

~~NMA~~ - U.L. v. Carteret 18-Oct-76

CA Woodbridge

Letter to the judge contesting the
status of "exclusionary community".

pgs = 3

CA00 2210L



Woodbridge, New Jersey

JOHN J. CASSIDY, Mayor

Department of Law

1 Main Street
634-4500
Zip Code 07095

October 18, 1976

Honorable David D. Furman
Middlesex County Court House
New Brunswick, New Jersey 08901

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

Dear Judge Furman:

As your Honor is by now well aware, it is the contention of the Township of Woodbridge that all of the requirements desired by plaintiffs, as set forth in the record of March 3, 1976, have been met, and consequently the Township is entitled to an Order of Dismissal.

However, it should be noted, also, that the Municipal Council acceded to the said requirements only after extended and often heated debate. Armed with the data with which the Township was prepared to conduct its defense, opponents of the zoning ordinance amendment argued that the Township was inclusionary rather than exclusionary, and welcomed the opportunity to prove same in court. Nonetheless, ultimately the decision was made to assume a conciliatory posture and, thereby, curtail the burgeoning legal expenses occasioned by the within suit.

As a result of the said decision, the Township did not attend the court sessions subsequent to the agreement and representations made by plaintiffs on March 3, 1976; nor of course, did the Township present an affirmative defense. Had there been no agreement, the Township was prepared to prove, among other matters, that:

1. More than 70% of the families in the Township had annual incomes under \$15,000.00 (P.28);

CA002210L

RULS-ML-26

2. As of 1975, two-thirds of the community's single family housing units are built on lots of 6,000 square feet or less;
3. More than 80% of the single family units are built on lots of 10,000 square feet or less;
4. By 1970, Woodbridge (unlike developing suburbs) had 13% of its housing stock in multi-family units, and an additional 8% in two-family houses;
5. In 1975, 90% of the Township's almost 1,400 non-education employees resided within the Township, while one-half of the Board of Education employees (with substantially higher average wages) lived outside the community - suggesting that Woodbridge serves as a haven for moderate income persons while the wealthier individuals prefer to live elsewhere;
6. Almost three-quarters of the housing built between 1971 and 1974 was in the multi-family category.

It is the Township's earnest belief that the above facts establish that Woodbridge - a community with over a fifth of its 1970 housing stock of 27,500 units consisting of low rent apartments and two-family structures, exclusive of the small-lot, modestly priced, single-family housing - does not deserve the title of exclusionary community; but rather should be classified, properly, as an inclusionary community.

Procedurally, the situation currently existing is becoming increasingly vexatious, to both the Council and counsel. On the basis of the representations made by plaintiffs on the record, this municipality in good faith effected those zoning changes plaintiffs purportedly desired. Thereafter, plaintiffs decided to seek changes beyond that originally agreed to, and, apparently, have convinced the court of the propriety of their added demands. The Township is of the view that, in addition to being less than honorable, plaintiffs' actions are contrary to established principles of estoppel. See, generally, Summer

Cottagers' Ass'n of Cape May v. City of Cape May, 19 N.J. 493, 503-4 (1955); Clark v. Judge, 84 N.J. Super 35, 54 (Ch.Div. 1964) affirmed 44 N.J. 550 (1965).

As a consequence of all the above, the Township of Woodbridge urges the court to execute the proffered Order of Dismissal. In the event that the court is unwilling to so act, the Township respectfully requests the court to execute whatever appropriate Order plaintiffs submit so that the respective actions alluded to herein may be properly submitted for further review.

Respectfully submitted,

ARTHUR W. BURGESS
Attorney for Defendant,
Township of Woodbridge

BHS/ebs

cy: D.A.Searing, Esq.

BY

Barry H. Shapiro
BARRY H. SHAPIRO