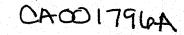


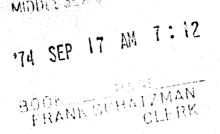
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M. ROY OAKE 463 South Washington Avenue Piscataway, N. J., 08854 Telephone (201) 968-0550 Attorney for defendant Township of Piscataway

SACHAR, BERNSTEIN & ROTHBERG A Professional Corporation 700 Park Avenue, P. O. Box 1148 Plainfield, N. J., 07061 Telephone (201) 757-8800 Co-Counsel for defendant Township of Piscataway

> SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION, MIDDLESEX COUNTY Docket No. C. 4122-73

> > •

:

URBAN LEAGUE OF GREATER NEW PRUNSWICK, : a non-profit corporation of the State of New : Jersey, et al,

#### Plaintiffs,

Civil Action

314

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

-vs-

Defendants.

: ANSWER : of the Defendant : TOWNSHIP OF : PISCATAWAY The Township of Piscataway, referred to in the Complaint as the Township Committee of the Township of Piscataway, having an official address at Municipal Building, 455 Hoes Lane, Piscataway, Middlesex County, New Jersey, answering the Complaint, says:

## I. PRELIMINARY STATEMENT

1. This defendant denies the allegations of Paragraph 1 except that this action has been filed.

2. This defendant denies the allegations of Paragraph 2.

3. This defendant denies that the Plaintiffs have any claims for relief and deny that they are entitled to any relief under the cited statutory provisions.

# II. PLAINTIFFS

4. This defendant denies the allegations of Paragraph 4 except that it has no information to form a belief as to the incorporation or affiliation of the Plaintiff Urban League or Greater New Brunswick or its work or membership and leaves plaintiffs to their proof.

This defendant further states that even if said allegations are true, they are neither relevant, material or the basis for the relief sought against this defendant.

5. This defendant has no information to form a belief as to the truth of the allegations of Paragraphs 5, 6, 7, 8, 9, 10 and 11, and therefore leaves plaintiffs to their proof.

This defendant denies that it contributed to these plaintiffs' plighting if there be one.

This defendant denies their relevance or materiality to the issues against this defendant.

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#### III. CLASS ACTION ALLEGATIONS

6. This defendant denies the allegations of Paragraph 12.

This defendant further denies that it caused, contributed to or are responsible for the conditions alleged therein or that the Plaintiffs state a claim for relief against this defendant or the right of the plaintiffs to maintain a class action.

7. Answering Paragraph 13, this defendant admits that it is a Municipal Corporation organized under the laws of the State of New Jersey. It is authorized to adopt its Zoning Ordinance, which is lawful in all respects, and denies the balance of said paragraph.

#### IV. FACTUAL ALLEGATIONS

8. This defendant has no information to form a belief as to the truth of the allegations of Paragraphs 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32, and therefore leaves Plaintiffs to their proof.

This defendant denies each and every paragraph insofar as it relates to this defendant.

This defendant further states that even if true, they are neither relevant, material or a basis for the relief sought against this defendant.

9. This defendant denies the allegations of Paragraphs 33, 34 and 35.

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# APPENDIX TO THE COMPLAINT

10. Only Paragraph 15 refers to this defendant, and this defendant has not answered the other paragraphs, as they refer to other defendants.

This defendant admits that its Zoning Ordinance prohibits mobile homes and says that it is not illegal to do so.

This defendant admits that it has not established a Public Housing

Authority nor has it passed any resolution in connection therewith, and says that it is not legally obligated to do so.

It denies the balance of Paragraph 15.

#### SEPARATE DEFENSES

#### FIRST SEPARATE DEFENSE

This defendant contends that the plaintiffs lack sufficient standing

to institute and prosecute this suit.

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#### SECOND SEPARATE DEFENSE

This defendant reserves the right to move before the trial to dismiss these proceedings for plaintiffs' failure to exhaust their administrative remedies.

#### THIRD SEPARATE DEFENSE

This defendant reserves the right to move to dismiss the

Complaint for failure to state a cause of action wherein the relief sought can

be granted by the Courts of New Jersey.

#### FOURTH SEPARATE DEFENSE

Since the Constitution of the State of New Jersey directs that the

Legislature of the States of New Jersey enact legislation to permit municipalties

of the state to exercise their zoning power, the Judicial Branch of the

Government cannot direct by judicial decree how a municipality can be zoned

or how it should use its discretionary powers.

March 1998

## FIFTH SEPARATE DEFENSE

The Complaint fails to state a justiciable question.

## SIXTH SEPARATE DEFENSE

This defendant's action is not the proximate cause of plaintiffs' alleged wrongs.

## SEVENTH SEPARATE DEFENSE

Plaintiffs have an adequate remedy at law.

## EIGHTH SEPARATE DEFENSE

This defendant denies that it is legally obligated to provide for

all uses or to use any disretionary power.

NINTH SEPARATE DEFENSE

This defendant zoning actions were in compliance with N. J.S.A.

40:55-32.

## **TENTH SEPARATE DEFENSE**

The Court lacks jurisdiction to compel this defendant to join with any other defendant for any joint plan or the manner or method to pursue

in order to adopt or change any provision of its zoning ordinance.

-5-

#### ELEVENTH SEPARATE DEFENSE

This defendant's housing, zoning and use ordinance controls, plans, policies and practices are lawful.

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### **TWELFTH SEPARATE DEFENSE**

Assuming that housing and housing opportunities are legitimately of concern to government at all, the said housing and housing opportunities are matters of state wide concern, rather than simply local matters and any requirements for the provisions of decent, adequate housing or opportunities therefore is a common state purpose and obligation of the State of New Jersey.

THIRTEENTH SEPARATE DEFENSE

To grant the relief requested by the plaintiffs would place upon this defendant an unequal and discriminatory tax burden for the financing of housing as a common state purpose.

#### FOURTEENTH SEPARATE DEFENSE

The imposition of the burden of financing housing on Piscataway

would be arbitrary, capricious and unreasonable

M. Roy

Attorney for Defendant, Township of Piscataway. SACHAR, BERNSTEIN & ROTHBERG By Edward Sachar, Co-Counsel

I hereby certify that the within Answer was served withiththe period allowed by Rule 4:6.

> M. Roy Cake, Attorney for Defendant, Township of Piscataway. SACHAR, BERNSTEIN & ROTHBERG By 20 ward Jackar

Edward Sachar, Co-Counsel