

~~100-24~~ U.L. v. S. Brunswick

South Brunswick

30-Sept-74

Interrogatories for Urban
League, et al.

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URBAN LEAGUE OF GREATER NEW BRUNSWICK etc., et als,	Plaintiffs	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION DOCKET NO. C-4122-73
-vs-		
Township of South Brunswick, etals	Defendants.	Civil Action INTERROGATORIES

TO: Plaintiffs and to Messrs. Baumgart and Ben-Asher and National Committee Against Discrimination in Housing

SIRS: Please Take Notice that the Defendant, Township of South Brunswick, requires of the Plaintiffs, answers under oath, to the following interrogatories within the time prescribed by law:

1. State the facts upon which plaintiffs base their allegations that the Township of South Brunswick racially discriminates in housing within the Township.

See interrogatory 41, 42, 46, 48, 62, 64-67.

2. State the facts upon which plaintiffs base their allegations that the Township of South Brunswick economically discriminates in housing within the Township.

See interrogatory 43, 48, 64-67.

3. State the facts upon which plaintiffs base their allegations that the Township of South Brunswick deprives plaintiff's children of equal educational opportunities.

Defendants zoning and other land use policies and practices have excluded low-and moderate-income households, especially those with children, from South Brunswick. See interrogatory 27, 62.

4. State the facts upon which plaintiffs base their allegations that the Township of South Brunswick's zoning and land use policies adversely affect the housing market in Middlesex County.

At this time, plaintiffs assert that ⁶⁴⁻⁶⁸ defendants practices and policies noted in interrogatory/reduce the supply of housing, limit new construction, and increase the cost of housing so that housing plaintiffs and the class they represent cannot be built.

5. State the facts upon which plaintiffs base their allegations that the Township of South Brunswick's zoning and land use policies adversely affect the housing market in the region of which defendants are part.

See interrogatory 4.

6/ State the facts upon which plaintiffs base their allegation that they have a claim for relief based upon N.J.S.A. 40:55-32

See attached sheet

7. State the facts upon which plaintiffs base their allegations that they have a claim for relief based upon Article one, paragraph one of the New Jersey Constitution.

See interrogatory 6

8. State the facts upon which plaintiffs base their allegation that they have a claim for relief based upon Article one, paragraph five of the New Jersey Constitution.

See interrogatory 6

9. State the facts upon which plaintiff base their allegation that they have a claim for relief based upon Article one, paragraph 18 of the New Jersey Constitution.

Plaintiffs will not press this allegation.

10. State the facts upon which plaintiff base their allegation that they have a claim for relief based on 42 U.S.C. 1981.

See interrogatory 6

11. State the facts upon which plaintiffs based their allegation that they have a claim for relief based upon 42 U.S.C. 1982.

See interrogatory 6.

ANSWER TO INTERROGATORY #6

At this time the facts available to plaintiffs and upon which they will rely are alleged in the complaint. These are reviewed below.

Specifically, we will rely on general and specific population figures reviewed in paragraphs 16-20 of the complaint to show minority confinement to central city areas, their exclusion from South Brunswick and existing racial discrimination.

Plaintiffs will rely on the income statistics of paragraphs 21 and 22 of the complaint to show that plaintiffs and the class they represent cannot afford the type of housing allowed by South Plainfield.

Plaintiffs will rely on the employment patterns and practices outlined in paragraphs 23-28 to show that employment opportunities for plaintiffs and the class they represent have far outstripped housing opportunities in South Brunswick. Such an imbalance will continue to exist, and will increase under current zoning and other land use policies and practices.

See answers to interrogatories 41, 42, 43, 46, 48, 62, 64-67, 69, 70.

12. State the facts upon which plaintiffs base their allegation that they have a claim for relief based upon 42 U.S.C. 3601, et seq.

See interrogatory 6

13. State the facts upon which plaintiffs base their allegation that they have a claim for relief based upon the Thirteenth Amendment to the United States Constitution.

See interrogatory 6

14. State the facts upon which plaintiffs based their allegation that they have a claim for relief based upon the Fourteenth Amendment to the United States Constitution.

See interrogatory 6

15. Set forth the region of which the Township of South Brunswick and all other alleged defendants are part.

The region referred to is defined as the eight counties comprising the New Jersey portion of the New York-Northeastern New Jersey Standard Consolidated Area: Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset and Union.

16. State the facts upon which plaintiffs base their allegation that the members of the Urban League of Greater New Brunswick are unable to challenge defendants' conduct without the assistance of said organization.

See attached sheet

17. Set forth the municipalities from which the Urban League of Greater New Brunswick draws its membership.

All of Middlesex County and Franklin Township, Somerset Cty.

18. State whether the Urban League of Greater New Brunswick has any members who are not low or moderate income.

Yes.

19. State whether any of the following are members of the Urban League of Greater New Brunswick: (a) Cleveland Benson (b) Fannie Botts (c) Judith Champion (d) Lydia Cruz (e) Barbara Tippet (f) Kenneth Tuskey (g) Jean White

None of the above are members.

20. State the facts upon which plaintiffs base their allegation that the members of the Urban League of Greater New Brunswick are directly injured and aggrieved by the zoning and land use policies and practices of the Township of South Brunswick.

At this time, such members are injured and aggrieved by the racially discriminatory and exclusionary practices referred to throughout these interrogatories. See interrogatory 1.

INTERROGATORY #16

A substantial number of Plaintiff Urban Leagues' members are low or moderate income blacks who live in New Brunswick, and the surrounding area. Through collective action, these victims of discrimination seek to advance their rights. Without the force of numbers and inherent moral support, each would be unable to institute and maintain this litigation, which is of significant public interest.

21. State whether the Urban League of Greater New Brunswick has ever appeared before the Planning Board of Township Committee of the Township of South Brunswick for the purpose of presenting testimony or protesting any zoning or land use policy of the Township of South Brunswick.

No

22. State whether any of the following have ever appeared before the Planning Board of Township Committee of the Township of South Brunswick: Cleveland Benson, Fannie Botts, Judith Champion, Lydia Cruz, Barbara Tippet, Kenneth Tuskey, Jean White. If so, set forth the date and the nature of the testimony or protest.

None have so appeared.

23. State whether any of the following have sought review of any zoning ordinance or land use policy or practice of the Township of South Brunswick by suit in lieu of prerogative writ: Cleveland Brown, Fannie Botts, Judith Champion, Lydia Cruz, Barbara Tippet, Kenneth Tuskey, Jean White, Urban League of Greater New Brunswick. If so, set forth pertinent facts.

None have so sought.

24. State whether any of the following have sought housing within the Township of South Brunswick and found the same unavailable. If so, set forth the dates of such attempts and the amount of income the person had available for housing. Cleveland Benson, Fannie Botts, Judith Champion, Lydia Cruz, Barbara Tippet, Kenneth Tuskey, Jean White.

None have so sought and found unavailable.

25. State the facts upon which plaintiffs base their allegation that each of the following are persons of low or moderate income: Cleveland Brown, Fannie Botts, Judith Champion, Lydia Cruz, Barbara Tippet, Kenneth Tuskey, Jean White.

See attached sheet.

26. State the facts upon which plaintiffs base their allegations that plaintiff Kenneth Tuskey is deprived of housing and employment opportunities within the Township of South Brunswick. Plaintiff Tuskey's claim is not as above, but rather that he has been deprived of the benefits of racial and economic integration.

27. State the facts upon which plaintiffs base their allegation that plaintiff Kenneth Tuskey is deprived of educational opportunities for his children within the Township of South Brunswick.

The exclusionary operation of South Brunswick's zoning and other land use policies and practices have kept out minority families whose children would attend schools, thus depriving white residents and their children of the benefits of an integrated education.

INTERROGATORY #25

Low income or families of low income means those who cannot afford to pay enough to cause private enterprise in their locality or metropolitan area to build an adequate supply of decent, safe, and sanitary dwellings for their use. Pub.L. No. 93-303, Title II, Sec. 3(2). All plaintiffs except plaintiff Tuskey fit this definition. It is not alleged that plaintiff Tuskey is a low or moderate income person for purposes of representing such a class.

A low and moderate income person or family means lower income families whose incomes do not exceed 80 percent of the median family income of the area as determined by the Secretary of the Department of Housing and Urban Development. Pub. L. No. 93-303, Title II, Sec. 8(f)(1). All plaintiffs except plaintiff Tuskey fit this definition.

28. State the facts upon which plaintiffs base their allegations that they are entitled to proceed in a class action pursuant to Rule 4:32 of the New Jersey Court Rules.

See attached sheet.

29. State how plaintiffs intend to give notice to other members of the alleged class as to the pendency of this action.

See attached sheet.

30. Set forth the municipalities which plaintiffs allege constitute northeastern New Jersey.

All municipalities in the eight county area noted in interrogatory 15.

31. State the facts upon which plaintiffs base their allegation that there are questions of law and fact common to the class.

See attached sheets.

32. State the facts upon which plaintiffs base their allegation that plaintiff's claims are typical of the classes' claims.

See attached sheet

33. State the facts upon which plaintiffs base their allegation that plaintiffs fairly and adequately protect the classes' interest

See attached sheet

34. State the facts upon which plaintiffs base their allegation that common questions of law and fact predominate over questions effect individual members.

See attached sheet

35. State the facts upon which plaintiffs base their allegation that a class action is superior to other available methods for adjudication.

See attached sheet

36. State the facts upon which plaintiffs base their allegations that defendants have a common pattern of development.

See attached sheet.

37. State the facts upon which plaintiffs base their allegations that defendants have a common character, whether urban, suburban or rural.

See attached sheet.

ANSWER TO INTERROGATORY #28

In this action, joinder of all class members is impracticable; there are questions of law and fact common to the class; plaintiffs' claims are typical of the classes' claims; plaintiffs fairly and adequately protect the classes' interests; common questions of law and fact predominate over questions affecting individual members; a class action is superior to other available methods for adjudication. See interrogatory 31, 32, 33, 34, 35.

ANSWER TO INTERROGATORY #29

At this time a final decision on the best method of giving notice has not been made. In accordance with the rules, such notice must be directed by the court, it must be the best practicable notice, and the method must be reasonably effective.

ANSWER TO INTERROGATORY #31

The legal issue in this case, common to all defendants, is whether they have violated the general welfare clause of the state zoning enabling legislation, and in so doing curtailed plaintiffs' civil rights and violated equal protection and due process. The principles enunciated in Oakwood at Madison, Inc., v. Tp. of Madison, 117 N.J. Super. 11 (Law Div., 1971), and 128 N.J. Super. 438 (Law Div., 1974), and Southern Burlington County NAACP v. Tp. of Mt. Laurel, 119 N.J. Super. 164 (Law Div., 1972), certif. granted 62 N.J. 190 (1972) -- that municipalities may not lawfully use their zoning and other land use powers to exclude the poor -- are fully applicable to all defendants here. This is because the harm that has been done and continues to be done to plaintiffs is not limited to the conduct of one or two municipalities in an otherwise open metropolitan area. It is virtually countywide in scope.

Apart from common issues of law, it is clear that common substantive facts override the differences in form of each

INTERROGATORY #31 (cont.)

municipal zoning ordinance. Middlesex County is a common housing and labor market area, but plaintiffs are permitted to live in only two of the 25 municipalities in the county. The basic fact common to all 23 defendants is that they maintain zoning and other land use policies that exclude low-and moderate-income people. The geographic and demographic differences among the defendant municipalities and the variations in form of their zoning and other land use policies do not alter their exclusionary character, a fact common to all.

Plaintiffs will show that the zoning and other land use policies of the defendants are closely related in purpose and effect. According to plaintiffs' best information (discovery is proceeding), of the 23 defendants, 22 prohibit mobile homes^{1/} and 18 defendants prohibit single-family attached dwellings.^{2/} Multi-family dwellings fare little better. Nine defendants prohibit them, exclude them by not ^{3/} mentioning, or require a special permit or special exception. Fifteen have little or no land so zoned.^{4/} Of those allowing multi-family dwellings, 12 have some kind of bedroom restrictions.^{5/} Twelve have an excessive amount of land zoned commercial and industrial.^{6/} All defendants have cost increasing factors in their ordinance that make the construction of single-family detached houses costing less than \$25,000 virtually impossible. As noted in the complaint, few have done anything to shelter those eligible for public housing.

^{1/} All but South Brunswick, where they are a conditional use.

^{2/} All but Madison, Metuchen, Plainsboro, which allows them as duplex apartments, subject to bedroom restrictions, and Sayreville, South Brunswick.

^{3/} Cranbury, Helmetta, Jamesburg, Milltown, Monroe, South Brunswick, South Plainfield, South River, Woodbridge.

^{4/} Carteret, Dunellen, East Brunswick, Edison, Highland Park, Madison (original ordinance), Metuchen, Middlesex, North Brunswick, Piscataway, Plainsboro, Sayreville, South Amboy, South Plainfield, Spotswood.

^{5/} Carteret, East Brunswick, Highland Park, Jamesburg, Middlesex, North Brunswick, Piscataway, Plainsboro, South Amboy, South River, Spotswood, Woodbridge.

^{6/} Cranbury, East Brunswick, Edison, Madison, Monroe, North Brunswick, Piscataway, Plainsboro, Sayreville, South Brunswick, South Plainfield, Woodbridge.

ANSWER TO INTERROGATORY #32

Population and income statistics will show that plaintiffs are representative of a significant number of low-and moderate-income persons, both white and nonwhite, living in Northeastern New Jersey, and seeking housing and employment opportunities for themselves and educational opportunities for their children in the 23 defendant municipalities. They are deprived of such opportunities by the zoning and other land use policies and practices of defendants.

ANSWER TO INTERROGATORY #33

At this time plaintiffs base their allegation on the fact that the organizational plaintiff has a substantial number of members who are members of the class, that six of the seven individual plaintiffs are members of the class; that the interests of the plaintiffs are completely coterminous with other class members; and that none of the plaintiffs are antagonistic to the interests of the class.

ANSWER TO INTERROGATORY #34

The common questions of law and fact are outlined in interrogatory 31, above. These questions are the sole basis for the action; no plaintiff is pressing separate and independent claims against defendants.

ANSWER TO INTERROGATORY #35

At this time, plaintiffs base their allegation on the fact that a class action is virtually the only method of securing adequate relief from defendants discriminatory conduct for those now deprived of equal housing opportunities; that individual suits are impractical; and that greater court control over the litigation is available through the class action.

ANSWER TO INTERROGATORY #36

The phrase "a common patten of development" does not appear in complaint. The dictionary definition of "common" is "of or relating to a community at large" (Webster's Seventh New Colligiate Dictionary). Middlesex County is a common housing and labor market, officially designated as a Standard Metropolitan Statistical Area: in this sense it is a "community at large". All defendants are affected by the thrust of population and economic growth emanating from New York City and the Newark area and diffusing the entire County progressively from north to south, varying only in stage of development within any particular time frame.

ANSWER TO INTERROGATORY #37

The phrase "a common character" does not appear in complaint. The defendants do have common characteristics, flowing from similar zoning and other land use policies and practices designed to prevent or arbitrarily restrict the housing opportunities of low and moderate income persons.

38. State the facts upon which plaintiffs base their allegation that the location of the transportation lines have been central to the increased commercial, industrial and residential growth of Middlesex County.

See attached sheet.

39. State the facts upon which plaintiffs base their allegation that all twenty-five municipalities within Middlesex County are included within the Standard Metropolitan Statistical area known as the New Brunswick-Perth Amboy-Sayreville SMSA.

Such municipalities were included in the designation in Statistical Reporter 73-12, June, 1973, pp. 192-197.

40. Set forth other Standard Metropolitan Statistical Areas which include any municipalities from Middlesex County.

None.

41. State the facts upon which plaintiffs base their allegation that in 1970 the minority population of Middlesex County was 40,549.

See attached chart: Minority Population Changes in Northeastern N.J. 1960-1970

42. State the facts upon which plaintiffs base their allegation that over 50% of the minority population of Middlesex County is confined to New Brunswick and Perth Amboy.

See attached chart: Racial Characteristics of Population Changes in Middlesex County 1960-1970

43. State the facts upon which plaintiffs base their allegation that the population increase in Middlesex County represented 25% of the total population growth of northeast New Jersey for the period between 1960 and 1970.

See attached chart: Population Changes in Northeast N.J. 1960-1970.

44. State the facts upon which plaintiffs base their allegation that population projections show that Middlesex County will show an increase of over 150,000 over the next two decades.

Projections from Middlesex County Planning Board, Middlesex Cty Master Plan (Interim) New Brunswick: Middlesex Cty Plng Bd, Sept. 1970 pp. 18, 19, 41

45. State the facts upon which plaintiffs base their allegation that Middlesex County accounted for only 6.4 percent of the minority population growth in the region.

See interrogatory 41.

46. State the facts upon which plaintiffs base their allegation that the increase in Blacks and Puerto Ricans within South Brunswick Township during the period of 1960 - 1970 was largely confined to areas of pre-existing minority concentration.

See attached sheet.

ANSWER TO INTERROGATORY #38

The location of transportation lines (railroads, river routes, and highways) helped shape the development of residential, commercial, and industrial development of Middlesex County as a common housing and labor market area within the Northeast New Jersey region. The development of New Brunswick and Perth Amboy as high density urban cities was influenced by their location as river ports and rail depots. The post World War II development of Middlesex suburbs as lower density areas with industrial and commercial centers heavily oriented to accessibility to highways was influenced by the initial construction and subsequent improvements of Routes 1, 9, 18, 130, the New Jersey Turnpike, the Garden State Parkway, and I-287. These highways increased the accessibility among other parts of Northeastern New Jersey and Middlesex County, which has attracted larger percentages of the region's growth since World War II.

INTERROGATORY #41

MINORITY POPULATION CHANGES IN NORTHEASTERN NEW JERSEY

1960 - 1970

<u>COUNTY</u>	<u>1960</u>	<u>1970</u>	<u>Net Change 1960-1970</u>	<u>Percentage of Regional Increase</u>
Bergen County	19,466	33,453	13,987	4.8
Essex County	193,178	318,273	125,095	43.0
Hudson County	51,332	100,051	42,719	14.7
Middlesex County	21,829	40,549	18,720	6.4
Morris County	6,457	12,987	6,530	2.2
Passaic County	34,853	73,505	38,652	13.2
Somerset County	5,025	9,063	4,038	1.4
Union County	40,254	81,462	41,208	14.1
8-County Northeastern New Jersey Region	378,394	669,343	290,949	99.8*

*Total Does not equal 100% due to rounding.

SOURCES:

U.S. Bureau of the Census, U.S. Census of Population: 1960. General Population Characteristics. PC(1)-32B. New Jersey.

U.S. Bureau of the Census. U.S. Census of Population: 1960 General Social and Economic Characteristics. PC (1)-32C New Jersey.

U.S. Bureau of the Census. U.S. Census of Population and Housing Census Tracts. Final Report PHC (1) - Middlesex County, New Jersey

U.S. Bureau of the Census. U.S. Census of Population: 1970, * General Population Characteristics: Final Report. PC(1)-B 32. New Jersey

U.S. Bureau of the Census. U.S. Census of Population: 1970 General Social and Economic Characteristics Final Report PC (1)-C 32. New Jersey

ANSWER TO INTERROGATORY #42

RACIAL CHARACTERISTICS
OF
POPULATION CHANGES IN MIDDLESEX COUNTY
1960-1970

<u>Total County Population</u>	<u>1960</u>	<u>1970</u>	<u>Net Change 1960-1970</u>	<u>Percentage of County Total</u>
Middlesex County	433,856	583,813	149,957	
New Brunswick and Perth Amboy	78,146	80,683	2,537	1.6
Rest of County	355,710	503,130	147,960	98.6*

MINORITY POPULATION IN COUNTY

Middlesex County	21,829	40,549	18,720	
New Brunswick and Perth Amboy	11,214	21,237	10,023	54.6
Rest of County	10,615	19,312	8,697	46.4

*Total exceeds 100% due to rounding

SOURCES

U.S. Bureau of the Census, U.S. Census of Population: 1960. General Population Characteristics. PC(1)-32B. New Jersey.

U.S. Bureau of the Census. U.S. Census of Population: 1960 General Social and Economic Characteristics. PC (1)-32C New Jersey.

U.S. Bureau of the Census. U.S. Census of Population: 1970, General Population Characteristics: Final Report. PC (1)-B 32. New Jersey

U.S. Bureau of the Census. U.S. Census of Population: 1970 General Social and Economic Characteristics Final Report PC (1)-C 32. New Jersey

ANSWER TO INTERROGATORY #43

POPULATION CHANGES IN NORTHEAST NEW JERSEY
1960-1970

<u>COUNTY</u>	<u>1960</u>	<u>1970</u>	<u>Change 1960-1970</u>	<u>Percentage of Regional Increase</u>
Bergen County	780,255	895,079	114,824	21.3
Essex County	923,545	929,986	6,441	1.2
Hudson County	610,734	609,266	-1,468	-
Middlesex County	433,856	583,813	149,957	27.8
Morris County	261,620	383,454	121,834	22.6
Passic County	406,618	460,782	54,164	10.0
Somerset County	143,913	198,372	54,459	10.1
Union County	504,255	543,116	38,861	7.2
North East New Jersey	4,064,796	4,603,868	539,072	100.2*

*Total exceeds 100% due to rounding

SOURCES:

U.S. Bureau of the Census. Census of Population: 1970. General Population Characteristics, Final Report PC(1)-B32 New Jersey

U.S. Bureau of the Census, U.S. Census of Population, 1960: General Population Characteristics PC(1)-32B New Jersey.

ANSWER TO INTERROGATORY #46

This interrogatory is not fully applicable, since minority population in South Brunswick decreased during this period.

The sources of such facts are:

U.S. Bureau of Census. Census of Population and Housing: 1970 Census Tracts. Final Report PHC (1) - 146 Newark, N.J. SMSA.

U.S. Bureau of the Census. Census of Housing: 1970 Block Statistics, Final Report HC (3) - 159 New York, N.Y.

Northeastern New Jersey Urbanized Area, Part 3 - Northeastern New Jersey.

Zoning Maps and ordinances and actions of individual towns (now in discovery).

47. Set forth the areas within the Township of South Brunswick which have a minority concentration and are characterized by substandard housing, higher density and less restrictive zoning than other areas of the Township.

At this time, this information is unavailable.

48. Set forth the source of information and exact amount of the median income for the Township of South Brunswick.

See attached chart

49. State the facts upon which plaintiffs base their allegations that since 1960, there has been an increase of more than 100,000 jobs in Middlesex County, and that the majority of these are located in the 23 defendant municipalities.

See attached sheet.

50. State the facts upon which plaintiffs base their allegation that most of the jobs located in the Township of South Brunswick pay low and moderate wages.

See attached sheet

51. State the facts upon which plaintiffs base their allegation that the number of housing units produced in Middlesex County has been less than half the number of jobs generated during the same period.

See interrogatory 49.

52. Set forth the specific period involved in making the comparison set forth in question #50.

1960 - 1973

53. Set forth plaintiff's definition of low income. Set forth any reference source used in developing this definition.

See interrogatory 25

54. Set forth plaintiffs' definition of moderate income. Set forth any reference source used in developing this definition.

See interrogatory 25

55. State the facts upon which plaintiffs base their allegation that of the blacks and Puerto Ricans who work in the Township of South Brunswick, more than 40 percent live outside the County of Middlesex, 37% live in New Brunswick and Perth Amboy and only 21 percent live in the Township of South Brunswick or one of the other 22 defendant municipalities herein. The allegation was for the county as a unit, and was from the data taken from Equal Employment Opportunity Commission -- see attached sheet

56. Set forth the central cities in the region of northeastern New Jersey. Patterson, Passiac, Newark, Jersey City, Elizabeth, New Brunswick, Perth Amboy, Plainfield.

57. Set forth the statistical projections relied upon by plaintiffs for their allegation that most of the new jobs that will open up in Middlesex County by 1980 will pay low and moderate wages and will be located in the 23 defendant municipalities herein.

See interrogatory 50.

ANSWER TO INTERROGATORY # 48

1969 MEDIAN FAMILY INCOMES

IN

MIDDLESEX COUNTY

(Data Unavailable for Municipalities With Less
Than 400 Black or Puerto Rican Households)

	<u>TOTAL</u>	<u>BLACK*</u>	<u>PUERTO RICAN *</u>
Middlesex County	\$11,982	\$ 8,993	\$ 7,489
Carteret	11,232	6,392	8,400
Cranbury	14,076		
Dunellen	11,077		
East Brunswick	14,855		
Edison	12,914		
Helmetta	10,168		
Highland Park	11,757	11,000	
Jamesburg	10,202		
Madison Tp.	12,116		
Metuchen	13,703	12,771	
Middlesex	12,269		
Milltown	12,954		
Monroe	11,681		
New Brunswick	9,589	7,709	4,944
North Brunswick	12,900		
Perth Amboy	9,414	8,021	6,831
Piscataway	11,695		
Plainsboro	10,883		
Sayreville	12,079		
South Amboy	10,802		
South Brunswick	13,023		

	<u>TOTAL</u>	<u>BLACK*</u>	<u>PUERTO RICAN*</u>
South Plainfield	\$12,773	\$11,000	
South River	11, 405		
Spotswood	12,407		
Woodbridge	12,205		

*Data Unavailable for Municipalities With Less Than 400 Black or Puerto Rican Households.

SOURCE: U.S. Census of Population. General Social and Economic Characteristics of the Population. PC (1)-C 32 N.J.

U.S. Census of Population and Housing: Census Tracts.

INTERROGATORY # 49

In 1960, there were 125,347 housing units in Middlesex County. In 1973, there were an estimated 182,806 housing units in the County. This represents an increase of 57,459 units. In 1959 there were 136,507 jobs in Middlesex County. In 1973, there were 249,844 jobs in the County. This represents an increase of 113,337. Thus during the period 1960-73 jobs increased by 113,337, while dwelling units increased by 57,459, which is approximately one-half, or approximately 50 percent of the employment expansion during the same period.

INTERROGATORY #50

The Middlesex County Planning Board's adopted Interim Master Plan (September, 1970) states that "most of the present and projected new jobs including most of the new low and moderate income jobs are growing outside the older municipalities" (p. 67).

Specific information about South Brunswick is unavailable at this time.

ANSWER TO INTERROGATORY #55

1971 Report on Total and Minority Group Employment, Middlesex County New Jersey. Tri-State Regional Planning Commission, "Persons at Work During Census Week by Place of Work" Middlesex County, New Jersey, 1970 Census Report P4M-P35A-C.

58. Set forth the statistical projections 1980 relied upon by plaintiffs for their allegation that by 1890 under current zoning and other land use policies and practices, the gap between low and moderate wage jobs and low and moderate income housing units will increase in the Township of South Brunswick.

See interrogatory 49. See also Middlesex County's adopted Interim Master Plan (Sept. 1970) pp. 59-86.

59. State the facts upon which plaintiffs base their allegation that according to the Middlesex County Master Plan that 75% of the land presently zoned industrial in the Township of South Brunswick will not be needed for such use.

See attached sheet.

60. State the facts upon which plaintiffs base their allegation that the accepted standard in a tight housing market is a three percent vacancy rate.

See New Jersey Department of Community Affairs, The Housing Crisis in New Jersey: 1970, p. 24

61. Set forth the financial capabilities of the plaintiffs and the class they represent.

See attached sheet.

62. State the facts upon which plaintiffs base their allegation that the schools in the Township of South Brunswick are over 94 percent white.

See attached sheet

63. State the facts upon which plaintiffs base their allegation that the Township of South Brunswick has not taken steps to implement the low and moderate income housing elements of the master plan prepared by the Middlesex County Planning Board.

South Brunswick has not established a public housing authority and allows an insufficient amount of low-and moderate income housing construction.

64. State the facts upon which plaintiffs base their allegation s that the Township of South Brunswick has forbidden or severely restricted provision for mobile homes.

At this time plaintiffs rely on Sec. 6 of the Zoning Ordinance amendment 9-67 limits mobile home parks to 3 existing and severely restricts their expansion.

65. State the facts upon which plaintiffs base their allegation that the Township of South Brunswick has forbidden or severely restricted the development of multiple dwellings, especially those with more than one bedroom..

See attached sheet.

66. State the facts upon which plaintiffs base their allegation that the Township of South Brunswick has forbidden or severely restricted single-family attached housing that plaintiffs can afford.

See attached sheet.

ANSWER TO INTERROGATORY #59

There are over 40,000 acres of vacant land in Middlesex County according to a study done by the New Jersey Department of Community Affairs (Modeling State Growth: New Jersey, 1980). The Middlesex County Interim Master Plan states that over 30,000 of the acres so zoned will not be needed to accommodate projected industrial land use needs to the year 2000. The allegation in the complaint does not claim that 75% of the land zoned industrial in South Brunswick will not be needed.

However, the above study states that 9069 acres of vacant land was zoned for industrial use in South Brunswick in 1970. This is far more than the 1,055 acres of land, both existing and vacant, needed for industrial use in South Brunswick in the year 2000. (Middlesex County Master Plan, Interim, Appendix C, Table C-3).

ANSWER TO INTERROGATORY #61

At this time, plaintiffs can pay the listed amount for housing

Plaintiff	Benson	\$250-300/month, including utilities		
"	Tippett	220/month	"	"
"	Cruz	200/month	"	"
"	Botts	146/month	"	"
"	White	275/month	"	"
"	Champion	140/month	"	"
"	Tuskey	not seeking housing		

According to the Brooke Amendment to the 1969 Housing Act, public housing rents are limited to 25% of a family's income. See 42 U.S.C. 1410(b).

According to an FHA "rule of thumb", families should pay no more than 2 1/2 times annual income to purchase a home.

ANSWER TO INTERROGATORY #62

At this time, plaintiffs rely on U.S. Dept of Health, Education and Welfare, Directory of Public Elementary and Secondary Schools in Selected School Districts, Enrollment and staff by racial and Ethnic Group, Fall, 1972, which says for South Brunswick there were 249 minority students out of 4,143 total enrolled, or 6% minority.

ANSWER TO INTERROGATORY #65

At this time, plaintiffs base their allegation on the facts that very little land has been zoned for multi-family units; that an attempt was made to repeal garden apartment zoning (South Brunswick Township Ordinance 7-66); that Ordinance 16-66 in Section 15 states that present garden apartment zoning ". . . is applicable only to those garden apartments heretofore approved by variance and is no way intended to encourage applications for garden apartment variances."; that section 518.1 of Ordinance 4-65 severely restricts bedrooms; that multi-family units are restricted to planned residential developments.

ANSWER TO INTERROGATORY #66

At this time, plaintiffs base their allegation on the fact that such attached housing is not permitted except in planned residential developments; and that allowable densities are inadequate in reducing housing costs to that plaintiffs can afford.

67. State the facts upon which plaintiffs base their allegation that the Township of South Brunswick has imposed zoning and building requirements for single-family detached houses, such as lot size, minimum floor areas, frontage requirements which are excessive and unreasonable.

See attached sheet.

68. State the facts upon which plaintiffs base their allegation that the Township of South Brunswick has zoned vacant land for industrial purposes in excess of need to the exclusion of residential usage.

See interrogatory 59.

69. State the facts upon which plaintiffs base their allegation that the zoning and land use policies of the Township of South Brunswick deprives middle and upper income white residents of the benefits of racial and economic integration.

See interrogatory 1.

70. State the facts upon which plaintiffs base their allegation that the zoning and land use policies of the Township of South Brunswick deny to low and moderate income persons, white and non white the right to travel.

See attached sheet.

71. State the facts upon which plaintiffs base their allegation that the zoning and land use policies of the Township of South Brunswick deprive low and moderate income persons both white and non-white, access to employment opportunities in the Township.

See interrogatories 50, 51, 55, 58, 59.

72. Set forth the New Jersey or Federal statute which requires the Township of South Brunswick to provide for more than three mobile home parks within the Township.

See attached sheet

73. Set forth the New Jersey or Federal statute which requires the Township of South Brunswick to provide for multiple dwelling units in other than planned residential districts

See interrogatory 72

74. Set forth the New Jersey or federal statute which requires the Township of South Brunswick to provide for a specific percentage of dwelling units for low and moderate income occupancy.

See interrogatory 72

75. Set forth the New Jersey or Federal statute which requires the Township of South Brunswick to provide for single-family detached homes with a minimum floor area of less than 1000 square feet.

See interrogatory 72

ANSWER TO INTERROGATORY #67

At this time plaintiffs base their allegation on the fact that the zoning ordinance 4-65 has various provisions in R-20 and R-10 zones calling for minimum lot depths of 150 feet, and minimum gross floor areas of 1,100 square feet; and that large amounts of land are subject to lot sizes of a minimum of one acre.

ANSWER TO INTERROGATORY #70

At this time plaintiffs base their allegation on the racially and economically discriminatory conduct of South Brunswick outlined elsewhere in these interrogatories. Plaintiffs' legal position on this point will be fully set forth at the appropriate time. In summary, defendants conduct falls most heavily upon lower income people - particularly minorities - imposing a special burden on their right to migrate to new areas for better housing and employment opportunities. This restraint also confines lower income minority residents to the ghettos of the central cities; and freezes in its current, almost exclusively white population.

INTERROGATORY #72

Our legal position will be fully explicated at the appropriate time, either through pre-trial briefs or through other orders of the court. Plaintiffs' do not claim that they are entitled under the law to the requirement mentioned above, or in interrogatory 73, 74, 75, 76, 77, 78, 82, only that they are entitled to be free from discrimination in seeking equal housing opportunities. If plaintiffs prove their case, it may well be that as a matter of equitable relief, the court will order that plaintiffs are entitled under the law to the requirement mentioned in the referenced interrogatories. However, the question of appropriate relief is one to be decided by the court after a full hearing on the merits, and it would be premature, as well as inappropriate, for the plaintiffs to discuss the scope of relief.

76. Set forth the New Jersey or Federal statute which requires the Township of South Brunswick to provide for single family detached homes with less than one acre lot area and less than a lot width of 150 feet.

See interrogatory 72.

77. Set forth the New Jersey or Federal Statute which sets forth the amount of land that the Township of South Brunswick may zone industrial and/or commercial.

See interrogatory 72.

78. Set forth the New Jersey or Federal statute which requires the Township of South Brunswick to establish a public housing authority.

See interrogatory 72.

79. Set forth the specific source and amount of funds guaranteed solely to the Township of South Brunswick for the purpose of construction public housing.

See attached sheet.

80. Set forth the specific source and amount of funds guaranteed solely to the Township of South Brunswick for the purpose of construction moderate income housing.

At this time, upon proper application, N.J. Housing Finance funds may be available.

81. Set forth the specific source and amount of funds guaranteed solely to the Township of South Brunswick for the purpose of providing rent subsidies to all persons wishing to live in the Township.

See interrogatory 80

82. Set forth the specific New Jersey or Federal statute which requires defendants to develop and implement a regional zoning plan.

See interrogatory 72

83. State the names and addresses of any and all proposed expert witnesses and annex true copies of all written reports rendered to you by any such proposed expert witnesses.

This information is not presently available.

ANSWER TO INTERROGATORY #79

Plaintiffs did not allege that funds were guaranteed solely to defendant South Brunswick. Federal funds for the construction of public housing have been available upon application to the appropriate federal agency since 1937, with few interruptions. Funds are available currently upon application to the U.S. Department of Housing and Urban Development under the Housing and Community Development Act of 1974.

84. State the names and addresses of all persons who have knowledge of any relevant facts relating to the case.

See attached sheet.

SEIFFERT, FRISCH & GRUBER
Attorneys for Defendant
Township of South Brunswick

BY: 

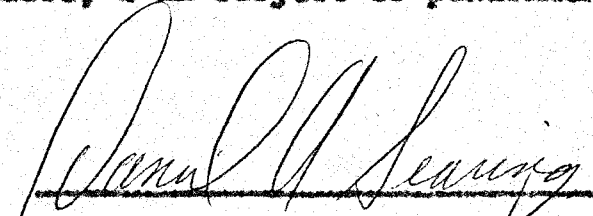
Andre W. Gruber

Dated: September 30, 1974

CERTIFICATION

I hereby certify that the copies of the reports annexed hereto rendered by the proposed expert witnesses are exact copies of the entire report or reports rendered by them; that the existence of other reports of said experts, either written or oral, are unknown to me, and if such become later known or available, I shall serve them promptly on the propounding party.

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.


Co-Attorney for Plaintiff

ANSWER TO INTERROGATORY #84

Mayor - Hans Rueschmann, Municipal Bldg. Monmouth Junction, NJ 08851

Council Members

Edward Visinski	"	"	"	"	"	"
Richard Ilnicki	"	"	"	"	"	"
Joseph Homoki	"	"	"	"	"	"
Carolyn McCallum	"	"	"	"	"	"

Planning Board Members

Herman Vonthun	"	"	"	"	"	"
Fred Bach	"	"	"	"	"	"
Frank Chrinko	"	"	"	"	"	"
Constance Gibson	"	"	"	"	"	"
John Doscher	"	"	"	"	"	"
Paul Patinka	"	"	"	"	"	"

Ernest Erber, NCDH, 1425 H Street, N.W., Washington, D.C. 20005
John Prior " " " " " " " "

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