

CA - Old Bridge

9/4/84

letter re: ~~Request~~ ^{official} proposal from
Old Bridge Twp

P-5

CA 002352 L

Township of Old Bridge

MIDDLESEX COUNTY, N.J.

ONE OLD BRIDGE PLAZA • OLD BRIDGE, N.J. 08857



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September 4, 1984

Barbara Williams, Esq.
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Constitutional Law Clinic
15 Washington Street
Newark, N.J. 07102

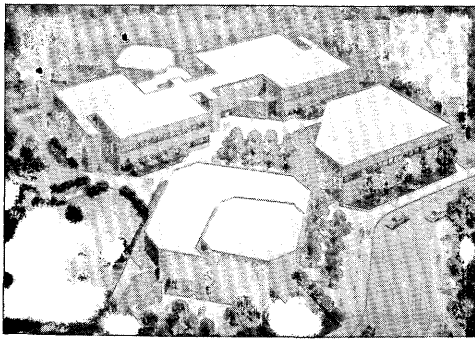
Re: Urban League
vs. Township of Old Bridge

Dear Ms. Williams:

As indicated during our telephone conversation on Friday, August 31, 1984, I have been authorized by Resolution of the Township Council of the Township of Old Bridge to make a proposal to you regarding the above referenced matter.

The following is the proposal from Old Bridge Township:

1. The Township of Old Bridge shall enact a mandatory set aside Ordinance which shall provide for a mandatory set aside for low and moderate income units of 20% of the total number of units that may be developed within the PD II Zone within the Township of Old Bridge. The mandatory set aside provision shall require that there be a 50/50 split between low and moderate income units.
2. The maximum gross project density for a PD II shall be 5.0 units per acre. This is an increase from the present 3.4 units per acre. Optional density benefit provisions shall be eliminated in view of the fact that a mandatory set aside will be enacted.
3. The mandatory set aside provision shall apply to all PD II property, regardless of whether or not the developer wishes to subdivide and build on a smaller parcel. Furthermore, the mandatory set aside shall apply to all areas designated PD II at the time of the adoption of the Ordinance regardless of whether or not the developer sells part of this property to another party.
4. The Township of Old Bridge shall adopt an affordable housing Ordinance which shall provide that units designated as low and moderate income units shall be sold or rented to families who qualify as low or



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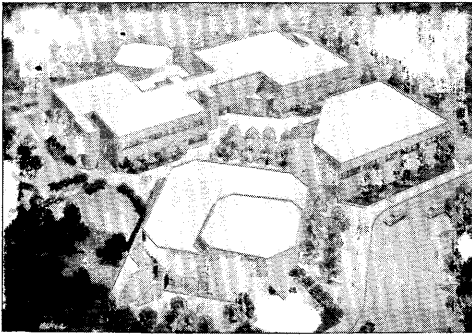
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moderate income families. The Ordinance shall further provide that such units shall be re-rented or re-sold only to qualifying families and that such units are affordable to low or moderate income families. To be affordable, the monthly expenses of a sales unit shall not exceed 28% of family income, while the monthly rental charge, including utilities, shall not exceed 30% of family income. Low income shall be defined as less than 50% of median regional income with adjustments for family size; moderate income shall be defined as between 50% and 80% of median regional income with adjustments for family size. The region for determining median income shall be the eleven county region set forth in the Revised Court Expert's Report, dated April 2, 1984, in this matter. The Ordinance shall further provide exceptions from the resale restrictions in the case of foreclosure and resale by a lender after foreclosure. Restrictions on resale shall expire 25 years from the date of the initial sale of the premises. The Ordinance shall provide for enforcement of the provisions contained herein by either establishing a Municipal Agency or contracting with a non-profit organization or other public agency which has the capacity of administering the requirements set forth herein. Furthermore, the Township of Old Bridge shall adopt a Resolution committing the Township to apply for available State and Federal Housing Subsidy Programs and to encourage and assist private developers to so apply.

5. The Township of Old Bridge shall amend its Zoning Ordinances so that developers of low and moderate income units are required to affirmatively market those units to persons of low and moderate income, irrespective of race, color, sex or national origin. Such affirmative marketing shall include advertisement in newspapers with general circulation in the Urban Core Areas located in the eleven county region identified in the Expert's Revised Report, dated April 2, 1984. The Township shall also require the developer to advertise the low and moderate income units with local fair housing centers, housing advocacy organizations, Urban Leagues and governmental, social service and welfare departments located within the eleven county region.



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6. The Township of Old Bridge shall report quarterly in writing to Plaintiff Urban League's designee providing information regarding the itemization of all proposed developments for which applications have been filed with the Township's Planning Board and for which preliminary or final approval has been given by the Planning Board, including the location of the proposed site, number of low and moderate income units, name of developer, and dates that Planning Board actions were taken. Furthermore, the Township of Old Bridge shall provide a copy of the Affirmative Marketing Plans provided for each development, together with copies of advertisements and a list of newspapers and community or governmental organizations or agencies which received the advertisements.

7. The Township of Old Bridge shall amend its Land Development Ordinance to provide for greater height. Section 9-7 of the Old Bridge Township Land Development Ordinance shall be amended to provide that 25% of the units in the development shall have a maximum height of three stories. The remaining 75% of units within the development shall not exceed a building height of 30 feet.

8. The building of low and moderate income units shall be phased in proportionately during the construction of the entire project in the following manner:

- a. Up to 25% of market units - 0% low and moderate income required.
- b. 25% market plus one unit - at least 10% low and moderate
- c. Up to 50% market - at least 25% low and moderate.
- d. Up to 75% market - at least 50% low and moderate.
- e. Up to 85% market - at least 85% low and moderate.
- f. Up to 100% market - at least 100% low and moderate.

9. The Township of Old Bridge shall amend its Land Development Ordinance to require that in the PD II Zone there shall be provisions for a "bedroom mix" reflecting the distribution of housing needs by household size for the eleven county region encompassed in this litigation.



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10. Aquifer Recharge (Section 15-3) shall remain in the Ordinance and shall be mandated to the extent reasonably possible, consistent with the "208 Water Quality Management Plan".

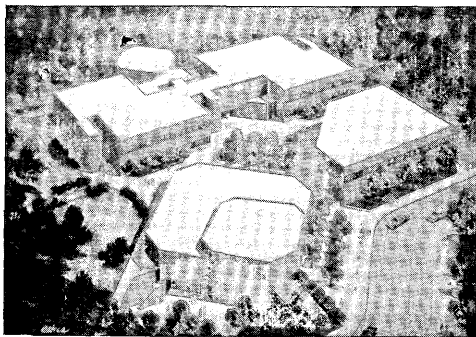
11. The requirement for an Environmental Impact Report (Section 7-3) shall remain in the Ordinance, but the procedures regarding the Environmental Impact Report and/or Environmental Impact Statement shall be streamlined to be consistent with requirements of Mt. Laurel II.

12. The Township will agree to an overall streamlining regarding PD II Zone engineering requirements such as curbing, sidewalks, pavement specifications, storm drainage requirements, etc. As discussed previously at meetings between the attorneys for the various parties, this is a matter that should be discussed in detail between the parties and their planners and engineers.

13. The Township of Old Bridge shall amend its Land Development Ordinance to provide for mobile homes.

The above referenced proposal is made in good faith by the Township of Old Bridge and is consistent with settlements that have been made in other Towns. By separate letter I will be sending you an analysis of the vacant developable land within the PD II Zone, as per Carl Hintz. I believe a review of this analysis will more than satisfy your concerns about the number of units that may be built within the Township of Old Bridge.

As previously discussed with attorneys for Olympia & York and Woodhaven, detailed analysis of engineering specifications is a matter



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that should only take place after there is general agreement among
counsel regarding Ordinance revision.

Thank you for your attention to this matter.

Very truly yours,


Jerome J. Convery,
Township Attorney

JJC/jd

cc: Henry Hill, Esq.
cc: Stewart M. Hutt, Esq.
cc: Thomas Norman, Esq.
cc: Honorable Eugene Serpentelli
cc: Mayor Russell J. Azzarello
cc: Council President Edward O'Connell
cc: Planning Board Chairperson Joan George