

UL v CA - Old Bridge.

05/16/88

Notice of Appeal by plaintiff.

pgs. 9
includes attachments.

CA 002422N

NOTICE OF APPEAL

PLEASE PRINT OR TYPE

SUPERIOR COURT OF NEW JERSEY - APPELLATE DIVISION

TITLE OF ACTION AS CAPTIONED BELOW: ATTORNEY OF RECORD
 Urban League of Greater New Brunswick, et al. NAME STEWART M. HUTT, ESQ. (HUTT & BERKOW, P.C.)
 v. ADDRESS 459 Amboy Avenue, P.O. Box 648
 The Mayor & Council of the Borough of Woodbridge, New Jersey 07095
 Carteret, et al. PHONE NO. (201) 634-6400
 and ATTORNEY FOR Plaintiff, Woodhaven Village, Inc.
 O & Y Old Bridge Development Corp., a Delaware Corporation ON APPEAL FROM (Middlesex County-Venue
 and SUPERIOR COURT OF NEW JERSEY (Ocean County-Trial)
 Woodhaven Village, Inc., a N.J. Corp. TRIAL COURT/STATE AGENCY (Consolidated cases)
 vs. C-4122-73, L-009837-84 PW, L-036734-84 PW
 TOWNSHIP OF OLD BRIDGE, et al. TRIAL DOCKET OR INDICTMENT NUMBER

SEE ATTACHED CAPTIONED

Eugene D. Serpentelli, A.J.S.C.
 TRIAL COURT JUDGE
 CIVIL (XX) CRIMINAL () JUVENILE ()

NOTICE IS HEREBY GIVEN THAT Plaintiff, Woodhaven Village, Inc.
 APPEALS TO THE SUPERIOR COURT OF N. J., APPELLATE DIVISION, FROM THE JUDGMENT () ORDER (X)
 OTHER (SPECIFY) () _____
 ENTERED IN THIS ACTION ON October 6, 19 87, IN FAVOR OF SEE ATTACHED, Paragraph A.

IF APPEAL IS FROM LESS THAN THE WHOLE, SPECIFY WHAT PARTS OR PARAGRAPHS ARE BEING APPEALED:
Woodhaven Village, Inc. appeals paragraph 1 wherein the Court vacated an Order and Judgment of Repose dated January 24, 1986 and paragraph 2 wherein the Court transferred matter to Council on Affordable Housing. The entire order of April 21, 1988 is being appealed by this
 ARE ALL ISSUES AS TO ALL PARTIES DISPOSED OF IN THE ACTION BEING APPEALED? YES (X) NO () Plaintiff.

IF NOT, IS THERE A CERTIFICATION OF FINAL JUDGMENT ENTERED PURSUANT TO R. 4:42-2? YES () NO ()
 PRIORITY UNDER R. 1:2-5 YES (X) NO () APPLICABLE SECTION UNDER THE RULE R.1:2-5(1)

IN CRIMINAL, QUASI-CRIMINAL, AND JUVENILE CASES. . . NOT INCARCERATED () INCARCERATED ()
 CONFINED AT _____
 GIVE A CONCISE STATEMENT OF THE OFFENSE AND OF THE JUDGMENT, DATE ENTERED AND ANY SENTENCE OR DISPOSITION IMPOSED _____

1 NOTICE OF APPEAL HAS BEEN SERVED ON:

NAME	DATE OF SERVICE	TYPE OF SERVICE
TRIAL COURT JUDGE <u>Eugene D. Serpentelli, A.J.S.C.</u> (Ocean County Clerk)	<u>5/12/88</u>	<u>CM:RRR</u>
TRIAL COURT CLERK STATE AGENCY <u>Superior Court of New Jersey</u>	<u>5/12/88</u>	<u>CM:RRR</u>
ATTORNEY GENERAL OR GOVERNMENTAL <u>Middlesex County Clerk</u> OFFICE UNDER R. 2:5-1 (h)	<u>5/12/88</u>	<u>CM:RRR</u>

OTHER PARTIES:

NAME AND DESIGNATION	ATTORNEY NAME, ADDRESS & TELEPHONE NO.	DATE OF SERVICE	TYPE OF SERVICE
(SERVE THIS PARTY WITH TRANSCRIPT)			
	<u>SEE ATTACHED, Paragraph B</u>		

I HEREBY CERTIFY THAT I HAVE SERVED A COPY OF THIS NOTICE OF APPEAL ON EACH OF THE PERSONS REQUIRED AS INDICATED ABOVE

May 16 19 88

Stewart M. Hutt
STEWART M. HUTT
SIGNATURE OF ATTORNEY OF RECORD

2 PRESCRIBED TRANSCRIPT REQUEST FORM HAS BEEN SERVED ON:
(ALSO INDICATE IF SOUND RECORDED)

NAME	DATE OF SERVICE	AMOUNT OF DEPOSIT
ADMINISTRATIVE OFFICE OF THE COURTS CHIEF, COURT REPORTING SERVICES		
COURT REPORTER'S SUPERVISOR/ CLERK OF COUNTY OR AGENCY	<u>SEE ATTACHED, Paragraph C.</u>	
COURT REPORTER		

I HEREBY CERTIFY THAT I SERVED THE PRESCRIBED COURT TRANSCRIPT REQUEST FORM ON EACH OF THE ABOVE PERSONS AND PAID THE DEPOSIT AS REQUIRED BY R. 2:5-3(d).

May 16, 19 88

Stewart M. Hutt
STEWART M. HUTT
SIGNATURE OF ATTORNEY OF RECORD

3 I HEREBY CERTIFY THAT:

() THERE IS NO VERBATIM RECORD of September 14, 1987 proceedings leading to Order

(XX) TRANSCRIPT/S IN THE POSSESSION OF THE ATTORNEY OF RECORD. dated October 6, 1987

() A MOTION FOR ABBREVIATION OF TRANSCRIPT HAS BEEN FILED WITH THE COURT OR AGENCY BELOW.

() A MOTION FOR FREE TRANSCRIPT HAS BEEN FILED WITH THE COURT BELOW

May 16 19 88

Stewart M. Hutt
STEWART M. HUTT
SIGNATURE OF ATTORNEY OF RECORD

HUTT & BERKOW
A PROFESSIONAL CORPORATION
459 AMBOY AVENUE
P.O. BOX 648
WOODBIDGE, NEW JERSEY 07095
(201) 634-6400
ATTORNEYS FOR PLAINTIFF, Woodhaven Village, Inc.

URBAN LEAGUE OF GREATER NEW BRUNSWICK, et al.	)	SUPERIOR COURT OF NEW JERSEY
	)	CHANCERY DIVISION
Plaintiffs,	)	MIDDLESEX COUNTY/OCEAN COUNTY
	)	(Mount Laurel II)
v.)	
)	
THE MAYOR AND COUNCIL OF THE BOROUGH OF	)	DOCKET NO. C-4122-73
CARTERET, et al.,)	
)	
Defendants,)	
)	
and)	
	)	SUPERIOR COURT OF NEW JERSEY
O & Y OLD BRIDGE DEVELOPMENT CORPORATION,	)	LAW DIVISION
a Delaware Corp.,	)	MIDDLESEX COUNTY/OCEAN COUNTY
	)	(Mount Laurel II)
and)	
)	
WOODHAVEN VILLAGE, INC., a New Jersey Corp.	)	DOCKET NO. L-009837-84 P.W.
	)	& DOCKET NO. L-036734-84 P.W.
Plaintiffs)	
)	
v.)	
)	
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, THE MUNICIPAL)	
UTILITIES AUTHORITY OF THE TOWNSHIP OF OLD)	
BRIDGE, THE SEWERAGE AUTHORITY OF THE TOWNSHIP)	
OF OLD BRIDGE and THE PLANNING BOARD OF THE)	
TOWNSHIP OF OLD BRIDGE,)	
)	
Defendants.)	

ATTACHMENT TO NOTICE OF APPEAL

A. IN FAVOR OF: Defendant, Township of Old Bridge and Planning Board of Township of Old Bridge. Woodhaven Village, Inc. also appeals Order of Eugene D. Serpentelli, A.J.S.C. dated April 21, 1988, denying Motion for Reconsideration and Rehearing.

B. OTHER PARTIES:

<u>NAME AND DESIGNATION</u>	<u>ATTORNEY NAME, ADDRESS AND TELEPHONE NO.</u>	<u>DATE OF SERVICE</u>	<u>TYPE OF SERVICE</u>
Twp. of Old Bridge & Twp. Council, Defendant	Glenn J. Berman, Esq. 196 Main Street South River, NJ 08882 (201) 257-9720	5/16/88	CM:RRR
The Planning Board of Twp. of Old Bridge, Defendant	James M. Colaprico, Esq. 997 Lenox Drive Lawrenceville, NJ 08648 (609) 896-3600	5/16/88	CM:RRR
Old Bridge Municipal Utilities Authority (now includes Sewer Authority), Defendant	William E. Flynn, Esq. 18 Throckmorton Lane Old Bridge, NJ 08857 (201) 679-1221	5/16/88	CM:RRR
Urban League (now Civic League), Plaintiff	Barbara Stark, Rutgers Const. Law Clinic, 15 Washington Street Newark, NJ 07102-3192 (201) 648-5687	5/16/88	CM:RRR
O & Y Old Bridge Development Corp., Plaintiff	Thomas J. Hall, Esq. 210 Carnegie Center Princeton, NJ 08543-5226 (609) 924-0808	5/16/88	CM:RRR
O & Y Old Bridge Development Corp. Plaintiff	Dean Gaver, Esq. Hannoch Weisman 4 Becker Farm Road Roseland, NJ 07068 (201) 535-5300	5/16/88	CM:RRR
Former Twp. of Old Bridge Attorney	Jerome J. Convery, Esq. 151 Route 516, P.O. BOX 642 Old Bridge, NJ 08857 (201) 679-0010	5/16/88	CM:RRR
Former Planning Board Attorney	Thomas Norman, Esq. Norman & Kingsbury 30 Jackson Road Medford, NJ 08055 (609) 654-5220	5/16/88	CM:RRR

C. PRESCRIBED TRANSCRIPT REQUEST FORM HAS BEEN SERVED ON:

October 6, 1987 Order is based upon stenographic transcript of Motion heard and decision rendered on September 14, 1987 which transcript is in this party's possession and will be served in accordance with Court Rule. Order dated April 21, 1988 denying plaintiff's request for reconsideration and rehearing is based upon Stenographic Transcript of Motion heard and decision rendered April 13, 1988 which Transcript has been ordered by defendant O & Y Old Bridge Development Corp. and will be served in accordance with Court Rule.

JEROME J. CONVERY, ESQ.
151 Route 516
P.O. Box 642
Old Bridge, NJ 08857
(201) 679-0010
Attorney for Township of Old Bridge

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

v.

THE MAYOR AND COUNCIL OF THE
BOROUGH OF CARTERET, et al,
Defendants,

and

O & Y OLD BRIDGE DEVELOPMENT
CORPORATION, A Delaware
Corporation, Plaintiff,
and
WOODHAVEN VILLAGE, INC. a
New Jersey corporation
Plaintiff,

v.

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, THE
MUNICIPAL UTILITIES AUTHORITY
OF THE TOWNSHIP OF OLD BRIDGE,
THE SEWERAGE AUTHORITY OF THE
TOWNSHIP OF OLD BRIDGE and
THE PLANNING BOARD OF THE
TOWNSHIP OF OLD BRIDGE,

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY/OCEAN COUNTY
(Old Bridge)

Docket No. C 4122-73

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

Docket No. L009837-84 PW

and No. L036734-84 PW

Civil Action

ORDER

This matter having been opened to the Court on the Motion of the Township of Old Bridge, Jerome J. Convery, Esq. appearing; and on Motion of the Planning Board of the Township of Old Bridge, Thomas Norman, Esq. appearing, and a Cross Motion having been filed by the Urban (now Civic) League of Greater New Brunswick, Barbara Stark, Esq. appearing, in the presence of Plaintiff, O & Y Old Bridge Development Corp., Thomas J. Hall, Esq. and Dean A. Gaver, Esq. appearing, and in the presence of Woodhaven Village Inc., Stewart Hutt, Esq. appearing, and the Court having reviewed the Motion papers, Briefs and Memoranda, Supporting Affidavits and reports submitted on behalf of all parties hereto; and the Court having heard oral argument and good cause having been shown,

IT IS ON THIS 6 day of *October*, 1987,

ORDERED:

1. That the Order and Judgment of Repose granted by this Court by Order dated January 24, 1986, is hereby vacated for the reasons stated by this Court in its oral opinion rendered September 14, 1987.
2. This matter is hereby transferred to the Council on Affordable Housing.
3. The Cross Motion filed by the Civil League of Greater New Brunswick for enforcement of the Order and Judgment of Repose, dated January 24, 1986, is hereby denied for the reasons stated by this Court in its oral opinion rendered September 14, 1987.
4. This Court does not retain jurisdiction of this matter.


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

JEROME J. CONVERY, ESQ.
151 Route 516
P.O. Box 642
Old Bridge, NJ 08857
(201) 679-0010
Attorney for Def. Township of Old Bridge

URBAN LEAGUE OF GREATER NEW
BRUNSWICK, et al,

Plaintiffs,

v.

THE MAYOR AND COUNCIL OF THE
BOROUGH OF CARTERET, et al,

Defendants,

and

O & Y OLD BRIDGE DEVELOPMENT
CORPORATION, a Delaware
Corporation,
and
WOODHAVEN VILLAGE, INC., a
New Jersey Corporation,

Plaintiffs,

v.

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, THE
MUNICIPAL UTILITIES AUTHORITY
OF THE TOWNSHIP OF OLD BRIDGE,
THE SEWERAGE AUTHORITY OF THE
TOWNSHIP OF OLD BRIDGE and
THE PLANNING BOARD OF THE
TOWNSHIP OF OLD BRIDGE,

Defendants

: SUPERIOR COURT OF NEW JERSEY
: CHANCERY DIVISION
: MIDDLESEX COUNTY/OCEAN COUNTY
: (Mount Laurel II)

: DOCKET NO. C-4122-73

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION
: MIDDLESEX COUNTY/OCEAN COUNTY
: (Mount Laurel II)

: DOCKET NO. L-009837-84 P.W.
: and No. L-036734-84P.W.

: CIVIL ACTION

: ORDER

This matter having been opened to the Court on the Motion for Reconsideration of the Plaintiff, WOODHAVEN VILLAGE, INC., a New Jersey Corporation, Stewart Hutt, Esq. appearing, and in the presence of the URBAN (now CIVIC) LEAGUE OF GREATER NEW BRUNSWICK, Barbara Stark, Esq. appearing, and in the presence of Plaintiff, O & Y OLD BRIDGE DEVELOPMENT CORPORATION, Thomas J. Hall, Esq. appearing, and in the presence of the TOWNSHIP OF OLD BRIDGE PLANNING BOARD, Thomas Norman, Esq. appearing, and in the presence of the TOWNSHIP OF OLD BRIDGE, Jerome J. Convery, Esq. appearing; and the Court having reviewed the Motion papers, Briefs and supporting documents submitted on behalf of all parties hereto; and the Court having heard oral argument and good cause having been shown,

IT IS ON THIS 21 day of April, 1988,

ORDERED that the Motion for Reconsideration of the Court decision rendered September 14, 1987, in the above referenced matter, is hereby denied.


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