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Old Bridge

3-Sept.-1987

Letter from the attorneys for the
Oakwood project. re: placing
Oakwood at a competitive disadvantage
and contesting ~~an~~ a report that
says otherwise.

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OUR FILE NO.

#5105

September 3, 1987

Mr. George M. Raymond
RPPW, Inc.
555 White Plains Road
Tarrytown, NY 10591

Re: Urban League/Oakwood at Madison, Inc.

Dear Mr. Raymond:

I would like to bring to your attention a matter that was not known to us at our meeting of July 29, 1987 and which we feel bears material significance in regard to your findings.

You will recall that we contended that it was necessary for Oakwood at Madison to be required to build 10% of the total units as low and moderate income units, rather than the 15% required in order to meet the competitive situation. At the time of our meeting, we were only aware of developments proposed by O & Y and Woodhaven in regard to which both the Township and Urban League agreed that 10% was an appropriate contribution.

In your August 3, 1987 report you conclude that Oakwood would not be at a competitive disadvantage because

"From the little that I have been able to learn to date of these other projects, they seem to be far behind Oakwood in the approval process. They will also have to contend with difficult site conditions and costly adjustments due to their need to build near, and provide crossings of wetlands, and to incur major infrastructure costs due to the wide dispersion of the buildable portions of their holdings. While it is always possible for the economics

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and the competitiveness of a large project to be affected by changing conditions over time, it appears that such conjectures cannot be legitimately advanced in support of immediate adjustments that run contrary to the intent of the Mount Laurel doctrine."

It has come to our attention that the Planning Board approved an application for general development for a Class II Planned Development consisting of 1735 residential units , 61.1 acres of commercial office and industrial uses and 99.8 acres of open space including a recreational center and a 9-hole golf course. The application was made by Oaks Development Corp. on land owned by John Brunetti consisting of approximately 433.9 acres resulting in a residential density of approximately four units per acre.

As indicated in paragraph 16 of the resolution of approval, a copy of which is annexed hereto, the developer intends to set aside 10% of the total number of units for low and moderate income units. This is in accordance with Old Bridge Township Ordinance 9-5:2.1.3, (a copy of which is also annexed hereto) which indicates that the policy of the Township of Old Bridge, according to their Ordinance which is to be applied to all developments, is the requirement for a 10% set-aside.

The Brunetti development is in the vicinity of the Oakwood project and has been given a fifteen-year approval with provisions for extension for an additional five years. This project is comparable to the Oakwood project in terms of the number of units, the density and the fact of final approval. The significant feature which separates them is that Oakwood is being held to the 15% set-aside while the recently approved Brunetti project is being held to a 10% set-aside.

This will put the Oakwood project at an obvious and significant disadvantage in regard to the pricing of their units.

MBZBY & MBZEY

Mr. George M. Raymond

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In view of the fact that it is the express policy of Old Bridge Township to require only a 10% set-aside, it is respectfully submitted that it would be an unfair burden to require Oakwood to provide a 15% set-aside.

We would like to have this considered by way of a supplement to your report and would be glad to have the opportunity to meet with you personally and further discuss this matter.

Very truly yours,

MEZEY & MEZEY

By

FREDERICK C. MEZEY

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Encs.

cc: Barbara Stark, Esq.
Jerome J. Convery, Esq.
Hon. Eugene D. Serpentelli