

CA - Piscataway

9/12/74

- Answer (of Piscataway)

Pg. 6

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DE  
*Mortimer D. Krumpholtz*  
Clerk

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314  
SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION, MIDDLESEX COUNTY  
Docket No. *C 4122-73* ✓

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

Plaintiffs, :

Civil Action

-vs-

MAYOR AND COUNCIL OF THE BOROUGH OF :  
CARTERET, et al, :

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' plight if there be one.

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

### 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.

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.

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 State of New Jersey enact legislation to permit municipalities

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.

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 discretionary 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.

ELEVENTH SEPARATE DEFENSE

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

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 Oake  
M. Roy Oake,

Attorney for Defendant, Township of  
Piscataway.

SACHAR, BERNSTEIN & ROTHBERG

By Edward Sachar  
Edward Sachar, Co-Counsel

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

M. Roy Oake  
M. Roy Oake,

Attorney for Defendant, Township of Piscataway.

SACHAR, BERNSTEIN & ROTHBERG

By Edward Sachar  
Edward Sachar, Co-Counsel