

~~ME~~ - South Brunswick
CA

???

- Defendant, South Brunswick Township's Answering Brief

Pgs. 3

P.i. 1319

CA 002002B

(Fair Share)

URBAN LEAGUE OF GREATER
NEW BRUNSWICK, et al.,

Plaintiffs,

v.

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

Defendants.

:
:
:
:
:
:
:
:
:
:

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

DEFENDANT, SOUTH BRUNSWICK TOWNSHIP'S ANSWERING BRIEF

SEIFFERT, FRISCH, GRUBER
& CAFFERTY
Attorneys At Law
1215 Livingston Avenue
North Brunswick, N. J.
08902
201/249-2141

The Township of South Brunswick in reply to plaintiffs' brief would like to reiterate several points.

First, the Township has submitted ample proof that the region for South Brunswick is not Middlesex County but is a region comprised of a portion of Middlesex County, a portion of Somerset, and Mercer. We believe that this is consistent with the Mt. Laurel decision and relates to the criteria set down by the Court in Oakwood v. Madison.

The Township of South Brunswick wishes to also incorporate by reference the arguments of co-counsel with regard to the allocation of fair share as proposed by the plaintiffs, in particular the brief of Cranbury Township and Piscataway Township.

With regard to the plaintiffs' brief, the portion of which deals with the alleged exclusionary elements of each ordinance, please be advised on page 12 of Appendix B, Part One, the plaintiffs in a summary of exclusionary elements indicate that South Brunswick has an excess minimum interior floor area and they also indicate that the housing provisions in the PUD are restrictive. To my knowledge, Mr. Mallach testifying on behalf of the plaintiffs, indicated that the minimum floor area in South Brunswick Township is not unreasonably excessive. In addition, with regard to the

alleged restrictive provisions in the PUD Ordinance, there was no testimony with regard to any restrictive provisions of the PUD Ordinance except that it required two parking spaces per living unit as opposed 1.5 that Mr. Mallach indicates in his opinion is proper.

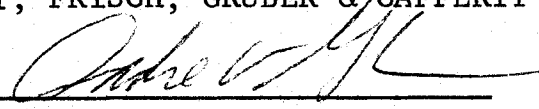
Carl Hintz amply answered that argument showing that the reduction in parking spaces would do nothing other than help to create uncontrolled parking situation. In addition, many of the changes proposed by plaintiffs in their brief with regard to the Township of South Brunswick, on pages 27 and 28 of plaintiffs' brief, are not related nor substantiated by the testimony given by plaintiffs.

In addition, the provisions attacked by the plaintiffs specifically dealing with South Brunswick do not respond to the low and moderate income needs and many provisions suggested are not true cost saving devices, but merely providing additional profits for developers and property owners. I also wish to point out to the Court that many points raised in the plaintiffs' brief have been already answered in my original trial brief.

RESPECTFULLY SUBMITTED,

SEIFFERT, FRISCH, GRUBER & CAFFERTY

BY:



ANDRE WM. GRUBER, ESQ.