

UL v CA. - Old Bridge.

08/17/87.

Amended order of May 31, 1985

pgs. 4

CA 002405.0

OAKWOOD AT MADISON, INC.,  
et als,

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
MIDDLESEX COUNTY

Plaintiffs,

:

Docket # L-7502-70 P.W.

v.

THE TOWNSHIP OF MADISON,  
et al.

:

Plaintiff

:

v.

THE TOWNSHIP OF MADISON,  
et al.

:

Defendants  
-----:

This matter being opened to the Court by Mezey & Mezey, attorneys for Defendants, Oakwood at Madison, Inc. and Beren Corp., Frederick C. Mezey, Esq. appearing at the case scheduling conference held in the chambers of Hon. Eugene D. Serpentelli on June 25, 1987 in the presence of Barbara Stark, Esq. and John M. Payne, Esq., Rutgers Constitutional Litigation Clinic, Attorneys for Urban League, Thomas Norman, Esq., Attorney for Old Bridge Township Planning Board and Jerome Convery, Esq., Attorney for Old Bridge Township, Brenner, Wallack & Hill, Attorneys for O & Y Old Bridge Development Corp., Thomas Hall, Esq., appearing Hutt, Berkow, Hollander & Jankowski, Attorneys for Woodhaven Village, Inc., Stewart M. Hutt, Esq., appearing, and Hannoeh, Weisman, Stern, Besser, Berkowitz & Kinney, Attorneys for O & Y Old Bridge Development Corp., Dean Gaver, Esq., appearing on motion for an Order modifying paragraph 2 of the Order of this Court dated May 31, 1985 to provide for a restraint upon the defendants Old Bridge Township, Township Council and Planning Board from issuing building

permits for more than the first 300 market units, instead of for the first 120 market units as provided in said Order of May 31, 1985;

And the Court having heard the arguments of counsel and being of the opinion that the relief requested should be granted;

It is on this 17<sup>th</sup> day of August, 1987 ORDERED as follows:

1. The Order of May 31, 1985 is hereby amended as follows:

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 300 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.

2. Oakwood at Madison, Inc. and Beren Corp. agree that should the pending settlement between them and the Urban League, a copy of which is annexed hereto as Exhibit A, not be approved by the

Court, Oakwood at Madison, Inc. and Beren Corp. will construct eighteen (18) low and moderate income units (9 low income and 9 moderate income), to be built within 12 months following completion of the three hundredth market unit. To secure this promise, Oakwood at Madison, Inc. and Beren Corp. herewith provide a surety bond to the Urban League in the amount of \$30,000, for each unit, or for a total amount of \$540,000.00.

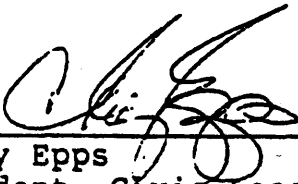
3. If Oakwood fails to construct the 18 units as provided herein, the \$540,000.00 secured by the bond shall be forthwith turned over to the Old Bridge Affordable Housing Agency, to be used for the provision of affordable housing, subject to the approval of the Civic League.

4. Except as amended herein, the Order of May 31, 1985 shall continue in full force and effect.

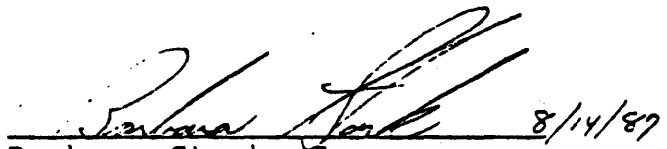


EUGENE D. SERPENTELLI, A.J.S.C.

We hereby consent to the form and entry of the within Order



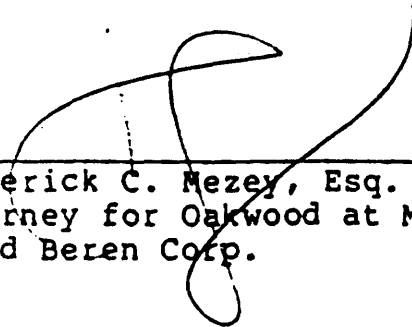
C. Roy Epps  
President, Civic League of  
Greater New Brunswick



Barbara Stark, Esq. 8/14/87  
Attorney for Civic League of  
Greater New Brunswick



Michael Kaplan  
Oakwood at Madison, Inc.  
and Beren Corp.



Frederick C. Mezey, Esq.  
Attorney for Oakwood at Madison  
and Beren Corp.

I hereby consent to the form  
of the within Order only:



Jerome Convery, Esq.  
Attorney for Township of Old Bridge