

CA - Edison

9/10/74

coverletter

answer on behalf of  $\Delta$ /twp

p.i. 1230

pg 6

CA 00 1311A



# Township of Edison

Middlesex County, New Jersey 08817

September 10, 1974

Clerk of the Superior Court  
Trenton, New Jersey 08625

Re: Urban League of Greater New  
Brunswick, et al vs. Mayor and  
Council of Carteret, et al.  
Docket No. C - 4122-73

Dear Sir:

Enclosed herewith please find an original and  
two copies of Answer on behalf of Defendant, Township  
of Edison.

Kindly file same in the cause.

I have forwarded copies of said Answer to  
all parties.

Very truly yours,

Roland A. Winter

RAW/flf

encl.

cc: See attached distribution list.

Baumgart & Ben-Asher, Esqs.  
Edward J. Johnson, Esq.  
Martin A. Spritzer, Esq.  
Bertram E. Busch, Esq.  
Guido Brigiani, Esq.  
Andre W. Gruber, Esq.  
Joseph Burns, Esq.  
John J. Vail, Esq.  
Samuel C. Inglese, Esq.  
J. Schuyler Huff, Esq.  
Arthur Burgess, Esq.  
Alan Karcher, Esq.  
Sandord E. Chernin, Esq.  
Edward J. Dolan, Esq.  
Louis Alfonso, Esq.  
Richard F. Plechner, Esq.  
Lawrence Lerner, Esq.  
Charles Booream, Esq.  
Henry Handelman, Esq.  
Robert C. Rafano, Esq.  
Roy M. Oake, Esq.  
Joseph L. Stonaker, Esq.

ROLAND A. WINTER, ESQ.  
Attorney for Defendant, Township of Edison  
940 Amboy Avenue, Edison, N.J. 08817 - 201-738-1300

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION: MIDDLESEX COUNTY  
DOCKET NO. C - 4122-73

URBAN LEAGUE OF GREATER NEW )  
BRUNSWICK, a non-profit corporation )  
of the State of New Jersey, et al., )

Plaintiffs, )

vs. )

THE MAYOR AND COUNCIL OF THE )  
BOROUGH OF CARTERET, et al., )

Defendants. )

Civil Action

ANSWER ON BEHALF OF DEFENDANT  
TOWNSHIP OF EDISON

Defendant, Township of Edison, in the County of Middlesex,  
a municipal corporation of the State of New Jersey, by way of  
answer to the plaintiffs' complaint, says:

1. Each and every allegation or averment that applies to  
the Defendant, Township of Edison is denied.

2. As to those allegations which allege and aver facts  
relating to the status of the plaintiffs and to zoning laws  
and the various types of development within municipalities other  
than Edison, this defendant lacks sufficient knowledge to enable  
it to form a belief as to the veracity thereof.

#### FIRST SEPARATE DEFENSE

None of the plaintiffs, be they individuals, or the corporation, has the standing to bring this action as a taxpayer in the Township of Edison, or against the Township of Edison.

#### SECOND SEPARATE DEFENSE

The plaintiffs do not legally and/or procedurally constitute a "class" with sufficient and valid standing to bring a class action.

#### THIRD SEPARATE DEFENSE

The defendants named in this suit do not constitute a sufficiently representative class so as to constitute procedurally or factually a class action.

#### FOURTH SEPARATE DEFENSE

On its face, the complaint seems to ask for a Declaratory Judgment; and, the subject matter of this suit does not legally constitute a justiceable question within the purview of the Declaratory Judgment Act.

#### FIFTH SEPARATE DEFENSE

This suit bluntly and frankly invites the Court to violate Federal and State Constitutions which safeguard the Doctrine of Separation of Powers by asking the Court to usurp legislative and executive powers.

#### SIXTH SEPARATE DEFENSE

The complaint fails to state a cause of action upon which complete relief can be granted.

#### SEVENTH SEPARATE DEFENSE

Indispensable parties to this suit have not been named or served and for that reason the complaint should be dismissed.

#### EIGHTH SEPARATE DEFENSE

Defendant, Township of Edison, shares nothing in common with the co-defendants either factually or legally. Edison's physical development and its zoning law is different and unique.

#### NINTH SEPARATE DEFENSE

Edison's zoning law is completely valid and constitutional.

#### TENTH SEPARATE DEFENSE

Edison's physical development is well within the standards of fairness and legality.

#### ELEVENTH SEPARATE DEFENSE

Edison very recently underwent a complete zoning study, adopted a Master Plan and implemented the zoning ordinance to update viable and legal zoning requirements with the result that its diversity, density, and environmental obligations are fully met.

#### TWELFTH SEPARATE DEFENSE

The complaint is based partially upon recent studies conducted by various State Agencies. From these various studies the plaintiffs borrow liberally from these conclusions which they feel are supportive of their allegations and aims; but, the complaint totally ignores many fundamental bases, findings and hypothesis which militate against their position.

#### THIRTEENTH SEPARATE DEFENSE

The amalgam of defendants are not representative of a class, an area or a group that shares even similarly the characteristics of social, economical or geographical common denominators.

#### FOURTEENTH SEPARATE DEFENSE

Implicit and fundamental to the relief sought in the complaint are a massive injection of economic aid that is

beyond the pale or contemplation of this type of litigation.

FIFTEENTH SEPARATE DEFENSE

None of the plaintiffs jointly or severally have applied for (and, of course, none has been refused) any relief from any aspect of the Edison Township Zoning Code. Prerequisite for any relief is the requirement that all administrative remedies be exhausted. This the plaintiffs failed to do. The suit is therefore premature as to Edison.

SIXTEENTH SEPARATE DEFENSE

Edison does not prohibit mobile homes.

SEVENTEENTH SEPARATE DEFENSE

Edison's minimum floor area in single family residences vary from zone to zone.

EIGHTEENTH SEPARATE DEFENSE

Edison does not have an excessive amount of land zoned industrial.

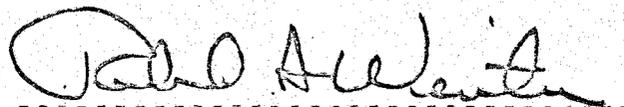
NINETEENTH SEPARATE DEFENSE

The various Federal and State requirements which relate to public housing, lie beyond the legal scope of zoning and zoning boards.



ROLAND A. WINTER  
Attorney for Defendant, Twp. of Edi

I certify that this pleading was served according to the Rules.



ROLAND A. WINTER  
Attorney for Defendant,  
Township of Edison

**RECEIVED**

SEP 16 1974