

CA - Metuchen

21-Jan-75

Interrogatories ^{w/answers by} ~~deposited~~
by the Borough of Metuchen of the
Plaintiff

pgs = 23

CAC001498G

Main Tisbury

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National Committee Against
Discrimination in Housing, Inc.
1425 H Street, N.W.
Washington, D.C. 20005
202-783-8150

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

URBAN LEAGUE OF GREATER
NEW BRUNSWICK, et al.

Plaintiffs,

v.

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

Defendants

Civil Action
INTERROGATORIES

To:

MARTIN A. SPRITZER, Esq.
414 Main Street
Metuchen, New Jersey 08840

DEMAND is hereby made of the defendant THE MAYOR AND
COUNCIL OF THE BOROUGH OF METUCHEN for Certified
Answers to the following interrogatories within the time
prescribed by the Rules of this Court.

1. Please provide the most current statistics
available on the population of the municipality, by
income level and race (categorized as white, black,

spanish-speaking, other), citing source.

Population Statistics

White	15,097
Black	860
Indian	5
Other Specified	60
Others Non-Specified	9
	<u>16,031</u>

Source: 1970 Census of Housing and Population Statistics, p. 1. See attached Page No. 1 for income distribution.

2. Provide for each public school within the municipality, the number of pupils enrolled, with sub-totals for whites, blacks, spanish-speaking and other, giving school name, location, grades served and area.

See attached Page No. 2 for school enrollment information.

3. Provide the number of dwellings presently within the municipality in each of the following value categories, as determined from the property tax rolls.

(a) Single family homes under \$15,000

31

(b) \$15,000 to \$25,000

286

(c) \$25,000 to \$35,000

303

(d) Over \$35,000

392

4. Provide the number of multi-family units in each of the following rental categories and ranges.

Type	Rental Range				
	Under \$100	\$100 - \$149	\$150 - \$199	\$200 - \$249	\$250 & Over
Efficiency	It is not feasible to give the breakdown by apartment size. Therefore, a breakdown of the number of rental units by monthly rent ranges is provided.				
One-Bedroom					
Two-Bedroom	212	500	521	\$200-\$299 77	\$300+ 1 33
Three or more Bedrooms				Total 1,344	

5. Provide the total number of mobile homes in municipality that exist as conforming uses under current zoning ordinance.

None

6. Provide the number of housing units within the municipality that are below the standards required for new construction or rehabilitation in local building codes and housing standards ordinance. Indicate how many are currently occupied and how many vacant.

The 1970 Census lists 52 units lacking plumbing, of which 4 were vacant and for rent, as compared to 4,860 which had plumbing.

7. Provide for each department in the municipality the number of municipal employees by job category, race, and annual salary or hourly wage.

Position	Race		S	Salary (Annual or Hourly)
	White	Black		
Governing Body				
Mayor	1	-	-	\$2,000
Councilman	5	1	-	\$1,200
Borough Hall Employees				
Borough Administrator	1	-	-	\$18,500
Tax Collector-Treas.	1	-	-	\$12,000
Clerical-Secretarial	7	-	-	\$6,125-\$8,066

(Continued on Rider)

Interrogatory #7 Continued.

Position	Race		S	Salary (Annual or Hourly)
	White	Black		
Department of Public Works				(All Hourly)
Laborers	9	1	1	\$3.79-\$4.49
Utility Laborers	2	1	1	\$4.58
Drivers	4	2	-	\$4.65
Asst. Equip Operator	1	-	-	\$4.85
Heavy Equip. Operator	1	-	-	\$5.07
Mechancis	2	-	-	\$4.85-\$5.07
Pump Operator	1	-	-	\$5.17
Asst. Pump Operator	1	-	-	\$4.73
Custodian	2	-	-	\$4.58
Tool Crib Attendant	1	-	-	\$4.85
Parks Attendant	1	-	-	\$4.73
Maintenance Repairman	1	-	-	\$4.85
Foremen	2	-	-	\$13,224-\$14,000
Superintendent	1	-	-	\$17,440
Police Department				
Chief of Police	1	-	-	\$17,654
Captain	3	-	-	\$15,986
Lieutenant	1	-	-	\$14,874
Sergeant	10	-	-	\$13,919
Patrolmen	20	2	-	\$10,729-\$13,100

8. Provide the number of county and state employees working or employed in the municipality by job category, race, and annual salary or hourly wage.

None.

9. For each zoning use category (and subcategory, if necessary, in the municipality) state the total number of acres contained therein and state how many acres are vacant. (For example, R-1 residential; 130 acres; 23 vacant).

Zoning Districts:

(Continued on Rider)

10. List the proposals or requests for amendment to the zoning ordinance to authorize or facilitate residential construction of the types listed below, from January 1, 1970 to the present, setting forth the date of the proposal or request, name of requesting party, and ultimate disposition. If units were to be subsidized under state or federal programs, state what program was involved.

(a) Single-family detached or attached home

construction (involving 10 or more contiguous lots).

The zoning ordinance was amended on March 18, 1974, and a 5.5 acre trace on Woodbridge Avenue was rezoned as an R-2A district to provide for townhouses, as recommended by Dean Boorman in his study Zoning for Multi-Family Housing in Metuchen.

(b) Multi-family structures.

A 2.3 acre site acquired by the Metuchen Senior Citizens Housing Corp. in 1974 for the purpose of building a senior citizen housing development, which area was rezoned from R-2 to R-5 on a 4 acre site on Prospect Street North of High Street was rezoned from Industrial to R-4 to provide for garden apartments on December 17, 1973 as recommended in the Boorman Report.

The Boorman Report also proposed that a ten acre area of Borough owned land between Hampton and John Streets, and between Durham Avenue and New Durham Road. The Borough Council has not acted upon the recommendation.

As the result of non-binding referendum question on the November 1973 election ballot, wherein the residents of Metuchen by a nearly 4-1 margin expressed opposition to buildings three or more stories tall, the Council amended the zoning ordinance to reduce the height limitation providing for garden apartments in the R-5 zone on Amboy Avenue.

Interrogatory #9 Continued.

R-1	444 Acres
R-2	603 Acres
R-2A	5 Acres
R-3	25 Acres
R-4	30 Acres
R-5	6 acres
B-1	55 Acres
B-1A	13 Acres
B-2	7 Acres
M	228 Acres

1416 Acres total.

Without a costly and full field study, it is impossible to determine the amount of vacant land in each zone. However, attached hereto is Table VI of the report entitled, "Zoning for Multi-Family Housing in Metuchen, N.J." dated September 1973 by Boorman and Dorram, Inc., Consultants, which shows the major land use in 1965 with residential development updated to July 1972.

It can be approximated that as of today's date, there are approximately 15 vacant acres in the manufacturing zone, and about 15 vacant acres spread throughout the residential zones.

(c) Planned unit or other cluster developments.

None

(d) Mobile home sites.

None

11. List for the following four categories, the applications for, use variances, special permits or exceptions that have been filed from January 1, 1970 to the present, setting forth the date of initial application, name of the requesting party, and ultimate disposition of application. If units were to be subsidized under state or federal programs, state what program was involved.

(a) Detached or attached single-family home construction (involving 10 or more contiguous lots).

None.

(b) Multi-family structures.

None

(c) Planned unit or other cluster developments.

None

(d) Mobile home sites.

None

12. List the name, address, race and duties of each municipal official, employee, and consultant involved in the municipal zoning and planning process: State the source of their authority.

Interrogatory #12 Continued

Zoning Board of Adjustment

<u>Name</u>	<u>Address</u>	<u>Race</u>
A.R. Granholm	74 Concord Avenue	White
Theodore Blostein	130 Spring Street	White
Bernard Belikove	225 Christol Street	White
Donald Barnickel	6 Beverly Court	White
Everett Webb (Alternate)	60 Orchard Street	Black
Thomas E. Sharp (Alternate)	69 Woodside Avenue	White
Keith Kinyon	145 Hillside Avenue	White
Jay Arbeiter, Attorney and Secretary	344 Main Street	White

Planning Board Consultant: Candeub, Fleissig and Associates
11 Hill Street, Newark, New Jersey

The source of their authority is by New Jersey Statute and local subdivision and zoning ordinances.

12. (Continued) Planning Board Members

<u>Name</u>	<u>Address</u>	<u>Race</u>
Donald J. Wernik	207 Highland Avenue	White
George P. Hutchinson (Alternate Class II)	86 Christol Street	White
Allan Johnson	15 Franklin Place	White
Donald G. Stewart	177 High Street	White
Samuel P. Owen	52 Newman Street	White
Wallace Durst	125 Oak Avenue	White
John Holmes	173 Maple Avenue	White
Ted Lorenz (Alternate IV)	23 Bounty Street	White
James Wilson	316 Central Avenue	White
Catherine Stumpf	390 Waltham Avenue	White
W.F. Buchanan (Class II)	495 Main Street	White
Arthur Sills, Attorney	204 Dellwood Road	White
Dorothy M. Winhold, Sec. (Con't on Rider)	143 Hazelwood Avenue	White

13. State whether there are any state or federal

subsidized housing units now within or planned for the municipality. If so, list the location, number, size and type of units, project racial occupancy percentages, source of the subsidy and date of initial occupancy.

Location: Lincoln Avenue

No. of Units: Approximately 100, including efficiencies and one bedroom units

Projected Racial Occupancy: White, 95%, Black 5%

Source of Subsidy: New Jersey Housing Finance Agency

Date of Initial Occupancy: Unknown

(a) State whether the municipality ever affirmatively encouraged or assisted in the provision of subsidized housing.

Yes.

(b) State whether any official body of the municipality has ever discussed providing subsidized housing. If so, list the name of the deliberating body, the date and time of the meeting and provide a copy of the minutes or any report resulting from such meetings.

See Attachment

intercity 13(b)

RESOLUTION

WHEREAS, the Mayor and Council of the Borough of Metuchen are advised that a resolution of the Borough Council can expedite the receipt of seed money in connection with the Metuchen Senior Citizens Housing Project.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen that the Borough Council reaffirm its unqualified support of the Senior Citizens Housing Project sponsored by the Senior Citizens Housing Corporation, a non-profit corporation of the State of New Jersey and therefore reaffirms that the successful completion of said project fulfills a pressing need for the Borough of Metuchen, and is necessary to promote the public health, safety, morals, and welfare of the Borough of Metuchen.

BE IT FURTHER RESOLVED, that for the benefit of the said non-profit Senior Citizens Housing Project, the Borough Council will take immediate steps to amend the zoning ordinance of the Borough of Metuchen to create a proper zone for senior citizen housing in cooperation with the non-profit sponsor of said senior citizen housing, which the Borough had previously approved.

Dated: August 7, 1972

S. Elliott Mayo

Interagency 13

METUCHEN SENIOR CITIZENS HOUSING CORPORATION
21 Cliffwood Place
Metuchen, New Jersey 08840

December 18, 1972

Mayor and Council of the Borough of Metuchen
Borough Hall
Metuchen, New Jersey

Re: Change of zone to permit Moderate Income
Senior Citizens Housing on the proposed
Lincoln Avenue site

Gentlemen:

I am writing to set forth the position of the Metuchen Senior Citizens Housing Corporation, a non-profit corporation of New Jersey in respect to the above proposed zoning change.

Our committee was appointed by the Mayor and Council in November 1970. It searched for any suitable sites within the present R-5 and B-1a zones and other parts of Metuchen to find and obtain through purchase, a suitable site for moderate income Senior Citizen Housing.

To be acceptable as a site for Senior Citizens Housing, the project should be:

1. Accessible to shopping facilities.
2. Near transportation lines
3. Reasonably close to places of worship, recreation areas, and parks.

The Lincoln Avenue site was evaluated by our Committee, by our consultants, and by a representative from the New Jersey Housing Agency. It meets the standards set for a Senior Citizen Housing Project. Equally important, no other site was available.

In respect to the need for Senior Citizen's Housing, the Borough Council adopted a Resolution August 7, 1972 which in part resolved "that for the benefit of the said non-profit Senior Citizens Housing Project, the Borough Council will take immediate steps to amend the zoning ordinance of the Borough of Metuchen to create a proper zone for senior citizen housing in cooperation with the non-profit sponsor of said senior citizens housing, which the Borough had previously approved."

Data in regard to the need for Senior Citizens Housing was transmitted to the New Jersey Housing Agency August 25, 1972. In this respect it should be noted that Senior Citizens Housing, unlike other housing is financed 100% by the New Jersey Housing Finance Agency and the federal government and all their requirements in respect to need, economic feasibility and site location must be approved. The information in respect to need was as follows:

1. Metuchen has 4,912 multiple family dwelling units based on 1970 Census Report conducted by Middlesex County Planning Board.
2. The number of persons sixty-five and older is 1,408. This information is based on the same census as in #1.
3. In 1969, a survey of the number of senior citizens in the borough desiring Senior Citizen housing was conducted by the Facilities Planning and Advisory Committee; which committee was made up of citizens from the borough. Eighty-five questionnaires were answered and of that number, seventy specifically stated that they wanted this type of housing.

On the basis of these data, the Housing Finance Agency gave approval for enough "Seed Money" to make initial payments on the options to acquire the proposed site.

Our consultants--Legal Advisor, Planning Consultant, and Architect-- have made a careful preliminary survey of our project keeping in mind not only the requirements of the Borough for

building setbacks, land coverage, parking, and recreational facilities, etc., but also the requirements of the New Jersey Housing Finance Agency, with respect to building requirements, i.e., fireproofing, adequate social and recreational facilities, one special size elevator, special handles in bathroom areas, alarm systems, etc. It is their opinion that a building to consist of 162 units could be erected on the Lincoln Avenue site to rent for \$168 per month for a two-bedroom apartment, and \$145 per month for an efficiency apartment. The building would be 8 stories in height and would comply with the proposed ordinance now under consideration. If the height is restricted to 6 stories then there would be only 120 units possible, and the rents would be increased to a point that would make financing by the New Jersey Housing Finance Agency questionable, particularly if our market survey should indicate that Metuchen has need for many more than 120 units.

Assuming a suitable zone is established for Senior Citizens Housing our next steps will be to request additional "Seed Money" from the New Jersey Housing Finance Agency for:

1. Second payment on options.
2. Legal and Organization Expenses
3. Feasibility Studies
 - A. Survey of site
 - B. Test borings
 - C. Market analysis
 - (1) Number of Metuchen residents requiring such housing
 - (2) Economics of providing such housing for Metuchen residents.
 - D. Any environmental studies required under State law.
4. Architects Fees for preliminary drawing and sketches, etc for the New Jersey Housing Authority.
5. Even with the zone change no construction could possibly begin until all the above have been completed.

Very truly yours,

HOWARD GOODENOUGH, PRESIDENT
METUCHEN SENIOR CITIZENS
HOUSING

Interrogatory 13B

RESOLUTION

WHEREAS, the New Jersey Housing Finance Agency has indicated it will arrange for a loan to the Metuchen Senior Citizen's Housing Corporation to acquire premises located on Lincoln Avenue, Metuchen, New Jersey, comprising four or a portion of four lots located in Block 208 on the Tax Map of the Borough of Metuchen, County of Middlesex and State of New Jersey, more fully described in options obtained by the Metuchen Senior Citizen's Housing Corporation for the purchase of said lots, and

WHEREAS, the Senior Citizen's Housing Project contemplated for said premises and listed as HFA No. 473 with the New Jersey Housing Finance Agency has been delayed because of the moratorium on the Federal 236 Program, and

WHEREAS, it is the desire of the Borough Council, the New Jersey Housing Finance Agency and the Metuchen Senior Citizen's Housing Corporation that said premises be acquired so that Senior Citizen housing could be erected on said premises under an alternate Federal subsidy program, and

WHEREAS, immediate funding for the acquisition of the property alone can now be obtained through the New Jersey Housing Finance Agency,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen, as follows:

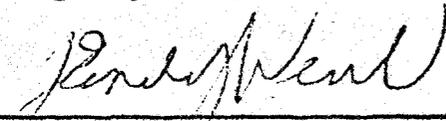
1. On and after the date that the premises are acquired by the Metuchen Senior Citizen's Housing Corporation with funds from the New Jersey Housing Finance Agency, all municipal taxes on said premises shall be 100% abated, in that for all intents and purposes the premises will be owned beneficially by the State of New Jersey.

2. That as soon as any Senior Citizen Housing Project is built on said premises and ready and eligible to qualify for a property tax exemption under Paragraph 18 of the Limited Dividend Law which is the provision of the Limited Dividend Non-Profit Housing Corporations or Associations Law, Chapter 184, Laws of 1949, as amended and supplemented, that said exemption shall be given, and that in lieu of taxes, the Metuchen Senior Citizen's Housing Corporation shall make to the municipality payment of an annual service charge for municipal services supplied to the housing development in such amount, not exceeding the tax on the property on which the development is located for the year in which the undertaking of said development is commenced, or 15% of the annual gross shelter rents obtained from payments by tenants of the development as determined by the rules of the New Jersey Housing Finance Agency, as the basis for its financing the development, whichever sum is greater, and the Mayor of the Borough of Metuchen is authorized and directed to execute on behalf of the municipality such agreements reflecting the aforesaid annual service charge in lieu of taxes as may be determined necessary or desirable by the New Jersey Housing Finance Agency.

3. That at the appropriate time, the Borough Council and other Borough Boards will take steps necessary to accommodate any zoning changes or requirements as determined by the Metuchen Senior Citizen's Housing Corporation and New Jersey Housing Finance Agency and the Mayor and Council of the Borough of Metuchen.

4. That the above tax abatement and partial tax abatement shall only be valid during the period that the premises are financed through the New Jersey Housing Finance Agency or used for purposes of Senior Citizen Housing through the Limited Dividend Non-Profit Housing Corporations, or Associations Law.

5. That a certified copy of the emergency appropriation to be made by the Borough of Metuchen to assist in the acquisition of the above premises be immediately forwarded by the Borough Clerk to the New Jersey Housing Finance Agency, together with a copy of this resolution.



Mayor Donald J. Wernik

Dated: February 25th, 1974.

EXHIBIT 19

Interrogatory 13B

RESOLUTION

WHEREAS, METUCHEN SENIOR CITIZENS HOUSING CORPORATION (hereinafter referred to as the "Applicant") proposes to construct a housing project (hereinafter referred to as the "Development") or the "housing" pursuant to the provisions of the New Jersey Housing Finance Agency Law of 1967, as amended and supplemented, within the Borough of Metuchen (sometimes referred to as the "municipality"), on a site more particularly described as follows: Lincoln Avenue, Metuchen - Block 208, Lot 150, and

WHEREAS, an application will be made to the Public Housing and Development Authority (hereinafter referred to as the "Authority") in the Department of Community Affairs of the State of New Jersey, pursuant to the provisions of the Limited-Dividend Nonprofit Housing Corporations or Associations Law, Chapter 184, Laws of 1949, as amended and supplemented (hereinafter referred to as the "Limited-Dividend Law"), for the approval of a certificate of incorporation or a certificate of organization of a housing association and for the approval of the development to be constructed, maintained, or operated by the proposed corporation or association on the aforesaid described area, and

WHEREAS, the proposed development will be subject to the Rules and Regulations of both the New Jersey Housing Finance Agency (hereinafter referred to as "NJHFA") and the Authority, and

WHEREAS, pursuant to the provisions of the Limited Dividend Law it is necessary for the Mayor and Council of the Borough of Metuchen to certify that it approves of the development or acquisition of the proposed housing and that the proposed housing meets or will meet an existing housing need; and

WHEREAS, the proposed development will be within an area where, under the conditions existing at this time, dwellings conforming to reasonable standards of adequacy and renting at or below the average rent to be charged in the proposed development, are not being provided in sufficient quantity through the ordinary operation of private enterprise, and

WHEREAS, Metuchen Senior Citizen Housing Corporation has presented to this body a financial estimate dated June 30, 1975, (hereinafter referred to as Exhibit "A"), covering the cost of the land and improvements and the operation of the project as estimated by the applicant and the NJHFA, which reasonably assures the successful completion and operation of the project.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen, that they find and certify that:

(a) The proposed development will meet or meets an existing housing need,

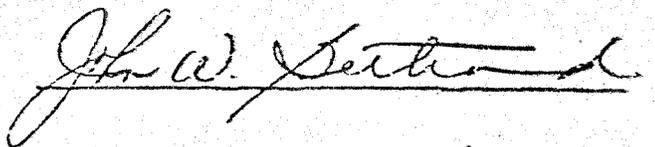
(b) The proposed development conforms to the requirements of all applicable ordinances of this municipality.

(c) The development or acquisition of the housing is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Metuchen finds that the proposed development is and will be an improvement made for the purpose of assisting the clearance, replanning, development or redevelopment of blighted areas in this municipality, and

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Metuchen does hereby adopt the within Resolution and makes the determination and findings therein contained by virtue of, pursuant to, and in conformity with the provisions of the Limited Dividend Law and the New Jersey Housing Finance Agency Law with the intent and purpose that the Authority shall rely thereon in approving the Certificate of incorporation of a housing corporation or certificate of organization of a housing association which shall construct, own and operate the development, and in approving the development proposed to be constructed, maintained, and operated in the aforesaid described area and with further intent and purpose that the proposed development and improvements will be exempt from all property taxation as provided in N.J.S.A. 14J-30 and N.J.S.A. 55:16-18, and that, in lieu of taxes said housing corporation or association shall make to the municipality payment of an annual service charge for municipal services supplied

to the housing development in such amount not exceeding the tax on the property on which the development is located for the year in which a mortgage on the development is executed in favor of the N.J.H.F.A., or, an amount not exceeding six and twenty-eight hundredth per cent (6.28%) of the annual gross revenues of the development, determined in the manner set forth in Exhibit "A" hereinabove referred to and relied upon by the N.J.H.F.A. as the basis for its financing the development for each year of operation of the development following the Agency's determination that the development has been substantially completed, whichever amount is greater. The Mayor and Clerk are authorized and directed to execute, on behalf of the municipality such agreement(s) reflecting the aforesaid annual service charge, in lieu of taxes, as may be deemed necessary or desirable by the N.J.H.F.A. The Borough of Metuchen understands and agrees that the amounts set forth in Exhibit "A" are estimates only and agrees that the Sponsor may, upon N.J.H.F.A. approval, make reasonable changes in the construction, maintenance and operation of the development to ensure compliance with the financial and statutory requirements of N.J.H.F.A. which will necessitate reasonable changes in the amounts set forth on Exhibit "A".



Dated: July 21, 1975

Certified copy of a resolution adopted
at a regular meeting of the Borough
Council of the Borough of Metuchen,
Middlesex County, New Jersey, on

July 21, 1975
P. B. R.

METUCHEN SENIOR CITIZENS HOUSING CORPORATION

(Name of Sponsor or Owner)

Housing Development to be (constructed) on property known as
~~(Federal)~~

BLOCK 208 LOT 150

JUNE 30, 1975

(Date)

1. Estimated Total Development Cost	\$ 4,200,000
2. Estimated Mortgage Amount	\$ 4,200,000
(a) Term of Mortgage	40 years
(b) Estimated interest rate	7.5 %
3. Estimated Rent Payable by Tenants	\$ 180,000
4. Estimated Federal Rent Contributions	\$ 325,000
5. Estimated State Rent Contributions	\$
6. Estimated Annual Gross Revenues (Sum of 3,4 and 5)	\$ 505,000
7. Municipal Service Charge of <u>6.28</u> % of Annual Gross Revenues	\$ 505,000
But not less than \$ 2,741.27	\$ 32,714

(Tax on Property of the
the Development during
year in which mortgage
in favor of N.J.H.F.A.
is executed)

*Should gross Annual Revenues Increase then Service Charge will increase proportionately.

(b) (Continued)

14. State whether there has been any correspondence, contact, or meetings since January 1, 1970 between any municipal officials, employees, or consultants and any county or regional planning body regarding your municipality's housing needs. If so, please attach copies of such correspondence and provide the dates and times of such meetings or contacts indicating whether a written record of such meetings or contacts was ever made.

No

15. State whether the municipality has a rent control ordinance. If so, specify when such an ordinance was first considered and the date of adoption. Attach a copy of the ordinance and the minutes of council meetings at which such an ordinance was considered, and any documented statistics on housing conditions presented at such meetings.

Yes, see attached ordinances with dates of adoption.

15. (Continued)

16. State whether at any time from January 1, 1970 to the present there has been in effect a sewer, building permit, or other moratorium relating to housing. If so, state the effective date, who imposed it, and the terms and conditions thereof.

Yes, a zoning ordinance amendment was adopted in April, 1973 prohibiting high rise construction. Said moratorium expired in December 1973.

17. State whether as a condition of employment any municipal employee is required to live within the boundaries of the municipality or the county. If so, indicate how long such requirement has been in effect, its scope and who imposed it.

Residence in Metuchen by Borough employees is not required except in the volunteer Fire Department and by statutory requirement for certain appointed employees such as the Borough Clerk, Treasurer, etc.

18. For each commercial, industrial, or other business establishment within the municipality having 15 or more employees, list its name, address, number of employees, and the year it first opened for business.

See attached list. No formal full study has been made. Rather, the statistics are based on telephone inquiries.

Interrogatory #18.

INDUSTRIAL ESTABLISHMENTS WITH MORE THAN 15 EMPLOYEES

<u>Business</u>	<u>Address</u>	<u>Year Opened</u>	<u>Employees</u>
Boro Motors	909 Middlesex Ave.	1954	41
June Chevrolet	950 Middlesex Ave.	1959	40
Suburban Dodge	85 Central Ave.	1965	30
Rossmeyer Brothers	Amboy Avenue	1946	27
Reynolds Oldsmobile	Amboy Avenue	1964	20
Commonwealth Bank	Main Street	1925	59
National Bank of N.J.	442 Main Street	1954	25
Metuchen Savings & Loan	Main Street	1897	14
Morris Stores	Main Street	1949	50-80 (seasonal)
Foodtown Supermarket	Lake Avenue	1954	75
A & P	Pearl Street	1954	10 Full time 12 Part Time
N.J. Bell Telephone	Main Street	1957	18
Webcraft Packaging Corp.	225 Forrest St.	1971	50
Hillsdale Construction	65 Liberty Ave.	1965	19
Perth Contracting Co.	55 Liberty Ave.	1965	37
Nicholas Schwalje Inc.	4 Leonard St.	1960	50
Economy Forms	149 Central Ave.	1950	40
Oakite Products	700 Middlesex Ave.	1961	129
Gulton Industries	212 Durham Ave.	1946	265
Center for Laboratory Medicine	Pearl Street	1971	197

Ordinance 19

AN ORDINANCE PROHIBITING DISCRIMINATION IN THE
SALE, RENTAL, LEASE OR FINANCING OF HOUSING
ACCOMMODATION BECAUSE OF RACE, CREED, COLOR OR
NATIONAL ORIGIN, PROVIDING FOR ITS ENFORCEMENT
AND IMPOSING PENALTIES

SECTION ONE. POLICY

1. In the Borough of Metuchen, Having a population encompassing people of various races, creeds, colors and national origins, there is no greater danger to the health, morals, safety and welfare of the town and its inhabitants than the existence of groups of individuals reflecting prejudice against one another and antagonistic to each other because of differences of race, creed, color or national origin. The Borough Council hereby finds and declares that acts of prejudice intolerance, bigotry and discrimination which deny a person the opportunity to sell, purchase, lease, rent or obtain financing for the purchase or lease of housing accommodation because of race, creed, color or national origin threaten the fundamental right and privileges of the Borough, and undermine the foundations of a free democratic society. In an effort to promote goodwill among various racial, religious and ethnic groups of the Borough and in an endeavor to alleviate restraints upon those fundamental rights which are the essence of freedom, the Borough Council therefore declares it to be the public policy of the Borough to eliminate and prevent discrimination and involuntary segregation based on race, creed, color or national origin and to safeguard the right of every person to sell, purchase, lease, rent or obtain financing for the purchase or lease of housing accommodation without regard to race, creed, color or national origin.

SECTION TWO DEFINITIONS

1. "Person" included natural persons, firms, partnerships, corporations, associations or other artificial bodies, forms of business designated or known as cooperatives, trustees, receivers and officers, employees, agents, and others acting for or on behalf of any person.

2. "Housing accommodation" within the meaning of this Ordinance is any place permitted for human habitation within the limits of this Borough.

3. "Complainant" means a person who has filed a Complaint under Section Six.

4. "Unlawful Discrimination" includes only those unlawful practice and acts specified herein as violations of this Ordinance.

5. The term "real property" includes real estate, lands, tenements, and/or hereditaments.

SECTION THREE UNFAIR HOUSING PRACTICES PROHIBITED.

1. It shall be an unfair or discriminatory practice for any owner, or person acting for or on behalf of any owner, of rights to housing or real property, with or without compensation, including but not limited to persons licensed as real estate brokers or salesmen, attorneys, agents, auctioneers, or representatives by power of attorney or appointment, or any person acting under Court Order or Will or any other such person.

(A) To refuse to sell, rent, lease, assign or sub-lease any real property or housing accommodation or part, portion or interest therein, to any person because of the race, color, creed, religion or national origin of such person.

(B) To represent that any housing accommodation or real property is not available for inspection, sale, rental, or lease, when, in fact, it is so available or otherwise deny or withhold information about any housing accommodation or real property or any facilities of any housing accommodations or real property which is available for inspection, sale, rental or lease, from any person or group of persons because of the race, color, creed, religion, or national origin of such person.

(C) To discriminate against any person because of his race, color, creed, religion or national origin in the terms conditions or privileges of the sale, rental, lease, assignment or sub-lease of any real property or housing accommodation or in furnishing of facilities or services in connection therewith.

(D) To directly or indirectly advertise or in any other manner indicate or publicize that the purchase rental, accommodation or any part, portion or interest there, by persons of any particular race, color, creed, religion or national origin is unwelcome, objectionable, unacceptable or not solicited.

(E) To use any form of application for the purchase, rental or lease of any housing accommodation or real property, or make any record of inquiry in connection with the prospective purchase rental or lease of any housing accommodation or property which expresses, directly or indirectly any limitation specification or discrimination as to race, creed, color, religion or national origin, or any intent to make such limitation, specification or discrimination.

2. No person, private banker, bank or financial institution or lender doing business in the Borough, or any officer, agent or employee thereof to whom application is made for the lending of money for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation or property shall:

(A) Discriminate against any such applicant because of the race, creed, color, religion or national background of such applicant, or the prospective occupants or tenants of such housing accommodation or property in the granting, extending or renewing the rates, terms or conditions of any such loan.

(B) Use any form or application for such loan or make any record or inquiry in connection with applications therefor which expresses, directly or indirectly, any limitation, specification or discrimination because of race, creed, color, religion or national origin.

3. Nothing herein contained shall be construed to bar any religious institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, in the sale, lease or rent of real property from limiting admission to or giving preference to persons of the same religion or denomination or from making such selection as calculated by such organization to promote the religious principals for which it is established or maintained.

The provisions of this paragraph three shall apply only to those religious, charitable and educational institutions and organizations which have been granted an exemption from taxation by the Borough of Metuchen, the State of New Jersey, or the United States.

4. Nothing herein contained shall be construed to prohibit any person who owns a one or two family dwelling in which he then resides from refusing to lease one or more rooms in such dwelling to any other person for reasons which would otherwise constitute a violation of the provisions of this ordinance.

SECTION FOUR. AIDING OR ABETTING.

It shall be an unfair or discriminatory practice for:

1. Any person to intentionally aid, abet, compel or coerce another person to engage in any of the practices declared unfair or discriminatory by this ordinance.

2. Any person discriminate against another person in any of the rights protected against discrimination on the basis of race, creed, color, religion or national origin by this Ordinance because such person has lawfully opposed any practice forbidden under this Ordinance, obeys the provisions of this Ordinance or has filed a charge, testified or assisted in any proceeding under this Ordinance.

SECTION FIVE. BUILDING PERMITS

b. The Borough Building Inspector shall deliver a copy of this Ordinance and all amendments thereto to every person thereto to every person to whom a building permit and certificate of occupancy is issued after this Ordinance takes effect.

SECTION SIX. ENFORCEMENT

1. Any person claiming to be aggrieved by a discriminatory or unfair practice within this Borough may, by himself or his attorney, make, sign and file a written Complaint with the Clerk of the Municipal Court of the Borough which Complaint shall set forth the basis thereof and specify those Sections of the Ordinance violated. Any Complaint filed under this Ordinance shall be filed within ninety (90) days after the most recent act constituting the alleged discriminatory or unfair practice.

c. The Clerk of the Municipal Court shall promptly give notice to the party complained of by mailing or delivering a copy of the complaint to such person at his last known address, and shall fix a day for a hearing with respect to such complaint not later than fifteen (15) days from the filing thereof.

SECTION SEVEN PENALTY FOR VIOLATION

1. Any person who violates any provision of this Ordinance shall and upon conviction for the first offense pay a fine of not more than \$250.00 and for the second offense shall pay a fine of not more than \$500.00; and for the third offense shall pay a fine of \$500.00 or be imprisoned for a period not more than thirty days or both. Each and every offense shall be deemed to be and constitute a separate and distinct violation of this act.

2. In addition to the penalties hereinabove provided in the case of conviction under this Ordinance, upon any four (4) convictions for violations of this Act, the premises in or upon which the violation occurred shall be deemed a nuisance and the owners, tenants and occupants of such premises shall be liable for the penalties and additional penalties provided for the maintenance of nuisances in accordance with such acts made and provided.

SECTION EIGHT STATE REMEDIES.

1. In no instance shall any complainant hereunder be precluded from pursuing his lawful remedies under the New Jersey Fair Housing Law, N.J.S. 18:25-4 or any other similar New Jersey Statute.

SECTION NINE EFFECTIVE DATE

This Ordinance shall take effect immediately.

SECTION TEN PARTIAL INVALIDITY.

If any clause, sentence, paragraph, section or part of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to be the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Signed: _____

Walter J. Duff-Mayor

Introduced: August 4, 1969
Adopted : August 18, 1969
Approved : August 18, 1969

APPROVED

_____ Borough Clerk

19. State whether the municipality has a fair housing or anti-blockbusting ordinance. If so, attach a copy.

Yes.

20. State whether your municipality has ever taken steps to encourage industry to locate in the municipality.

If so, please indicate what steps have been taken.

The Borough established a Commercial and Industrial Development Commission designed to attract business and industry to Metuchen, and a brochure was prepared (copy attached). No recent formal steps have been taken.

21. Attach a copy of the current zoning ordinance and any and all amendments in force; and a copy of any proposed amendments to the zoning ordinance that are currently pending before the governing body.

Zoning ordinance attached with amendments. There are no proposed amendments pending.

22. Identify the location of the official zoning maps, the coverage, and date of preparation. State whether zoning maps incorporating the most recent amendments are available. If so, state where they can be obtained and the price thereof.

Official zoning maps are located in the Borough Clerk's Office, Borough Hall, Metuchen. Said maps contain the most recent amendments to the zoning ordinance and are available for \$.25 at Borough Hall.

23. State whether your municipality has proposed and adopted a master plan. If so, please identify a copy indicating the coverage, date of preparation, and number of pages. Also identify by location and content all amendments and background reports prepared in conjunction with such master plan amendment.

The Borough adopted a Master Plan in 1967 which is 40 pages long. A background report dated April, 1966 was prepared totaling more than 100 pages.

Interim Report

RESOLUTION

BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen, that the resolution creating the Industrial Commission of the Borough of Metuchen be and the same is hereby revoked, that the said Industrial Commission be and the same is hereby dissolved and abolished and the members of the same are hereby discharged.

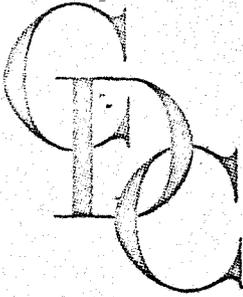
BE IT FURTHER RESOLVED, that there be and there is hereby created the Development Commission of the Borough of Metuchen, which commission shall be charged with the function and duties of the former Industrial Commission but, in addition, shall cooperate with all other agencies within and without the Borough of Metuchen, both public and private, in the encouragement of any and all existing Commercial facilities already established in the Borough, in the creation of such climate in the Borough as will attract the introduction of other enterprises and in the recommendation to the governing body of the initiation of such programs designed to stimulate further development throughout the Community. The Development Commission shall be composed of six (6) members appointed by the Mayor and confirmed by the Council. They shall elect one of their members to serve as chairman. They shall serve without fee or compensation for a term of three (3) years and until their successors are duly appointed and qualified, except that for the first year after creation of the Commission, two members shall be appointed for three (3) year terms, two members for two (2) year terms and two members for one (1) year terms. Thereafter, two members shall be appointed each year for said three (3) year terms.

Dated: February 5, 1968.

S. E. (last) Inago

Exhibit 20

17 ACADEMY STREET
SUITE 900
NEWARK, NJ 07102
(201) 621-1616



COMMUNITY DEVELOPMENT CONSULTANTS HOUSING DEVELOPMENT AND FINANCING

May 20, 1975

Honorable Donald J. Wernik
Borough Hall
Main & Middlesex Avenues
Metuchen, New Jersey

Re: Metuchen Senior Citizens
HFA #473

Dear Mayor Wernik:

Kindly be advised that I have discussed the matter of the height of the senior citizens building in Metuchen with Mr. Pancani, our architect.

As I suggested, the four stories not to exceed 50 feet was an upper limit which was arrived at by Mr. Pancani without the benefit of any topographical survey. I have discussed this matter further with him, and he feels that four stories not to exceed 48 feet would be feasible, based upon an average of 10 feet per story plus 8 feet for the mansard roof, so that a 48 foot limit would be acceptable although we intend to build the building as low as possible to save construction costs and in keeping with your expressed desire to have as low a building as possible.

In addition, of course, we need 25 foot front and side yard set back and 50% parking, which I understand are acceptable to the Council.

The New Jersey Housing Finance Agency has fixed 120 units and four stories for the building, this size being the smallest feasible building that can be built. I have previously submitted figures to you showing the difference between a 90 and 120 unit building and the New Jersey Housing Finance Agency apparently made a computer study which verified my analysis that the smallest building which would be financially feasible would be 120 units.

The building itself is made additionally expensive by the fact that it is a four story building and as such the sponsor does not obtain the maximum benefit from a competitive floor plan and a higher amortization of common facilities. The actual number of units, however, were determined by the New Jersey Housing Finance Agency based upon the desires of the community, the shape of the lot and the minimum density required to obtain financial feasibility.

Honorable Donald J. Wernik

May 20, 1975

I have also been in contact with Mr. Pancani, the architect, relative to obtaining a sketch or rendering of the building showing the mansard roof. Mr. Pancani advised me that he has prepared a front elevation of the building showing the design and copies of this elevation will be available to you as soon as I receive the same.

If you have any questions whatsoever, do not hesitate to contact me, or if I can be of any further service please let me know.

Very truly yours,

Jack Okin
JACK OKIN

JO/g

cc: H. Goodenough
Azeglio T. Pancani, Jr.

24. State whether the municipality has had prepared or is preparing studies, planning papers, research reports or other similar documents in the areas listed below. Identify each item by author or title, subject, date, number of pages, location of copies and indicate whether a summary is available:

(a) The need for housing within the municipality;

Deen Boorman Zoning for Multi-Family Housing in Metuchen, 1973, 33 pp. plus Appendix. Copies available at Borough Hall, no summary (~~copy made~~
~~XXXXXXXXXX~~).

(b) The condition and amount of existing housing stock;

Candeub, Fleissig and Associates, Reconnaissance Housing Study, August 1972, 10 pages Plus Tables. Copies available at Borough Hall, no summary.

(c) The inception of programs relating to code enforcement;

No.

(d) The requirement for residential densities, floor space, bedroom ratios, and mobile homes within the municipality;

Boorman Report.

(e) The need for providing low and moderate income subsidized or unsubsidized housing within the municipality;

Boorman Report

(f) The utilization of land for commercial and residential or industrial purposes; and

Master Plan

(g) The wage and salary scales of employees within the private sector of the municipality.

No

25. State whether your municipality has ever been studied by, advised by, or received assistance from agencies of federal, state or county government, in preparing studies or other information concerning the areas listed below. Identify each item by author or title, subject, date, number of pages, location of copies, and indicate whether a summary is available.

(a) Need for housing within the municipality and surrounding areas;

No

(b) Attitudes toward housing within the municipality and surrounding area;

No

(c) Housing costs within the municipality and surrounding area;

No

(d) The amount and percentage of vacant acreage zoned for industrial use.

No

26. State whether you have ever received any federal or state assistance for any purpose since 1960, setting forth the date and size of the grant, the use to which such funds were put, the location of use, and whether any funds remain to be expended.

Interrogatory #26.

Grants from Federal or State Government.

<u>Date</u>	<u>Title of Grant</u>	<u>Funding Agency</u>	<u>Amount</u>	<u>Use</u>	<u>Unexpended Balance</u>
March 18, 1964	Green Acres Program	State of N.J.	\$24,000	Acquire Land for Conservation	-0-
June 1971	Southwest Metuchen Storm Sewer	U.S. H.U.D.	\$354,000	Construct Storm water sewer system	\$118,000
Jan. 9, 1973	Legacy of Parks	U.S. H.U.D.	\$90,800	Develop Recreational Acres	-0-
Feb. 1971	Railroad Plaza	U.S. D.O.T. State D.O.T.	\$1,014,000 228,000	Build New Railroad Terminal and Plaza	All
Sept. 1974	Senior Citizen Bus Transportaion Program	N.J. D.C.A.	\$12,000	Initiate Free Transportation for Senior Citizens	\$6,000
May 1972	Improve Police Efficiency	SLEPA	\$17,380	Provide for Clerical Assistance	A0-
Oct. 1971	Reduce Response Time	SLEPA	\$4,164	Acquire Equip-ment for Detective Bureau	-0-
Sept. 1973	Juvenile Aid Program	SLEPA	\$8,924	Provide for Psychological Social Worker to Counsel Juvenile Offenders	\$5,500
Jan.27,1970 Jan.11,1971	Reconstruction of Lake & Whitman Avenues	N.J. D.O.T.	\$19,000	Road Improvement	-0-
Nov.11, 1967	Improvement of Prospect & High Streets	N.J. D.O.T.	\$34,993	Road Improvement	-0-

Interrogatory #26 (Cont)

<u>Date</u>	<u>Title of Grant</u>	<u>Funding Agency</u>	<u>Amount</u>	<u>Use</u>	<u>Unexpended Balance</u>
1968, 1969	Improvement of John Street	N.J. D.O.T.	\$14,000	Road Improvement	-0-
1972, 1973	Improvement of Orchard Avenue	N.J. D.O.T.	\$19,000	Road Improvement	-0-

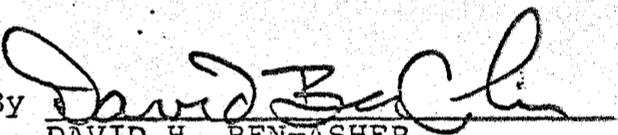
From 1960 to 1974, the Borough of Metuchen has received State Aid for roads under the Formula Fund distributed to all municipalities in accordance with their population. The amounts have been between \$6,800 and \$7,500 annually.

1974 The Metuchen Non-Profit Senior Citizen Housing Corporation with direct assistance from the Mayor and Council of the Borough of Metuchen, received \$125,000.00 mortgage money from the New Jersey State Housing Finance Agency to purchase land on which it is intended to build moderate income senior citizen housing.

26. (Continued)

See Rider Attached.

BAUMGART & BEN-ASHER
Attorneys for Plaintiff

By 
DAVID H. BEN-ASHER
A Member of the Firm

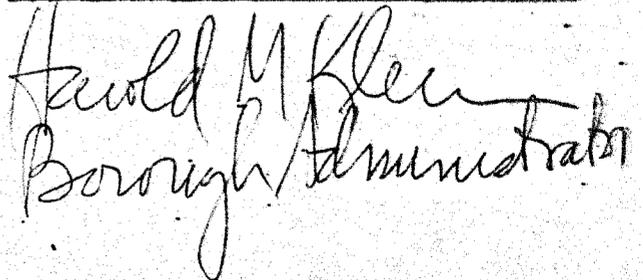
CERTIFICATION

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

MAYOR AND COUNCIL OF THE
By BOROUGH OF METUCHEN

DATED:

Jun 21, 1975


Borough Administrator

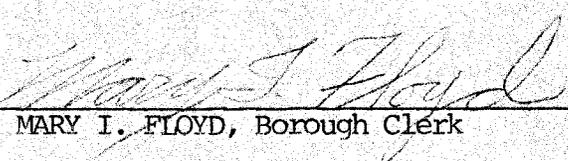
BAUMGART & BEN-ASHER
Attorneys for Plaintiff

BY: S/ David H. Ben-Asher
DAVID H. BEN-ASHER
A Member of the Firm

CERTIFICATION

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

THE MAYOR AND COUNCIL OF THE BOROUGH
OF MILLTOWN

BY: 
MARY I. FLOYD, Borough Clerk

DATED: January 24, 1975.