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Attorneys for Intervenor,
ILM Center Associates LP

IMO THE APPLICATION OF THE TOWNSHIP
OF MOORESTOWN,

Plaintiff/Petitioner.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
BURLINGTON COUNTY

DOCKET NO. BUR-L-1604-15
(Mount Laurel)

Civil Action

ANSWER

Intervenor, ILM Center Associates LP (“Intervenor”), a New Jersey Limited Partnership, maintaining its principal office at 200 W. Camden Avenue, Moorestown, New Jersey, by way of its Answer to the Complaint for Declaratory Relief Pursuant to the Mount Laurel Doctrine (“Defendant”) says that:

BACKGROUND

1. Denied. The allegations in this paragraph are conclusions of law to which no reply is required.
2. Denied. The allegations in this paragraph are conclusions of law to which no reply is required. To the extent that the allegations are factual, Plaintiff does not have sufficient knowledge as to the truth of the allegations contained in this paragraph and leaves Defendants to their proofs.

3. Denied. The allegations in this paragraph are conclusions of law to which no reply is required. To the extent that the allegations are factual, Plaintiff does not have sufficient knowledge as to the truth of the allegations contained in this paragraph and leaves Defendants to their proofs.

4. Denied. Plaintiff does not have sufficient knowledge as to the truth of the allegations contained in this paragraph and leaves Defendants to their proofs.

5. Denied. Plaintiff does not have sufficient knowledge as to the truth of the allegations contained in this paragraph and leaves Defendants to their proofs.

6. Denied. Plaintiff does not have sufficient knowledge as to the truth of the allegations contained in this paragraph and leaves Defendants to their proofs.

7. Denied. Plaintiff does not have sufficient knowledge as to the truth of the allegations contained in this paragraph and leaves Defendants to their proofs.

8. Denied. The allegations in this paragraph are conclusions of law to which no reply is required. To the extent that the allegations are factual, Plaintiff does not have sufficient knowledge as to the truth of the allegations contained in this paragraph and leaves Defendants to their proofs.

9. Denied. Plaintiff does not have sufficient knowledge as to the truth of the allegations contained in this paragraph and leaves Defendants to their proofs.

10. Denied. Plaintiff does not have sufficient knowledge as to the truth of the allegations contained in this paragraph and leaves Defendants to their proofs.

11. Denied. The allegations in this paragraph are conclusions of law to which no reply is required. To the extent that the allegations are factual, Plaintiff does not have sufficient knowledge as to the truth of the allegations contained in this paragraph and leaves Defendants to their proofs.

12. Denied. Plaintiff does not have sufficient knowledge as to the truth of the allegations contained in this paragraph and leaves Defendants to their proofs.

13. Denied. Plaintiff does not have sufficient knowledge as to the truth of the allegations contained in this paragraph and leaves Defendants to their proofs.

14. Denied. Plaintiff does not have sufficient knowledge as to the truth of the allegations contained in this paragraph and leaves Defendants to their proofs.

15. Denied. The allegations in this paragraph are conclusions of law to which no reply is required.

16. Denied. Plaintiff does not have sufficient knowledge as to the truth of the allegations contained in this paragraph and leaves Defendants to their proofs.

17. Denied. Plaintiff does not have sufficient knowledge as to the truth of the allegations contained in this paragraph and leaves Defendants to their proofs.

18. Denied. The allegations in this paragraph are conclusions of law to which no reply is required. To the extent that the allegations are factual, Plaintiff does not have sufficient knowledge as to the truth of the allegations contained in this paragraph and leaves Defendants to their proofs.

19. Denied. The allegations in this paragraph are conclusions of law to which no reply is required.

20. Denied. The allegations in this paragraph are conclusions of law to which no reply is required.

21. Denied. Plaintiff does not have sufficient knowledge as to the truth of the allegations contained in this paragraph and leaves Defendants to their proofs.

22. Denied. The allegations in this paragraph are conclusions of law to which no reply is required. To the extent that the allegations are factual, Plaintiff does not have sufficient knowledge as to the truth of the allegations contained in this paragraph and leaves Defendants to their proofs.

23. Denied. Plaintiff does not have sufficient knowledge as to the truth of the allegations contained in this paragraph and leaves Defendants to their proofs.

JUDICIAL DECISIONS AND SUBSEQUENT COAH ACTIONS

24. Denied. The allegations in this paragraph are conclusions of law to which no reply is required.

25. Denied. Plaintiff does not have sufficient knowledge as to the truth of the allegations contained in this paragraph and leaves Defendants to their proofs.

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65. Denied. The allegations in this paragraph are conclusions of law to which no reply is required. To the extent that the allegations are factual, Plaintiff does not have sufficient knowledge as to the truth of the allegations contained in this paragraph and leaves Defendants to their proofs.

DETERMINATION OF FAIR SHARE NUMBERS

66. Denied. The allegations in this paragraph are conclusions of law to which no reply is required. To the extent that the allegations are factual, Plaintiff does not have sufficient knowledge as to the truth of the allegations contained in this paragraph and leaves Defendants to their proofs.

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70. Plaintiff does not have sufficient knowledge as to the truth of the allegations contained in this paragraph and leaves Defendants to their proofs.

IMMUNITY DOCTRINE

71. Denied. The allegations in this paragraph are conclusions of law to which no reply is required.

72. Denied. The allegations in this paragraph are conclusions of law to which no reply is required.

73. Denied. The allegations in this paragraph are conclusions of law to which no reply is required.

74. Denied. The allegations in this paragraph are conclusions of law to which no reply is required.

75. Denied. The allegations in this paragraph are conclusions of law to which no reply is required.

CLAIM FOR RELIEF

76. Intervenor repeats and realleges all prior facts and allegations of this Answer as if set forth fully herein.

77. Denied. Plaintiff does not have sufficient knowledge as to the truth of the allegations contained in this paragraph and leaves Defendants to their proofs.

78. Denied. Plaintiff does not have sufficient knowledge as to the truth of the allegations contained in this paragraph and leaves Defendants to their proofs.

79. Denied. Plaintiff does not have sufficient knowledge as to the truth of the allegations contained in this paragraph and leaves Defendants to their proofs.

80. Denied. The allegations in this paragraph are conclusions of law to which no reply is required. To the extent that the allegations are factual, Plaintiff does not have sufficient knowledge as to the truth of the allegations contained in this paragraph and leaves Defendants to their proofs.

WHEREFORE, Intervenor demand the following relief,

(A) DENYING all relief sought by the Township of Moorestown in its Complaint.

(B) DECLARING that the Township of Moorestown is in violation of its constitutional duty to create a sufficient realistic opportunity for the construction of safe, decent housing affordable to low and moderate income families to satisfy the Township's fair share of the unmet regional need for such housing.

(C) DECLARING that the Township of Moorestown's HEFSP, Spending Plan and land use ordinances are unconstitutional and unlawful.

(D) DECLARING that the Township of Moorestown has a present need of 40 units.

(E) DECLARING that the Township of Moorestown has a Prior Round Fair Share Obligation of 621 units.

(F) DECLARING that the Township of Moorestown has a Third Round Fair Share Obligation of 1000 units;

(G) ORDERING the Township of Moorestown to rezone sites for inclusionary development in or other ways that would result in the construction of the Township's fair share of housing affordable to, and reserved for, low and moderate income households.

(H) ORDERING the Township of Moorestown to submit to the Court, within the time period to be set by the Court, a HEFSP and land use ordinances that will bring the Township of Moorestown into compliance with the Mount Laurel Doctrine.

(I) APPOINTING a special master who shall serve, at the expense of the Township of Moorestown as required by Mount Laurel II.

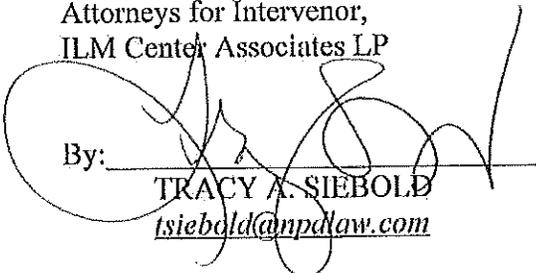
(J) DENYING the Township of Moorestown's request for immunity from exclusionary zoning lawsuits, including builders remedy lawsuits.

(K) ORDERING the reservation of all land, water and/or sewer necessary to accommodate for the provision of the Township's fair share of housing affordable to, and reserved for, low and moderate income households.

(L) AWARDING attorneys' fees, costs of litigation, court costs and interest.

(M) ORDERING Intervenor such other relief as the court deems just and equitable.

NEHMAD PERILLO & DAVIS, P.C.
Attorneys for Intervenor,
ILM Center Associates LP

By: 

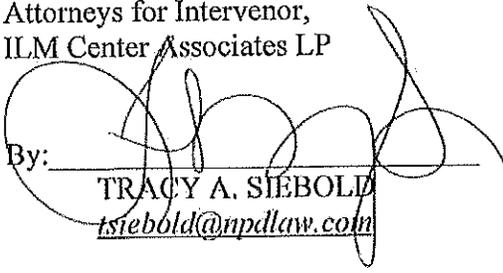
TRACY A. SIEBOLD
tsiebold@npdlaw.com

DATED: May 5, 2016

DESIGNATION OF TRIAL COUNSEL

Tracy A. Siebold, Esquire is hereby designated as trial counsel for Intervenor, ILM Center Associates LP pursuant to New Jersey Court Rule 4:25-2.

NEHMAD PERILLO & DAVIS, P.C.
Attorneys for Intervenor,
ILM Center Associates LP

By: 

TRACY A. SIEBOLD
tsiebold@npdlaw.com

DATED: May 5, 2016

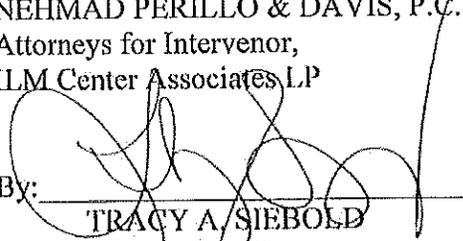
CERTIFICATION PURSUANT TO R. 4:5-1

I hereby certify, pursuant to New Jersey Court Rule 4:5-1 that to the best of my knowledge, that the matter in controversy is not the subject of any other action pending in any Court or the subject of any pending Arbitration proceeding. I understand that I have a continuing obligation during the course of litigation to file and serve on all parties and with the Court an amended Certification if there is a change in the facts stated above. I further understand that I am under a continuing duty to disclose the names of any other parties who should be joined in this action, that the Court may compel the joinder of additional parties in appropriate circumstances, either upon its own motion or that of the party.

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

NEHMAD PERILLO & DAVIS, P.C.
Attorneys for Intervenor,
ILM Center Associates LP

By:


TRACY A. SIEBOLD
tsiebold@njllaw.com

DATED: May 5, 2016