

Old Bridge 1987

Letter to Judge re: proposed form of Order

Attch: Cover letter

Order Amending

Pgs. 7

CA 0001620

THE STATE UNIVERSITY OF NEW JERSEY  
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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 07102-3192 • 201/648-5687

June 29, 1987

VIA LAWYERS SERVICE

The Honorable Eugene D. Serpentelli  
Assignment Judge, Superior Court  
Ocean County Court House  
CN 2191  
Toms River, NJ 08754

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

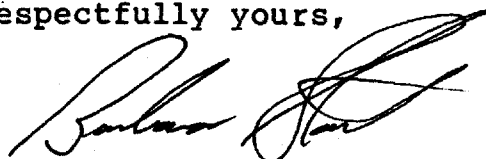
Dear Judge Serpentelli:

The Civic League plaintiffs vigorously object to the proposed form of Order submitted by Frederick C. Mezey by letter dated June 26, 1987

As we advised the Court, in Mr. Mezey's presence, plaintiffs are willing to modify the existing restraints if appropriate arrangements are made to assure the provision of a proportional number of lower income housing units. It is essential that there be some security for these units in case the Consent between Old Bridge and the Civic League is not approved by the Court. Indeed, we thought that we had made our position clear at the scheduling conference last week as well as during a subsequent telephone conversation with Mr. Mezey and we were surprised to receive the proposed form of Order.

Until, and unless, the arrangements set forth above are finalized, it is respectfully submitted that the restraints set forth in the May 31, 1985 Order should remain in place.

Respectfully yours,



cc/Old Bridge Service List

SERVICE LIST

Urban League v. Carteret, Civ C 4122-73 (Superior Court, Chancery  
Div., Middlesex County) (OLD BRIDGE)

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~~JEFFREY M. MEZEY~~  
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OUR FILE NO.

#5105

June 26, 1987

Hon. Eugene D. Serpentelli  
Ocean County Court House  
CN 2191  
Toms River, NJ 08753

Re: Urban League of Greater New  
Brunswick, et al v. Mayor  
and Council of the Borough  
of Carteret  
Docket No. C-4122-73

Dear Judge Serpentelli:

We are enclosing herewith an original and two copies of proposed form of Order in regard to the case scheduling conference held on June 25, 1987 before Your Honor.

By copy of this letter, we are forwarding copies to the attorneys for all parties.

Respectfully yours,

MEZEY & MEZEY

By

  
FREDERICK C. MEZEY

FCMcv  
Encs.  
cc: all counsel

MEZEY & MEZEY  
Attorneys for Defendants  
Oakwood at Madison, Inc. and Beren Corp.  
93 Bayard St., P.O. Box 238  
New Brunswick, NJ 08903  
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URBAN LEAGUE OF GREATER NEW :  
NEW BRUNSWICK, et al :

Plaintiffs, :  
v. :

THE MAYOR AND COUNCIL OF :  
CARTERET, et al :

Defendants, :

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O & Y OLD BRIDGE CORP., :

Plaintiff, :

v. :

THE TOWNSHIP OF OLD BRIDGE, :  
et al :

Defendants :

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WOODHAVEN VILLAGE, INC., :

Plaintiff, :

v. :

THE TOWNSHIP OF OLD BRIDGE, :  
et al, :

Defendants. :

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SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
MIDDLESEX COUNTY

DOCKET NO. C-4122-73

Civil Action

ORDER AMENDING RESTRAINT

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
MIDDLESEX COUNTY  
DOCKET NO. L-009837-84 P.W.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
MIDDLESEX COUNTY  
DOCKET NO. L-036734-84 P.W.

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OAKWOOD AT MADISON, INC.,	:	SUPERIOR COURT OF NEW JERSEY
et als,	:	LAW DIVISION
	:	MIDDLESEX COUNTY
Plaintiffs,	:	DOCKET NO. L-7502-70 P.W.
v.	:	
THE TOWNSHIP OF MADISON,	:	
et al.	:	
Plaintiff	:	
v.	:	
THE TOWNSHIP OF MADISON,	:	
et al,	:	
Defendants.	:	

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This matter being opened to the Court by Mezey & Mezey, attorneys for Defendants, Oakwood at Madison, Inc. and Beren Corp., Frederick C. Mezey, Esq. appearing, at the case scheduling conference held in the chambers of Hon. Eugene D. Serpentelli on June 25, 1987 in the presence of Barbara Stark, Esq. and John M. Payne, Esq., Rutgers Institutional Litigation Clinic, Attorneys for Urban League, Thomas Norman, Esq., Attorney for Old Bridge Township Planning Board and Jerome Convery, Esq., attorney for Old Bridge Township, Brenner, Wallack & Hill, Attorneys for O & Y Old Bridge Development Corp., Thomas Hall, Esq. appearing, Hutt, Berkow, Hollander & Jankowski, Attorneys for Woodhaven Village, Inc., Stewart M. Hutt, Esq. appearing, and Hannoeh, Weisman, Stern, Besser, Berkowitz & Kinney, Attorneys for O & Y Old Bridge Development Corp., Dean Gaver, Esq. appearing, on motion for an Order modifying paragraph 2 of the Order of this Court dated May 31,

1985 to provide for a restraint upon the defendants Old Bridge Township, Township Council and Planning Board from issuing building permits for more than the first 300 market units instead of for the first 120 market units as provided in said Order of May 31, 1985;

And the Court having heard the arguments of counsel and being of the opinion that the relief requested should be granted;

It is on this            day of            , 1987 ORDERED as follows:

1. 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 300 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.

2. Paragraph 2 of the Order of May 31, 1985 is hereby amended in accordance with paragraph 1 above.

3. Except as amended herein, the Order of May 31, 198 shall continue in full force and effect.

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