

UL v. Carteret, Old Bridge

July 6, 1987

- Letter to Court appointed master ~~outlining~~ outlining history of case and issues
- Cover letter to attorney

pp. 5

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CABLE "BWH" PRINCETON
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TELEX: 271344

FILE NO.

July 6, 1987

FEDERAL EXPRESS

George Raymond
Raymond, Parish, Pine & Weiner
555 White Plains Road
Tarrytown, NY 10591

Re: Old Bridge Township: Mount Laurel Issues

Dear Mr. Raymond:

First, allow me to welcome you as court-appointed master in this case. The job has substantial complexity, and I am quite sure your talent and expertise will be most useful.

Through this letter, I will attempt to sketch, in broad outline, the history of the problem and our current status; as well as to indicate what appear to be the issues extant in this case. I will be sending a copy of this letter to all parties in the case, and I am sure everyone will feel free to provide you with their own perspective on the matter.

1. History of the case

Old Bridge Township - originally Madison Township - has been in litigation with respect to its affordable housing situation for some time. Oakwood at Madison v. Madison Township (72 NJ 480 1977) commenced in November, 1970; Urban League of Greater New Brunswick v. Carteret, et al. (with the et al including Old Bridge Township) began in 1974. O&Y filed suit against Old Bridge Township in 1981; that suit was substituted for a Mount Laurel suit in 1984. Woodhaven also filed suit against the Township in 1984. During the period of time - 17 years in the case of Oakwood - that these plaintiffs have been involved in litigation, there have been numerous ordinance revisions, revised environmental standards, and various other changes in the land development framework.

2. The settlement package

In the summer of 1985, O&Y approached the Township with a proposal to settle the litigation. That proposal became the focal point of the enclosed settlement document of January 24, 1986. During the course of the summer and fall of 1985, O&Y, Woodhaven, the Urban League, the court-appointed master (Ms. Carla Lerman) and the Township engaged in vigorous discussions over the terms and conditions of the settlement.

Following Township Committee and Planning Board review and a compliance hearing on the settlement, the parties entered into the agreement on January 24, 1986.

Thereafter, O&Y and Woodhaven began a process of presentation of plans to the Planning Board. I would be happy to provide you with transcripts of the Planning Board hearings, and I would appreciate it if you would let me know whether or not you will need those documents.

O&Y suspended its presentations to the Planning Board following a request by the Township that we address the wetlands issues; and thereafter, both O&Y and Woodhaven commissioned special studies of the wetlands in their areas and both developer-plaintiffs have sought United States Army Corps of Engineer delineation of their wetland areas.

O&Y has now received Army Corps of Engineer delineation of its site (see attached letter and copies of the reports referenced herein)

3. The Township's motion to reopen

In December, 1986, the Township Planning Board and the Township Council moved to reopen this case, on the grounds that the amount of wetlands on the site made performance of the agreement by O&Y and Woodhaven impossible. I will not attempt to characterize the legal issues contained in both the Township and the Planning Board papers, and would request those parties to provide you with their motion papers, professional reports, supporting memoranda and affidavits to you directly.

Suffice it to say for purposes of this introductory review, that both O&Y and Woodhaven disagree with the Township's motion to reopen and will vigorously contest this on August 13th. It is my understanding that the Township will be providing augmentation of their motion papers with technical reports, including one or more prepared by Carl Hintz, their planning consultant, and with additional affidavits and reports. All reports will be provided to the court (and, presumably, to you) on July 17th. Thereafter, the plaintiffs will have an opportunity to file reply briefs, which will be due on July 31st.

I will, on behalf of O&Y, provide you with a copy of our materials as soon as practicable, but I think it unlikely that you will receive the full position of the parties prior to July 31st. If it appears as though the

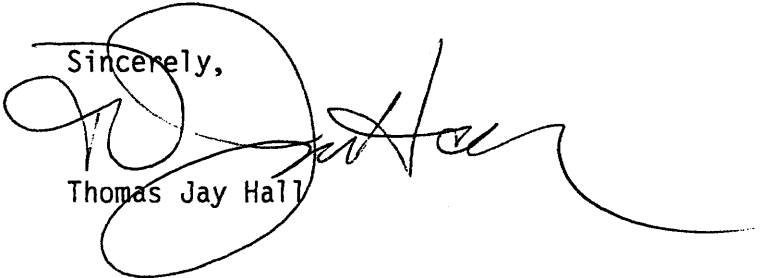
George Raymond
July 6, 1987
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court will need a factual review of this case and a report from you by August 13th, I will try to accelerate my production of any reply brief so you will have a draft of it, at least, prior to the 31st. I would hope that the other parties in this case would also supply you with as much background material as you would need prior to the 31st, so that you would be better equipped to deal with any request by the court. Given the fact that a good portion of the Township's case seems to be "The builder's can't do what we thought they could do because of the wetlands", it probably would be best if you could review all the parties' position papers.

Please let me know if there are any other studies, background materials, reports, or data which have already been produced in this case and which you would find useful. Carla Lerman has a substantial file on this matter, and it might be most efficient if you were to contact her directly with respect to her "passing the baton" to you. She can be reached, during the day, at the New Jersey Department of Community Affairs (609-633-3887).

Again, please let me know if there is any further information we can provide to you.

Sincerely,


Thomas Jay Hall

TJH:sls
Enclosures

cc: Honorable Eugene D. Serpentelli, A.J.S.C. (w/o enc.)
All parties on the service list (w/o enc.)
(Via Regular Mail)

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July 6, 1987

FILE NO.

Thomas Norman, Esquire
Norman & Kingsbury
Jackson Commons A-2
30 Jackson Road
Medford, NJ 08055

Dear Tom:

Enclosed with this letter are the following things:

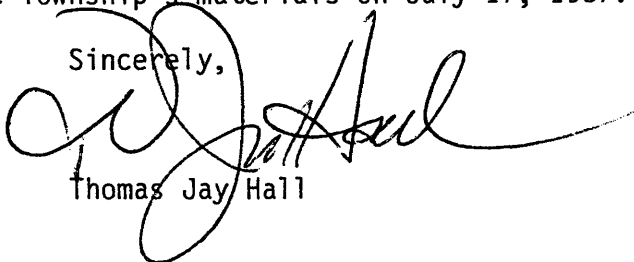
1. A copy of a letter sent today to George Raymond. I have not attempted to characterize the Township or the Planning Board's position vis-a-vis the reopener except in a general way, and would urge you to send Mr. Raymond all of the material which you feel appropriate for him to consider.

2. The final wetlands maps, dated with revisions to 3/25/87, in the event that you do not have a final copy of same. Please note that there is a overall wetlands location map at the scale of 1"=600'; and section maps, at 1"=200'; for five sections, most of which have two sheets. You are free to reproduce these maps for the limited purpose of your clients and consultants internal review. They are not to be reproduced for broad scale distribution to the public.

3. I have received a letter from Fred Mezey (with an indication that all parties on the service list received same) and a copy of a letter from George Raymond to Judge Serpentelli, which noted that only Mr. Mezey and myself had received copies. I am enclosing a copy of Mr. Raymond's letter for your use.

I believe that has us current on the O&Y/Old Bridge litigation matters. I look forward to receiving the Township's materials on July 17, 1987.

Sincerely,


Thomas Jay Hall

TJH:sls
Enclosures