

Attorney's Fees

5-7-89

Gerickont v. Piscataway

- Amended Complaint (In Lieu of Pre. writ)

pgs. 4

AF 000616 C

*Filed - 1-1-84
Judge Serpentelli
by RCH*

Original

L-032501-04 PW

RECEIVED

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JUDGE SERPENTELLI'S CHAMBERS

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Attorneys for Plaintiffs

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY/OCEAN COUNTY
DOCKET NO.

JOSEPH GERICKONT and :
GEORGE GERICKONT, :

Plaintiffs, :

vs. :

PISCATAWAY TOWNSHIP, a :
Municipal Corporation of :
the State of New Jersey, :
located in Middlesex County, :
New Jersey, :

Defendant. :

Civil Action
AMENDED
COMPLAINT IN LIEU OF
PREROGATIVE WRITS
(PURSUANT TO MOUNT
LAUREL II)

Plaintiffs, by way of Complaint against the defendant,

say:

FIRST COUNT

1. The Plaintiffs, Joseph Gerickont and George Gerickont, reside at 157 Morris Avenue, in the Township of Piscataway, County of Middlesex, and State of New Jersey. They are the owners of certain real property (the Gerickont property)

PP 5, 8, 10 ->

(d) Formulating a "builder's remedy", directing the Township to re-zone plaintiffs' property to permit 12 to 16 units per acre or such other average gross density, consistent with principles of sound planning, sufficient to provide a reasonable return to the plaintiffs and to assure feasibility of construction of a substantial amount of low and moderate income housing;

(e) In the alternative, if it is determined that the Mount Laurel obligation cannot otherwise be satisfied, then directing the court appointed master to assist in developing zoning and land use regulations which provide a realistic opportunity for the construction of least cost housing in the Township generally, and on plaintiffs' property, specifically;

(f) For such other relief as the Court shall deem just and proper under the circumstances;

(g) For attorney's fees and costs of suit.

SECOND COUNT

1. Plaintiffs repeat the allegations of the First Count, and incorporate them herein.

2. Under the State Development Guide Plan (SDGP) the Township is located in the Growth Area.

3. The defendant Township, being located in a Growth Area, has failed to satisfy its constitutional obligation to provide its fair share of the region's present and prospective need for low and moderate income housing. More specifically, the defendant has failed to determine and approve a number

(g) For attorneys' fees and costs of suit.

THIRD COUNT

1. Plaintiffs repeat the allegations of the First and Second Counts as though more fully set forth herein.

2. The Constitution of the State of New Jersey requires every municipality to provide by its land use regulations, a realistic opportunity for decent housing for its indigenous poor.

3. The defendant, through its zoning ordinance and land use regulations, has failed to provide a realistic opportunity for decent housing for its indigenous poor. Such local housing needs are represented by:

a. 401 units without adequate plumbing or heat and units which are overcrowded;

b. numerous lower income households paying an inappropriate amount of their income for shelter costs; and

c. a need for lower income housing generated by local employment.

4. The defendant Township, in addition to its obligation to provide for its own indigenous needs, it is required to provide its fair share of reallocated excess present need and prospective need. The defendant's fair share of reallocated excess present need is 672 units of low and moderate income housing, and defendant's fair share of prospective need is 3,066 units.

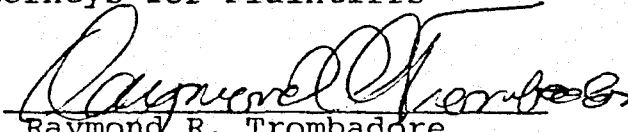
zoning and land use regulations which provide a realistic opportunity for the construction of least cost housing in the Township generally, and on plaintiffs' property specifically;

(f) For such other relief as the Court shall deem just and proper under the circumstances;

(g) For attorneys' fees and costs of suit.

DATED: May 7, 1984

RAYMOND R. & ANN W. TROMBADORE
A Professional Corporation
Attorneys for Plaintiffs

By: 
Raymond R. Trombadore
A Member of the Firm