

- Notice of Motion for Entry of Order and Judgment based on enclosed Stipulation
- Stipulation
- Summary Report

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JOHN M. PAYNE, ESQ.  
BARBARA J. WILLIAMS, ESQ.  
Constitutional Litigation Clinic  
Rutgers Law School  
15 Washington Street  
Newark, New Jersey 07102  
201/648-5687

BRUCE S. GELBER, ESQ.  
National Committee Against Discrimination in Housing  
733 15th St., NW, Suite 1026  
Washington, D. C. 20005

ATTORNEYS FOR PLAINTIFFS

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION/MIDDLESEX  
COUNTY

URBAN LEAGUE OF GREATER ]  
NEW BRUNSWICK, et al., ]  
 ]  
Plaintiffs, ]  
 ]  
vs. ]  
 ]  
THE MAYOR AND COUNCIL OF ]  
THE BOROUGH OF CARTERET, ]  
et al., ]  
 ]  
Defendants. ]  
 ]

Docket No. C 4122-73

Civil Action

NOTICE OF MOTION FOR ENTRY  
OF ORDER AND JUDGMENT

6/29/88  
M/M

TO: Hon. Eugene D. Serpentelli  
Judge, Superior Court of New Jersey  
Ocean County Court House  
CN 2191  
Toms River, New Jersey 08753

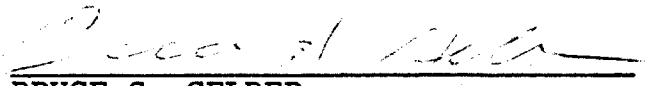
Lewis Bambrick, Clerk  
Superior Court of New Jersey  
Hughes Justice Complex - CN 971  
Trenton, New Jersey 08625

Henry A. Hill, Esq.  
Brener, Wallack & Hill  
2-4 Chambers Street  
Princeton, New Jersey 08540

Stewart M. Hutt, Esq.  
Hutt, Berkow, Hollander & Jankowitz  
Park Professional Bldg., 459 Amboy Avenue  
Woodbridge, New Jersey 07095

PLEASE TAKE NOTICE that on Monday, July 2, 1984, at 10:00 A.M., or as soon thereafter as counsel can be heard, counsel for Plaintiff Urban League of Greater New Brunswick and Defendant Township of Old Bridge will move this Honorable Court for entry of a stipulated Order and Judgment as to Old Bridge Township regarding fair share and noncompliance. This motion is based upon the attached Stipulation of the parties. A proposed Order and Judgment is enclosed.

Dated: June 27, 1984



BRUCE S. GELBER  
JOHN M. PAYNE  
BARBARA J. WILLIAMS  
ATTORNEYS FOR PLAINTIFFS

ERIC NEISSER, ESQ.  
JOHN M. PAYNE, ESQ.  
BARBARA J. WILLIAMS, ESQ.  
Constitutional Litigation Clinic  
Rutgers Law School  
15 Washington Street  
Newark, New Jersey 07102  
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URBAN LEAGUE OF  
GREATER NEW BRUNSWICK,  
et al.,

Plaintiffs,

vs.

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

Defendants.

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION/MIDDLESEX COUNTY

Docket No. C 4122-73

Civil Action

STIPULATION

Plaintiff Urban League of Greater New Brunswick and Defendant Township of Old Bridge, by their attorneys, hereby stipulate as follows:

1. For purposes of determining present housing need, the appropriate region for Old Bridge Township is the eleven county region identified in the Fair Share Report prepared by Carla L. Lerman, P.P. dated April 2, 1984. For purposes of determining prospective housing need, the appropriate region for Old Bridge Township is the five county commutershed region, comprised of Middlesex, Monmouth, Ocean, Somerset and Union Counties and based

7/19/84  
6/12/84  
MIDDLESEX COUNTY

on the methodology contained in Ms. Lerman's Report of April 2, 1984.

2. The Township of Old Bridge's fair share of the regional need for low and moderate income housing through 1990 is 2414 housing units. These units are allocated as 746 units of present need and 1668 units of prospective need. Of these units, 1207 shall be low income housing and 1207 units shall be moderate income housing.

3. The Township of Old Bridge is entitled to credit towards its fair share obligation for the following units built or rehabilitated since 1980: 204 units at the Rotary Senior Citizens Housing project which are occupied by low and moderate income households and are subsidized under the Section 8 New Construction Housing program, and 75 units which have been substantially rehabilitated by Old Bridge Township under the Community Development Block Grant program.

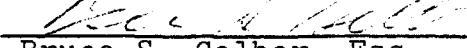
4. The Township of Old Bridge's existing zoning ordinance is not in compliance with the constitutional obligation set forth in Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158 (1983).

5. The Urban League of Greater New Brunswick and the Township of Old Bridge shall seek to reach an agreement as to ordinance revisions and shall submit the proposed revisions to the Court within 45 days of the date of the Court's Order regarding fair share and noncompliance. If no agreement is reached by that date, plaintiffs shall seek appointment of, and the Court shall appoint, a master to assist Old Bridge Township in the revision of its zoning ordinance. The proposed ordinance revisions and the


master's report with respect to the proposed revisions shall be submitted to the Court within 45 days of the appointment of the master.

6. The time periods set forth in this Stipulation may be extended by mutual written consent of the parties.

Plaintiffs Urban League of  
Greater New Brunswick, et al.

By:   
Bruce S. Gelber, Esq.  
Date: June 27, 1984

Defendant Township of  
Old Bridge

By:   
Jerome Convery, Esq.  
Date: June 27, 1984

SUMMARY REPORT

**Gerickont Farm, Piscataway Township, N.J.**

This report is an analysis of the Gerickont farm site in Piscataway Township, New Jersey. The owners are requesting that their property, presently zoned for single-family detached residential, be rezoned to permit high density residential development (12-14 dwelling units per acre), of which 20 percent would be designated for lower income housing in accordance with Mt. Laurel II. This summary report examines the suitability of the tract for higher density development and reviews:

- a. existing zoning and adjacent land uses;
- b. infrastructure; utilities and roads; and
- c. environmental considerations.

Site Description

The Gerickont site is approximately 55 acres in area of which 15 acres are located north of Morris Avenue (lot 21 in Block 647B) and 41 acres south of Morris Avenue (lot 2A in Block 744). The property is currently being used as an active dairy farm. The site is bounded on the east by single-family residential development, to the west by a cemetery, and to the southwest by a 55-acre tract which, until recently, was an active dairy farm. It recently was rezoned to permit high density residential development at a density of 10 units per acre. The Hovnanian Development Company has submitted a plan for this prop-

erty calling for the construction of approximately 540 dwelling units with 20 percent to be low and moderate income housing meeting Mt. Laurel II standards. At one time, the Hovnanian tract and the site in question constituted a single farm which was divided in accordance with the provisions of the will of the original owner.

#### Existing Zoning and Adjacent Land Uses

The site is presently zoned R-20 which is a single-family zone calling for minimum lot sizes of 20,000 square feet. The existing development to the east of the site has the same designation and consists primarily of single-family detached residences. To the north and west of the site, the properties are zoned and used for cemetery and R-15A uses, which calls for single-family development on minimum lot sizes of 15,000 square feet. The R-15A zone also allows, as a conditional use, planned residential development at a gross density of five (5) units per acre. The area to the southwest of the Gerickont Farm (the Hovnanian property) has recently been rezoned to R-20A which permits as a conditional use, planned residential development at a density of 10 units per acre (8 units per acre maximum with a 2-unit per acre density bonus for the provision of low and moderate income housing).

The general area has a considerable number of new office and research uses, particularly along Hoes Lane. In addition, the Busch Campus of Rutgers University is located along Davidson Road in very close proximity to the site.



Infrastructure: Utilities, Roads

The Gerickont site is served by all necessary infrastructure. Public water and sewers are available to the property as are gas and electricity.

The site has direct access to a four-lane collector street (Morris Avenue), is served by nearby existing arterial streets including Hoes Lane and Metlars Lane. In addition, the major arterials provide direct and convenient access to I-287 and Route 18.

The existing road system has more than adequate capacity in handling the vehicle load generated by the proposed use. On-site road improvements would serve to implement the Circulation Element of the Piscataway Master Plan which calls for the construction of a collector street along the southeastern boundary of the tract.

Environmental Considerations

Much of the data used in this section of the report is derived from baseline data from Piscataway's 1978 Master Plan. Soils' data is based on the 1976 Interim Soil Survey prepared by the U.S. Department of Agriculture Soil Conservation Service.

The Gerickont Farm site is relatively flat, varying in elevation from roughly 60-80 feet above sea level. Slopes do not present a problem for the proposed use.

The site is traversed by a minor stream. Reference is made to this area on page 9 of the 1983 Piscataway Master Plan:

In an effort to protect existing development and to preserve environmentally sensitive streams, four areas of the Township are designated as Planned Conservation Areas...(one of these areas includes)...the stream areas located south of Morris Avenue.

The Plan recommends that the area be protected to preserve the integrity of the stream channels, and to minimize the adverse impacts of future development. The stream crosses the Gerickont farm and continues onto the adjoining Hovnanian property. Through careful site design the zone change can help achieve this important Master Plan objective.

The soils of the site consist primarily of Klinesville and Hansdoun soils on both sides of Morris Avenue. Some Reaville soils are found along the southwestern area of the tract. These soils present moderate to severe limitations for foundations of dwellings because of the presence of rippable shale bedrock at 1 to 1-1/2 feet along with some seasonal high water. Both deficiencies are easily correctable by standard development techniques. These same soils are also characteristic of the Hovnanian site which also includes Reaville and Rowland soils which have even more constraints due to frequent flooding.

#### Summary

The proposed rezoning of the Gerickont Farm is compatible with the existing and proposed land uses. The site has excellent access and is bounded by collector road with sufficient capacity to handle any increase in density. Public

water and sewers are available to the site, and the site itself poses no substantial limitations in terms of soil conditions and geology to develop. The site itself is bounded for the most part either by cemetery or proposed high density residential development. Finally, Moreover the development of the Hovnanian tract immediately adjacent to the subject property with high density housing would have a significant impact, and from a practical point of view, make continuation of dairy farming, with its fairly intensive adverse elements, probably impossible within a short period of time.