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ATTORNEYS FOR DEFENDANT - Township of Jackson, New Jersey

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**** ELECTRONICALLY FILED ****

AGUDATH ISRAEL OF AMERICA, a
New York non-profit
corporation, and WR PROPERTY
LLC, a New Jersey limited
liability company,

Plaintiffs

v.

TOWNSHIP OF JACKSON, NEW
JERSEY

Defendant

CASE NO.: 3:17-cv-03226-MAS-DEA

Civil Action

**ANSWER ON BEHALF OF DEFENDANT
TOWNSHIP OF JACKSON, NEW JERSEY**

Defendant, Township of Jackson, New Jersey, by way of
Answer to the Complaint, states:

INTRODUCTION AND NATURE OF ACTION

1. It is admitted that on March 16, 2017, the Township
Council of the Township of Jackson passed Ordinances nos. 03-17
and 04-17. It is denied that these Ordinances prohibit schools
from locating in the Township's residential zoning districts and
prohibited outright dormitories throughout the Township.

2. Denied.

3. This is the plaintiffs' description of the allegations in the Complaint. To the extent the plaintiffs mean to imply in this paragraph that there is any factual basis of the causes of action asserted, the allegations are denied.

4. Denied.

5. Denied.

JURISDICTION AND VENUE

6. Admitted.

7. Admitted.

8. Admitted.

THE PARTIES

9. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

10. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

11. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

12. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

13. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

14. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

15. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

16. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

17. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

18. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

19. Admitted.

20. Admitted.

21. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

22. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

23. Denied.

24. Denied.

25. Admitted.

26. Admitted.

FACTUAL ALLEGATIONS

27. Admitted.

28. Admitted.

29. Admitted.

30. Admitted.

31. Admitted.

32. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

33. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

34. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

35. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

36. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

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41. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

42. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

43. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

44. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

45. Admitted.

46. Denied.

47. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

48. Denied.

49. Denied.

50. Denied.

51. Denied.

52. Admitted.

53. Denied.

54. Admitted.

55. Admitted.

56. Denied.

57. Denied.

58. It is admitted that Ordinance no. 0317 amended §244-48 of Jackson Township's code to prohibit public schools as a permitted use in certain zoning districts. It is denied that the

reason for this is because New Jersey law prohibits differential treatment between public and private schools. It is denied that the Township already has several public schools that were cited in residential zoning districts, including two recently constructed as discussed in subsequent paragraphs in the Complaint.

59. Admitted.

60. Admitted.

61. Admitted.

62. Admitted.

63. Denied.

64. Denied.

65. Denied.

66. Admitted.

67. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

68. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

69. Denied.

70. It is admitted that the article was published in the Asbury Park Press. It is denied that the facts as reported in the article were accurately reported.

71. Denied.

72. Admitted.

73. Denied.

74. It is admitted that various residents questioned the meaning and effect of the Ordinance. It is denied that the Council or its attorney silenced anyone, including both those who supported and objected to the Ordinance.

75. It is denied that there was considerable applause.

76. It is denied there was substantial applause.

77. Admitted.

78. Admitted.

79. Denied.

80. Admitted.

81. Denied.

82. Denied.

83. Denied.

84. Denied.

85. Denied.

86. Denied.

87. Denied.

88. Denied.

89. Denied.

90. Denied.

91. Denied.

92. Denied in that there was no discussion about religious schools.

93. Denied.

94. It is admitted that the Asbury Park Press published an article entitled "Jackson Dorm Law Advances Amid Cries of Anti-Semitism." It is denied that everything printed in the article was accurate.

95. It is admitted that the Asbury Park Press published an article entitled "Jackson Dorm Law Advances Amid Cries of Anti-Semitism."

96. Admitted.

97. Denied.

98. Admitted.

99. Denied.

100. Denied.

101. Admitted.

102. Admitted, except the allegation that the Township has no land use concerns about the Great Adventure Dormitories is denied.

103. Admitted, to the extent the Township Code permits other land uses that entail group residential components, which are required by law.

104. Denied.

105. Admitted.

106. Admitted, though the permitting of mobile home parks in the MHP Mobile Home Park Zone is limited to currently existing mobile home parks.

107. Denied.

108. Admitted.

109. Admitted.

110. Denied.

111. Denied.

112. Denied.

113. Denied.

114. Denied.

115. Denied.

116. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

117. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

118. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

119. Denied.

120. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

121. Denied.

122. Denied.

123. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

124. Denied.

125. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

126. Denied.

127. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

128. Denied.

129. Denied.

130. Denied.

131. Denied.

132. Denied.

133. Denied.

134. Denied.

135. Admitted.

136. Denied.

137. Denied.

138. Denied.

139. Denied.

140. Denied.

141. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

142. Admitted, though many other towns have also been involved in affordable housing litigation.

143. Denied.

144. Admitted. The ordinance was drafted by the plaintiff's attorney in that matter and was submitted to the Council in the form proposed pursuant to a consent order, served with a letter from the Affordable Housing Special Master to the Court.

145. Denied.

146. Denied.

147. Admitted.

148. Denied.

149. It is denied that the certification was filed by Township Officials. The certification was filed by the plaintiffs' attorney in litigation against the Town.

150. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

151. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

152. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

153. Admitted.

154. Admitted.

155. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

156. Denied.

157. Denied.

158. Admitted.

159. Admitted.

160. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

161. Admitted.

162. Denied.

163. Denied.

164. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

165. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

166. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

167. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

168. Denied.

169. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

170. Admitted.

171. Denied.

172. Admitted.

173. Denied.

174. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation, because the defendant does not have transcripts of the meeting.

175. Denied.

176. Admitted.

177. After reasonable investigation, the defendant is without sufficient information to admit or deny this allegation.

178. Denied.

179. Denied.

180. Denied.

COUNT ONE

181. The answers to the allegations in the preceding paragraphs are repeated as if set forth fully at length herein.

182. Denied.

183. Denied.

184. Denied.

COUNT TWO

185. The answers to the allegations in the previous paragraphs are repeated as if set forth fully at length herein.

186. Denied.

187. Denied.

188. Denied.

WHEREFORE, the defendant demands judgment dismissing the Complaint and awarding the defendant counsel fees and costs of suit.

COUNT THREE

189. The answers to the allegations of the preceding paragraphs are repeated as if set forth fully at length herein.

190. Denied.

191. Denied.

192. Denied.

WHEREFORE, the defendant demands judgment dismissing the Complaint and awarding the defendant counsel fees and costs of suit.

COUNT FOUR

193. The answers to the allegations in the preceding paragraphs are repeated as if set forth fully at length herein.

194. Denied.

195. Denied.

196. Denied.

WHEREFORE, the defendant demands judgment dismissing the Complaint and awarding the defendant counsel fees and costs of suit.

COUNT FIVE

197. The answers to the allegations of the preceding paragraphs are repeated as if set forth fully at length herein.

198. Denied.

WHEREFORE, the defendant demands judgment dismissing the Complaint and awarding the defendant counsel fees and costs of suit.

COUNT SIX

199. The answers to the allegations of the preceding paragraphs are repeated as if set forth fully at length herein.

200. Denied.

COUNT SEVEN

201. The answers to the allegations of the preceding paragraphs are repeated as if set forth fully at length herein.

202. Denied.

WHEREFORE, the defendant demands judgment dismissing the Complaint and awarding the defendant counsel fees and costs of suit.

COUNT EIGHT

203. The answers to the allegations of the preceding paragraphs are repeated as if set forth fully at length herein.

204. Denied.

WHEREFORE, the defendant demands judgment dismissing the Complaint and awarding the defendant counsel fees and costs of suit.

COUNT NINE

205. The answers to the allegations of the preceding paragraphs are repeated as if set forth fully at length herein.

206. Denied.

207. Denied.

208. Denied.

209. Denied.

WHEREFORE, the defendant demands judgment dismissing the Complaint and awarding the defendant counsel fees and costs of suit.

COUNT TEN

210. The answers to the preceding paragraphs are repeated as if set forth fully at length herein.

211. Denied.

212. Denied.

213. Denied.

WHEREFORE, the defendant demands judgment dismissing the Complaint and awarding the defendant counsel fees and costs of suit.

COUNT ELEVEN

214. The answers to the allegations in the preceding paragraphs are repeated as if set forth fully at length herein.

215. Denied.

216. Denied.

217. Denied.

218. Denied.

WHEREFORE, the defendant demands judgment dismissing the Complaint and awarding the defendant counsel fees and costs of suit.

AFFIRMATIVE DEFENSES

First Affirmative Defense

The plaintiffs have failed to exhaust administrative remedies.

Second Affirmative Defense

The Complaint fails to set forth a claim upon which relief can be granted.

Third Affirmative Defense

Plaintiffs have shown no valid civil rights violations and therefore have failed to meet the statutory requirements of 42

U.S.C. 1981, 1983, 1985, 1986 or 1988. Plaintiffs have also failed to demonstrate the validity of jurisdiction under 28 U.S.C. 1927 nor under the First or Fourteenth Amendments to the United States Constitution.

Fourth Affirmative Defense

The plaintiffs failed to mitigate their damages.

Fifth Affirmative Defense

The claims against the defendants are barred by the applicable provisions of the New Jersey Tort Claims Act, N.J.S. 59:9-1.

LOCAL RULE 11.2 CERTIFICATION

Pursuant to Local Rule of Civil Procedure 11.2, I certify that this matter is not the subject of any other action pending in any court, or any pending arbitration or administrative proceeding. I know of no other parties which should be joined in this action.

TRIAL COUNSEL DESIGNATION

Howard B. Mankoff is hereby designated as trial counsel for defendant Township of Jackson, New Jersey.

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN
Attorneys for Defendant,
Township of Jackson, New
Jersey

By: /s/ Howard B. Mankoff
 HOWARD B. MANKOFF, ESQ.

Dated: June 12, 2017