

CA - Spotswood

9/12/74

Answer

Pgs. 7

RUS-MTL-140

CA002181A

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Mayor and Council of the  
Borough of Spotswood

314  
SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
MIDDLESEX COUNTY  
DOCKET NO. C-4122-73 ✓

URBAN LEAGUE OF GREATER NEW :  
BRUNSWICK, a non-profit corpora- :  
tion of the State of New Jersey, :  
et als, :

Plaintiffs. :

- vs -

MAYOR AND COUNCIL OF THE BOROUGH :  
OF SPOTSWOOD, et als, :

Defendants. :

CIVIL ACTION

ANSWER

Defendants, MAYOR AND COUNCIL OF THE BOROUGH OF SPOTS-  
WOOD, a municipal corporation of the State of New Jersey, main-  
taining offices on Summerhill Road, Spotswood, New Jersey, by  
way of Answer say:

1. Defendants deny the allegations of paragraphs 1,  
2 and 3.

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2. Defendants have insufficient knowledge to either admit or deny the allegations of paragraphs 4, 5, 6, 7, 8, 9, 10 and 11.

3. Defendants deny the allegations of paragraph 12.

4. Defendants admit the allegations of paragraphs 13 and 14.

5. Defendants have insufficient knowledge to either admit or deny the allegations of paragraphs 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29.

6. Defendants deny the allegations of paragraph 30 and have insufficient knowledge to either admit or deny the allegations of sub-paragraphs 30(a), 30(b), 30(c), 30(d) and 30(e).

7. Defendants have insufficient knowledge to either admit or deny the allegations of paragraph 31.

8. Defendants deny the allegations of paragraphs 32, 33, 34 and 35.

9. The Borough of Spotswood has the Commission form of Government. The proper name of this Defendant is BOARD OF COMMISSIONERS OF THE BOROUGH OF SPOTSWOOD.

FIRST SEPARATE DEFENSE

None of the plaintiffs, be they individuals, or the corporation, has the standing to bring this action as a taxpayer in the Borough of Spotswood, or against the Borough of Spotswood.

SECOND SEPARATE DEFENSE

The plaintiffs do not legally and/or procedurally constitute a "class" with sufficient and valid standing to bring a class action.

THIRD SEPARATE DEFENSE

The defendants named in this suit do not constitute a sufficiently representative class so as to constitute procedurally or factually a class action.

FOURTH SEPARATE DEFENSE

The complaint should be dismissed on the grounds that it fails to set forth a claim upon which relief can be granted.

FIFTH SEPARATE DEFENSE

On its face, the complaint seems to ask for a Declaratory Judgment; and, the subject matter of this suit does not legally constitute a justiceable question within the purview of the Declaratory Judgment Act.

SIXTH SEPARATE DEFENSE

The complaint fails to state a cause of action upon which complete relief can be granted.

SEVENTH SEPARATE DEFENSE

Indispensable parties to this suit have not been named or served and for that reason the complaint should be dismissed.

EIGHTH SEPARATE DEFENSE

Defendant, Borough of Spotswood, shares nothing in common with the co-defendants either factually or legally. Spotswood's physical development and its zoning law is different and unique.

NINTH SEPARATE DEFENSE

The complaint should be dismissed as against this defendant on the grounds that plaintiffs fail to allege that any specific act or ordinance enacted by this defendant has resulted in damage or injury to any plaintiff.

TENTH SEPARATE DEFENSE

Spotswood's zoning law is completely valid and constitutional.

ELEVENTH SEPARATE DEFENSE

Spotswood's physical development is well within the standards of fairness and legality.

TWELFTH SEPARATE DEFENSE

None of the plaintiffs jointly or severally have applied for (and, of course, none has been refused) any relief from any aspect of the Borough of Spotswood Zoning Code. Prerequisite for

any relief is the requirement that all administrative remedies be exhausted. This, the plaintiffs failed to do. The suit is, therefore, premature as to Spotswood.

THIRTEENTH SEPARATE DEFENSE

The complaint should be dismissed against these defendants on the grounds that the plaintiffs failed to take into account the unique factual history and pattern of growth for the Borough of Spotswood.

FOURTEENTH SEPARATE DEFENSE

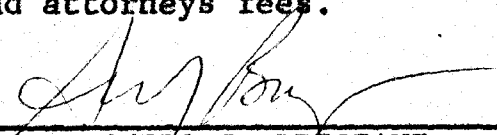
To grant the relief requested by the plaintiffs would place upon this defendant an unequal and discriminatory tax burden for the financing of housing as a common state purpose.

FIFTEENTH SEPARATE DEFENSE

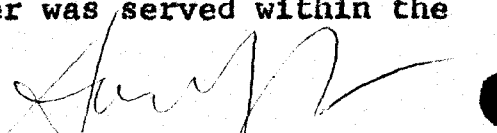
The imposition of the burden of financing housing on Spotswood would be arbitrary, capricious and unreasonable.

SIXTEENTH SEPARATE DEFENSE

This defendant is entitled to a dismissal of the complaint together with court costs and attorneys fees.

  
\_\_\_\_\_  
GUIDO J. BRIGIANI  
Attorney for Defendant,  
Borough of Spotswood

I hereby certify that the within Answer was served within the period allowed by Rule 4:6.

  
\_\_\_\_\_  
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