

CA - Spotswood

10/15/1975

Supplemental Interrogatories were made of the
Borough of Spotswood.

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CA 002187G

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

URBAN LEAGUE OF GREATER
NEW BRUNSWICK, et al.

Plaintiffs,

v.

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

Defendants

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:
:
:

Civil Action

SUPPLEMENTAL INTERROGATORIES

TO: Guido Brigiani, Esq.
175 Smith Street
Perth Amboy, New Jersey 08862

DEMAND is hereby made of the defendant BOROUGH OF SPOTSWOOD for Certified Answers to the following supplemental interrogatories within the time prescribed by the Rules of this Court.

1. Please list each of the zoning ordinance provisions and land use practices listed in the Request for Admissions served on you on May 15, 1975, which you contend are justified by peculiar circumstances.

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The provisions of the Spotswood Zoning Ordinance are justified by reason of the fact that Spotswood is not a wealthy community; is small in size; is, for all practical purposes, a fully developed community and has established land uses and neighborhoods.

2. Please state for each such ordinance provision or practice listed in response to Interrogatory #1 above, a summary of the peculiar circumstances, including the facts which support it.

See Answer to Question No. 1.

3. Please state every other defense that you intend to raise at trial in response to the allegations of the complaint.

All defenses set forth in Answer to Complaint filed by this defendant.

4. For each such defense listed in response to Interrogatory #3 above, provide a summary of the facts supporting it.

Facts as to size, development, etc., have been heretofore answered in Demand for Admissions and Answers to Interrogatories heretofore submitted.

5. If you plan to rely on any decision or action taken by any government official, agent, representative or employee of the defendant, County of Middlesex, or State of New Jersey regarding the defenses listed above, set forth with particularity:

(a) each and every such official decision or action upon which defendant will rely:

None that this defendant is aware of at this time.

(b) the name and position of each government official, agent, representative or employee

(c) a description of any document or writing supporting such decision or action.

6. Please give the name and address of each expert witness whose testimony will be relied upon in preparation of the defenses listed in Interrogatories 1-3 above.

None at this time.

7. Please provide a summary of any written reports prepared for use at trial of any expert upon whose testimony defendant will rely at the time of trial, including a statement of where a copy of such a report can be obtained and its cost.

See Answer to Question No. 6.

8. If no written reports have been received, give the time, date and place of any interviews or oral discussions with experts and set forth a summary of such discussions.

See Answer to Question No. 6

9. Please describe all litigation filed, pending, adjudicated or otherwise resolved from January 1, 1973 to the present in which one or more of the issues involves all or any part of the municipal zoning ordinance. For each such case, please list the full caption, civil action number, court, date filed, name of plaintiffs' attorney and a summary of result or current status (this case need not be listed).

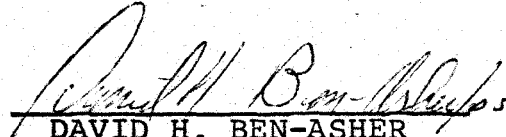
A.) Barbara Wisotsky vs. Board of Commissioners of the Borough of Spotswood, a municipal corporation of the State of New Jersey; Docket No. L-21272-73 P.W., Superior Court of New Jersey, Law Division, Middlesex County. Filed March 14, 1974, Attorney for Plaintiff - Thomas F. Dominiecki, Esq. Action of Board of Adjustment was affirmed.

B.) Folgore and Eleanor Marotta vs. Board of Adjustment of the Borough of Spotswood and the Mayor and Council of the Borough of Spotswood, a Municipal Corporation, State of New Jersey, Docket No. L-917-74 P.W., Superior Court of New Jersey, Law Division, Middlesex County, Filed Sept. 11, 1974. Attorney for Plaintiff - Robert C. Rafano, Esq. Decision of Board of Adjustment reversed and variance requested Ordered granted. Count as to constitutionality of the Zoning Ordinance was dismissed.

C.) Ann G. Miller, Individually, and as Executrix of the Estate of Ely H. Miller, deceased, vs. The Board of Adjustment of the Borough of Spotswood, and Joseph Vitale, Building Inspector of the Borough of Spotswood, Docket No. L-4562-74 P.W., Superior Court of New Jersey, Law Division, Middlesex County. Filed October 11, 1974. Attorney for Plaintiff - David Sapiro, Esq. Action of Board of Adjustment denying variance was affirmed in the County Court. Presently pending in the Appellate Division.

BAUMGART & BEN-ASHER
Attorneys for Plaintiff

BY:


DAVID H. BEN-ASHER
A member of the Firm

7-30-75

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 wilfully false, I am subject to punishment.

BY _____

DATED: Oct. 15, 1975