

~~Old~~ - Old Bridge (Madison)
CA-

11/12/75

Letter to Judge enclosing the original and 3 copies of
pre-Trial Memo of Defendant, Old Bridge. (3 copies)

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~~4~~ pgs.

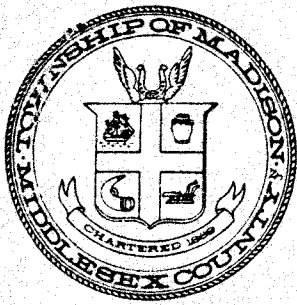
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Township of Madison

MIDDLESEX COUNTY, N. J.

Please Reply to:
Louis J. Alfonso, Esq.
Township Attorney
325 County Hwy. 516
Old Bridge, N.J. 08857
(201) 238-2230

November 12, 1975



BOX 684
OLD BRIDGE, N.J. 08857

C

Hon. David T. Furman
Middlesex County Court House
New Brunswick, New Jersey 08903

Re: Urban League of Greater New Brunswick, et als
vs.
Borough of Carteret, et als.
Docket No. C-4122-73

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Dear Judge Furman:

Enclosed herewith please find original and three (3) copies of Pre-Trial Memorandum of defendant, Township of Old Bridge, (formerly Madison Township) for the Pre-Trial Conference scheduled for November 17, 1975 at 1:30PM.

P

Respectfully yours,

Y

LJA/mkv
Enc.
cc: All Attorneys of
Record

LOUIS J. ALFONSO
Township Attorney

Attorney(s) LOUIS J. ALFONSO, ESQ.

Office Address & Tel. No.: 325 County Highway 516, Old Bridge, N.J. 08857 (201) 238-2230

Attorney(s) for Defendant, Township of Madison

SUPERIOR COURT OF NEW JERSEY

URBAN LEAGUE OF GREATER NEW BRUNSWICK, et als.

CHANCERY DIVISION MIDDLESEX COUNTY

Plaintiff(s)

vs.

Docket No.C 4122-73

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

Defendant(s)

CIVIL ACTION

PRETRIAL MEMORANDUM OF

The Township of Old Bridge (formerly Madison Township)

1. NATURE OF ACTION: Suit to declare Zoning Ordinance of the Township of Old Bridge, (formerly Township of Madiso), and twenty-two (22) other municipalities in Middlesex County invalid.

2. ADMISSIONS AND STIPULATIONS:

None

3-4. FACTUAL AND LEGAL CONTENTIONS: (Annexed hereto).

See annex.

5. DAMAGE AND INJURY CLAIMS: Plaintiff seeks to enjoin alleged practices which allegedly have the effect of excluding low and moderate persons from within defendants communittees. Plaintiff further seeks to establish a plan to provide for fair regaional housing needs in said communittees.

6. AMENDMENTS:

None

7. LEGAL ISSUES ANDEVIDENCE PROBLEMS: Unconstitutionality of the Township Zoning Ordinance; applicability of Mt. Laurel case; additional questions set forth by East Brunswick adopted herein.

8. LEGAL ISSUES ABANDONED:

None

9. **EXHIBITS:** Zoning Ordinance of the Township; Zoning Map of Township

10. **EXPERT WITNESSES:**

No limit

11. **BRIEFS:**

As ordered.

12. **ORDER OF OPENING AND CLOSING:**

Usual.

13. **ANY OTHER MATTERS AGREED UPON:**

14. **TRIAL COUNSEL:** Louis J. Alfonso, Alfonso, Grossman and Alfonso

15. **ESTIMATED LENGTH OF TRIAL:** Three weeks for general issues; two days as to validity of Old Bridge Township Ordinance.

16. **WEEKLY CALL OR TRIAL DATE:**

As Ordered.

17. **ATTORNEYS FOR PARTIES CONFERRED ON MATTERS THEN AGREED UPON:**

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18. **IT IS HEREBY CERTIFIED THAT ALL PRETRIAL DISCOVERY HAS BEEN COMPLETED,** except Township of Old Bridge requires additional 30 days to answer Interrogatores for admission.

19. **PARTIES WHO HAVE NOT BEEN SERVED:**

None

PARTIES WHO HAVE DEFAULTED:

Dated: November 12 1975 .

By LOUIS J. ALFONSO, Attorney
For Township of Old Bridge

FACTUAL AND LEGAL CONTENTIONS

The Township of Old Bridge consists of 42 square miles and approximately 55,000 people. Its Zoning Ordinance was previously declared unconstitutional by the Superior Court of New Jersey, Chancery Division. However, an Appeal is presently pending before the New Jersey Supreme Court. A decision is expected shortly.

Old Bridge Township has ample housing for low and moderate income families including a numerous facilities for detached single family dwellings and multi-family apartment units. In addition, of the available vacant land, much of it is zoned to provide for cluster developments and Planned Unit Developments. Much of the other vacant land adequately provides for low and moderate income housing. Under the existing realities of the economic conditions in the nation and in the region, because of high land taxes and general inflation it is submitted by the Township of Old Bridge that much vacant land in its area is priced beyond low and moderate incomes and said income groups could not purchase homes or land in the Township regardless of zoning without some provisions for subsistence which provisions are not in existence. It is furthermore the position of Old Bridge Township that its zoning policies are not exclusionary, are not discriminatory and presently meet the needs of the region for all types of housing.

Additionally, unusual circumstances exist in the Township regarding protection of the Old Bridge sands and water aquifers, Deep Run, other streams and bogs which also require zoning in many areas to prohibit dense housing and dense population. Furthermore, the Township has a distinct characteristic and it is one which should be protected and recognized.