

CA - Monroe

6-Nov-74

Answer on Behalf of Defendant,
Town of Monroe

pg = 6

grey tab = "D Monroe Answer"

CAC01627A

RECEIVED & RECORDED
MIDDLESEX COUNTY, N.J.

74 NOV 11 AM 7:43

BOOK MADE
FRANK SCHATZMAN
CLERK

FILED

NOV 8 1974

Martin D. ...

MOSS AND INGLESE
406 MAIN STREET
METUCHEN, N. J. 08840
(201) 548-3122
ATTORNEYS FOR Defendant, Township of Monroe

Plaintiff
URBAN LEAGUE OF GREATER NEW BRUNSWICK,
a non-profit corporation of the State
of New Jersey, et al.,

vs.

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

314
SUPERIOR COURT OF
NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY

Docket No. C-4122-73

CIVIL ACTION
ANSWER ON BEHALF OF
DEFENDANT, TOWNSHIP OF
MONROE

Defendant, Township of Monroe, a Municipal Corporation
of the State of New Jersey, by way of Answer to the Complaint
of the Plaintiffs, says:

1. Defendant has no knowledge as to number 1 of the
Complaint and Plaintiffs are left to their proofs.
2. Paragraph 2 is denied as to the matter concerning
this answering defendant, Township of Monroe.
3. Defendant leaves Plaintiffs to their proofs as
to corporate status and deny its allegations as to the injury
to its members.
4. As to Paragraphs 5, 6, 7, 8, 9, 10 and 11, Defendant
has no knowledge and Plaintiffs are left to their proofs.

5. Defendant denies Paragraph 12 of the Plaintiffs complaint.

6. Paragraph 13 is affirmed as to Monroe Township.

7. Defendant has no knowledge as to Paragraph number 14 and Plaintiffs are left to their proofs.

8. Defendant denies Paragraph 15 of the Plaintiffs complaint.

9. As to Paragraphs 16, 17, 18, 19, 20, 21, 22, 23 and 24, Defendant has no knowledge and Plaintiffs are left to their proofs.

10. Defendant denies Paragraph 25 of the Plaintiffs complaint.

11. As to Paragraphs 26, 27, 28, 29, 30 (including a, b, c, d, and e) 31, 32, 33 (including a, b, c and d) and 34 (including a, b, c, d, e, f, g, h and i), Defendant has no knowledge and Plaintiffs are left to their proofs.

12. Defendant denies Paragraph 35 of the Plaintiffs complaint.

FIRST SEPARATE DEFENSE

Plaintiffs do not constitute a class and have failed to specifically show any cause of action against the defendant, Township of Monroe.

SECOND SEPARATE DEFENSE

Plaintiffs do not constitute as class as defined by R.R. 4:32.

THIRD SEPARATE DEFENSE

Plaintiffs have failed to present a justiciable issue before the courts under the Declaratory Judgment Act.

FOURTH SEPARATE DEFENSE

Plaintiffs fail to set forth a claim upon which relief can be granted.

FIFTH SEPARATE DEFENSE

Plaintiffs claim fails to take into account that the Township of Monroe, primarily a farm community, in demands of the plaintiffs would require such growth as to destroy food producing areas within the State of New Jersey.

SIXTH SEPARATE DEFENSE

The Township of Monroe at no time has violated any of the legal requirements of State and Federal Law.

SEVENTH SEPARATE DEFENSE

Plaintiffs have failed to include indispensible parties including the State of New Jersey, the Legislature of the State of New Jersey, United States of America, President of the United States of America, the Congress of the United States of America, New Brunswick, Perth Amboy, and remaining municipalities in the State of New Jersey.

EIGHTH SEPARATE DEFENSE

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.

NINTH SEPARATE DEFENSE

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

TENTH SEPARATE DEFENSE

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

Plaintiffs have failed to consider the unique difference of each of the municipalities named as defendants and have asked the Court to fix reasonable requirements in land use and to provide for reasonable planning which power the Court lacks.

TWELFTH SEPARATE DEFENSE

The complaint is predicated on the fallacious assumption that each municipality must provide for specific uses and is also qualified to provide for such specific uses while in fact there is no such requirement by law.

THIRTEENTH SEPARATE DEFENSE

Plaintiffs have failed to exhaust their administrative remedies in accordance with the rules of court and the laws of the State of New Jersey. Plaintiffs have not made application to any of these defendants for relief and accordingly this action is premature and untimely.

FOURTEENTH SEPARATE DEFENSE

The Monroe Township ordinances which are challenged are not unconstitutional either on their face or as applied.

FIFTEENTH SEPARATE DEFENSE

Plaintiffs, in its complaint by demand of reasonable planning, request that the Court destroy municipal line and authority by creation of a new authority which would control the development and use of land on a regional basis thereby changing the nature, quality and natural development of each independent municipality. The Court lacks the power to do the same and such

action could only result from change in the Constitution of the State of New Jersey.

SIXTEENTH SEPARATE DEFENSE

The Township of Monroe is presently under a comprehensive study of local conditions, geographical, topographical, ecological, economical and sociological for the purposes of developing a master plan and revision of the zoning and planning ordinances to conform therewith. The studies are presently being conducted and the authority to design a master plan has been given and has been in process for approximately one year and therefore, the complaint of the plaintiffs should be dismissed as to the Township of Monroe until completion of the studies and the adoptions of the master plan and new zoning and planning ordinances.

SEVENTEENTH SEPARATE DEFENSE

The State of New Jersey is now the most densely populated State in the United States. The relief requested, if granted, would not remedy the alleged ills suffered by the plaintiffs and the net effect would be to cause further deterioration of the inner cities and substantial population density increases in the entire State to the detriment of the entire State.

EIGHTEENTH SEPARATE DEFENSE

The State of New Jersey is presently in the process of preparing and planning for an amendment to the Constitution which would provide for the reservation of lands within the State to be utilized for farming purposes as the State of New Jersey has recognized the need for food producing areas in order that there will be sufficient food not only for the plaintiffs, but for the people throughout the world.

NINETEENTH SEPARATE DEFENSE

The ordinances of the Township of Monroe do not violate the Federal or State constitutions and do not constitute racial discrimination in any form.

TWENTIETH SEPARATE DEFENSE

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

MOSS AND INGLESE
Attorneys for defendant,
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF MONROE

BY: /s/ Samuel C. Inglese
SAMUEL C. INGLESE

I HEREBY CERTIFY that a copy of 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.

MOSS AND INGLESE
Attorneys for defendant,
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF MONROE

BY: /s/ Samuel C. Inglese
SAMUEL C. INGLESE