:

Enclosed please find original and copy of proposed Consent Judgment in connection with the above matter. Please review same carefully, particularly paragraphs 4 and 7. Did you agree that the first 50 units would be moderate units? If not, please call me.

If the enclosed Judgment meets with your approval, please sign where indicated and return the original to this office. We will forward it to Frederick Mezey, Esq. for his signature. You may keep the copy for your records.

Also enclosed please find, for your reading pleasure, a copy of a recent Star Ledger article.

Sincerely,


Barbara Stark

cc: w/Encls. John Payne, Eric Neisser

MEZEY & MEZEY
93 Bayard Street, P.O. Box 238
New Brunswick, NJ 08903
Attorneys for Defendant
Oakwood at Madison, Inc. & Beren Corp.

URBAN LEAGUE OF GREATER
NEW BRUNSWICK, et al,

Plaintiffs

v.

THE MAYOR AND COUNCIL OF
CARTERET, ET AL,

Defendants and

OAKWOOD AT MADISON, INC., AND
BEREN CORP.,

Defendants

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

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

SUPERIOR COURT OF
NEW JERSEY
LAW DIVISION
OCEAN COUNTY
DOCKET NO. C-4122-73

Civil Action

CONSENT JUDGMENT

LAW DIVISION-MIDDLESEX
COUNTY
DOCKET NO. L-009837-84 P.1

LAW DIVISION-MIDDLESEX
COUNTY
DOCKET NO. L-036734-84 P.W.

This matter having been opened to the Court by Mezey and Mezey, Esqs., attorneys for defendants Oakwood at Madison, Inc. and Beren Corp. (Frederick C. Mezey, appearing), in the presence and with the consent of Barbara Stark, Esq., attorney for the plaintiff Urban (now Civic) League of Greater New Brunswick, Norman and Kingsbury, attorneys for defendant Planning Board for the Township of Old Bridge (Thomas Norman, Esq., appearing), Jerome J. Convery, Esq., attorney for Township of Old Bridge and the Township Council of the Township of Old Bridge, and Antonio & Flynn, Esq., attorneys for the Township of Old Bridge Municipal Utilities Authority, for an Order for Judgment and it appearing that:

1. In the case of Oakwood at Madison, Inc. v. Tp. of Madison, 72 N.J. 481 (1977), the Supreme Court awarded a builder's remedy to Oakwood at Madison, Inc. and Beren Corp. and ordered the issuance of 2400 building permits to Oakwood at Madison, Inc. and Beren Corp. "within the very early future";

2. The Supreme Court directed that Oakwood at Madison, Inc. and Beren Corp. allocate at least 20% of the units to low or moderate income families;

3. In directing that the 20% low or moderate income

units be provided, the Supreme Court, in Oakwood, set income standards but did not set any other standards such as phasing requirements or resale/rerental restrictions;

4. Following remand by the Supreme Court, a stipulation of settlement was entered into with the Township of Old Bridge wherein Oakwood at Madison, Inc. and Beren Corp. were to build 1750 units, instead of the awarded 2400 units, of which 20% or 350 units would be low or moderate units, 175 thereof to be for senior citizens.

The parties hereby modify that stipulation and agree that Oakwood at Madison, Inc. and Beren Corp. shall build 1750 units of which 183 shall be low and moderate income units, as specified herein;

5. As set forth in the Order of January 24, 1986, the Urban League plaintiffs and Old Bridge township have settled with Olympia & York and Woodhaven Associates based upon a 10% low and moderate income set aside, phasing, resale and rerental and income requirements. The parties agree that the same basic standards should apply to Oakwood at Madison, Inc. and Beren Corp. as set forth herein;

6. The Urban League plaintiffs, the municipal defendants and defendants Oakwood at Madison, Inc. and Beren Corp. have agreed upon a phasing, affordability and resale/rental restriction plan for the Oakwood at Madison project, as directed by paragraph 3 of the May 31, 1985

Order, and for good cause shown:

IT IS on this day of , 1986

ORDERED that Judgment shall be entered as follows:

1. The lower income housing obligation of defendants Oakwood at Madison, Inc. and Beren Corp. shall be 183 units, of which 91 shall be affordable to persons of low income and 92 shall be affordable to persons of moderate income; both low income and moderate income hereinafter being referred to as "lower income";

2. Low and moderate income housing for rental or for sale shall be priced so that, on the average, it will be affordable to households earning ninety (90) percent of the limits established for each of the income groupings, such that the housing provided for low income households shall, on the average, be affordable to families earning forty-five (45) percent of the adjusted median income for the Middlesex, Somerset, Hunderdon Primary Metropolitan Statistical Area (P.M.S.A.) and housing for moderate income households shall, on the average, be affordable to persons earning seventy-two (72) percent of the adjusted P.M.S.A. median income for the region, provided that in no event shall the "affordability" criteria of units for low income families exceed fifty (50) percent of the adjusted P.M.S.A. median income for the region or in the case of moderate income families, eighty (80) percent of the adjustment P.M.S.A. median income for the region. "Adjusted" P.M.S.A. median income refers to the process of multiplying the current year P.M.S.A. income by ninety-four (94%) per-

cent so as to yield a lower figure, which approximates the income figure for the eleven county Northern New Jersey region, for which data is no longer conveniently available.

3. Oakwood at Madison, Inc. and Beren Corp. [Oakwood and Beren] shall supply, upon filing their application for preliminary site plan approval for the 550 multi-family units referred to in paragraph 21 of the August 23, 1979 resolution of Old Bridge Township Planning Board, a copy of which is annexed hereto as Exhibit A, a "housing plan" which shall set forth the mechanisms whereby Oakwood and Beren will construct the 183 lower income units. Such housing plan shall indicate the approximate sizes, numbers, types, locations, price ranges, price controls, deed restrictions and marketing strategies for the lower income housing and phasing schedule for the actual delivery of such units within the Oakwood at Madison project. Said housing plan shall provide a mechanism to insure that the units remain affordable to lower income households for a period of thirty (30) years from the date of issuance of the initial Certificate of Occupancy for each such lower income housing unit;

4. Oakwood and Beren Corp. shall have all the rights and privileges, specific unit counts, development rights and land development standards set forth herein vested for a period of nine (9) years from the date of entry of this Order. The final subdivision approval granted to Oakwood and Beren Corp. on August 23, 1979 shall also be extended for a period of nine (9) years from the date of entry of this Order;

5. The Township Planning Board shall review and issue a decision upon any application by Oakwood or Beren Corp. for any preliminary site plan approval or revised subdivision or site plan whether for lower income or market units within ninety-five (95) days of application including applications pertaining to the commercial aspect of the development. The Planning Board shall further adhere to the review schedule detailed in paragraph 15 hereof.

In order to accommodate this schedule, the Township Planning Board agrees to hold special meetings not to exceed two (2) meetings per month for applications which are part of an inclusionary development, and to allocate staff, either Township employees or special consultants, to review such applications on a timely basis.

Developers seeking Township approval of applications under these procedures shall provide the Township with such funds as are reasonably necessary to assure competent professional review throughout the application process. Such funds will be placed in a Township-managed escrow account, and invoices for professional services rendered by or on behalf of the Township for such reviews will be required by the administrator of the account prior to release of such funds. Fees charged by consultants to the Township shall not exceed the normal and customary fees charged by such consultants, and the developers shall have an opportunity to review such charges. In the event that a developer regards the review fees as excessive, the developer may appeal such

Charges to the court-appointed Master, whose decision shall be final;

6. It is specifically Ordered that lower income housing is to be located so as to afford similar access to transportation, community shopping, recreation, and other amenities as provided to other residents of developments constructed as a result of this Settlement Agreement. The landscaping buffers provided for lower income housing areas shall not be substantially different from those generally used other portions of the development, nor different from those buffers generally used separate section of the development with different types of housing.

7. Oakwood and Beren Corp. shall be permitted to construct a maximum of 600 market units prior to any obligation to construct lower income units. Thereafter, the 183 lower income units shall be constructed according to the following schedule:

Number of Market Units	Number of Moderate Income Units	Number of Low Income Units	Cumulative Total of Lower Income Units	Cumulative Total of All Units
601-800	50	--	50	850
801-1200	--	--	50	1200
1201-1400	42	58	150	1550
1401-1475	--	33	183	1658
1476-1567	--	--	183	1750

There shall be no prohibition placed upon the obtaining of building permits; phasing shall be controlled by the issuance of Certificates of Occupancy;

8. Notwithstanding any ordinance requirement of the Township

of Old Bridge, the applicable Township approving agency shall waive the following fees for lower income units:

- (a) Planning Board application fees;
- (b) Engineering review fees;
- (c) Building permit fees;
- (d) Certificate of Occupancy fees; and
- (e) Inspection fees for all on-tract improvements and structures;

9. The affordable housing plan referred to in paragraph (3) of this Order shall contain the following major elements.

(a) Description of the units, by number, size and probable location;

(b) Description of the affordability control mechanism, such as deed restrictions, rental price controls, resale controls, etc.;

(c) Description of means of assuring affordability over a thirty (30) year period;

(d) Description of the duration of the affordability controls (minimum requirement for lower income housing is thirty (30) years); minimum requirement for maintenance as rental units, if contemplated, is ten (10) years, but after conversion to sale units, such units must remain price controlled for the balance of the thirty year period;

(e) Description of any proposed conversion process, if applicable, involving the rental units;

(f) Description of the proposed marketing scheme for the lower income housing units which, as a minimum, shall include the affirmative marketing requirements set forth in the procedures

for occupancy of lower income housing, established in Section V(F) of Ordinance No. 54-85.

(g) Such marketing plans shall include assurances that the opportunities for low and moderate income units will be advertised throughout the eleven (11) county region, including Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union, and Warren counties, and specifically including newspapers of general circulation in Elizabeth, Jersey City, Newark, New Brunswick, Paterson and Perth Amboy. In addition, the plan shall require that the developers notify the Civic League of Greater New Brunswick, the Housing Coalition of Middlesex County, the Middlesex County Office of Community Development, the Council on Affordable Housing, the New Jersey Housing Mortgage and Finance Agency, and all fair housing centers and housing referral organizations in the aforementioned eleven (11) counties; and

(h) Description of a disclosure statement to be attached to all contracts for rental or sale of all housing units within the development, whether market or price controlled.

10. The Township of Old Bridge, by ordinance, shall establish an affordable housing agency, which shall review all affordable housing plans and certify them to the Planning Board. The affordable housing agency shall also establish, by rules and regulations, mechanisms whereby lower income households can be screened for income eligibility and for potential placement in available affordable housing.

11. Oakwood and Beren Corp. may apply to the Agency

for a Hardship Exemption, as follows:

(a) The Developers may only apply to the Agency for a Hardship Exemption after the later of (i) six (6) months after the Developer has commenced marketing the Lower Income Unit and (ii) ninety (90) days after the Developer has received the Certificate of Occupancy for such Lower Income Unit.

(b) In order for the Developer to be entitled to a Hardship Exemption from the Agency, the Developer must show the Agency that (i) the time periods set forth in subsection (a) above have lapsed, and (ii) that the Developer has been marketing such Lower Income Unit for such time period and in accordance with the affirmative marketing plan approved as part of the housing plan, and (iii) no Qualified Household is obligated under a contract to purchase, or a lease to rent, as the case may be, for such Lower Income Unit.

If a Developer has complied with the requirements of (a) and (b) above, and despite best efforts, has not been able to obtain a Qualified Household, from the waiting lists maintained by the agency or by the Urban League, the Developer may offer such unsold unit to a person or household whose income is up to fifty (50%) higher than the ceiling income for the category for which the unit was intended. In the event, that an additional one hundred (120) days elapse with the units remaining unsold, despite the best efforts of the developer to sell the unit, the Developer, with the permission of the Agency, may offer the unit to any person or household

whose income is up to 100% above income ceilings.

However, all units built as affordable housing units under this Order and receiving a Hardship Exemption, are to be sold and rented at no more than the maximum price permitted by this Order and are to be price-controlled and deed-restricted so that the sale and resale prices reflect the price category for which the unit was originally intended to be offered, and future sales of units receiving Hardship Exemptions shall be subject to the original requirements for purchaser eligibility.

12. Oakwood and Beren Corp. for each subdivision and/or site plan approval, following the initial submission of the housing plan, shall demonstrate to the Planning Board how the applicant is meeting the commitments and schedules set forth in the affordable housing plan.

Oakwood and Beren Corp. shall demonstrate that affordable housing units are being priced so that, on the average, they are affordable to households earning ninety (90%) percent of the limits established for the income groupings, such that housing for low income households shall, on the average, be affordable to persons earning forty-five (45%) percent of the Adjusted Median Income and housing for moderate income households shall, on the average, be affordable to persons earning seventy-two (72%) percent of the Adjusted Median Income.

13. Lower income housing units shall be provided in combinations of efficiency, one bedroom, two bedroom and three

bedroom or larger units. While the distribution of units should be reasonably reflective of the market units to be provided the lower income units shall include not more than 50% efficiency and one bedroom units and not less than 15% three bedroom or larger units. Unit sizes shall not be less than the following:

<u>Unit type</u>	<u>Minimum size</u>
efficiency units	480 s.f.
1 Bedroom	550 s.f.
2 Bedrooms	750 s.f.
3 Bedrooms	950 s.f.

14. The following schedule will apply to all development applications submitted by Oakwood or Beren Corp.

A. As to Preliminary Subdivision and Site Plan applications:

<u>Action Taken</u>	<u>Cumulative Time</u>
i. Application submitted to board	0 days
ii. Checklist review completed	10 days
iii. Written notice of completeness	15 days
iv. Planning Board Staff reviews (applicant may submit additional material)	45 days
v. Documentation available to public	46 days
vi. Public hearing to be held	57-81 days
vii. Board action Resolution	95 days
viii. Bond estimate to Developer	110 days
ix. Action after submission of bond	125 days
x. Signing of Maps	140 days

B. As to minor subdivision and Final Major subdivision applications:

<u>Action Taken</u>	<u>Cumulative Time</u>
i. Application submitted to Board	0 days
ii. Declaration of completeness	10 days
iii. Planning board staff reviews	30 days
iv. Public Hearing held	45 days
v. Board action by resolution	45 days
vi. Documentation available to public	46 days
vii. Bond estimate to developer	60 days
viii. Action after submission of bond	75 days
ix. Signing of Maps	90 days

The applicant may grant extensions of time; but is is anticipated that such extensions will not be routinely sought or granted. The Planning board will not be required to schedule more than two (2) special meetings per month for all applicants using the accelerated review and appeal procedure.

15. Nothing herein shall require any specific building, cluster, section or subdivision to have any lower income units within it, and the distribution shall be as outlined in Section A-3.3 of Appendix A. it is specifically understood by the parties that the developments contemplated to be undertaken as a result of this agreement are to be inclusionary, as a whole, and the developers shall provide (10%) percent of the total residential units within the development as housing for lower income households.

16. All developers with a lower income housing obligation shall provide the township agency with a Compliance Status Report as more fully set forth in Appendix A attached hereto.

17. The applicant shall comply with the standards set forth in the Appendices, and in particular, Appendix B, when seeking development approvals. The applicant shall respond to issues in the Township's Natural Resources Inventory. Further, the applicants shall abide by the State requirement that the rate of post-development storm water runoff shall not exceed the pre-development rate, and shall provide natural aquifer recharge through non-structural means whenever practical and feasible. Reports, other than those set forth in Appendices A & B, shall not be required.

18. Letters of credit shall be accepted in lieu of bonding for all public inspection costs. No cash bond or deposit shall be required. Inspection fees shall not exceed five percent (5%).

19. The restraints imposed in paragraph 2 of this Court's Order of May 31, 1985 against the Township of Old Bridge, the Old Bridge township Council, the Old Bridge Planning Board and their agents, employees and other action in concert with them, from issuing any more than 120 building permits for market units to Oakwood at Madison, Inc. and Beren Corp. are and the same hereby dismissed.

20. Oakwood and Beren shall provide the Civic League with a signed Stipulation of Dismissal with prejudice of Oakwood and Beren's pending appeal, to be held in escrow by the Civic League pending execution and approval by the court of

this Consent Judgment.

We hereby consent to the form
and entry of this Judgment

MEZEY & MEZEY, ESQS.

BY

FREDERICK C. MEZEY
Attorneys for Oakwood at
Madison, Inc. and Beren
Corp.

We hereby consent to the form
and entry of this Judgment

BARBARA STARK, ESQ.
Attorney for the Urban
(now Civic) League of
Greater New Brunswick

We hereby consent to the form
and entry of this Judgment

THOMAS NORMAN, ESQ.
Attorney for Planning Board
for the Township of Old
Bridge

EUGENE D. SERPENTELLI, A.J.S.C.

We hereby consent to the form
and entry of this Judgment

BY

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

We hereby consent to the form
and entry of this Judgment

JEROME J. CONVERY, ESQ.
Attorney for the Township
of Old Bridge & The Council
of the Township of Old Bridge

We hereby consent to the form
and entry of this Judgment

ANTONIO & FLYNN, ESQS.
Attorneys for the Township
of Old Bridge Municipal
Utilities Authority

EXHIBIT A

Be it Resolved, the Planning Board of the Township of Old Bridge, County of Middlesex

New Jersey, that:

WHEREAS, Oakwood at Madison, Inc. (hereinafter applicant) has made Application #6-78P for Final Approval of a Major Subdivision Plan known as Block 13000, 13003, 13264, 21004, on the Tax Map of the Township of Old Bridge, which is to be developed as indicated on a set of drawings and plans identified as follows:

1. Traffic and circulation plans, Abington Ney Associates, Aug. 16, 1979.
2. Architectural plans, 5 sheets, November 19, 1977, with revisions through July 1979, Chester Van Dalen Associates.
3. Final Construction plans and details, 53 sheets, May 1, 1979, with revisions through August 14, 1979, Abington Ney Associates.
4. Landscaping and woodland protection plan, 20 sheets, 1 May 1979, with revisions through 14 August 1979, Abington Ney Associates.
5. Staging plan, August 13, 1979, Abington Ney Associates.
6. Final plans, Feb. 1, 1979, with revisions through 14 Aug. 1979, 2 sheets, Abington Ney Associates.

NOW, THEREFORE, BE IT RESOLVED that the major subdivision plat referred to herein be and the same is hereby granted Final Approval in accordance with the following conditions:

1. That the procedures and requirements of the Subdivision and Site Committee of the Middlesex County Planning Board are satisfied.
2. The construction or reconstruction of streets, curbs or sidewalks shall be in accordance with the provisions of N.J.S.A. 52:32-14 et seq.
3. Approval by the DEP of stream encroachment lines. Any dwelling located within the stream encroachment line must be removed and redesigned by the applicant with the approval of the Planning Board.
4. Final approval by the Old Bridge Township Municipal Utilities Authority for water connections and the Old Bridge Township Sewerage Authority for sewerage disposal. Approval herein shall not be interpreted as vesting any rights in the applicant with regard to service by the Old Bridge Township Municipal Utilities Authority for water or sewer.
5. The applicant shall furnish a Performance Guarantee in favor of the Township of Old Bridge, in an amount not to exceed 120% of the cost of installation for improvements it may deem necessary or appropriate. The Performance Guarantee for the construction for the bridge required in provision 14 hereof shall be submitted and approved prior to commencement of construction of Stage 3.

(SEAL)

I certify the following to be a true and correct abstract of a resolution regularly passed at a meeting of the Planning Board of the Township of Old Bridge

August 23, 1979
and in that respect a true and correct copy of its minutes.


Secretary of Planning Board

It is Resolved, the Planning Board of the Township of Old Bridge, County of Middlesex,

New Jersey, that:

Resolution, Page Two.
#6-78P Oakwood at Madison, Inc.

6. Applicant shall deposit a certified check or cash with the Township Clerk in the amount of 5% of the value of the site improvements which are required to be inspected as estimated by the Township Engineer to cover the cost of all inspections required under the Land Development Ordinance.

7. The proposed open space dedication should now be accomplished by forwarding to the Administrative Officer a bargain and sale deed and three survey maps showing the metes and bounds description of the land to be conveyed for approval and acceptance by the Township Council in accordance with provisions of paragraph 5 and a Council Resolution dated May 23, 1977. Said lands shall consist of the following tracts.

Block 11315, Lot 8 - 12.17 acres.
Block 13001, Lot 21A - 2.13 acres.
Block 13003, Lot 26 - 8.55 acres.
Portion of Block 13003, Lots 23A and 24A - 34.61 acres.
Portion of Block 13003, Lots 23B and 24B - 6 acres.
Block 21004, Lot 17 - 18.65 acres.
Block 21004, Lot 18 - 5.26 acres

8. The proposed right of way dedication along Spring Valley Road should now be accomplished by forwarding to the Administrative Officer a bargain and sale deed and three survey maps showing the metes and bounds description of the land to be conveyed for approval and acceptance by the Township Council in accordance with provisions of paragraph 5 and a Council Resolution dated May 23, 1977.

9. The proposed conservation easements along Burnt Fly Brook and Deep Run should now be accomplished by forwarding to the Administrative Officer the standard Township easement agreement and three survey maps showing the metes and bounds description of the land to be conveyed for approval and acceptance by the Township Council, in accordance with provisions of paragraph 5 of the Council Resolution dated May 23, 1977.

10. All construction equipment vehicles shall be restricted to Point Woods Road from Spring Valley Road during the time of construction. If said access shall become impossible for use by construction vehicles, the applicant may apply to the Planning Board for relief from this provision for good cause.

(SEAL)

I certify the following to be a true and correct abstract of a resolution regularly passed at a meeting of the Planning Board of the Township of Old Bridge

August 23, 1979
and in that respect a true and correct copy of its minutes.

Mary M. Brown
Secretary of Planning Board

It is Resolved, the Planning Board of the Township of Old Bridge, County of Middlesex,

New Jersey, that:

Resolution, Page Three
#6-78P Oakwood at Madison, Inc.

11. Applicant agrees to construct the so called nature or hiking trail also known as Winter Berry Trail, along Burnt Fly Brook, off tract on Township owned land to a point known as the nature center in the general vicinity of the intersection of Prests Mill Road and the Trans Old Bridge, also described on a map known as Burnt Fly Bog Trail. It is agreed and understood that all of the hiking trails both on tract and off tract, shall be constructed in entirety as heretofore described prior to the beginning of the construction of Stage 3.

12. Applicant agrees to construct all recreational facilities located within the respective section as the residential units are constructed and in any event, prior to the commencement of construction of the subsequent section.

13. At the end of Stage 2 and prior to the commencement of construction of Stage 3, applicant agrees to construct playfields, according to standards approved by the Director of the Department of Recreation, consisting of a baseball field, softball field, soccer field, in playable condition and/or their equal, on land being dedicated to the Township of Old Bridge, and also known as Block 21004, Lots 17 and 18, subject to the finding of the Township Environmental Commission that said land can be developed for said purpose, without doing environmental damage.

14. Prior to the commencement of construction of Stage 2, a "complete set of final plans satisfying application requirements of the State DEP and DOT for the Deep Run bridge crossing and the intersection design at the Fer Road jughandle shall be submitted to the Township Engineering Department, New Jersey Department of Transportation and the New Jersey Environmental Protection for review and approval. In accordance with the provision of Paragraph 2 of the Resolution of Preliminary Approval dated June 30, 1978, applicant agrees to extend the Trans Old Bridge roadway to Route 9, prior to the end of construction of Stage 3.

15. It is agreed and understood that Prests Mill Road and all of the Trans Old Bridge shall be constructed and in place and functioning, from the Route 9 jughandle to the applicant's property line in Section 6, prior to the beginning of the construction of Stage 4.

16. Applicant agrees to deslag, selectively thin and generally clean up Burnt Fly Brook along its entire course through Sections 7, 13, 14, 15, 24, and 25.

(SEAL)

I certify the following to be a true and correct abstract of a resolution regularly passed at a meeting of the Planning Board of the Township of Old Bridge

August 23, 1979

and in that respect a true and correct copy of its minutes.


Secretary of Planning Board

Be it Resolved, the Planning Board of the Township of Old Bridge, County of Middlesex

New Jersey, that:

Resolution, Page Four
#6-78P Oakwood at Madison, Inc.

17. The proposed bikeway along the Trans Old Bridge shall be extended along the frontage of the proposed school site to applicant's easternmost property line.

18. It is agreed and understood the Township will accept for dedication only those collector streets, known as Nathan Drive, Oakland Road, Prests Mill Road and Point of Woods Drive and all streets in the single family area meeting Township Standards, and the major arterial known as the Trans Old Bridge. All of the streets, cul-de-sacs and the so called courts serving patio homes, cluster homes and townhouses, will be owned and maintained by the respective homeowners association.

19. The Open Space Organization documents are subject to final review by the Township Planner and the Planning Board Attorney and thereafter, same shall be recorded simultaneously with the recording of the subdivision plat and a copy of same returned to the Administrative Officer with the recording information thereon.

20. Upon submission by the applicant of subsections approved by this Resolution, the Chairman and Secretary of the Planning Board shall sign said subsections of the final plat for recording with the Middlesex County Clerk. This approval is divided into 28 subsections.

21. The approval herein given does not in any way grant site plan approval of any of the commercial sites in Sections 6, 7, 24, and 25 or for 550 dwelling units included in the multi family housing sites located in Sections 22, 23, 26, 17 and 28.

22. The effectiveness of this final approval shall be extended for a 10 year period in order to permit the applicant to reasonably rely upon this approval in light of the size of the project which exceeds 150 acres and the number of units which exceeds the statutory requirements of N.J.S.A. 42:55D 52(b)

23. The applicant agrees to conform to all requirements contained in the memorandum of the Township Engineer dated August 23, 1979, with the exception of regulation #6, which is superseded by the terms contained in Condition #15 of this Resolution.

24. Final approval contained herein shall also conform to all of the requirements contained in the Resolution of preliminary approval granted

(SEAL)

I certify the following to be a true and correct abstract of a resolution regularly passed at a meeting of the Planning Board of the Township of Old Bridge

August 23, 1979

and in that respect a true and correct copy of its minutes.


Secretary of Planning Board

Be it Resolved, The Planning Board of the Township of Old Bridge, County of Middlesex

New Jersey, that:

Resolution, Page Five.
#6-78P Oakwood at Madison, Inc.

by this Board June 30, 1978, with the exception of any condition of preliminary approval which has been expressly modified by this Resolution of final approval.

Moved by Mr. Stone, seconded by Mr. Mintz, and so moved on the following roll call vote:

AYES: Mr. Fennessy, Mayor Fineberg, Mr. Horowitz, Mr. Stone, Mr. Mintz, Chairman Olivera.

NAYS: Mr. Donatelli, Mr. Hueston.

ABSTAIN: None.

ABSENT: Mr. Messenger.

(SEAL)

I certify the following to be a true and correct abstract of a resolution regularly passed at a meeting of the Planning Board of the Township of Old Bridge

August 23, 1979
and in that respect a true and correct copy of its minutes.

Mary M. Brown
Secretary of Planning Board

APPENDIX A

I. Definitions

"Adjusted Median Income" shall mean and refer to the product of multiplying the published median income of the Middlesex-Hunterdon-Somerset Primary Metropolitan Statistical Area as may be adjusted by an agency of the United States government from time to time, by 94%.

"Affordable Housing" shall mean and refer to the housing set aside for qualified Lower Income Households which is priced as follows:

- a. Housing for sale: The combination of costs for principal, interest, taxes, insurance and homeowners association assessments, if applicable, shall not exceed 28% of the Total Lower Income Household Income; and
- b. Housing for rent: The combination of contract rent plus an allowance for utility costs shall not exceed 30% of the Total Lower Income Household Income.

"Agency" shall mean and refer to the Township Agency referenced below.

"Approving Board" shall mean either the Planning Board or the Zoning Board of Adjustment, as appropriate.

"Building" is any continuously enclosed structure containing one or more separate dwelling units.

"Cluster" is any grouping of buildings in close physical proximity to each other, usually arranged around a common feature such as a courtyard or parking area.

"Household" shall mean and refer to all persons living as a single non-profit housekeeping unit, whether or not related by blood, marriage or other affiliation.

"Housing Plan" shall mean and refer to a proposed scheme for providing affordable housing for lower income households within the Township of Old Bridge, submitted to and certified by the Affordable Housing Agency.

"Lower Income" shall mean and refer to both low and moderate income housing

"Low Income" shall mean and refer to incomes which are 50% or less than the adjusted median income.

"Moderate Income" shall mean and refer to incomes which are between 50% and 80% of the adjusted median income.

"Order" shall mean and refer to the Order and Judgment issued by the Hon. Eugene D. Serpentelli, A.J.S.C. dated January 24 resolving the litigation between O&Y, Woodhaven, the Urban League and the Township of Old Bridge, et al, and shall also mean and refer to all appendices and memoranda attached thereto.

"Section" is any building or grouping of buildings, or any cluster or grouping of clusters set apart by natural features, landscaping or buffers from other parts of the development so as to constitute an identifiably separate portion of the development. A separately named building or grouping as defined herein is presumptively a section.

"Township Agency" shall mean and refer to any entity established by the Township of Old Bridge to administer any portion of the lower income housing program within the control of the Township of Old Bridge.

II. Dispersal

Developments governed by this Order shall physically disperse the lower income units as follows:

a. No more than 24 lower income units may be located in any single building, except for the Senior Citizen Housing complex. No building, cluster or section shall be required to contain any lower income units. In any section containing lower income housing units, no more than 1/3 of the total number of units may be lower income housing. Clusters may contain only lower income units provided that such a cluster is as much a part of a section as the clusters of market units, and that the boundaries between lower income clusters and market clusters, such as grassy areas, internal roads or sidewalks shall be no different than the boundaries between market clusters.

b. The restrictions contained in paragraph (a) above shall not apply to any building, cluster or section when necessary to finance the development of the building, cluster or section through public or tax exempt funding, but in no event shall any one building, cluster or section developed pursuant to this paragraph contain more than 150 lower income units.

III. Certification Procedures:

Developers constructing lower income housing under these provisions shall report their progress to the Township agency as follows:

a. Quarterly Report.

Each developer providing lower income housing shall provide the township agency with a report at the end of any calendar quarter (defined as the period ending March 31, June 30, September 30 and December 31 of each year). The Township Agency shall supply copies to the Urban League, the Court-appointed Master, and all interested parties. This report shall set forth:

1. the total number of all Certificates of Occupancy issued for residential units within the development during that particular three-month period;
2. the total number of Certificates of Occupancy issued for low and moderate housing units within the development during that particular three-month period;
3. whether the lower income units are rental units or "for sale" units;
4. the percentage of low and the percentage of moderate income units Certificates of Occupancy issued during the three-month period expressed as a percentage of the total number of residential units Certificates of Occupancy Issued within the development during the same three-month period;
5. whether there is a surplus or deficit of low and moderate income units Certificates of Occupancy issued during the three-month period measured against the percentage low and moderate housing requirement for the development;
6. the sales prices and rents charged for lower income housing.

b. Letters of Certification

The Township agency shall, within thirty (30) days of receipt, issue a Letter of Certification, certifying that the

Status Report is incorrect and specifying the inaccuracies there in, whereupon:

1. the developer will correct and resubmit the Status Report; or
2. will formally appeal by representation before the Board of directors of the Township Agency; or
3. if the Status Report remains an issue of contention between the Township Agency, the developer, and/or the Urban League, the matter will be placed before the Court Appointed Master whose adjudication will be final and binding upon the Township Agency, the developer and/or the Urban League.

b. Certificate of Compliance

There shall be no penalty to the developer if any quarterly Status Report reveals noncompliance with the requirements to provide low and moderate income housing units provided:

1. no additional Certificates of Occupancy for market units shall be issued if there has been noncompliance with the phasing schedule set forth in Paragraph 7 of the Consent Judgment
2. that the developer show compliance on an annual basis supported by the Letters of Certification for the previous four (4) quarters, which Letters of Certification, taken together, substantiate compliance for that fiscal period and which Letters of Certification showing annual compliance shall be submitted to the Court Appointed Master, whereupon;
3. the Court appointed Master shall, within thirty (30) days, issue a "statement of Annual Compliance" certifying that the development is, as of the date of accounting, in compliance with the mandate of the court with respect to providing low and moderate income housing in accordance with Mount Laurel II.

c. Annual Report

No later than June 30 of each calendar year during which lower income housing has been constructed within the Township, the Township Agency shall file a report setting forth the progress being made to supply affordable housing under these procedures. Such report shall be provided to the Mayor and Council and be

made available as a public document by filing with the Township Clerk. A copy of such report shall also be filed with the Court, the Urban League and any interested developer providing lower income housing in the Township.

IV. Appeal to the Master

If O&Y, Woodhaven, Oakwood or Beren Corp. shall have complied with all of the requirements of the processes set forth in the Order and the appendices thereto, and have not received approvals from the Planning board within ninety-five (95) or forty-five (45) days from the date on which the application was deemed complete, depending on the type of application, they may appeal to the Master, using the procedures set forth in Appendix B.