

CA - Metuchen

10/10/75

Supplemental interrogatories demanded
by P's of Metuchen (missing pages)

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Attorneys for Plaintiffs

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

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:

Civil Action

SUPPLEMENTAL INTERROGATORIES

TO: Martin A. Spritzer, Esq.
414 Main Street
Metuchen, New Jersey 08840

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

1. Please list each of the zoning ordinance provisions
and land use practices admitted in the Request for Admissions
answered by you on June 9, 1975 which you contend are justified
by peculiar circumstances.

See Rider Attached

2. Please state for each such ordinance provision or practice listed in response to Interrogatory #1 above, a summary of the peculiar circumstances, including the facts which support it.

The facts justifying the above zoning provision, or what plaintiff terms peculiar circumstances, are fully set forth in defendant's Statement of Facts contained in its Brief on motion for summary judgment. As for each provision which plaintiff attacks, see Pages 23 through 32 of said Brief, in which each provision is treated separately. Defendant hereby incorporates all the facts contained in said Brief as part of answer to Interrogatory 2.

3. Please state every other defense that you intend to raise at trial in response to the allegations of the complaint.

Fourth, Fifth, Sixth, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth and Eighteenth.

4. For each such defense listed in response to Interrogatory #3 above, provide a summary of the facts supporting it.

The summary of facts supporting each defense have been set forth either in the Answer or in the Statement of Facts and Argument contained in defendant's Brief heretofore mentioned. In respect to the Public Housing Authority, defendant further sets up the fact that there is no statute or court decision requiring Metuchen to establish a Public Housing Authority.

Rider attached to Supplemental Interrogatories

Answer to Interrogatory No. 1

Art. III, Sec. 19(c) specifically prohibits trailer coach parks.

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. provision

Additionally, plaintiffs challenge the deletion of municipal zoning for high-rise apartments and high-rise apartment developments.

The facts

Defendant does not assert that the above ordinance provisions must be justified by peculiar circumstances, since in a fully developed municipality, the principles of Mt. Laurel do not apply. However, defendant's justification for such provisions within the purview of zoning legislation, are set forth in Answer to Interrogatory 2.

3. Please state every other defense that you intend to raise in response to the allegations of the complaint.

Fourth, Fifth, Sixth, Seventh, Ninth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, and Sixteenth.

4. For each such defense listed in response to Interrogatory #3 above, provide a summary of the facts supporting it.

The summary of facts supporting each defense have been set forth either in Answer or in the Statement of Facts and Argument contained in defendant's Brief heretofore mentioned. In respect to the Public Housing Authority,

5. If you plan to rely on any decision or action taken by any government official, agent, representative or employee of the defendant, County of Middlesex, or State of New Jersey regarding the defenses listed above, set forth with particularity:

(a) each and every such official decision or action upon which defendant will rely:

Question is unclear and is not understood by the defendat.

(b) the name and position of each government official, agent, representative or employee

(c) a description of any document or writing supporting such decision or action.

6. Please give the name and address of each expert witness whose testimony will be relied upon in preparation of the defenses listed in Interrogatories 1-3 above.

Defendant may rely upon the following experts:

- A. Isadore Candeub, 11 Hill Street, Newark, N.J. Planning Board Consultant.
- B. W. Franklin Buchanan, 495 Main Street, Metuchen, N.J. Borough Engineer.
- C. George Terwilliger, Jr., 351 Main Street, Metuchen, N.J. Building Inspector.
- D. Walter K. Timpson, 577 Middlesex Avenue, Metuchen, N.J. Borough Assessor

7. Please provide a summary of any written reports prepared for use at trial of any expert upon whose testimony defendant will rely at the time of trial, including a statement of where a copy of such a report can be obtained and its cost.

There have been no written reports but same will be provided prior to trial if they are made. Please note affidavits of George Terwilliger, Jr. and W. Franklin Buchanan submitted with defendant's Brief, and upon which defendant may rely.

8. If no written reports have been received, give the time, date and place of any interviews or oral discussions with experts and set forth a summary of such discussions.

There have been no interviews or oral discussions at this date, although attorney for defendant has become familiar over the various years with the opinions and expertise of the above experts. If there are specific discussions, summaries will be forwarded prior to trial.