

CA

Old Bridge

March 86

Certification of Roy EPPs : President
of Civic League of Greater New Brunswick.

pgs 3

CA002576V

RECEIVED

MAR 1986

JUDGE SERPENTELLI'S CHAMBERS

ERIC NEISSER, ESQ.
BARBARA STARK, ESQ.
Constitutional Litigation Clinic
Rutgers Law School
15 Washington Street
Newark, New Jersey 07102
201/648-5687
ATTORNEYS FOR THE CIVIC LEAGUE OF GREATER NEW BRUNSWICK

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY

EDWARD J. RONDINELLI and]
ALEXANDRIA RONDINELLI]
and DALERON ASSOCIATES,]
a New Jersey Partnership,]
Plaintiffs,]
vs.]
TOWNSHIP OF OLD BRIDGE, a]
Municipal Corporation,]
Defendant.]

Docket No. L-082456-85
Civil Action

CERTIFICATION OF ROY EPPS

Roy Epps, of full age, certifies as follows:

1. I am the President of the Civic League of Greater New Brunswick (the "Civic League"), formerly known as the Urban League of Greater New Brunswick, one of the named plaintiffs in the action entitled Urban League of Greater New Brunswick vs. The Mayor and Council of the Borough of Carteret, No. C 4122-73, Superior Court, Chancery Division (the "Urban League case". In this capacity, I am fully familiar with the facts and circumstances of this case. I submit this certification in support of the Civic League's Motion for Intervention and Transfer in the above captioned matter.
2. On January 24, 1986, the Honorable Eugene D. Serpentelli entered an Order and Judgment of Repose (Old Bridge) in connection with the Urban League case. A copy of that Order is attached as

Exhibit A. As the Court will note, Jerome J. Convery, Esq., attorney for the Township and Township Council of Old Bridge and Thomas Norman, Esq., attorney for the Old Bridge Planning Board, both consented to the form, substance and entry of that Order.

3. That Order set forth the manner in which the Township of Old Bridge was to satisfy its obligation to provide lower income housing pursuant to the New Jersey Supreme Court's Mount Laurel II decision. Paragraph 2(e) of that Order provides that:

2. These affordable housing units are intended to be provided as follows:

* * * *

(e) 40 units to be provided . . . in the Rondinelli development.

The property which is the subject of the instant matter includes the "Rondinelli development" referred to in this paragraph.

4. Paragraph 6(c)(1) of the attached Order provides in pertinent part:

The Township shall continue in force the amendments to the Land Use Development Ordinance, adopted on December 19, 1985 as Ordinance No. 55-85, and the Affordable Housing Ordinance, adopted on December 19, 1985 as "No. 54-85, requiring that all residential developments which have not received preliminary site plan approval as of December 19, 1985 shall provide 10% of the total number of units as lower income housing units...". (Emphasis added.)

It is undisputed that the Rondinelli development had not received preliminary site plan approval as of December 19, 1985. In fact, the Rondinelli development has not received such approval as of this date.

5. Accordingly, the Civic League submits that 10% of whatever number of residential units are built by plaintiffs should be lower income housing units pursuant to the cited Ordinance. Plaintiffs have advised us that they have no intention of designating 10% of their residential units for lower income occupants. As a practical matter,

disposition of this action may impair or impede the Civic League's ability to protect its interest in these units unless it is permitted to intervene. Specifically, rights may be vested in the developer making it difficult or impossible for us to obtain our lower income units. In addition, settlement between plaintiffs and the Township of Old Bridge may as a practical matter so limit the options for such lower income housing as to effectively preclude its construction.

6. Pursuant to the decision of the Supreme Court of New Jersey in So. Burlington County N.A.A.C.P. v. Mount Laurel Township, 92 N.J. 158 (1983), all Mount Laurel matters, including the Urban League case, have been transferred to specially designated judges. Judge Serpentelli was assigned the Urban League case. Moreover, paragraph 12 of the attached Order expressly provides that:

This Court shall retain jurisdiction over this case so as to assure the implementation of the proposed agreement and all other aspects of the compliance package.

Since the resolution of the instant case will directly affect housing units which are the subject of the Order and Judgment of Repose in the Urban League case, it is respectfully requested that this matter be transferred to Judge Serpentelli forthwith.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I may be subject to punishment.



C. Roy Epps

Dated: 2/28/86