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Laurel Creek, L.P.

IN THE MATTER OF THE APPLICATION OF THE TOWNSHIP OF MOORESTOWN, COUNTY OF BURLINGTON,	SUPERIOR COURT OF NEW JERSEY BURLINGTON COUNTY LAW DIVISION DOCKET NO. L-1604-15 <u>CIVIL ACTION</u> MOUNT LAUREL ANSWER OF LAUREL CREEK, L.P.
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Defendant-Intervenor, Laurel Creek, L.P. ("Laurel Creek"), with a principal place of business located at 250 Gibraltar Road, Horsham, PA 19044, is the owner of property within the Township of Moorestown ("Township" or "Moorestown") which is identified on the tax maps of the Township as Block 8801, Lots 4.02 and 4.03. By way of Answer to the Township's Complaint in this matter, Laurel Creek says that:

BACKGROUND

1. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, the referenced opinion is in writing and speaks for itself.

2. Laurel Creek is without information sufficient to form a belief as to the allegations set forth in this paragraph, and the Township is therefore left to its proofs.

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7. Laurel Creek is without information sufficient to form a belief as to the allegations set forth in this paragraph, and the Township is therefore left to its proofs.

8. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, the referenced regulations are in writing and speak for themselves.

9. Laurel Creek is without information sufficient to form a belief as to the allegations set forth in this paragraph, and the Township is therefore left to its proofs.

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18. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, the referenced regulations are in writing and speak for themselves.

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JUDICIAL DECISIONS AND SUBSEQUENT COAH ACTIONS

24. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, the referenced opinion is in writing and speaks for itself.

25. Laurel Creek is without information sufficient to form a belief as to the allegations set forth in this paragraph, and the Township is therefore left to its proofs.

26. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, the referenced regulations are in writing and speak for themselves.

27. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, the referenced legislation is in writing and speak for themselves.

28. Laurel Creek is without information sufficient to form a belief as to the allegations set forth in this paragraph, and the Township is therefore left to its proofs.

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31. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, the referenced opinion is in writing and speaks for itself.

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36. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, the referenced opinion is in writing and speaks for itself.

37. Laurel Creek is without information sufficient to form a belief as to the allegations set forth in this paragraph, and the Township is therefore left to its proofs.

38. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, the referenced Executive Order is in writing and speak for itself.

39. Laurel Creek is without information sufficient to form a belief as to the allegations set forth in this paragraph, and the Township is therefore left to its proofs.

40. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, the referenced Executive Order is in writing and speak for itself.

41. Laurel Creek is without information sufficient to form a belief as to the allegations set forth in this paragraph, and the Township is therefore left to its proofs.

42. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, the referenced Reorganization Plan No. 001-2011 is in writing and speak for itself.

43. Laurel Creek is without information sufficient to form a belief as to the allegations set forth in this paragraph, and the Township is therefore left to its proofs.

44. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, the referenced opinions are in writing and speaks for themselves.

45. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, the referenced opinion is in writing and speaks for itself.

46. Laurel Creek is without information sufficient to form a belief as to the allegations set forth in this paragraph, and the Township is therefore left to its proofs.

47. Admitted.

48. It is admitted that the Fair Share Housing Center filed a motion in aid of litigant's rights in November 2014. As to the remaining allegations in this paragraph, the Township states a legal conclusion to which no response is required. To

the extent a response is required, the referenced opinion is in writing and speaks for itself.

49. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, the referenced opinion is in writing and speaks for itself.

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52. Laurel Creek is without information sufficient to form a belief as to the allegations set forth in this paragraph, and the Township is therefore left to its proofs.

53. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, the referenced regulations are in writing and speak for themselves.

54. Admitted.

55. Laurel Creek is without information sufficient to form a belief as to the allegations set forth in this paragraph, and the Township is therefore left to its proofs.

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DETERMINATION OF FAIR SHARE NUMBERS

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70. Laurel Creek is without information sufficient to form a belief as to the allegations set forth in this paragraph, and the Township is therefore left to its proofs.

IMMUNITY DOCTRINE

71. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, the referenced statute is in writing and speaks for itself.

72. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, the referenced statutes are in writing and speak for themselves.

73. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, the referenced opinion is in writing and speaks for itself.

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75. This paragraph states a legal conclusion to which no response is required. To the extent a response is required, the referenced opinion is in writing and speaks for itself.

CLAIM FOR RELIEF

76. Laurel Creek repeats all prior responses as if each is set forth at length herein.

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80. Laurel Creek is without information sufficient to form a belief as to the allegations set forth in this paragraph, and the Township is therefore left to its proofs.

WHEREFORE, Laurel Creek respectfully requests that the Court grant the following relief:

a. DENYING all relief sought by the Township in its Complaint;

b. DECLARING that the Township is in violation of its constitutional duty to create sufficient realistic opportunities 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. ORDERING the Township to submit to the Court, within a time period to be set by the Court, a compliance plan and zoning ordinances that will bring the Township into compliance with the requirements of the Constitution;

d. APPOINTING a Special Master, at the expense of the Township, to oversee the implementation of the foregoing remedies; and

e. ORDERING such additional relief as the Court deems just and equitable.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Moorestown has not filed what is required by March 10, 2015 Decision to receive an award of immunity, and that request should be denied. Moorestown does not concede it is not in compliance with its Mount Laurel obligations, does not propose any fair share obligations it is required to meet, does not propose any procedures to establish such fair share obligations, and does not propose even the framework of any plan to meet its fair share obligations.

SECOND AFFIRMATIVE DEFENSE

Because Moorestown utterly fails to propose any fair share obligations, or even propose any procedures to have such obligations established by this court, this Court should adopt expedited procedures, as proposed in Laurel Creek's motion seeking intervention and related relief, guided by the principle that fair share obligations must be established at the earliest possible opportunity so that Moorestown may meet the five-month (maximum) deadline set forth in the March 10, 2015 Decision for the filing of a housing element and fair share plan addressing Moorestown's full fair share obligations.

BISGAIER HOFF, LLC
Attorneys for
Intervenor/Defendant,
Laurel Creek, L.P.

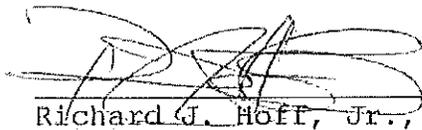

Richard J. Hoff, Jr., Esq.

Dated: September 23, 2015

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Richard J. Hoff, Jr., Esquire, is hereby designated as trial counsel on behalf of Attorneys for Defendant-Intervenor, Laurel Creek, L.P.

BISGAIER HOFF, LLC
Attorneys for
Intervenor/Defendant,
Laurel Creek, L.P.


Richard J. Hoff, Jr., Esq.

Dated: September 23, 2015

RULE 4:5-1 CERTIFICATION

I hereby certify that the subject matter of the within controversy does not form the basis of any other action presently pending in any court or arbitration proceeding to the best of my knowledge, information and belief and that no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this pleading, we know of no

other parties that should be joined in this action at the present time.

BISGAIER HOFF, LLC
Attorneys for
Intervenor/Defendant,
Laurel Creek, L.P.



Richard J. Hoff, Jr., Esq.

Dated: September 23, 2015