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Certification in Support of Notice to Stay Judgment

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ATTORNEYS FOR Defendant, Township of Piscataway

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SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: MIDDLESEX COUNTY
DOCKET NO. C-4122-73 ✓

URBAN LEAGUE OF GREATER NEW BRUNSWICK,
et als,

Plaintiffs,

Civil Action

-vs-

CERTIFICATION IN SUPPORT OF NOTICE
TO STAY JUDGMENT

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

Defendants. :

I, DANIEL S. BERNSTEIN, do hereby state:

1. My firm represented the Township of Piscataway in the above
entitled matter.

2. The evidence in the present matter clearly indicated that
Piscataway was not an exclusionary community.

3. The plaintiffs' answers to Interrogatories indicated that in 1970 Piscataway had a total population of 36,418, out of which 3,839 were of minority groups. The growth in the number of minority persons living in Piscataway between 1960 to 1970 was 148.9%.

4. The plaintiffs also submitted statistics which showed that Piscataway's minority students comprised 15.7% of the total enrollment in 1972.

5. Joseph J. Carr, the municipal planner for Piscataway, testified that in 1975, 32.9% of all homes in Piscataway sold for under \$40,000 while only .6% in Piscataway sold for over \$70,000.

6. Mr. Carr further testified that of the existing home sales excluding new home sales, 41.7% sold for less than \$40,000 while .8% sold for more than \$70,000.

7. Mr. Carr testified that there were 3,288 apartments in Piscataway. In only one complex does the rent exceed \$300 per month and that is only for 12 units. The rental was characterized by the trial judge as being "modest".

8. According to DP-19, the total housing stock in Piscataway contains 11,193 dwelling units. Piscataway has innumerable apartments and dormitories for Rutgers' students. The court should at a minimum give credit for the 420 Rutgers' family apartments where the rentals range from \$150 to \$225 per month. Adding together the homes selling for less than \$40,000, plus the apartments and Rutgers' family units, Piscataway provides 6,203 moderate income units or 57% of its total housing stock. This does not give any credit for the more than 4,000 Rutgers' students who occupy dormitories in Piscataway.

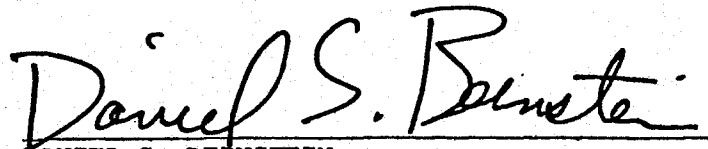
9. Piscataway presently has approximately 1,000 acres which are owned by Rutgers University. Under the case of Rutgers v. Piluso, 60 N.J. 142 (1972), Piscataway cannot control this land by zoning. This land is subject to the construction of low and moderate income housing units by Rutgers University.

10. The evidence in the present matter disclosed that there was some undeveloped land which was zoned for small lots and apartments.

11. Based on the foregoing, it is clear that Piscataway has not been practicing exclusionary zoning, such as more affluent communities which have recently been involved in exclusionary zoning suits.

12. Based on the foregoing, a stay should be granted until the matter is appealed to the Appellate Division and the New Jersey Supreme Court. There will be no irreparable harm to the plaintiffs since Piscataway has more than met its burden of providing low and moderate income housing for its citizens.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.


DANIEL S. BERNSTEIN

DATED: September 20, 1976