

Attorney's Fees

5-31-84

Monis v. Cranberry

- Amended Complaint (In Lieu of Pro. Writ)

Pgs. 3

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 Attorneys for Plaintiffs,
 Joseph and Robert Morris

SUPERIOR COURT OF NEW JERSEY
 Law Division-Middlesex County
 Docket No. L-54117-83 P.W.
 Consolidated with:

C-4122-73
 L-55956-83 P.W.
 L-59643-83 P.W.
 L-58046-83 P.W.
 L-70841-83 P.W.
 L-79309-83 P.W.
 L-5652-84 P.W.

JOSEPH MORRIS and)
 ROBERT MORRIS,)
)
 Plaintiffs,)
 vs.)
)
 TOWNSHIP OF CRANBURY)
 IN THE COUNTY OF MIDDLESEX,)
 a municipal corporation of)
 State of New Jersey)
)
 Defendant.)

(Mount Laurel)
 Assigned to the Honorable
 Eugene D. Serpentelli, J.S.C.
 by Order of the New Jersey
 Supreme Court

Civil Action

AMENDED COMPLAINT
 (In Lieu of
 Prerogative Writs)

The plaintiffs, Joseph Morris and Robert Morris, c/o 535 Secaucus Road, in the Town of Secaucus, County of Hudson, and State of New Jersey, by way of complaint, say:

COUNT ONE

1) The plaintiffs are the contract optionees of contiguous premises containing approximately 101 acres located in the Township of Cranbury, County of Middlesex, and State of New

assure that the new Ordinance conforms with the mandates of the Court in Mount Laurel II;

D) Granting to the Plaintiffs a builder's remedy including all of the necessary local approvals, including, but not limited to, higher density development, site plan, subdivision and building permit approvals so as to construct the aforesaid development; and

E) Costs of this lawsuit.

COUNT TWO

1) Plaintiffs repeat the allegations of Count One as if set forth herein.

2) The Defendant Township is a municipal corporation located in Middlesex County, which is charged with the obligation of adopting a Land Use Ordinance governing inter alia the use of the land in the Township.

3) In 1976, the Superior Court, Chancery Division, invalidated the then zoning ordinance of Defendant Township of Cranbury, since that ordinance precluded Cranbury from assuming its fair share of low and moderate income housing within its housing region, Urban League of New Brunswick, et al. v. Mayor and Council of Carteret, et al., 142 N.J. Super 11 (Ch. Div. 1976).

4) On January 20, 1983, the New Jersey Supreme Court issued its decision in Southern Burlington County NAACP, et al. v. Tp. of Mt. Laurel, et al., 92 N.J. 158 (1983) (hereinafter referred to as "Mount Laurel II").

5) In Mount Laurel II, the Supreme Court explicitly affirmed the holding of the Chancery Division in Urban League of Greater New Brunswick, et al. v. Carteret, et al., that Cranbury's Zoning Ordinance was exclusionary, in violation of New Jersey's Constitution.

WHEREFORE, the Plaintiff demands judgment as follows:

A) Declaring the Land Use Plan of the Township of Cranbury to be violative of the New Jersey Constitution;

B) Declaring the Land Development Ordinance of the Township of Cranbury to be unconstitutional as violating the mandate of Mount Laurel II to provide for a realistic opportunity for the construction of low and moderate income housing to meet both local and regional housing needs;

C) Enjoining the enforcement of the Land Development Ordinance by the Township;

D) Appointing a Master to supervise the revision of the Land Development Ordinance of the Township of Cranbury so as to assure that the new Ordinance conforms with the mandates of the Court in Mount Laurel II.;

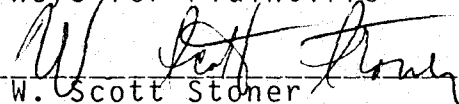
E) Granting to the plaintiff a builder's remedy, including all of the necessary local approvals, including, but not limited to, higher density development, site plan, subdivision and building permit approvals so as to construct the aforesaid development;

F) Granting to the Plaintiffs costs of suit and counsel fees; and

G) For such other relief as this Court deems fitting and proper.

MCCARTHY AND SCHATZMAN, P.A.
Attorneys for Plaintiffs

By:


W. Scott Stoner

May 31, 1984