

MLA - Cranbury

4/3/85

Aff. clavit of Sean A. Gaver in support of
motion for leave to intervene or in the
alternative to appear as amicus

Case (O+Y Old Bridge Development
Case)

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JUDGE JOHN J. HANCOCK

HANNOCH, WEISMAN, STERN, BESSER, BERKOWITZ & KINNEY

A PROFESSIONAL CORPORATION

4 BECKER FARM ROAD

ROSELAND, NEW JERSEY 07068

(201) 621-8800

ATTORNEYS FOR Applicant O & Y Old Bridge Development Corporation

SUPREME COURT OF NEW JERSEY
DOCKET NO. 23830

TOWNSHIP OF CRANBURY,

:

Petitioner,

:

Civil Action

URBAN LEAGUE OF GREATER
NEW BRUNSWICK, GARFIELD &
COMPANY, CRANBURY LAND
COMPANY, LAWRENCE ZIRINSKY,
and TOLL BROTHERS, INC.,

:

AFFIDAVIT OF DEAN A. GAVER
IN SUPPORT OF MOTION FOR
LEAVE TO INTERVENE OR IN
THE ALTERNATIVE TO APPEAR
AS AMICUS CURIAE

:

Respondents.

:

STATE OF NEW JERSEY)

. ss:

COUNTY OF ESSEX)

DEAN A. GAVER, of full age, according to law, upon his
oath, deposes and says:

1. The undersigned are co-counsel for the plaintiff in
an action entitled "O & Y Old Bridge Development Corporation v.
The Township of Old Bridge, et al." (Docket No. L-009837-84), a
Mount Laurel II action pending before the Honorable Eugene

Serpentelli. (Complaint and Amendment to Complaint is annexed hereto.) This action follows on the heels of a prior action, "O & Y Old Bridge Development Corp. v. The Township of Old Bridge, et al." (Law Division, Middlesex County) (Docket No. L-32516-80), brought under then-controlling exclusionary zoning principles. The currently pending action is also a companion case to, and is consolidated with, an action entitled "Urban League of Greater New Brunswick v. The Township of Carteret, et al.," (Docket No. C-4122-73).

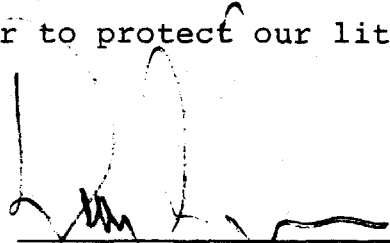
2. We understand that the Township of Old Bridge, purporting to appear as amicus curiae in the matter now before this Court, has asked for a stay of all Mount Laurel proceedings now pending and has, further, requested a "reconsideration" of the Mount Laurel II decision.

3. Despite the fact that such a request, if entertained, would directly impair the litigation rights of plaintiff O & Y Old Bridge Development Corporation as against the Township of Old Bridge, we have neither been served nor purportedly joined in any way in the Supreme Court matter.

4. Reviewing the amicus papers, we find no factual rendition of the actual litigative posture of the trial court actions nor any attempt to provide this Court with a full procedural background of long litigative history of this municipality

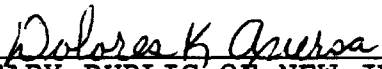
in the exclusionary zoning area. While time does not permit a full recounting of zoning actions against Old Bridge, it is sufficient to say that this community has been a defendant in exclusionary zoning actions, more or less continuously, since 1970. Yet, despite the fact that several adverse judgments have been entered as against the Township of Old Bridge over the years, there has been, to our knowledge, no Mount Laurel housing constructed therein to date as a result of such decisions.

5. As a party-litigant, O & Y Old Bridge Development Corporation now urgently requests leave to participate in the matter now pending before this Court, either as a party-intervenor or as an amicus curiae, in order to permit this Court to be made aware of the full factual and legal circumstances underlying these complex proceedings and in order to protect our litigative rights.



DEAN A. GAVER

Sworn to and subscribed
before me this 3rd day
of April, 1985.



NOTARY PUBLIC OF NEW JERSEY
DOLORES K. AVERSA
A NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES 3/2/86