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Highland Park

9-10-74

• Answer

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FRANK SCHATZMAN
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DR

Restina J. [unclear]

RUBIN AND LERNER

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NEW BRUNSWICK, N.J. 08903

(201) 846-5500

ATTORNEYS FOR

~~DEFENDANT, BOROUGH OF HIGHLAND PARK~~

Plaintiff

URBAN LEAGUE OF GREATER NEW BRUNSWICK,
etc., et als.

Defendant

THE MAYOR AND COUNCIL OF THE BOROUGH
OF CARTERET, et als.

vs.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY

Docket No. C-4122-73

CIVIL ACTION

ANSWER

Defendant, Borough of Highland Park, by way of answer
to the complaint, says:

1. They deny the allegations of Paragraphs #1, #2, and #3 to the extent that they are directed against this defendant.
2. It has insufficient knowledge to form a belief as to the truth of the allegations contained in Paragraphs #4, #5, #6, #7, #8, #9, #10, and #11.
3. It denies the allegations contained in Paragraph #12.
4. It admits the allegations contained in Paragraph #13.

5. It admits the allegations contained in Paragraph #14, except that it has insufficient information to form a belief as to the truth of the allegation that the location of the transportation lines has been central to the increased commercial, industrial, and residential growth of the County.

6. It has insufficient information to form a belief as to the truth of the allegations contained in Paragraphs #15, #16, #17, #18, and #19.

7. It denies the allegations contained in Paragraph #20.

8. It has insufficient information to form a belief as to the truth of the allegations contained in Paragraphs #21, #22, #23, #24, #25, #26, #27, #28, #29, #30 and #31.

9. It denies the allegations contained in Paragraphs #32, #33, #34, #35 to the extent that they are directed against this defendant.

FIRST SEPARATE DEFENSE

None of the plaintiffs have standing to sue the Mayor and Council of the Borough of Highland Park.

SECOND SEPARATE DEFENSE

In view of the fact that none of the plaintiffs are threatened with irreparable harm; they do not have standing to sue in Chancery Court and their remedy, if any, should be sought to their instituting an action at Law in lieu of prerogative writ.

THIRD SEPARATE DEFENSE

The complaint should be dismissed on the grounds that plaintiffs do not constitute a class.

FOURTH SEPARATE DEFENSE

The complaint should be dismissed on the grounds that the plaintiffs have failed to present a justiciable issue before the courts under the Declaratory Judgment Act.

FIFTH SEPARATE DEFENSE

The complaint should be dismissed on the grounds that the matters referred to in plaintiffs' complaint are properly the subject of legislation and any grievances which plaintiffs have should be directed to the elected officials of the legislature.

SIXTH SEPARATE DEFENSE

The complaint should be dismissed on the grounds that it fails to set forth a claim upon which relief can be granted.

SEVENTH SEPARATE DEFENSE

The complaint should be dismissed against this defendant on the grounds that the plaintiff failed to take into account the unique factual history and pattern of growth for this defendant.

EIGHTH SEPARATE DEFENSE

The complaint should be dismissed on the grounds that this defendant at no time violated any legal requirement of the State of Federal Law.

NINTH SEPARATE DEFENSE

The complaint should be dismissed on the grounds that plaintiffs are seeking a broad advisory opinion from the court as to the permissible limits of the zoning power, which opinion may not be rendered by the Court.

TENTH SEPARATE DEFENSE

The complaint should be dismissed as against this defendant on the grounds that plaintiffs fail to allege that any specific act or ordinance enacted by this defendant has resulted in damage or injury to any plaintiff.

ELEVENTH SEPARATE DEFENSE

The complaint should be dismissed on the grounds that plaintiffs have failed to consider unique differences of each of the municipalities named as defendants and have asked the court to fix reasonable requirements in land use. It is submitted that the court lacks such power.

TWELFTH SEPARATE DEFENSE

The complaint should be dismissed because it is predicated on the fallacious assumption that each municipality must provide for specific uses while in fact there is no such requirement in law.

THIRTEENTH SEPARATE DEFENSE

The complaint should be dismissed because plaintiffs have failed to exhaust their administrative remedies in accordance with the rules of court and the laws of the State of New Jersey.

FOURTEENTH SEPARATE DEFENSE

The Highland Park ordinances which are challenged are not unconstitutional either on their face or as applied.

FIFTEENTH SEPARATE DEFENSE

The complaint fails to conform with the rules of pleading as provided by the rules of court and inhibits the ability of the defendants to formulate complete answers thereto.

SIXTEENTH SEPARATE DEFENSE

The ordinances of the Highland Park Borough do not violate the Federal or State constitutions and do not constitute racial discrimination in any form.

SEVENTEENTH SEPARATE DEFENSE

This defendant is entitled to a dismissal of the complaint together with court costs and attorneys fees.

RUBIN AND LERNER
Attorneys for Defendant
Borough of Highland Park

BY: LAWRENCE LERNER/
LAWRENCE LERNER
Member of the Firm

I hereby certify that a copy of the within answer was served within the time period allowed by Rule 4:6-1 and that a copy was served upon the attorney for the plaintiff by ordinary mail and upon the attorneys for the co-defendants by ordinary mail on the 10th day of September, 1974.

/LAWRENCE LERNER/
LAWRENCE LERNER