

CA - North Brunswick

11/11/75

Cover letter ~~REG~~

Pretrial memorandum on behalf of Δ /twp

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RECEIVED *Township of North Brunswick*
NEW JERSEY

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711 HERMANN ROAD
POST OFFICE BOX 182
NORTH BRUNSWICK, N. J. 08902

Reply to:
103 Bayard Street
New Brunswick, N.J. 08901
201-545-6700

November 11, 1975

Honorable David D. Furman
Superior Court, Chancery Division
Middlesex County Courthouse
New Brunswick, N.J. 08903

Re: Urban League of Greater New Brunswick
et als., v. Township of North Brunswick,
et als. Docket No. C-4122-73.

Dear Judge Furman:

Enclosed herewith please find original and three copies of pre-trial memorandum on behalf of defendant Township of North Brunswick.

Very truly yours,

JOSEPH H. BURNS

JHB/bn
Encl.

cc: All Counsel of Record

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JOSEPH H. BURNS
103 BAYARD STREET
NEW BRUNSWICK, N. J. 08903
(201) 545-6700

ATTORNEY FOR Township of North Brunswick

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY

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

vs.

Defendant TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NORTH BRUNSWICK and TOWNSHIP
OF NORTH BRUNSWICK, et als.

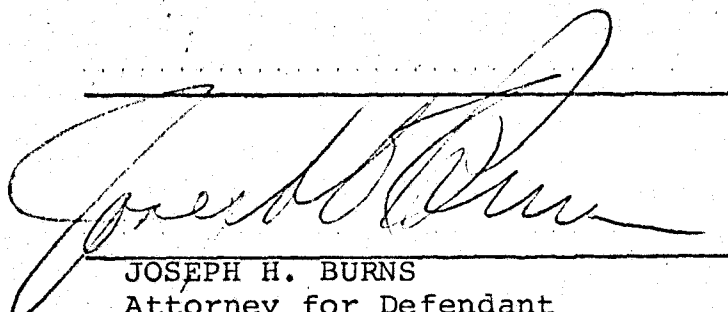
Docket No. C-4122-73

CIVIL ACTION

PRETRIAL MEMORANDUM OF
TOWNSHIP OF NORTH BRUNSWICK

1. NATURE OF ACTION: , Class action challenging the zoning and land use practices of original 23 municipalities, defendants in County of Middlesex.
2. ADMISSIONS AND STIPULATIONS: None.
- 3-4. FACTUAL AND LEGAL CONTENTIONS: (Annexed hereto).
5. DAMAGE AND INJURY CLAIMS:
6. AMENDMENTS: None.
7. LEGAL ISSUES AND EVIDENCE PROBLEMS: Standing to maintain suit; indispensable parties; definition of region and individual defendants consequent share of housing needs; failure of sufficient claim for relief; applicability of developing municipality status; reasonableness of individual ordinances; rights to costs and attorneys fees.
8. LEGAL ISSUES ABANDONED: None.

9. EXHIBITS: None.
10. EXPERT WITNESSES: No limitation.
11. BRIEFS: As directed by Court.
12. ORDER OF OPENING AND CLOSING: Usual.
13. ANY OTHER MATTERS AGREED UPON: None.
14. TRIAL COUNSEL: Joseph H. Burns, for Township of North Brunswick.
15. ESTIMATED LENGTH OF TRIAL:
16. WEEKLY CALL OR TRIAL DATE: As directed.
17. ATTORNEYS FOR PARTIES CONFERRED ON MATTERS THEN AGREED UPON:
18. IT IS HEREBY CERTIFIED THAT ALL PRETRIAL DISCOVERY HAS BEEN COMPLETED, except depositions of Plaintiffs' expert witnesses when identified.
19. PARTIES WHO HAVE NOT BEEN SERVED: None.
PARTIES WHO HAVE DEFAULTED: None.



JOSEPH H. BURNS
Attorney for Defendant
Township of North Brunswick

Dated: November 11, 1975.

3-4 FACTUAL AND LEGAL CONTENTIONS ON BEHALF OF THE TOWNSHIP
OF NORTH BRUNSWICK:

The Township contends the plaintiffs have no standing to maintain this suit both generally and individually as to North Brunswick.

The Township of North Brunswick takes the position that its appropriate ordinances, policies and practices have resulted in its offering, within its limitations imposed by geography, topography, etc., its fair share of low and moderate housing. Since region in the context of this litigation has yet to be defined, there cannot be advanced at this time contentions as to actual proportions. The Township does contend, however, that region is not synonymous with the area encompassed by the defendant in this action.

The Township contends that substantial dwellings, if they exist at all, are inconsequential in the Township. As to other housing, the Township has a mix of old and new, including very small homes on very small lots as well as ample multiple dwelling units in all economic ranges. It has a public Housing Authority. There is presently underway a Senior Citizens Housing Project under the New Jersey Housing Legislation.

There has been no indication of housing needs being frustrated by the zoning policies and existing housing pattern in North Brunswick. The ordinances are a valid exercise of police power and are appropriate to the Township in its present state of development. The Township is not a developing municipality in the same context as was Mount Laurel.

The Township has unique characteristics in consideration of which its ordinances have been formulated in a reasonable manner. The exercise of discretion by the governing body in these policies has been proper and within the legislative intent. The governing body is reviewing all aspects of the zoning ordinance.