

CA - Metuchen

(~~W. Adkins~~) 1975

Interrogatories made by the
Defendant, Borough of Metuchen, of
the Plaintiff w/Pls answers.

pgs = 11

CAC014966

MARTIN A. SPRITZER, ESQ.
~~SPRITZER & KRISLER, P.C.~~

414 MAIN STREET
METUCHEN, NEW JERSEY 08840
(201) 548-6455

ATTORNEYS FOR Deft. Mayor and Council
of Borough of Metuchen

Plaintiff s
URBAN LEAGUE OF GREATER NEW BRUNSWICK,
et al

vs.

Defendant s

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

TO: BAUMGART & BEN-ASHER
Attorneys for Plaintiffs

MARTIN E. SLOANE
DANIEL A. SEARING
ARTHUR WOLF
of Counsel

DEMAND is hereby made of the plaintiffs for certified
answers to the following interrogatories within the time prescribed
by the Rules of this Court.

SUPERIOR COURT OF NEW
JERSEY: CHANCERY DIVISION
MIDDLESEX COUNTY

Docket No. C-4122-73

CIVIL ACTION

INTERROGATORIES

1. As to plaintiff, Cleveland Benson, state:
 - a. Whether he ever sought employment in Metuchen.

No.

- b. Whether he ever sought living accommodations in Metuchen.

Yes

- c. If so, state the locations in Metuchen where he sought living accommodations, and the dates on which such accommodations were sought.

Called real estate agencies while searching for housing in 1971, 1972-73 and 1974, especially one company, which always had ads for Metuchen. The name is unknown at present.

2. State the number of rooms required by plaintiff, Cleveland Benson. Mr. Benson would like a house with 3-4 bedrooms, 2 baths, living room, kitchen and family room.

3. State the rental which he can afford to pay.
\$250 - \$300 a month

4. State the purchase price of a house he can afford.
\$20-25,000

5. State the mortgage payments he can afford to carry.
Approximately \$250-300, including insurance and taxes

6. State whether plaintiff, Cleveland Benson, sought living accommodations in any of the other 22 defendant municipalities.

If so, state: Yes

- a. The type of accommodations sought. both houses and apartments

- b. The date sought. 1971, 1972-73, 1974

7. As to plaintiff, Judith Champion, state:

- a. Whether she ever sought employment in Metuchen.

No

- b. Whether she ever sought living accommodations in Metuchen.

Yes

c . If so, state the locations in Metuchen where she sought living accommodations, and the dates on which such accommodations were sought.

Generally, through newspaper ads, at times stated in 12b, below

8. State the number of rooms required by plaintiff, Judith Champion. Mrs. Champion would like two bedrooms, living room, family room, kitchen and one bath.

9. State the rental which she can afford to pay.

\$140

10. State the purchase price of a house she can afford. At this time, plaintiff's circumstances of attempting to complete her education make it impossible to consider purchasing a home in the foreseeable future.

11. State the mortgage payments she can afford to carry.

See 10, above

12. State whether plaintiff, Judith Champion, sought living accommodations in any of the 22 defendant municipalities. If so, state: Yes

a. The type of accommodations sought.

Apartment with 2 bedrooms

b. The date sought. From Sept. - Nov., 1972 and Jan - June, 1974

13. As to plaintiff, Lydia Cruz, state:

a. Whether she ever sought employment in Metuchen.

No

b. Whether she ever sought living accommodations in Metuchen.

Yes

c. If so, state the locations in Metuchen where she sought living accommodations, and the dates on which such accommodations were sought. Contacted real estate agency about housing in a federally subsidized 235 program, during 1972. Plaintiff does not recall name of agency.

14. State the number of rooms required by plaintiff, Lydia Cruz.

Plaintiff would need no less than 6 bedrooms, playroom, living room, kitchen and 2 baths.

15. State the rental which she can afford to pay.
\$200 per month.

16. State the purchase price of a house she can afford.
No more than \$25,000.

17. State the mortgage payments she can afford to carry.

Approximately \$200 per month, including insurance and taxes

18. State whether plaintiff, Lydia Cruz, sought living accommodations in any of the other 22 defendant municipalities.
If so, state:

a. The type of accommodation sought. Any facility that would accommodate family, either house or apartment.

b. The date sought.
Since 1962, when moved to present address.

19. As to plaintiff, Barbara Tippett, state:

a. Whether she ever sought employment in Metuchen.
No.

b. Whether she ever sought living accommodations in Metuchen
Yes

c. If so, state the locations in Metuchen where she sought living accommodations, and the dates on which such accommodations were sought. Called about apartments in Metuchen, off Rt. 1, 1969, and 1972

19. State the number of rooms required by plaintiff, Barbara Tippett.

3 bedrooms, living room, dining room, kitchen, bath

20. State the rental which she can afford to pay.
No more than \$220, plus utilities

21. State the purchase price of a house she can afford.
\$20-24,000, approximately

22. State the mortgage payments she can afford to carry.

\$220 per month

23. State whether plaintiff, Barbara Tippet, sought living accommodations in any of the other 22 defendant municipalities. If so, state:

Yes

a. The type of accommodation sought.

apartments and single family housing

b. The date sought.

continually, since end of 1971

24. As to plaintiff, Kenneth Tuskey, state:

a. Whether he ever sought employment in Metuchen.

No

b. Whether he ever sought living accommodations in Metuchen.

Yes

c. If so, state the locations in Metuchen where he sought living accommodations, and the dates on which such accommodations were sought.

Plaintiff reviewed housing prices in Metuchen in 1964, but decided to locate elsewhere, as prices were out of immediate range.

25. State the number of rooms required by plaintiff, Kenneth Tuskey.

Six rooms

26. State the rental which he can afford to pay.

approximately \$180 per month

27. State the purchase price of a house he can afford. Plaintiff is not considering purchasing

28. State the mortgage payments he can afford to carry.

approximately \$180 per month

29. State whether plaintiff, Kenneth Tuskey, sought living accommodations in any of the 22 defendant municipalities. If so, state:

Yes

a. The type of accommodations sought.
single family home

b. The date sought.
1964

30. As to plaintiff, Jean White, state:

a. Whether she ever sought employment in Metuchen.

Plaintiff White is withdrawing from this litigation for personal reasons.

b. Whether she ever sought living accommodations in Metuchen.

c. If so, state the locations in Metuchen where she sought living accommodations, and the dates on which such accommodations were sought.

31. State the number of rooms required by plaintiff, Jean White.

32. State the rental which she can afford to pay.

33. State the purchase price of a house she can afford.

34. State the mortgage payments she can afford to carry.

35. State whether plaintiff, Jean White, sought living accommodations in any of the 22 defendant municipalities. If so, state:

a. The type of accommodations sought.

b. The date sought.

36. As to plaintiff, Fannie Botts, state:

a. Whether she ever sought employment in Metuchen.

Plaintiff Botts is withdrawing from this litigation for personal reasons

b. Whether she ever sought living accommodations in Metuchen.

c. If so, state the locations in Metuchen where she sought living accommodations, and the dates on which such accommodations were sought.

37. State the number of rooms required by plaintiff, Fannie Botts.

38. State the rental which she can afford to pay.

39. State the purchase price of a house she can afford.

40. State the mortgage payments she can afford to carry.

41. State whether plaintiff, Fannie Botts, sought living accommodations in any of the 22 defendant municipalities. If so, state:

a. The type of accommodations sought.

b. The date sought.

42. State the source for plaintiffs' statement that the vacancy rate for the 23 defendant municipalities is less than 1% compared to the accepted standard of 3% as a tight housing market.

See New Jersey Department of Community Affairs, The Housing Crisis in New Jersey: 1970 p. 24

43. State whether any of the plaintiffs have attempted to find housing in any mobile home unit in the county.

At this time, this information is unavailable.

44. State whether any of the plaintiffs are desirous of living in mobile homes.

If such accommodations met their needs at reasonable costs, plaintiffs would evaluate mobile homes as they would any housing opportunity.

45. As to each plaintiff, state whether any of them has requested the Borough of Metuchen to establish a Public Housing Authority.

No.

46. If answer is yes, state the date and place of said request and to whom it was made.

See 45, above

47. State under what provisions of the zoning ordinance of the Borough of Metuchen, plaintiffs claim that Metuchen's zoning ordinance prohibits mobile homes.

At this time, plaintiffs cite Metuchen Borough Code, Art III, Sec. 19 (c) (1972) and, generally, the failure to provide for mobile homes in any other zone. Minimum living areas contained in the ordinance also effectively prohibit mobile homes.

48. State by what standards plaintiffs assert that Metuchen's zoning ordinance permits multi-family housing on only an insignificant amount of land.

At this time, plaintiff states that Metuchen has 36 acres in its R-4 and R-5 zones, out of 1,416 acres. Thus, less than 3% of the land is zoned primarily multi-family.

49. State plaintiffs' definition of multi-family housing.

At this time, plaintiffs state: the definition contained in Metuchen Borough Code, Art I, sec. 2 "Dwelling - Multifamily", is sufficient. Such housing is also defined as units with 5 or more units per structure, excluding attached townhouse developments. New Jersey Cty and Municipal govtmt study Comm. Housing and Suburbs: Fiscal and Social Impact of multifamily development (1974) at 107

50. State the specific locations and areas in Metuchen in which defendant, Borough of Metuchen, could zone for additional mobile homes, and state the statutory standards of zoning which would permit such mobile homes at these locations.

If plaintiffs prove their case, it may well be that as a matter of equitable relief, the court will order that plaintiffs are entitled under the law to the relief proposed in this interrogatory. However, the question of appropriate relief is one to be decided by the court after a full hearing on the merits, and it would be premature, as well as inappropriate for the plaintiffs to discuss the scope of relief.

51. State the specific locations and areas on Metuchen in which defendant, Borough of Metuchen, could zone for additional multi-family buildings and state the statutory standards of zoning which would permit such multi-family buildings at these locations

See 50, above.

52 State whether plaintiffs or any one acting in their behalf attempted to persuade the Planning Board of the Borough of Metuchen to rezone any area for multi-family use or mobile homes.

At this time, plaintiffs state that no such attempt has been made.

53. If answer is yes, state the date and place of said request, to whom it was made, and the result of same.

See 52, above.

54. State whether plaintiffs or any one acting on their behalf, ever filed for a variance to build, permit the use of, or reside in any multi-family house or mobile homes in the Borough of Metuchen.

At this time, plaintiffs state that no such variance has been filed.

55. State by what authority or standards plaintiffs assert that minimum floor area requirements of 1,000 to 1,400 square feet in the Metuchen ordinance are unreasonable.

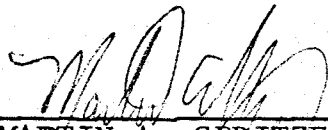
Plaintiffs have stated that such minimum floor area requirements increase building costs, are unreasonable and arbitrary, and are totally unrelated to health, welfare and safety.

56. Attach references to all reports, studies, books, periodicals, or statutes on which plaintiffs rely or will rely on trial to sustain their claim that the land use policies and practices of the Borough of Metuchen are exclusionary, as set forth in the appendix to the complaint.

At this time, detailed lists are unavailable. References to general publications that will be used have been furnished in response to interrogatories served by defendants East Brunswick, Piscataway, Sayreville, South Amboy, South Brunswick, and South Plainfield.

57. Set forth the names and addresses of all expert witnesses upon which plaintiffs will rely, and attach copies of all reports.

At this time this information is unavailable.



MARTIN A. SPRITZER
Attorney for Deft. Mayor and
Council of the Borough of
Metuchen