

CA - Sayreville ^{Nov.} 20-~~Dec~~-74

Supporting Affidavit of Attorney
of the Borough of Sayreville.

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CA001869V

ALAN J. KARCHER, ESQ.
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Attorney for Defendants Mayor and Council
of the Borough of Sayreville

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY
DOCKET NO. C-4122-73

URBAN LEAGUE OF GREATER :
NEW BRUNSWICK, et al., :

Plaintiffs, :

vs. :

Civil Action

SUPPORTING AFFIDAVIT

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

Defendants. :

STATE OF NEW JERSEY:
: ss.
COUNTY OF MIDDLESEX:

E. EUGENE OROSS, of full age, being duly sworn according to
law, upon his oath deposes and says:

1. My office has been retained by the Borough of
Sayreville in connection with its Master Plan as well as its
Zoning Ordinance and Subdivision Ordinances and we have been so
engaged for a number of years.

2. The original PUD Ordinance (No. 1078A) was prepared by my office under my direct supervision and was in conformity with the Borough's "Master Plan" also prepared by this office.

3. When said Ordinance No. 1078A became the subject matter of litigation instituted by former Mayor Mary Kerr and two former Councilwomen, namely Florence Koval and Dorothy Carter, I or representatives of my staff conferred frequently with the members of the Planning Board and other officials of the Borough of Sayreville in an effort to meet any and all of the objections raised by the plaintiffs in attacking the original ordinance.

4. As a result thereof a new ordinance, namely Ordinance No. 1144, was prepared by me or by my staff under my direction and was duly adopted by the Governing Body of Sayreville on or about May 1, 1974.

5. It is my understanding that both of the aforesaid ordinances are now part of the litigation presently pending before Hon. David D. Furman and that same has not as yet been heard or adjudicated.

6. Both the Master Plan and the PUD Ordinances provided for very substantial if not drastic changes in attempting to forecast the Borough of Sayreville's housing needs and to provide for them on a basis which is economically sound and which in my judgment would do the most good for the Borough of Sayreville and its inhabitants by providing for the reclamation and use of over a thousand acres of lands which are presently mined out and other

marginal lands of little economic benefit to either Sayreville or Middlesex County or the region as a whole.

7. I am familiar with the new suit which has been instituted by Urban League of Greater New Brunswick,^{et al.,} against 23 municipalities in Middlesex County, including Sayreville, and note that only New Brunswick and Perth Amboy were omitted as defendants.

8. I also note that the reason for joining the other 23 defendants in one suit was projected upon the hypothesis that all of the other 23 municipalities involved "common questions of law and fact".

9. I have an intimate familiarity with the planning, zoning, subdivision and housing problems of most if not all of the remaining 22 municipalities in Middlesex County and based upon said personal knowledge it is my judgment that the facts covering the Borough of Sayreville and its planning, housing and subdivision ordinances are substantially and in fact drastically different from those in the remaining 22 municipalities.

10. It is my considered judgment that the Borough of Sayreville with its heavy industrialization presents unique factual situations which also differ greatly from the remaining 22 municipalities.

11. Based upon the foregoing it is my considered judgment that the case which the plaintiffs in said suit are attempting to make against Sayreville cannot be supported by "common questions of law and fact" but that Sayreville's problems require and

should receive the separate and independent consideration of the Court.

12. I make this Affidavit for the purpose of supporting Sayreville's Motion for a Severance from the other 22 municipalities and in order to enable Sayreville to have the merits of those claims from both a factual and a legal situation determined separately upon its own individual facts and legal problems.

E. Eugene Cross

E. Eugene Cross

Subscribed and sworn to
before me this 20th day
of November, 1974

[Signature]

[Signature]
Notary Public
State of New Jersey