

30 May 1975

~~U.S. District Court~~
CA - Sayreville

Request For Admission pursuant to R 4:22

PI # 967

Pgs 6

CA001885G

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134 Evergreen Place
East Orange, New Jersey 07018
201-677-1400

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1425 H Street, N.W.
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Attorneys for Plaintiffs

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

URBAN LEAGUE OF GREATER NEW
BRUNSWICK, et al.

Plaintiffs

vs.

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

Defendants.

Civil Action

REQUEST FOR ADMISSION

TO:

Alan Karcher, Esq.
167 Main Street
Sayreville, New Jersey 08872

Plaintiffs hereby make Request for Admissions
pursuant to R. 4:22, et seq:

CA001885G

1. Does defendant admit that Sec. 24K(11)(b) of the municipal zoning ordinance prohibits in any zone in the municipality residential trailer and/or mobile home parks?

Yes, but only because we were advised by experts in the various fields involved that this type of trailer or mobile homes were fire, health and crime hazards not only to the occupants of the park itself but to all surrounding areas.

2. Does defendant admit that the municipal zoning ordinance does not provide for trailers or mobile homes occupied for residential purposes as conforming uses?

Yes, but only because we were advised by experts in the various fields involved that this type of trailer or mobile homes were fire, health and crime hazards not only to the occupants of the park itself but to all surrounding areas.

3. Does defendant admit that the R-20 zone requires minimum size lots of 20,000 sq. ft., floor areas of 1,500 sq. ft., and lot widths of 100 ft.? **Yes, but your question fails to incorporate the fact that R-20 Residential Zone covers much smaller areas than the other zones.**

4. Does defendant admit that the R-10 zone requires minimum floor areas of 1,400 sq. ft. and lot widths of 100 ft.? **Yes, but your demand again fails to cover the fact that the R-10 residential zone encompasses substantially much less of the zoning area than other zones.**

5. Does defendant admit that the R-7 zone requires minimum floor areas of 1,000 sq. ft.? **Yes, but only because our experts in the various fields involved have, advised us that any lesser floor area would endanger the health, safety and welfare not only of the occupants but all of the occupants of adjacent properties as well.**

6. Does defendant admit that modifications allowed to lot size in R-10 and R-7 zones under certain circumstances provide gross density (lots per acre) limits of 2.4 and 3.2, respectively? **Yes, but this point has become moot since Sayreville's adoption of its PUD amendment to its zoning ordinance.**

7. Does defendant admit that less than five percent of the developed land in Sayreville is used for multi-family dwellings?

Yes, but this is also moot by reason of the adoption by Sayreville of its PUD amendment to its zoning ordinance.

8. Does defendant admit that as of 1970, all land zoned for multi-family dwellings was developed?

Yes, but this is also moot by reason of the adoption by Sayreville of its PUD amendment to its zoning ordinance.

9. Does defendant admit that as of 1970, of the 4,083 acres of zoned developable land, 22.3 percent was zoned for residential use?

Yes, but this is also moot by reason of the adoption by Sayreville of its PUD amendment to its zoning ordinance.

10. Does defendant admit that of the 4,083 acres, 74.1 percent or 3,027 acres of vacant developable land was zoned for industrial use?

Defendant denies this assertion and says that its adoption of its PUD amendment to its zoning ordinance changes these percentages drastically.

11. Does defendant admit that the planned unit development section prohibits any two adjacent buildings in its planned unit development from having the same exterior?

Yes, but this is a trifling circumstance, does not materially increase the cost of construction and adds substantially to the overall attractiveness of the home, eliminates the suggestion of regimentation and encourages the individual owners to take additional pride in their individual home.

12. Does defendant admit that the planned unit development section limits the maximum units per acre to 4 and 4.5?

Yes, but only because this defendant has been advised by experts in this field that any larger increase in density would be detrimental to the health, safety and welfare of the occupants and all adjacent areas as well.

13. Does defendant admit that public housing for the elderly is exempt from the restriction in 12, but not public housing for the non-elderly? Yes, but only because this defendant has been advised by its experts in these fields that the economic condition of the elderly and particularly those living on fixed incomes such as pensions and social security, require this exemption while this is not true of the non-elderly who are able bodied and willing to work at gainful employment.

14. Does defendant admit that the planned unit development section requires minimum floor areas in townhouses of 1,000 sq. ft.? Yes, but only because our experts in the various fields involved have advised us that any lesser floor area would endanger the health, safety and welfare not only of the occupants but all of the occupants of adjacent properties as well.

15. Does defendant admit that the Middlesex County Master Plan projects that total acreage needed by Sayreville to accommodate existing and projected industrial uses by the year 2000 is 1,420? No. This projection is disputed. Sayreville's industries are of such a character that public safety requires that they be more or less isolated from proximity to residential areas. If this protection were not afforded our local industries the liklihood is that they would close their plants and move out creating drastic unemployment.

16. Does defendant admit that no public housing or public housing authority exists in the Borough? This defendant has appointed an Advisory Committee to study the public housing needs of the elderly.

17. Does defendant admit that the number of building permits it issued between 1965 and 1973 was as follows:

	<u>1965</u>	<u>1966</u>	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>
Single Family	295	364	371	267	109	72	94	101	89
Multi-family	28	4	0	0	0	2	0	4	0

Yes, but this defendant denies that these statistics either establish or support the contentions of the plaintiff, but were due to economic conditions, failure to make the appropriate applications and other conditions beyond the control of this defendant.

18. Does defendant admit that its 1970 minority population was 35 black, 141 Spanish-speaking and 83 other minority?

Defendant denies that the new census taken in 1970 has any materiality in 1975. Moreover the minorities referred to failed to select this municipality for their homes on a purely voluntary basis and not because they were coerced by this defendant. In fact this defendant's population is made up largely of large segments representing a wide diversity of ethnic backgrounds including Polish, Hungarian, etc.

19. Does defendant admit that its population increased from 22,553 in 1960 to 32,508 in 1970?

Yes, but denies any implication the plaintiffs may allege merely by virtue of said increases in population.

20. Does defendant admit that its black population decreased from 50 to 35 from 1960 to 1970?

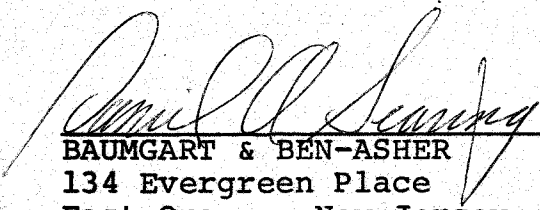
Defendant has no personal knowledge sufficient to answer this question.

21. Does defendant admit that a substantial portion of its developable land is readily amenable to sewer and water utility installation?

Defendant's water supply capacity is at best marginal. Substantial sums would have to be spent to enlarge water treatment capacity. Major sewer project has been delayed by Federal and State Government for nearly ten years. Borough has been in position to move on this project but has been delayed by circumstances beyond its personal control.

22. Does defendant admit that there are no peculiar circumstances which require maintenance of the provisions of the zoning ordinance and application of the land use practices listed in 1 through 14 above? If this is denied, list such peculiar circumstances and provide a summary of the facts supporting such circumstances.

Defendant denies this application and refers back to the answers given in demands 1 through 14 and repeats them as fully as if set forth herein.


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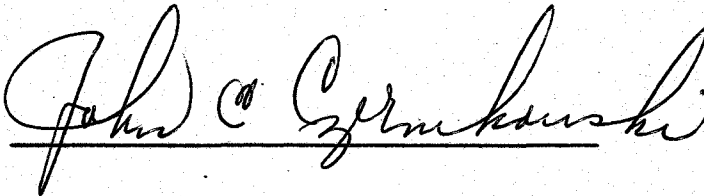
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Attorneys for Plaintiffs

CERTIFICATION

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 willfully false, I am subject to punishment.

DATED:

May 30, 1975


John C. Grynkowski