

Case management Order

- Keeps George Raymond as master
- Raymond to review application of Allan-Deane Corp, \$
fair share studies

Pg. 6

AD 00003⁷~~0~~Q

FILED NOV 3 1983
E. D. SERPENTELLI, J.S.C.

McCarter & English
550 Broad Street
Newark, New Jersey 07102
(201) 622-4444
Attorneys for Defendant,
Bedminster Township

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: SOMERSET COUNTY
DOCKET NOS. L-36896-70 P.W.
L-28061-71 P.W.

THE ALLAN-DEANE CORPORATION,
et al.,

:
Civil Action

Plaintiffs,

:
CASE MANAGEMENT ORDER

vs.

TOWNSHIP OF BEDMINSTER, et al.,

:
:
:

Defendants.

. :
. :
. :

OR
11/3/83

The Court and counsel for all parties having met pursuant to the court-requested status conference on October 6, 1983;

The Court and all counsel having considered the status of this proceeding after remand from the Appellate Division in light of Mt. Laurel II, 92 N.J. 561 (1983); and

The Court, after consultation with all counsel, believing that the provisions of this order are appropriate for the governance of all further proceedings herein; and good cause appearing

IT IS on this 3 day of Nov. , 1983

ORDERED:

A. George M. Raymond, appointed as a master and court expert pursuant to order of this Court dated February 22, 1980, be, and he hereby is, authorized and directed to continue to function as a court-appointed expert, pursuant to the terms of the said order dated February 22, 1980, the terms of which remain in full force and effect, as amended by order of this Court dated March 6, 1980 and March 20, 1981 and as supplemented by this Order. Mr. Raymond is hereafter referred to as "the Master".

B. The Master shall immediately proceed to review the application of the Allan-Deane Corporation/Hills Development Company, recently submitted to the Planning Board of the Township of Bedminster, which application proposes provisions with respect to the provision of low and moderate income housing units as a Mt. Laurel II compliance mechanism and report the results of his examination to this Court within 20 days from the date of this order. The Court wishes the Master to report on the question of whether the proposal by Allan-Deane Corporation/Hills Development Company complies with all the requirements placed upon a developer receiving the builders remedy and specific corporate relief under Mt. Laurel II. ~~and the requirements of Mt. Laurel II which ought to be placed upon all developers (including Allan-Deane) by an ordinance which complies with Mt. Laurel II~~

The Master is free to initiate contact with and confer with the parties, their counsel and experts in this litigation as may be necessary to enable him to adequately and fully review the said proposal, inform himself of the position of the parties with respect thereto, and expeditiously prepare his report.

C. Concurrently with the assignment set forth in paragraph B, the Master shall review the fairshare studies of the Township and the materials submitted to him by the parties (see paragraph D. below), the planning facts and circumstances relevant to Bedminster Township, the planning requirements of Mt. Laurel II, prior Court orders in this action entered after February 22, 1980, and such other information and material as he deems relevant, and shall report to the Court with respect to the definition of the appropriate region, the quantification of the regional need (prospective and present, as those terms are defined in Mt. Laurel II) for the region which the Master finds appropriate and relevant for Bedminster Township, and the fair share of that regional need which is appropriate to allocate to Bedminster Township, all in accordance with the dictates of Mt. Laurel II. The Master shall also determine whether the land development regulations of Bedminster Township, with the recent amendments proposed by the Township, make realistically possible Bedminster's fair share of low and moderate income housing as determined by the Master above, and in general, whether the planned development regulations of

Bedminster Township, as existing and proposed, comply with the requirements of Mt. Laurel II. The Master shall complete his review and report to the Court within 60 days of this order.

D. All parties to this action, and all parties to the action entitled "Dobbs v. Bedminster Township, Law Division, Somerset County, Docket No. L-12502-80," shall have the right to forward such written information and documents as they deem appropriate to the Master with respect to the Master's investigation and report requested in paragraph C above, with copies to all other counsel. The Master is free to initiate written, in person, or telephone contacts with counsel for and experts retained by the parties to this action and the parties to the Dobbs litigation in order to clarify written information submitted, ascertain positions on various factual determinations and issues, or ask whatever questions the Master deems relevant to his investigation and report requested in paragraph C hereof. Except as may be initiated by the Master as set forth above, the parties, their attorneys, and their experts shall initiate no telephone or in person contact with the Master without receiving prior approval (by telephone or in writing) from this Court. Copies of all correspondence and information submitted to the Master shall be furnished to all other parties (except for voluminous planning documents or transcripts, if any, as to which arrangements shall be made for prompt availability for inspection if they are not otherwise readily available).

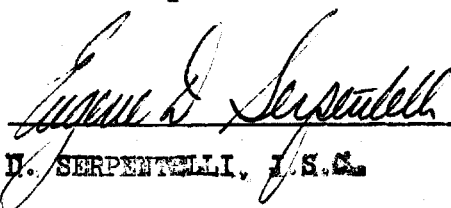
Allan-Deane/Hills Development

E. With respect to the ~~development~~ applications now pending before the Planning Board of the Township of Bedminster, the Planning Board shall have the option of either:

- (a) Proceeding to review the applications for Mayfields sections 8 and 9, ^{Fieldstone II,} and Stone Run II, under the limitation that not more than 50% of the market units for the Allan-Deane/Hills Development project (for which conceptual approval was received on April 15, 1981,) shall receive approval before the commencement of construction of the full appropriate set-aside share of the units designated to be low and moderate income units designed to comply with the requirements of Mt. Laurel II. For the purposes of this sub-paragraph, the Court is temporarily suspending the requirements of §13-805.3h of the Township Land Development Ordinance. This order shall not be construed as a waiver or release of the obligation of plaintiff Allen-Deane Corp. to construct low and moderate income housing as the result of ~~XXXX~~ prior orders in this litigation,

the decision in Mt. Laurel II, or future order of this Court in this case; or

(b) at its option, the Planning Board shall advise this Court and Allan-Deane Corporation/Hills Development Company immediately (and no later than October 13) that alternative (a) above is not feasible or cannot be implemented, and shall specify the reasons why.



E. H. SERPENTE, J.S.C. J.S.C.