

CA - Metuchen

21-Aug-75

Additional Interrogatories  
Supplemental ~~to~~

demanded by Township of  
Metuchen.

pgs = 5

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App. No. 2 Continued

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AUG 21 1975

DAVID D. FURMAN, J.S.C.

MARTIN A. SPRITZER, ESQ.  
~~SPRITZER & BRESSLER, ESQ.~~

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

ATTORNEYS FOR Deft. Mayor and Council  
of Borough of Metuchen

*Plaintiff*

URBAN LEAGUE OF GREATER NEW BRUNSWICK,  
et al

vs.

*Defendant*

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

314  
SUPERIOR COURT OF NEW  
JERSEY: CHANCERY DIVISION  
MIDDLESEX COUNTY

Docket No. C-4122-73 ✓

CIVIL ACTION

SUPPLEMENTAL  
INTERROGATORIES

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.

Supplemental Interrogatories

1. State each and every provision of the Metuchen Zoning Ordinance by reference to Article and Section Number, which plaintiffs allege are invalid as tending to exclude low and moderate income families and minority families from living in Metuchen.

1. At this time, plaintiffs state the following:
  - a) Art. III, Sec. 19(c) specifically prohibits trailer coach parks.
  - b) Art. III, Sec. 21 requires minimum living areas in R-1 zones of 1,400 sq. ft. and in R-2 zones of 1,000 sq. ft.
  - c) Art. VII-A, Sec. 5 modifies minimum yard requirements for moderate income senior citizens' housing projects, but not for low and moderate income housing for families.
  - d) Art. VII-A, Sec. 8 modifies maximum building height limits for moderate income senior citizens' housing, but not for low and moderate income housing for families.
  - e) Additionally, plaintiffs challenge the deletion of municipal zoning for high-rise apartments and high-rise apartment developments.
  - f) Art. VII-A, Sec. 6 exempts moderate income senior citizen housing from scheduled density requirements, but not low and moderate income housing for families.

2. State whether you allege Metuchen does not have living within its borders, its fair share of minority groups.

Plaintiffs allege that defendant Metuchen does not provide its fair share of housing opportunities for low and moderate income families, both white and non-white.

3. If answer is yes, state the percentage of minority population that Metuchen should have to comply with any fair share requirement, as compared to the region.

At this time, plaintiffs state that the computation is not based upon a percentage of population, but rather on the basis of housing units for low and moderate income families, white and non-white. Plaintiffs are seeking information that will enable them to provide defendant Metuchen and all other defendants with a figure. The Court in Mount Laurel stated that in determining such a figure, "... the housing needs of persons of low and moderate income now or formerly residing in the township and in substandard dwellings and those presently employed or reasonably expected to be employed


Answer continued on attached page

4. State the number of multi-family housing units Metuchen should have in order to have its fair share of low and moderate income persons living within Metuchen.

See 3 above.

5. State the number of acres that Metuchen should devote to multi-family housing in order to have its fair share of low and moderate income persons living within Metuchen.

See 3 above.



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

CERTIFICATION

We certify that the foregoing statements made by us are true. We are aware that if any of the foregoing statements made by us are willfully false, we are subject to punishment.

\_\_\_\_\_  
Cleveland Benson

\_\_\_\_\_  
Fannie Botts

\_\_\_\_\_  
Judith Champion

\_\_\_\_\_  
Lydia Cruz

\_\_\_\_\_  
Barbara Tippet

\_\_\_\_\_  
Kenneth Tuskey

\_\_\_\_\_  
Jean White

therein will be pertinent." (Mt. Laurel, slip opinion at page 50)

The New Jersey Department of Community Affairs has computed a "net need" for housing of present residents for each municipality using 1970 census material (see attached chart). These computations were based on "financial need", and substandard living conditions. Although this figure serves as a reference point, this is not a "fair share" computation and plaintiffs neither introduce it nor rely on it as such.

The Middlesex County Planning Board has stated that by the end of 1975 there will be an unmet housing demand for low and moderate income households of 23,605 units (Middlesex County Master Plan (Interim) Table 28 (1970)).