

CA - Plainsboro — 11-Nov, - 75

Pre-trial memorandum of the
Twp of Plainsboro with cover letter,
and explanatory letter

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NOV 17 1975 November 11, 1975

Honorable David D. Furman
Superior Court, Chancery Division
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

Dear Judge Furman:

Enclosed please find original and three copies of pretrial memorandum and Factual and Legal Contentions on behalf of the Township of Plainsboro for the Pretrial Conference scheduled for November 14, 1975, at 1:30 p.m.

Respectfully,


Joseph L. Stonaker

JLS:sn

cc: All attorneys of record

CA001836D

RULS - ML - 924

Attorney(s): Joseph L. Stonaker
Office Address & Tel. No.: 245 Nassau Street, Princeton, New Jersey, 08540 (609)-921-2155
Attorney(s) for Defendant, Township of Plainsboro

SUPERIOR COURT OF NEW JERSEY

URBAN LEAGUE OF GREATER NEW BRUNSWICK,
et als.,

CHANCERY DIVISION
MIDDLESEX COUNTY

Plaintiff(s)

vs.

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

Defendant(s)

Docket No. C-4122-73

CIVIL ACTION

PRETRIAL MEMORANDUM OF

Defendant, Township of Plainsboro

1. NATURE OF ACTION: Class action by seven individuals and one organization challenging the individual and concerted land use policy and practice of 23 of the 25 municipalities in Middlesex County.

2. ADMISSIONS AND STIPULATIONS: None

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

5. DAMAGE AND INJURY CLAIMS: Plaintiffs seek costs and attorneys fees

6. AMENDMENTS: None

7. ISSUES AND EVIDENCE PROBLEMS: Standing; burden of proof; definition of region; computation of fair share of regional needs; right to costs and attorneys fees; availability of judicial remedy requested by Plaintiffs.

8. LEGAL ISSUES ABANDONED: None

'9. EXHIBITS: None

10. EXPERT WITNESSES: No limitation

11. BRIEFS: As the Court may direct

12. ORDER OF OPENING AND CLOSING: Usual

13. ANY OTHER MATTERS AGREED UPON: None

14. TRIAL COUNSEL: Joseph L. Stonaker, for the Township of Plainsboro

15. ESTIMATED LENGTH OF TRIAL: Two months

16. WEEKLY CALL OR TRIAL DATE: As the Court may direct

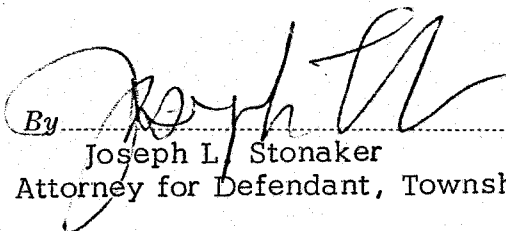
17. ~~ATTORNEYS FOR PARTIES CONFERRED ON
MATTERS THEY AGREED UPON~~

18. IT IS HEREBY CERTIFIED THAT ALL PRETRIAL DISCOVERY HAS BEEN COMPLETED,
except depositions of Plaintiff's expert witnesses when identified.

19. PARTIES WHO HAVE NOT BEEN SERVED: None

PARTIES WHO HAVE DEFAULTED: None

Dated: November 11 19 75 .

By  _____
Joseph L. Stonaker
Attorney for Defendant, Township of Plainsboro

3-4. FACTUAL AND LEGAL CONTENTIONS OF DEFENDANT, Township of
Plainsboro

The Township of Plainsboro maintains that it has made "realistically possible" a variety of housing and is presently meeting its fair share of the regional need for low and moderate income housing.

The Township of Plainsboro provides within its borders for apartments, condominiums, townhouses, single family detached housing, clustered single family housing, and its proposed master plan provides for modular housing. Since this suit was instituted and the Supreme Court made its decision in the Mt. Laurel case, a developer who received approval for townhouses was required at the time of construction of those townhouses to show cause why 20% of the total housing units cannot be developed for low and moderate income families whether through Federal or State mortgage or rent supplement or subsidization programs or otherwise.

The 1970 census indicated that the Township of Plainsboro has a few substandard dwellings. The Township of Plainsboro contends that at the time of this action there were no substandard dwellings. The Township of Plainsboro provides the same proportion of low and moderate income housing for the region as the proportion of the low and moderate income housing population of the Township of Plainsboro bears to the total population of Plainsboro.

The Township of Plainsboro is composed of a considerable amount of Class I and Class II farmland and the State of New Jersey has declared through the Blueprint Commission on the Future of Agriculture in New Jersey that it is the public policy of the State that this farmland be preserved. The zone plan of the Township of Plainsboro conforms with the Middlesex County

Master Plan.

Any future development in Plainsboro Township must consider the possibility of pollution to the Millstone River and other environmental and ecological concerns.

The Township of Plainsboro has adopted a comprehensive zone plan which provides for the balance of residential, commercial and industrial uses.

The Township of Plainsboro is presently considering a revision of its Master Plan and Zoning Ordinance to eliminate the bedroom limitation in its apartment zone and to require all developers to show cause why they can't provide a percentage of low and moderate income housing in their development.

July 31, 1975

Mr. Joseph L. Stonaker, Esq.
245 Nassau Street
Princeton, New Jersey 08540

Re: Urban League of Greater New Brunswick,
et al. vs. The Mayor and Council of the
Borough of Carteret, et al.

Dear Mr. Stonaker:

Enclosed please find an original and three
copies of plaintiffs' supplemental interrogatories
for the Township of Plainsboro.

These have been structured to replace the
last question on plaintiffs' demand for admissions
as well as to obtain information on expert witnesses
and/or reports.

Sincerely,

Daniel A. Searing
Attorney for Plaintiffs

DAS:blt

Enclosures