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Complaint in lieu of
prerogative writ

-w/ cert

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2. The defendant, Township of Warren, is a "developing community" as defined by the New Jersey Supreme Court in So. Burlington County, N.A.A.C.P. v. Township of Mount Laurel, 67 N.J. 151 (1975).

3. On January 25, 1979, the Township of Warren adopted a comprehensive zoning ordinance, being Ordinance 79-3.

4. The lands of the plaintiff are capable of being developed for residential use and plaintiff proposes to utilize said lands for the construction and sale of approximately 1500 townhouse units, which land use is contrary to the applicable zoning laws of the defendant.

5. The present zoning ordinance of the Township of Warren (Ordinance 79-3) contains no provision or regulations which make possible the opportunity for an appropriate variety and choice of housing for all categories of people who may desire to live within the Township.

6. The present zoning ordinance of the Township of Warren (Ordinance 79-3) operates in fact to preclude the opportunity to supply any substantial amounts of least cost housing or new housing for low and moderate income households now and prospectively needed in the Township of Warren and in the appropriate region of which it forms a part.

7. As a direct and proximate result of the aforesaid deficiencies in the current zoning ordinance of the Township of

Warren, insofar as it relates to land use for residential purposes, the said ordinance is illegal and invalid as being exclusionary zoning and contrary to the provisions of Article I, paragraph 1 of the Constitution of the State of New Jersey.

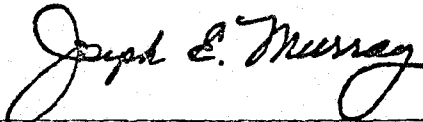
WHEREFORE, plaintiff demands judgment:

A. Setting aside the current zoning ordinance of Warren Township, Somerset County, New Jersey, insofar as the same seeks to regulate land usage for residential development.

B. Compelling the defendant, Warren Township, to determine and provide its fair share of housing distribution for the region of which it is a part and to implement the same by appropriate amendments to its zoning ordinance.

McDONOUGH, MURRAY & KORN
Attorneys for Plaintiff

BY:



JOSEPH E. MURRAY

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Attorneys for Plaintiff

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - SOMERSET COUNTY
DOCKET NO. L-23277-80

A.M.G. REALTY COMPANY, a Partner-:
ship organized under the laws of :
the State of New Jersey, :

Plaintiff, :

-vs- :

THE TOWNSHIP OF WARREN, a :
Municipal corporation of the :
State of New Jersey. :

Defendant. :

Civil Action

CERTIFICATICION

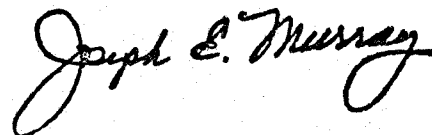
I, Joseph E. Murray by way of certification in lieu of
affidavit, say:

1. I am an Attorney at Law of New Jersey and a member of
the firm of McDonough, Murray & Korn, P.A. attorneys for the
Plaintiff in the above matter and Sky Top Land Corp., the
proposed intervenor.

2. Skytop Land Corp has an interest relating to the complaint filed in this matter which seeks a review of the validity of the residential zoning of Warren Township, New Jersey. Skytop Land Corp. is the owner of approximately 214 acres of land currently known as Lot 10 in Block 125 as set forth on the Tax map of Warren Township, New Jersey. These lands are currently zoned for single family use with one and one-half (1 1/2) acre minimum lot size.

3. There are common or identical questions of fact and law existent in both the A.M.G. Realty Corporation Company suit and the proposed Skytop Land Corp. suit. The proposed intervention of Skytop Land Corp. would enable both matters to proceed in a manner which will save both expense to the parties as well as time and expense to the Court system of New Jersey. Intervention at this time will eliminate the probable subsequent consolidation of those actions.

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



JOSEPH E. MURRAY

DATED: