

CA - Old Bridge

7/9/84

Answer to complaint in lieu of prerogative
writ by Δ , Planning Bd of Twp
of Old Bridge

p 8

CA 002350A

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Attorney for Defendant, Planning Board of the Township of
Old Bridge

WOODHAVEN VILLAGE, INC.
a New Jersey Corporation,

Plaintiff,

vs.

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 and the
PLANNING BOARD OF THE TOWNSHIP OF
OLD BRIDGE

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

: DOCKET NO. L-036734-84 P.W.

: CIVIL ACTION

: ANSWER TO COMPLAINT IN LIEU
: OF PREROGATIVE WRIT
: (Mt. Laurel II)

Defendant, Planning Board of the Township of Old Bridge,
with its principal place of business at One Old Bridge Plaza,
Old Bridge, New Jersey by way of Answer to the Complaint of the
Plaintiff says:

FIRST COUNT

1. The allegations contained in paragraph 1 are admitted.
 2. The allegations contained in paragraph 2 are admitted
 3. The allegations contained in paragraph 3 are admitted
- except that this defendant avers that the Master Plan does contain

the rational underpinnings to the 1983 Land Development Ordinance of the Township of Old Bridge.

4. The defendant does not have sufficient knowledge to admit or deny the allegations contained in paragraph 4 and leaves plaintiff to its proofs.

5. The allegations contained in paragraph 5 are admitted.

6. The allegations contained in paragraph 6 are admitted.

7. The allegations contained in paragraph 7 are admitted.

8. The allegations contained in paragraph 8 are admitted.

9. The defendant does not have sufficient knowledge to admit or deny the allegations contained in paragraph 9 and leaves plaintiff to its proofs except that this defendant denies the allegations contained in subparagraph 9 e.

10. The allegations contained in paragraph 10 are denied.

11. The allegations contained in paragraph 11 are admitted.

12. The allegations contained in paragraph 12 are admitted.

13. The allegations contained in paragraph 13 are admitted.

14. The allegations contained in paragraph 14 are denied.

15. The allegations contained in paragraph 15 are denied.

16. The allegations contained in paragraph 16 are denied.

17. The allegations contained in paragraph 17 are admitted except that this defendant also avers that by subsequent notification by the Planning Board attorney in December of 1983, the Planning Board was advised that the preliminary approval for the Oakwood at Madison application had not lapsed by virtue of the terms contained in the resolution of preliminary approval.

18. The allegations contained in paragraph 18 are admitted.
19. The allegations contained in paragraph 19 are admitted.
20. The allegations contained in paragraph 20 are denied.
21. The allegations contained in paragraph 21 are denied.
22. The allegations contained in paragraph 22 are admitted.
23. The allegations contained in paragraph 23 are admitted.
24. The allegations contained in paragraph 24 are admitted.
25. The allegations contained in paragraph 25 are admitted.
26. The defendant does not have sufficient knowledge to admit or deny the allegations contained in paragraph 26 and leaves plaintiff to its proofs.

27. The allegations contained in paragraph 27 are admitted.
28. The allegations contained in paragraph 28 are admitted.
29. The allegations contained in paragraph 29 are admitted.
30. The defendant does not have sufficient knowledge to admit or deny the allegations contained in paragraph 30 and leaves plaintiff to its proofs.

31. The defendant does not have sufficient knowledge to admit or deny the allegations contained in paragraph 31 and leaves plaintiff to its proofs.

32. The allegations contained in paragraph 32 are admitted.
33. The allegations contained in paragraph 33 are denied.
34. The allegations contained in paragraph 34 are denied.
35. The allegations contained in paragraph 35 are denied.
36. The allegations contained in paragraph 36 are denied except that this defendant avers that developers are required to

submit applications for planned developments and the submission requirements therefor are reasonable and are designed to elicit minimum information and data necessary for the Planning Board to make a reasonable judgment with respect to the application.

37. The allegations contained in paragraph 37 are denied.

38. The allegations contained in paragraph 38 are denied.

39. The allegations contained in paragraph 39 are admitted.

40. The allegations contained in paragraph 40 are denied.

41. The allegations contained in paragraph 41 are denied.

42. The defendant does not have sufficient knowledge to admit or deny the allegations contained in paragraph 42 and leaves plaintiff to its proofs.

43. The defendant does not have sufficient knowledge to admit or deny the allegations contained in paragraph 43 and leaves plaintiff to its proofs.

44. The defendant does not have sufficient knowledge to admit or deny the allegations contained in paragraph 44 and leaves plaintiff to its proofs.

45. The allegations contained in paragraph 45 are admitted.

46. The defendant does not have sufficient knowledge to admit or deny the allegations contained in paragraph 46 and leaves plaintiff to its proofs.

47. The defendant does not have sufficient knowledge to admit or deny the allegations contained in paragraph 47 and leaves plaintiff to its proofs.

48. The defendant does not have sufficient knowledge to admit or deny the allegations contained in paragraph 48 and leaves plaintiff to its proofs except that this defendant denies that its land use regulations make development for lower income categories of people unreasonable.

WHEREFORE, this defendant demands:

- (a) dismissal of the suit; and
- (b) cost of suit and counsel fees.

SECOND COUNT

1. This defendant repeats the answer to the First Count as if set forth herein at length.
2. The allegations to paragraphs 2 through 14 are denied.

WHEREFORE, this defendant demands:

- (a) dismissal of the suit; and
- (b) cost of suit and counsel fees.

THIRD COUNT

1. This defendant repeats the answers to the First and Second Counts as if set forth herein at length.
2. The allegations contained in paragraphs 2, 3 and 4 are denied.

WHEREFORE, this defendant demands:

- (a) dismissal of the suite; and
- (b) cost of suit and counsel fees.

FOURTH COUNT

1. The defendant repeats the answer to the First, Second, Third and Fourth Counts as it set forth herein at length.

2. The allegations contained in paragraphs 2 through 7 are denied.

SEPARATE DEFENSES TO ALL COUNTS OF THE COMPLAINT

FIRST SEPARATE DEFENSE

This defendant reserves the right, on or before the trial of this action, to dismiss the complaint on the grounds that the complaint fails to set forth a claim upon which relief can be granted, and also for the reasons set forth in its Separate Defenses.

SECOND SEPARATE DEFENSE

Plaintiff is barred by failure to exhaust administrative remedies pursuant to Rule 4:69-5. Plaintiff's land is zoned for planned development and plaintiff may achieve the density necessary to construct low and moderate income housing in conjunction with market housing. Plaintiff has failed to file an application in accordance with ordinance requirements which might otherwise result in development approval permitting a large scale development which would include low and moderate income units.

THIRD SEPARATE DEFENSE

This suit is barred by plaintiff's failure to file said suit within the time limit of 45 days set forth in Rule 4:69-6,

from the enactment of the 1983 Land Development Ordinance of the Township of Old Bridge.

FOURTH SEPARATE DEFENSE

The 1983 Land Development Ordinance and Master Plan are reasonable, valid and reflect and incorporate standards required by the Mt. Laurel II decision.

FIFTH SEPARATE DEFENSE

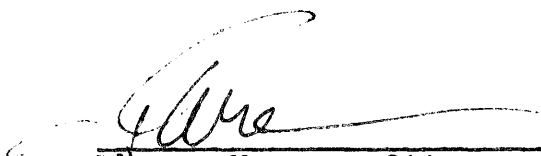
This defendant states that defendant, Old Bridge Township Planning Board, has granted preliminary subdivision approval for an application by Oakwood at Madison, Inc. which includes 400 units of housing for low and moderate income families. Further, a zoning variance for 1124 units of garden apartments for low and moderate income families was approved by the Planning Board for Lot 1A, Block 7000 in 1978. An application was filed by the Old Bridge Township Rotarians for approximately 209 units of low income housing financed by New Jersey Housing Finance Agency on August 8, 1979. Said application was approved and constructed during 1981-82 in the Township of Old Bridge and is fully occupied. The Township of Old Bridge has, in fact, satisfied the spirit and letter of the Mt. Laurel I and II decisions during the past 8 years.

SIXTH SEPARATE DEFENSE

Plaintiff has not demonstrated that it intends to construct low or moderate income housing in accordance with


the requirements of Mt. Laurel II and is using this suit as an unintentional bargaining chip.

DATED: July 9, 1984



Thomas Norman, Attorney for Defendant
Planning Board of the Township of
Old Bridge

I hereby certify that a copy of the within ANSWER was served within the time prescribed as extended with consent of the plaintiff.



Thomas Norman