

CA - Old Bridge

31-May-85

Order consolidating ~~034~~ 034 v. Old Bridge w/
UL v. Carteret

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CA 002360.0

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ATTORNEYS FOR URBAN LEAGUE Plaintiffs

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

v.
THE MAYOR AND COUNCIL OF
CARTERET, et al.,
Defendants.

O&Y OLD BRIDGE DEVELOPMENT
CORP.,
Plaintiff,

v.
THE TOWNSHIP OF OLD BRIDGE,
THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF OLD BRIDGE and
THE PLANNING BOARD OF THE
TOWNSHIP OF OLD BRIDGE,
Defendants.

WOODHAVEN VILLAGE, INC.,
Plaintiff,

v.
THE TOWNSHIP OF OLD BRIDGE,
THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF OLD BRIDGE and
THE PLANNING BOARD OF THE
TOWNSHIP OF OLD BRIDGE,
Defendants.

OAKWOOD AT MADISON, INC.,
et al.,
Plaintiffs,

v.
THE TOWNSHIP OF MADISON and
THE STATE OF NEW JERSEY,
Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY

Docket No. C-4122-73

LAW DIVISION-MIDDLESEX COUNTY

Docket No. L-009837-84 P.W.

LAW DIVISION-MIDDLESEX COUNTY

Docket No. L-036734-84 P.W.

LAW DIVISION-MIDDLESEX COUNTY

Docket No. L-7502-70 P.W.

Plaintiffs in Urban League having moved on April 3, 1985, to consolidate the Oakwood at Madison action with the other actions or, alternatively, to intervene in the Oakwood at Madison action and at the same time having moved to restrain defendants from issuing building permits or granting other approvals for construction by Oakwood at Madison, Inc., unless such approvals insure that 20 percent of the units constructed are affordable to, and maintained for 30 years for occupancy solely by, low and moderate income households and that construction of those units is phased with the construction of the market units, and Urban League plaintiffs having filed in support of said motion Affidavits of Eric Neisser, Esq., and Alan Mallach and a Memorandum of Law, and the defendant Township of Old Bridge having filed a letter-brief on April 8 interposing no objection to consolidation or intervention and leaving to the Court's sound discretion the matter of temporary restraints, and the Oakwood at Madison plaintiff having filed letter-briefs on April 10 and 18, 1985 in opposition to consolidation, intervention and temporary restraints, and Woodhaven plaintiff having filed a letter brief on April 16, 1985 opposing consolidation but taking no position with regard to intervention and temporary restraints, and the Urban League plaintiffs having filed a reply letter-brief on April 12, 1985, and the Court having reviewed all the papers submitted and having heard oral argument in open Court on May 10, 1985 from Eric Neisser, Esq. for Urban League plaintiffs, Frederick Mezey, Esq. for Oakwood at Madison plaintiff,

Stewart Hutt, Esq. for Woodhaven plaintiff, and Thomas Norman, Esq. for defendant Old Bridge Planning Board,

IT IS HEREBY O R D E R E D this 31 day of May, 1985, that:

1. The motion for consolidation or intervention is denied but Oakwood at Madison, Inc. and Beren Corp. are herewith joined as parties-defendant in Urban League of Greater New Brunswick, et al. vs. Mayor and Council of Carteret, et al., (Old Bridge), No. C-4122-73, for the limited purpose of insuring that 20 percent of the units they construct in Old Bridge are affordable to low and moderate income households, that adequate restrictions are imposed on the re-sale and re-rental of those units to assure continued occupancy for 30 years by low and moderate income households, and that construction of these units is phased with construction of the market units to guarantee construction of the former units, and provided further that the earlier service upon the attorney for Oakwood at Madison, Inc. and Beren Corp. of the motion papers herein, which included this Court's Orders of July 2, July 13, August 3, and November 13, 1984, concerning the Urban League and consolidated cases involving Old Bridge, shall constitute sufficient service to join Oakwood at Madison, Inc. and Beren Corp. as parties-defendant for the limited purpose specified in this paragraph.

2. 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 120 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.

3. Attorneys for Urban League plaintiffs, the municipal defendants, and defendants Oakwood at Madison, Inc. and Beren Corp. are hereby directed to attempt to agree upon a phasing, affordability, and re-sale/re-rental restriction plan for the Oakwood at Madison project and, should agreement prove impossible, to seek the assistance of Carla Lerman, the Master for Old Bridge, appointed by this Court's Order of November 13, 1984. Should agreement still prove unattainable, any party may apply to this Court on seven (7) days' written notice for a formal Order establishing phasing, affordability, and re-sale/re-rental restrictions for the Oakwood at Madison project.

4. Oakwood at Madison, Inc. and Beren Corp. are parties-defendant only for the specific purposes set forth herein. They shall be under no obligation to participate in any other aspect

of the instant cases, but may, should they so desire, elect to participate in any and all issues, *relating to them*.

Eugene D. SerpenteLLi
EUGENE D. SERPENTE^LLI, J.S.C.