

Old Bridge 1987

- Notice of Appeal

- Civil Appeal Case Information Statement

- ~~Order~~  
pgs. 18

P.I. 3111

CA0001830

NOTICE OF APPEAL

PLEASE PRINT OR TYPE

SUPERIOR COURT OF NEW JERSEY - APPELLATE DIVISION

TITLE OF ACTION AS CAPTIONED BELOW:

ATTORNEY OF RECORD

Urban League of Greater New Brunswick, et al. NAME STEWART M. HUTT, ESQ. (HUTT & BERKOW, P.C.)

v. The Mayor & Council of the Borough of Carteret, et al.

ADDRESS 459 Amboy Avenue, P.O. Box 648

Woodbridge, New Jersey 07095

and O & Y Old Bridge Development Corp., a Delaware Corporation

PHONE NO. (201) 634-6400

and Woodhaven Village, Inc., a N.J. Corp.

ATTORNEY FOR Plaintiff, Woodhaven Village, Inc.

ON APPEAL FROM (Middlesex County-Venu

vs. TOWNSHIP OF OLD BRIDGE, et al.

SUPERIOR COURT OF NEW JERSEY (Ocean County-Trial)

TRIAL COURT/STATE AGENCY (Consolidated cases)

C-4122-73, L-009837-84 PW, L-036734-84 PW

TRIAL DOCKET OR INDICTMENT NUMBER

Eugene D. Serpentelli, A.J.S.C.

TRIAL COURT JUDGE

CIVIL (XX) CRIMINAL ( ) JUVENILE ( )

SEE ATTACHED CAPTIONED

NOTICE IS HEREBY GIVEN THAT Plaintiff, Woodhaven Village, Inc. APPEALS TO THE SUPERIOR COURT OF N. J., APPELLATE DIVISION, FROM THE JUDGMENT ( ) ORDER (X)

OTHER (SPECIFY) ( )

ENTERED IN THIS ACTION ON October 6, 19 87, IN FAVOR OF SEE ATTACHED, Paragraph A.

IF APPEAL IS FROM LESS THAN THE WHOLE, SPECIFY WHAT PARTS OR PARAGRAPHS ARE BEING APPEALED:

Woodhaven Village, Inc. appeals paragraph 1 wherein the Court vacated an Order and Judgment of Repose dated January 24, 1986 and paragraph 2 wherein the Court transferred matter to

Council on Affordable Housing. The entire order of April 21, 1988 is being appealed by this

ARE ALL ISSUES AS TO ALL PARTIES DISPOSED OF IN THE ACTION BEING APPEALED? YES (X) NO ( ) Plaintiff

IF NOT, IS THERE A CERTIFICATION OF FINAL JUDGMENT ENTERED PURSUANT TO R. 4:42-2? YES ( ) NO ( )

PRIORITY UNDER R. 1:2-5 YES (X) NO ( ) APPLICABLE SECTION UNDER THE RULE R.1:2-5(1)

IN CRIMINAL, QUASI-CRIMINAL, AND JUVENILE CASES. . . NOT INCARCERATED ( ) INCARCERATED ( )

CONFINED AT

GIVE A CONCISE STATEMENT OF THE OFFENSE AND OF THE JUDGMENT, DATE ENTERED AND ANY SENTENCE OR DISPOSITION IMPOSED

**1 NOTICE OF APPEAL HAS BEEN SERVED ON:**

NAME	DATE OF SERVICE	TYPE OF SERVICE
TRIAL COURT JUDGE <u>Eugene D. Serpentelli, A.J.S.C.</u> (Ocean County Clerk)	<u>5/12/88</u>	<u>CM:RRR</u>
TRIAL COURT CLERK STATE AGENCY <u>Superior Court of New Jersey</u>	<u>5/12/88</u>	<u>CM:RRR</u>
ATTORNEY GENERAL OR GOVERNMENTAL OFFICE UNDER R. 2:5-1 (h) <u>Middlesex County Clerk</u>	<u>5/12/88</u>	<u>CM:RRR</u>
OTHER PARTIES:		
NAME AND DESIGNATION	ATTORNEY NAME, ADDRESS & TELEPHONE NO.	DATE OF SERVICE
SEE ATTACHED, Paragraph B		

(SERVE THIS PARTY WITH TRANSCRIPT)

I HEREBY CERTIFY THAT I HAVE SERVED A COPY OF THIS NOTICE OF APPEAL ON EACH OF THE PERSONS REQUIRED AS INDICATED ABOVE

May 16 19 88

Stewart M. Hutt  
STEWART M. HUTT  
SIGNATURE OF ATTORNEY OF RECORD

**2 PRESCRIBED TRANSCRIPT REQUEST FORM HAS BEEN SERVED ON:**  
(ALSO INDICATE IF SOUND RECORDED)

NAME	DATE OF SERVICE	AMOUNT OF DEPOSIT
ADMINISTRATIVE OFFICE OF THE COURTS CHIEF, COURT REPORTING SERVICES		
COURT REPORTER'S SUPERVISOR CLERK OF COUNTY OR AGENCY	<u>SEE ATTACHED, Paragraph C.</u>	
COURT REPORTER		

I HEREBY CERTIFY THAT I SERVED THE PRESCRIBED COURT TRANSCRIPT REQUEST FORM ON EACH OF THE ABOVE PERSONS AND PAID THE DEPOSIT AS REQUIRED BY R. 2:5-3(d)

May 16, 19 88

Stewart M. Hutt  
STEWART M. HUTT  
SIGNATURE OF ATTORNEY OF RECORD

**3 I HEREBY CERTIFY THAT:**

( ) THERE IS NO VERBATIM RECORD of September 14, 1987 proceedings leading to Order

(XX) TRANSCRIPTS IN THE POSSESSION OF THE ATTORNEY OF RECORD. dated October 6, 1987

( ) A MOTION FOR ABBREVIATION OF TRANSCRIPT HAS BEEN FILED WITH THE COURT OR AGENCY BELOW.

( ) A MOTION FOR FREE TRANSCRIPT HAS BEEN FILED WITH THE COURT BELOW.

May 16 19 88

Stewart M. Hutt  
STEWART M. HUTT  
SIGNATURE OF ATTORNEY OF RECORD

ATTACHMENT TO NOTICE OF APPEAL

HUTT & BERKOW  
A PROFESSIONAL CORPORATION  
459 AMBOY AVENUE  
P.O. BOX 648  
WOODBIDGE, NEW JERSEY 07095  
(201) 634-6400  
ATTORNEYS FOR PLAINTIFF, Woodhaven Village, Inc.

URBAN LEAGUE OF GREATER NEW BRUNSWICK, et al.

Plaintiffs,

v.

THE MAYOR AND COUNCIL OF THE BOROUGH OF  
CARTERET, et al.,

Defendants,

and

O & Y OLD BRIDGE DEVELOPMENT CORPORATION,  
a Delaware Corp.,

and

WOODHAVEN VILLAGE, INC., a New Jersey Corp.

Plaintiffs

v.

THE TOWNSHIP OF OLD BRIDGE in the COUNTY OF  
MIDDLESEX, a Municipal Corporation of the  
State of New Jersey, THE TOWNSHIP COUNCIL OF  
THE TOWNSHIP OF OLD BRIDGE, THE MUNICIPAL  
UTILITIES AUTHORITY OF THE TOWNSHIP OF OLD  
BRIDGE, THE SEWERAGE AURORITY OF THE TOWNSHIP  
OF OLD BRIDGE and THE PLANNING BOARD OF THE  
TOWNSHIP OF OLD BRIDGE,

Defendants.

)  
)  
) SUPERIOR COURT OF NEW JERSEY  
) CHANCERY DIVISION  
) MIDDLESEX COUNTY/OCEAN COUNTY  
) (Mount Laurel II)

) DOCKET NO. C-4122-73

) SUPERIOR COURT OF NEW JERSEY  
) LAW DIVISION  
) MIDDLESEX COUNTY/OCEAN COUNTY  
) (Mount Laurel II)

) DOCKET NO. L-009837-84 P.W.  
) & DOCKET NO. L-036734-84 P.W.

ATTACHMENT TO NOTICE OF APPEAL

A. IN FAVOR OF: Defendant, Township of Old Bridge and Planning Board of Township of Old Bridge. Woodhaven Village, Inc. also appeals Order of Eugene D. Serpentelli, A.J.S.C. dated April 21, 1988, denying Motion for Reconsideration and Rehearing.

B. OTHER PARTIES:

<u>NAME AND DESIGNATION</u>	<u>ATTORNEY NAME, ADDRESS AND TELEPHONE NO.</u>	<u>DATE OF SERVICE</u>	<u>TYPE OF SERVICE</u>
Twp. of Old Bridge & Twp. Council, Defendant	Glenn J. Berman, Esq. 196 Main Street South River, NJ 08882 (201) 257-9720	5/16/88	CM:RRR
The Planning Board of Twp. of Old Bridge, Defendant	James M. Colaprico, Esq. 997 Lenox Drive Lawrenceville, NJ 08648 (609) 896-3600	5/16/88	CM:RRR
Old Bridge Municipal Utilities Authority (now includes Sewer Authority), Defendant	William E. Flynn, Esq. 18 Throckmorton Lane Old Bridge, NJ 08857 (201) 679-1221	5/16/88	CM:RRR
Urban League (now Civic League), Plaintiff	Barbara Stark, Rutgers Const. Law Clinic, 15 Washington Street Newark, NJ 07102-3192 (201) 648-5687	5/16/88	CM:RRR
O & Y Old Bridge Development Corp., Plaintiff	Thomas J. Hall, Esq. 210 Carnegie Center Princeton, NJ 08543-5226 (609) 924-0808	5/16/88	CM:RRR
O & Y Old Bridge Development Corp. Plaintiff	Dean Gaver, Esq. Hannoch Weisman 4 Becker Farm Road Roseland, NJ 07068 (201) 535-5300	5/16/88	CM:RRR
Former Twp. of Old Bridge Attorney	Jerome J. Convery, Esq. 151 Route 516, P.O. BOX 642 Old Bridge, NJ 08857 (201) 679-0010	5/16/88	CM:RRR
Former Planning Board Attorney	Thomas Norman, Esq. Norman & Kingsbury 30 Jackson Road Medford, NJ 08055 (609) 654-5220	5/16/88	CM:RRR

C. PRESCRIBED TRANSCRIPT REQUEST FORM HAS BEEN SERVED ON:

October 6, 1987 Order is based upon stenographic transcript of Motion heard and decision rendered on September 14, 1987 which transcript is in this party's possession and will be served in accordance with Court Rule. Order dated April 21, 1988 denying plaintiff's request for reconsideration and rehearing is based upon Stenographic Transcript of Motion heard and decision rendered April 13, 1988 which Transcript has been ordered by defendant O & Y Old Bridge Development Corp. and will be served in accordance with Court Rule.

JEROME J. CONVERY, ESQ.  
151 Route 516  
P.O. Box 642  
Old Bridge, NJ 08857  
(201) 679-0010  
Attorney for Township of Old Bridge

URBAN LEAGUE OF GREATER NEW  
BRUNSWICK, et al,

Plaintiffs,

v.

THE MAYOR AND COUNCIL OF THE  
BOROUGH OF CARTERET, et al,

Defendants,

and

O & Y OLD BRIDGE DEVELOPMENT  
CORPORATION, A Delaware  
Corporation, Plaintiff,  
and  
WOODHAVEN VILLAGE, INC. a  
New Jersey corporation  
Plaintiff,

v.

THE TOWNSHIP OF OLD BRIDGE  
in the COUNTY OF MIDDLESEX,  
a Municipal Corporation of  
the State of New Jersey, THE  
TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF OLD BRIDGE, THE  
MUNICIPAL UTILITIES AUTHORITY  
OF THE TOWNSHIP OF OLD BRIDGE,  
THE SEWERAGE AUTHORITY OF THE  
TOWNSHIP OF OLD BRIDGE and  
THE PLANNING BOARD OF THE  
TOWNSHIP OF OLD BRIDGE,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
MIDDLESEX COUNTY/OCEAN COUNTY  
(Old Bridge)

Docket No. C 4122-73

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
MIDDLESEX COUNTY/OCEAN COUNTY

Docket No. L009837-84 PW

and No. L036734-84 PW

Civil Action

ORDER

This matter having been opened to the Court on the Motion of the Township of Old Bridge, Jerome J. Convery, Esq. appearing; and on Motion of the Planning Board of the Township of Old Bridge, Thomas Norman, Esq. appearing, and a Cross Motion having been filed by the Urban (now Civic) League of Greater New Brunswick, Barbara Stark, Esq. appearing, in the presence of Plaintiff, O & Y Old Bridge Development Corp., Thomas J. Hall, Esq. and Dean A. Gaver, Esq. appearing, and in the presence of Woodhaven Village Inc., Stewart Hutt, Esq. appearing, and the Court having reviewed the Motion papers, Briefs and Memoranda, Supporting Affidavits and reports submitted on behalf of all parties hereto; and the Court having heard oral argument and good cause having been shown,

IT IS ON THIS 6 day of *October*, 1987,

ORDERED:

1. That the Order and Judgment of Repeal granted by this Court by Order dated January 24, 1986, is hereby vacated for the reasons stated by this Court in its oral opinion rendered September 14, 1987.
2. This matter is hereby transferred to the Council on Affordable Housing.
3. The Cross Motion filed by the Civil League of Greater New Brunswick for enforcement of the Order and Judgment of Repeal, dated January 24, 1986, is hereby denied for the reasons stated by this Court in its oral opinion rendered September 14, 1987.
4. This Court does not retain jurisdiction of this matter.

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



FILED  
IN CH  
EXHIBIT ... AISC

JEROME J. CONVERY, ESQ.  
151 Route 516  
P.O. Box 642  
Old Bridge, NJ 08857  
(201) 679-0010  
Attorney for Def. Township of Old Bridge

URBAN LEAGUE OF GREATER NEW  
BRUNSWICK, et al,

Plaintiffs,

v.

THE MAYOR AND COUNCIL OF THE  
BOROUGH OF CARTERET, et al,

Defendants,

and

O & Y OLD BRIDGE DEVELOPMENT  
CORPORATION, a Delaware  
Corporation,  
and  
WOODHAVEN VILLAGE, INC., a  
New Jersey Corporation,

Plaintiffs,

v.

THE TOWNSHIP OF OLD BRIDGE  
in the COUNTY OF MIDDLESEX, a  
Municipal Corporation of the  
State of New Jersey, THE  
TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF OLD BRIDGE, THE  
MUNICIPAL UTILITIES AUTHORITY  
OF THE TOWNSHIP OF OLD BRIDGE,  
THE SEWERAGE AUTHORITY OF THE  
TOWNSHIP OF OLD BRIDGE and  
THE PLANNING BOARD OF THE  
TOWNSHIP OF OLD BRIDGE,

Defendants

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
MIDDLESEX COUNTY/OCEAN COUNTY  
(Mount Laurel II)

DOCKET NO. C-4122-73

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
MIDDLESEX COUNTY/OCEAN COUNTY  
(Mount Laurel II)

DOCKET NO. L-009837-84 P.W.  
and No. L-036734-84P.W.

CIVIL ACTION

ORDER

This matter having been opened to the Court on the Motion for Reconsideration of the Plaintiff, WOODHAVEN VILLAGE, INC., a New Jersey Corporation, Stewart Hutt, Esq. appearing, and in the presence of the URBAN (now CIVIC) LEAGUE OF GREATER NEW BRUNSWICK, Barbara Stark, Esq. appearing, and in the presence of Plaintiff, O & Y OLD BRIDGE DEVELOPMENT CORPORATION, Thomas J. Hall, Esq. appearing, and in the presence of the TOWNSHIP OF OLD BRIDGE PLANNING BOARD, Thomas Norman, Esq. appearing, and in the presence of the TOWNSHIP OF OLD BRIDGE, Jerome J. Convery, Esq. appearing; and the Court having reviewed the Motion papers, Briefs and supporting documents submitted on behalf of all parties hereto; and the Court having heard oral argument and good cause having been shown,

IT IS ON THIS 21 day of April, 1988,

ORDERED that the Motion for Reconsideration of the Court decision rendered September 14, 1987, in the above referenced matter, is hereby denied.

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

**CIVIL APPEAL CASE INFORMATION STATEMENT**

<p><b>TITLE IN FULL:</b>                  Urban League of Greater New Brunswick, et al                  v.                  The Mayor &amp; Council of the Borough of Carteret, et al.                  and                  O &amp; Y Old Bridge Development Corp. and Woodhaven Village, Inc.                  v.                  The Township of Old Bridge, et al. (SEE FULL CAPTION ATTACHED HERETO)</p>	<p><b>FOR OFFICIAL USE ONLY</b></p> <p>Appeal Docket No. _____</p> <p>Notice of Appeal Filed: _____</p> <p>Date Sent: _____</p>								
<p><b>APPELLANT'S ATTORNEY(S):</b>      <input checked="" type="checkbox"/> Plaintiff      <input type="checkbox"/> Defendant      <input type="checkbox"/> Other (Specify)</p> <table style="width:100%; border: none;"> <tr> <td style="width:30%;">Name</td> <td style="width:30%;">Address</td> <td style="width:20%;">Telephone</td> <td style="width:20%;">Client</td> </tr> <tr> <td>STEWART M HUTT</td> <td>Hutt &amp; Berkow 459 Amboy Ave Woodbridge, NJ 07095</td> <td>(201) 634-6400</td> <td>Woodhaven Village, Inc.</td> </tr> </table>		Name	Address	Telephone	Client	STEWART M HUTT	Hutt & Berkow 459 Amboy Ave Woodbridge, NJ 07095	(201) 634-6400	Woodhaven Village, Inc.
Name	Address	Telephone	Client						
STEWART M HUTT	Hutt & Berkow 459 Amboy Ave Woodbridge, NJ 07095	(201) 634-6400	Woodhaven Village, Inc.						
<p><b>RESPONDENT'S ATTORNEY(S)*:</b></p> <table style="width:100%; border: none;"> <tr> <td style="width:30%;">Name</td> <td style="width:30%;">Address</td> <td style="width:20%;">Telephone</td> <td style="width:20%;">Client</td> </tr> <tr> <td colspan="4" style="text-align: center;">SEE ATTACHED, Paragraph A.</td> </tr> </table>		Name	Address	Telephone	Client	SEE ATTACHED, Paragraph A.			
Name	Address	Telephone	Client						
SEE ATTACHED, Paragraph A.									
<p>(*INDICATE WHICH PARTIES, IF ANY, DID NOT PARTICIPATE BELOW OR WHO WERE NO LONGER PARTY TO THE ACTION AT THE TIME OF ENTRY OF THE ORDER/JUDGMENT BEING APPEALED.)</p>									
<p><b>GIVE DATE AND SUMMARY OF TERMS OF JUDGMENT ENTERED BELOW:</b> Order entered by Hon. Eugene D. Serpentelli, A.J.S.C. on October 6, 1987, which Order vacated an Order and Judgment of Repose dated January 24, 1986 and which Order transferred this matter to the Council on Affordable Housing. Order entered by Hon. Eugene D. Serpentelli, A.J.S.C. denying Reconsideration and Rehearing of October 6, 1987 Order.</p> <p>Does this determination dispose of <i>all issues as to all parties</i>?      Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>If not, has it been certified as final pursuant to R.4:42-2?      Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>(If not, leave to appeal must be sought. R.2:2-4, 2:5-6.)</p> <p>Is the validity of a statute, executive order, franchise or constitutional provision of the state questioned? (R.2:5-1(h)).      Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>									
<p><b>GIVE A BRIEF STATEMENT OF THE FACTS AND PROCEDURAL HISTORY:</b></p> <p>SEE ATTACHED, Paragraph B.</p>									
<p><b>TO THE EXTENT POSSIBLE, LIST THE PROPOSED ISSUES TO BE RAISED ON THIS APPEAL, AS THEY WILL BE DESCRIBED IN APPROPRIATE POINT HEADINGS PURSUANT TO R.2:6-2(a)(5). Appellant or cross appellant only.</b></p> <p>SEE ATTACHED, Paragraph C.</p>									

All civil appeals will be screened under the Civil Appeals Settlement Program to determine their potential for settlement or, in the alternative, a simplification of issues, abbreviation of transcript and any other matters that may aid in the disposition or handling of the appeal. Please consider these when responding to the following question.

State whether you think this case may benefit from a conference. Yes X No \_\_\_  
A negative response will not necessarily rule out the scheduling of a pre-argument conference.

Explain your answer:

1. Possibility of simplifying issues prior to briefing.
2. Woodhaven Village, Inc. is willing to modify its development plan to some extent in an effort to satisfy the needs of both appellant and defendants.

IS THERE ANY CASE NOW PENDING OR ABOUT TO BE BROUGHT BEFORE THIS COURT WHICH:

- (A) Arises from substantially the same case or controversy as this appeal? Yes \_\_\_ No X\*
- (B) Involves an issue that is substantially the same, similar or related to an issue in this appeal? Yes \_\_\_ No \_\_\_

IF YES, STATE:

Case Name:

Docket No:

\*but see, consolidated cases as per attached caption.

DO YOU EXPECT TO FILE A LETTER BRIEF (Rule 2:6-2(b))? Yes \_\_\_ No X

The time in which to file your brief and appendix is governed by court rule *unless modified by court order*. If any circumstances exist which might justify a shorter or longer period of time within which to file your brief and appendix other than that provided by Rule 2:6-11, give a detailed explanation. Your answer does *not* alter the time limit set forth in the *Rules of Court*.

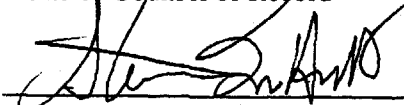
This case has a very substantial record, including many exhibits and transcripts stemming from years of litigation by this appellant, in addition to years of related Mount Laurel litigation by other parties. The legal issues presented are novel and of constitutional dimension. Because of the complexity of the record and the difficulties involved in managing this particular appeal, this appellant may request an extension of time to file its brief.

In the event there is any change with respect to any entry on the Case Information Statement, appellant shall have a continuing obligation to file an amended Case Information Statement on the prescribed form.

Woodhaven Village, Inc.  
Name of Appellant or Respondent

May 16, 1988  
Date

Stewart M. Hutt (Hutt & Berkow, P.C.)  
Name of Counsel of Record

  
Signature of Counsel of Record  
STEWART M. HUTT

ATTACHMENT TO CIVIL APPEAL CASE INFORMATION SHEET

HUTT & BERKOW  
A PROFESSIONAL CORPORATION  
459 AMBOY AVENUE  
P.O. BOX 648  
WOODBIDGE, NEW JERSEY 07095-  
(201) 634-6400  
ATTORNEYS FOR PLAINTIFF, Woodhaven Village, Inc.

---

URBAN LEAGUE OF GREATER NEW BRUNSWICK, et al. )

Plaintiffs, )

v. )

THE MAYOR AND COUNCIL OF THE BOROUGH OF )  
CARTERET, et al., )

Defendants, )

and )

O & Y OLD BRIDGE DEVELOPMENT CORPORATION, )  
a Delaware Corp., )

and )

WOODHAVEN VILLAGE, INC., a New Jersey Corp. )

Plaintiffs )

v. )

THE TOWNSHIP OF OLD BRIDGE in the COUNTY OF )  
MIDDLESEX, a Municipal Corporation of the )  
State of New Jersey, THE TOWNSHIP COUNCIL OF )  
THE TOWNSHIP OF OLD BRIDGE, THE MUNICIPAL )  
UTILITIES AUTHORITY OF THE TOWNSHIP OF OLD )  
BRIDGE, THE SEWERAGE AUTHORITY OF THE TOWNSHIP )  
OF OLD BRIDGE and THE PLANNING BOARD OF THE )  
TOWNSHIP OF OLD BRIDGE, )

Defendants. )

---

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
MIDDLESEX COUNTY/OCEAN COUNTY  
(Mount Laurel II)

DOCKET NO. C-4122-73

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
MIDDLESEX COUNTY/OCEAN COUNTY  
(Mount Laurel II)

DOCKET NO. L-009837-84 P.W.  
& DOCKET NO. L-036734-84 P.W.

ATTACHMENT TO CIVIL APPEAL CASE INFORMATION STATEMENT

NAME	ADDRESS	TELEPHONE NO.	CLIENT
Glenn J. Berman, Esq.	196 Main Street South River, NJ 08882	(201) 257-9720	Twp. of Old Bridge
James M. Colaprico, Esq.	997 Lenox Drive Lawrenceville, NJ 08648	(609) 896-3600	Pl. Bd of Old Bridge
William E. Flynn, Esq.	18 Throckmorton Lane Old Bridge, NJ 08857	(201) 679-1221	OBMUA

B. GIVE BRIEF STATEMENT OF THE FACTS AND PROCEDURAL HISTORY:

Case involves consolidated Complaints attacking Township of Old Bridge, et. al. for failure to comply with MOUNT LAUREL obligation to provide a realistic opportunity for the provision of the Township's fair share of low and moderate income housing. After approximately two years of litigation and settlement negotiations the case was settled by agreement of the parties. Said settlement is embodied in Order and Judgment of Reposed entered by the Hon. Eugene D. Serpentelli, A.J.S.C. on January 24, 1986. Pursuant to joint motions of defendants Township of Old Bridge and Planning Board, the aforesaid Order and Judgment of Repose was vacated by Order entered by the Hon. Eugene D. Serpentelli, A.J.S.C. on October 6, 1987. The Motion of plaintiff Woodhaven Village, Inc. for Reconsideration and Rehearing filed on October 15, 1987 was denied by Order entered by Hon. Eugene D. Serpentelli on April 21, 1988. Plaintiff Woodhaven Village, Inc. appeals from aforesaid Order entered October 6, 1987 and Order entered April 21, 1988. (This appeal is brought within the 45-day period provided by R. 2:4-1(a), which was tolled by the filing the Motion for Reconsideration pursuant to R. 2:4-3(3).)

C. PROPOSED ISSUES TO BE RAISED ON THIS APPEAL.

The trial court erred in vacating the Judgment on the basis of R. 4:50-1 since the concept plans embodied in the plates were neither condition precedent nor subsequent to the Judgment.

The trial court erred in vacating the Judgment on the basis of R. 4:50-1 since there has been no mistake or newly discovered evidence.

The trial court erred in vacating the Judgment on the basis of R. 4:50-1 since Township and Planning Board will be getting the benefit of their bargain.

The trial court erred in vacating the Judgment on the basis of R. 4:50-1 since the Reopening Clause in the Judgment requires a modification not a vacation.

The trial court erred in vacating the Judgment on the basis of R. 4:50-1 as to

Woodhaven since the Judgment/Contract (Settlement) was several and plaintiffs developments were not integrated.

The trial court erred in not conducting a hearing with full testimony from and cross examination of the court appointed master.

JEROME J. CONVERY, ESQ.  
151 Route 516  
P.O. Box 642  
Old Bridge, NJ 08857  
(201) 679-0010  
Attorney for Township of Old Bridge

URBAN LEAGUE OF GREATER NEW  
BRUNSWICK, et al,  
  
Plaintiffs,

v.

THE MAYOR AND COUNCIL OF THE  
BOROUGH OF CARTERET, et al,  
  
Defendants,

and

O & Y OLD BRIDGE DEVELOPMENT  
CORPORATION, A Delaware  
Corporation, Plaintiff,  
and  
WOODHAVEN VILLAGE, INC. a  
New Jersey corporation  
Plaintiff,

v.

THE TOWNSHIP OF OLD BRIDGE  
in the COUNTY OF MIDDLESEX,  
a Municipal Corporation of  
the State of New Jersey, THE  
TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF OLD BRIDGE, THE  
MUNICIPAL UTILITIES AUTHORITY  
OF THE TOWNSHIP OF OLD BRIDGE,  
THE SEWERAGE AUTHORITY OF THE  
TOWNSHIP OF OLD BRIDGE and  
THE PLANNING BOARD OF THE  
TOWNSHIP OF OLD BRIDGE,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
MIDDLESEX COUNTY/OCEAN COUNTY  
(Old Bridge)

Docket No. C 4122-73

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
MIDDLESEX COUNTY/OCEAN COUNTY

Docket No. LO09837-84 PW

and No. LO36734-84 PW

Civil Action

ORDER



This matter having been opened to the Court on the Motion of the Township of Old Bridge, Jerome J. Convery, Esq. appearing; and on Motion of the Planning Board of the Township of Old Bridge, Thomas Norman, Esq. appearing, and a Cross Motion having been filed by the Urban (now Civic) League of Greater New Brunswick, Barbara Stark, Esq. appearing, in the presence of Plaintiff, O & Y Old Bridge Development Corp., Thomas J. Hall, Esq. and Dean A. Gaver, Esq. appearing, and in the presence of Woodhaven Village Inc., Stewart Hutt, Esq. appearing, and the Court having reviewed the Motion papers, Briefs and Memoranda, Supporting Affidavits and reports submitted on behalf of all parties hereto; and the Court having heard oral argument and good cause having been shown,

IT IS ON THIS 6 day of *October*, 1987,

ORDERED:

1. That the Order and Judgment of Repose granted by this Court by Order dated January 24, 1986, is hereby vacated for the reasons stated by this Court in its oral opinion rendered September 14, 1987.

2. This matter is hereby transferred to the Council on Affordable Housing.

3. The Cross Motion filed by the Civil League of Greater New Brunswick for enforcement of the Order and Judgment of Repose, dated January 24, 1986, is hereby denied for the reasons stated by this Court in its oral opinion rendered September 14, 1987.

4. This Court does not retain jurisdiction of this matter.

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

JEROME J. CONVERY, ESQ.  
151 Route 516  
P.O. Box 642  
Old Bridge, NJ 08857  
(201) 679-0010  
Attorney for Def. Township of Old Bridge

URBAN LEAGUE OF GREATER NEW  
BRUNSWICK, et al,

Plaintiffs,

v.

THE MAYOR AND COUNCIL OF THE  
BOROUGH OF CARTERET, et al,

Defendants,

and

O & Y OLD BRIDGE DEVELOPMENT  
CORPORATION, a Delaware  
Corporation,  
and  
WOODHAVEN VILLAGE, INC., a  
New Jersey Corporation,

Plaintiffs,

v.

THE TOWNSHIP OF OLD BRIDGE  
in the COUNTY OF MIDDLESEX, a  
Municipal Corporation of the  
State of New Jersey, THE  
TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF OLD BRIDGE, THE  
MUNICIPAL UTILITIES AUTHORITY  
OF THE TOWNSHIP OF OLD BRIDGE,  
THE SEWERAGE AUTHORITY OF THE  
TOWNSHIP OF OLD BRIDGE and  
THE PLANNING BOARD OF THE  
TOWNSHIP OF OLD BRIDGE,

Defendants

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
MIDDLESEX COUNTY/OCEAN COUNTY  
(Mount Laurel II)

DOCKET NO. C-4122-73

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
MIDDLESEX COUNTY/OCEAN COUNTY  
(Mount Laurel II)

DOCKET NO. L-009S37-84 P.W.  
and No. L-036734-84P.W.

CIVIL ACTION

ORDER

This matter having been opened to the Court on the Motion for Reconsideration of the Plaintiff, WOODHAVEN VILLAGE, INC., a New Jersey Corporation, Stewart Hutt, Esq. appearing, and in the presence of the URBAN (now CIVIC) LEAGUE OF GREATER NEW BRUNSWICK, Barbara Stark, Esq. appearing, and in the presence of Plaintiff, O & Y OLD BRIDGE DEVELOPMENT CORPORATION, Thomas J. Hall, Esq. appearing, and in the presence of the TOWNSHIP OF OLD BRIDGE PLANNING BOARD, Thomas Norman, Esq. appearing, and in the presence of the TOWNSHIP OF OLD BRIDGE, Jerome J. Convery, Esq. appearing; and the Court having reviewed the Motion papers, Briefs and supporting documents submitted on behalf of all parties hereto; and the Court having heard oral argument and good cause having been shown,

IT IS ON THIS 21 day of April, 1988,

ORDERED that the Motion for Reconsideration of the Court decision rendered September 14, 1987, in the above referenced matter, is hereby denied.

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