

ML

Old Bridge
(Rondinelli)

14-May-1986

Defendant Old Bridge's Answer and
Counter-claim

pgs = 4

ML 000524A

SUPERIOR COURT OF N.J.
FILED

MAY 14 1986

R 17
JOHN M. MAYSON
CLERK

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, and
the CIVIC LEAGUE OF GREATER
NEW BRUNSWICK,

Defendants.

Docket No. L-082456-85

Civil Action

ANSWER AND COUNTERCLAIM

ANSWER

By way of answer to plaintiffs¹ Amended Complaint, defendant Civic League of Greater New Brunswick (the "Civic League") having its principal office at 47-49 Throop Avenue, New Brunswick, New Jersey, says?

FIRST COUNT

1. Defendant Civic League is **without** knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraphs 1 through 3 of the First Count of the Amended Complaint.

2. Defendant denies the allegations set forth in paragraph 4 of

the Amended' Complaint insofar as plaintiffs assert that its General Development Plan is in accordance with the Land Development Ordinance, Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 4,

Wherefore, defendant Civic League demands dismissal of the First Count of plaintiffs¹ Amended Complaint.

SECOND COUNT

1* Defendant Civic League repeats and realleges its answers to Paragraph 1 through 21 of the First Count as if fully set forth herein.

2. Defendant Civic League is without knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraphs of the Second Count of the Amended Complaint.

Wherefore, defendant Civic League demands dismissal of the Second Count of plaintiffs' Amended Complaint.

COUNTERCLAIM]

By way of counterclaim, defendant counter claimant Civic League says:

1. The Civic League, formerly the Urban League[^] is one of the named plaintiff^s 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"!!).

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 to the

Certification of Roy Epps, submitted herewith, as Exhibit A. 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 sets forth the manner in which the Township of Old Bridge is 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 plaintiffs¹ Amended Complaint includes the "Rondinelli development" referred to in this paragraph.

4. Paragraph 6(c)(1) of the January 24, 1986 Order provides in pertinent part:

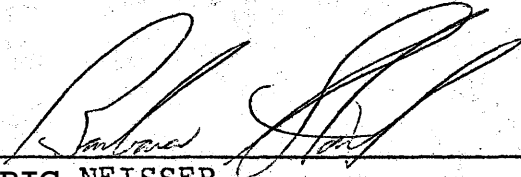
The Township shall continue in force the amendments to the Land Use Development Ordinance, adopted on December 19, 1985 as Ordinance No. 55-85, and the Affordable Housing Ordinance, adopted on December 19, 1985 as No. 54-85, requiring that all residential developments which have not received preliminary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

It is undisputed that the P Rondinelli development had not received preliminary site: plan approval as of December 19, 1985.

5. Plaintiffs have failed to comply with the amendments to Ordinance Nos. 55-85 and 54-85 and have failed to comply with the Order dated January 24, 1986 in that plaintiffs have not provided 10% of their total number of residential units as lower income units.

Wherefore, defendant counter claimant Civic League demands Judgment requiring plaintiffs to comply with the Old Bridge Land Development Ordinance as amended on December 19, 1985 by providing 10% of its total number of residential units as lower income housing units.

Dated: May. 12, 1986


ERIC NEISSER
BARBARA STARK
Attorneys for the Civic League