

AMG

7-22-81

letter re: ruggs

-w/ ruggs by top. w/ answers

pgs. 12

AM000022G

Attorney(s): KUNZMAN, COLEY, YOSPIN & BERNSTEIN, P.A.

Office Address & Tel. No.: 15 Mountain Blvd.
Warren, N.J. 07060 (201) 757-7800

Attorney(s) for Defendant

A.M.G. REALTY COMPANY, a partnership organized under the Laws of the State of New Jersey, et al.,

Plaintiff(s)

vs.

THE TOWNSHIP OF WARREN, a Municipal Corporation of the State of New Jersey,

Defendant(s)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: SOMERSET COUNTY

DOCKET NO. L-23277-80

CIVIL ACTION

CERTIFICATION IN LIEU OF
OATH OR AFFIDAVIT

I certify that the foregoing statements made by me in the annexed interrogatories

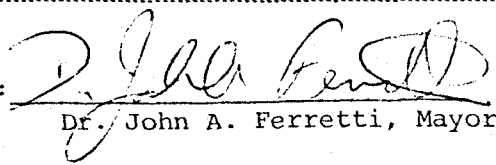
are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to

punishment. I have executed the above interrogatories to the best of my ability in my capacity as Mayor of the Township of Warren and the information contained therein has been

Dated: July 22, 1981 19 . supplied to me by employees and independent contractors of the Township of Warren.

TOWNSHIP OF WARREN

BY:


Dr. John A. Ferretti, Mayor

McDONOUGH, MURRAY & KORN, P.A.
555 Westfield Avenue
Westfield, NJ 07090
(201) 233-9040
Attorneys for the Plaintiff

A.M.G. REALTY COMPANY, A partnership) SUPERIOR COURT OF NEW JERSEY
organized under the Laws of the State) LAW DIVISION: SOMERSET COUNTY
of New Jersey,) DOCKET NO. L-23277-80

Plaintiff,)

-vs-)

CIVIL ACTION

THE TOWNSHIP OF WARREN, A Municipal) INTERROGATORIES
Corporation of the State of New)
Jersey,)

Defendant.)

To: Mr. John Coley, Esq.
15 Mountain Boulevard
Warren, NJ 07060

PLEASE TAKE NOTICE that the defendant, THE TOWNSHIP OF WARREN is required to provide answers under oath to the following interrogatories within the time prescribed by law:

1. Set forth the names and addresses of all expert witnesses proposed to be utilized by the Township of Warren to present testimony at the trial of this matter, and the field or fields of expertise of such witnesses.
 - (a) Stanley Kaltnecker, Township Engineer, 46 Mountain Blvd., Warren, N.J.,
 - (b) John Chadwick, Township Planner, 235 Livingston Ave., New Brunswick, N.J.;
 - (c) John Lutsky, Assistant to the Warren Township Engineer, 46 Mountain Blvd., Warren, N.J.;
 - (d) Real estate expert (specific party not yet selected);
 - (e) Traffic expert (specific party not yet selected);
 - (f) Additional engineering experts to be retained and named provided in advance of hearing;
 - (g) Additional experts to be retained and their names provided before hearing;
 - (h) Eugene DeStefano, P.E. & L.S.;
 - (i) Dale S. McDonald, P.E.;
 - (j) James G. Coe, P.E. and
 - (k) Joseph Skupien, P.E. Addresses of (h) through (k) c/o Elson T. Killam Associates, Inc., 27 Bleeker Street, Millburn, N.J. 07041.

2. As to any witnesses named in answer to the preceding question, set forth whether or not a written or oral report has been received from such witnesses and annex hereto a written summary of any oral report received or a copy of any written so received.

No written reports yet provided.

3. Set forth, in detail, the factual basis upon which the defendant, Township of Warren, denies that it is a "developing community" as alleged in paragraph "2" of the Complaint filed in this matter.

Warren Township neither affirms nor denies that it is a "developing community". The Township leaves the plaintiffs to their proofs relative to that issue.

4. Set forth whether or not the Township of Warren alleges that its current zoning provisions do make possible the opportunity for an appropriate variety and choice of housing for all categories of people who may desire to live within the Township.

Yes.

5. In the event to the preceding question is in the affirmative, set forth in detail those provisions of the current zoning ordinance, which purport to satisfy this obligation.

The entire zoning ordinance allows for an appropriate variety and choice of housing within the Township of Warren.

6. Set forth the provisions of the zoning ordinance of the Township of Warren that constitute the basis for the Township's denial of the allegations of paragraph "6" of the Complaint filed in this matter.

See answer to No. 5.

7. Set forth the facts upon which the Township has based its fifth separate defense that it "has provided for least cost housing within its borders".

The Township's inventory of housing indicates a variety of size and cost of housing units within the Township. The latest master plan sets forth the said variety of housing. Additional Township studies were conducted in 1977, which substantiated Warren's variety of housing.

8. In respect to the answer to the preceding question, set forth in detail the Township of Warren's definition of the term "least cost housing".

Warren does not have a definition of the term "least cost housing". That is wording from Court decisions, and the Court will have to attempt to define the same.

9. Set forth whether or not the Township of Warren has maintained any population records for the inhabitation of the municipality between the years of 1960 and the present. If the answer to the preceding question is in the affirmative, set forth the population numbers for each of the years 1960 through 1980.

Official census is the only record of population, and the same is taken once every ten years. The official census of Warren Township has been as follows: 1960--5,386; 1970--8,592; 1980--9,805.

10. Set forth a schedule of all commercial and industrial uses which have been approved by either building permit, variance approval or site plan approval through the respective agencies of the Township of Warren between the years 1975 through April 30, 1981. As to such uses, set forth the nature thereof, the location thereof and the estimated number of employees for each of such uses.

The building permits issued for commercial and industrial uses from 4/30/75 through 1/12/81 are attached hereto as Schedule A.

11. Set forth a schedule of any pending applications before the Board of Adjustment or Planning Board of the Township of Warren or approval of any commercial or industrial usage of lands within the Township. As to such applications, set forth the nature of such application, the location of the proposed use, and the numebr of employees anticipated or estimated at such location.

No such applications are pending before the Board of Adjustment as of 6/22/81.

Pending before the Planning Board are as follows:

- (1) Chubb & Son, approved Mountainview Road, approximately 900 employees to initially utilize site. It has been represented to the Township that approximately 80% of the Chubb employees will not relocate, as they now dwell in the proximity of the new location.
- (2) Paulus & Sokolowski, Professional building, Mountain Blvd. Ext., application approved, approximately 70 employees. Again, almost all of these employees presently live in the location as Paulus & Sokolowski is only moving 1/2 mile to its new building.
- (3) Forts Krauser, Powder Horn Drive, industrial building, approximately 40 employees.
- (4) Forts Krauser, Mt. Bethel Road, industrial building.
- (5) Medical Building, Mountain Blvd. Extension (professional building) 20 employees.
- (6) Medical building, Mountain Boulevard (professional building) 12 employees.
- (7) Professional building, Mt. Bethel Road (approximately 20 employees).

12. Set the facts upon which the Township of Warren contends that the plaintiff is estopped as set forth in the third separate defense of the defendant.

The estoppel arguments for the Township of Warren are set forth in brief of defendant against plaintiffs' motion to dismiss first, second and sixth separate defenses. A copy of brief having been filed with the plaintiff.

13. Set forth the facts upon which the Township of Warren contends that the plaintiff is barred by laches as set forth in the fourth separate defense.

The laches arguments for the Township of Warren are set forth in brief of defendant against plaintiffs' motion to dismiss first, second and sixth separate defenses. A copy of brief having been filed with the plaintiff.

14. Set forth the administrative remedies that the Township of Warren contends that the plaintiff has failed to exhaust as alleged in the first separate defense.

The administrative remedies arguments for the Township of Warren are set forth in brief of defendant against plaintiffs' motion to dismiss first, second and sixth separate defenses. A copy of brief having been filed with the plaintiff.

15. Set forth a schedule of all applications made before the Warren Township Board of Adjustment, between the years of 1970 and April 30, 1981 for the purpose of utilizing lands within the Township for Town House or other multiple family dwelling use.

As of June 22, 1981: (1) Case #76-19 Tobias Agency, applicant. (2) Case #78-5 Faye Graham, applicant. (3) Case #80-8 Lawrence V. Steinbaum, applicant (hearings still in progress).

16. As to each of such application set forth which of the same have received final approval and as to each of the same, which have received final approval, set forth the location of such facility and the number of Town Houses or multiple family dwelling encompassed within such project.

None.

17. Set forth a schedule of applications made before the Warren Township Planning Board, between 1970 and April 30, 1981, for zone change relief for the purpose of establishing Town House or multiple family usage of lands within the Township of Warren.

See attached Schedule B which is a letter which was sent to all parties that have made applications for rezoning of lands for attached dwellings. The names of the parties and/or their attorneys are set forth in the upper right hand corner of Schedule B.

18. As to each of such applications, set forth a schedule of those which have received favorable zoning approval and indicate the location of such lands wherein such approval was given.

The letter, which is Schedule B attached, is self explanatory and the Master Plan is presently under study for updating by E. Eugene Cross Associates, professional planners to Warren Township.

19. Set forth the names and addresses of all non-expert witnesses to be utilize by the Township of Warren in the defense of this litigation and as to each of such witnesses set forth the factual areas intended to be testified to by each.

Warren Township is still in the process of preparing its defense to plaintiffs' litigation and a complete list of fact witnesses is not presently available. The defendant reserves its right to supplement its answer as its case is developed. A partial list of fact witnesses is as follows: (1) John Lloyd, (2) Annabelle Kriegel, (3) Agnes Wimmer, (4) Rosalie Ginda, (5) Ronald Willens and others to be provided.

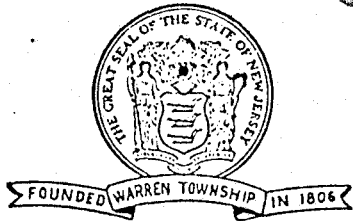
20. Set forth whether or not the Township of Warren has requested any planning or zoning study for the purpose of determining whether or not the Township of Warren is a "developing community" as defined in current supreme court judicial decisions, and in the event that the answer to the preceeding question is in the afirmative, set forth the following:
- (a) The name and address of such person to whom the assignment was given. E. Eugene Cross, 235 Livingston Ave., New Brunswick, N.J.
 - (b) The conclusions or conclusions reached by such person or persons assigned. Study not yet complete.
 - (c) A copy of such conclusions that the same were in writing and a synopsis of the same if the response was oral. Study not yet complete.

(continuation of answer to number 20.)

21. Set forth whether or not the Township has assigned to any zoning or planning consultant the question to determine the housing obligations of Warren Township in the event that the Township is obligated to comply with the judicial decisions (Mt. Laurel and subsequent cases), and if the answer to this question is in the affirmative, set forth the following:
- (a) The name and address of such person to whom the assignment was given. E. Eugene Oross, 235 Livingston Ave., New Brunswick, N.J.
 - (b) The conclusions or conclusions reached by such person or persons assigned. Study not yet complete.
 - (c) A copy of such conclusions that the same were in writing and a synopsis of the same if the response was oral. Study not yet complete.

- 4/30/75-Forts Kra^{er}, 149 Mt. Bethel Road, Block 313 Lot 7,
Addition to Racquet Club
- 10/5/76-Bardy Farms Shopping Center, Block 530 Lot 1, Addition
Country Cobbler
- 7/12/77-Chanticler Chateau, 50 Stirling Rd., Block 538, Lot 20,
Addition to restaurant
- 9/8/77-Chanticler Chateau, 50 Stirling Rd., Block 538 Lot 20,
Addition to restaurant
- 4/12/78-Bardy Farms Shopping Center, Block 530 Lot 1, Addition
Ice Cream Store
- 5/31/78-John Coley, 17 Mountain Blvd., Block 529 Lot 15, Addition
& Alteration to office building
- 7/18/78-Rubinetti's, 63 Mountain Blvd., Block 322 Lot 6, Addition
to restaurant
- 8/7/78-Lehigh Cons. Co., Mountain Blvd. Ext., Block 322 Lot 9,
Pheasant Run Shopping Center
- 9/14/78-Picut Mfg., 140 Mt. Bethel Road, Block 311 Lot 20C,
Addition to Warehouse
- 10/5/78-Thermoplastics, 57 Stirling Road, Block 536 Lot 29B,
Warehouse
- 3/26/79-Warren Medical, 65 Mountain Blvd. Ext., Block 322 Lot 7A,
Medical Building
- 6/6/79-Warrenville Hardware, Mountain Blvd., Block 529 Lot 1C,
Addition
- 7/10/79-Nerraw Assoc., Inc., 8 Mountain Blvd., Block 532 Lot 2,
Professional Building
- 12/7/79-Powder Horn Assoc., 7 Powder Horn Dr., Block 313 Lot 10A,
Warehouse and Offices
- 2/29/79-F. & A. Vicendese, 61B Mountain Blvd., Block 529 Lot 1,
Stores
- 10/20/80-Burroughs, 141 Mt. Bethel Road, Block 323 Lot 8, Addition
of equipment room
- 11/6/80-ZV Assoc., 97 Mt. Bethel Road, Block 313 Lot 13C, Office Bldg.
- 1/12/81-Mtn. Blvd. Assoc. II, 67 Mountain Blvd. Ext., Block 322 Lot 10A,
Office Building

Schedule "A"



Warren Township Planning Board

46 MOUNTAIN BOULEVARD, WARREN, NEW JERSEY 07060

TELEPHONE (201) 753-2173

mta View Rd

The following letter was sent to:

Liberty Corner Rd

mta Blvd

R. Trombadore re: Timber Pro

J. Murray re: A.M.G. Prop.

J. Triarsi re: Esposito land

C. Epstein re: Epstein lands

R. Pocaro re: F.W.F. prop.

A modified letter was sent to: J. Murray re: Benoist/Larsen lands

(these two requests were for general rezoning.) J. Facey re: lands on Hillcrest Rd.

The Planning Board of Warren Township has considered at length your request as well as others for recommendation to the Township Committee of a rezoning to permit town-houses on your site known as block

Simultaneously, with hearing of your petition the Planning Board has requested the Township Committee to appropriate funds to provide for the professional planning cost for updating the findings of fact and assumptions of the adopted Master Plan of Warren Township. The Township Committee has authorized such expenditure. The Planning Board has entered into a professional service agreement with its consultants to accomplish the above.

In consideration of the above, and more specifically the first phase of a comprehensive updating of land use policy of the Municipality, it is the Board's considered opinion that any affirmative or negative decision relevant to your request would be premature and presumptuous.

Respectfully,

John M. Lloyd, Chairman
Warren Township Planning Board

JML/aw

Schedule B