

CA - East Brunswick

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Appendix for Defendant - Appellant Township Council of the  
Township of East Brunswick

pgs. 444

• Goes w/ Brief

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# Superior Court of New Jersey

APPELLATE DIVISION

DOCKET NO. A-4681-75

URBAN LEAGUE OF GREATER  
NEW BRUNSWICK, ET ALS.,

*Plaintiff-Respondent*

vs.

THE MAYOR AND COUNCIL OF  
THE BOROUGH OF CARTERET, ET ALS.,

*Defendant-Appellant.*

Civil Action

On Appeal From  
Judgment of the Superior  
Court of New Jersey,  
Law Division,  
Middlesex County

Sat Below:  
Hon. David D. Furman, J.S.C.

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**APPENDIX FOR DEFENDANT-APPELLANT,  
TOWNSHIP COUNCIL OF THE TOWNSHIP OF EAST BRUNSWICK**

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VOLUME I

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

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URBAN LEAGUE OF GREATER :  
NEW BRUNSWICK, a non-profit :  
corporation of the State of :  
New Jersey; CLEVELAND BENSON; :  
FANNIE BOTTS; JUDITH CHAMPION; :  
LYDIA CRUZ; BARBARA TIPPETT; :  
KENNETH TUSKEY and JEAN WHITE, :  
On their own behalf and on :  
behalf of all others similarly :  
situated, :

40

Plaintiffs, :

Civil Action :

v. :

COMPLAINT :

THE MAYOR AND COUNCIL OF :  
THE BOROUGH OF CARTERET; :  
TOWNSHIP COMMITTEE OF THE :  
TOWNSHIP OF CRANBURY; MAYOR :  
AND COUNCIL OF THE BOROUGH :  
OF DUNNELLEN; TOWNSHIP COMMITTEE :  
OF THE TOWNSHIP OF EAST :  
BRUNSWICK; TOWNSHIP COMMITTEE :

OF THE TOWNSHIP OF EDISON; :  
MAYOR AND COUNCIL OF THE :  
BOROUGH OF HELMETTA; MAYOR :  
AND COUNCIL OF THE BOROUGH OF :  
HIGHLAND PARK; MAYOR AND :  
COUNCIL OF THE BOROUGH OF :  
JAMESBURG; TOWNSHIP COMMITTEE :  
OF THE TOWNSHIP OF MADISON; :  
MAYOR AND COUNCIL OF THE :  
BOROUGH OF METUCHEN; MAYOR :  
AND COUNCIL OF THE BOROUGH OF :  
MIDDLESEX; MAYOR AND COUNCIL :  
OF THE BOROUGH OF MILLTOWN; :  
TOWNSHIP COMMITTEE OF THE :  
TOWNSHIP OF MONROE; TOWNSHIP :  
COMMITTEE OF THE TOWNSHIP OF :  
NORTH BRUNSWICK; TOWNSHIP :  
COMMITTEE OF THE TOWNSHIP OF :  
PISCATAWAY; TOWNSHIP COMMITTEE :  
OF THE TOWNSHIP OF PLAINSBORO; :  
MAYOR AND COUNCIL OF THE BOR- :  
OUGH OF SAYREVILLE; MAYOR AND :  
COUNCIL OF THE CITY OF SOUTH :  
AMBOY; TOWNSHIP COMMITTEE OF :  
THE TOWNSHIP OF SOUTH BRUNS- :  
WICK; MAYOR AND COUNCIL OF :  
THE BOROUGH OF SOUTH PLAIN- :  
FIELD; MAYOR AND COUNCIL OF :  
THE BOROUGH OF SOUTH RIVER; :  
MAYOR AND COUNCIL OF THE :  
BOROUGH OF SPOTSWOOD; TOWN- :  
SHIP COMMITTEE OF THE TOWN- :  
SHIP OF WOODBRIDGE :  
:

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Defendants.

Plaintiffs, by way of complaint herein, say:

I. PRELIMINARY STATEMENT

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1. Low-and moderate-income persons, both white and nonwhite, bring this action against 23 municipal defendants in Middlesex County seeking to enjoin economic and racial discrimination in housing. They challenge the zoning and other land use policies and practices of defendant municipalities which, by effectively excluding

housing plaintiffs can afford, prevent them from residing in these municipalities in close proximity to job opportunities, and deprive their children of equal educational opportunities.

2. Each of the municipal defendants discriminates against the plaintiffs through the maintenance and operation of zoning and other land use policies and practices which impede and deter the construction of housing they can afford. The policies and practices of all defendant municipalities, taken together, bar plaintiffs from securing housing and employment opportunities throughout a major and expanding market area. These policies and practices also adversely affect the housing market in the rest of the county and the region of which defendant municipalities are a part.

3. Plaintiffs' claims for relief are based upon N.J.S.A. 40:55-32; Article one, paragraphs 1, 5, and 18, of the New Jersey Constitution; 42 U.S.C. 1981, 1982, and 3601 et. seq.; and the Thirteenth and Fourteenth Amendments to the United States Constitution.

## II. PLAINTIFFS

4. Plaintiff Urban League of Greater New Brunswick maintains its offices at 4749 Troop Avenue, New Brunswick, New Jersey 08901. It is a non-profit corporation of the



State of New Jersey, as per Title 15, N.J.S.A. It is an affiliate of the National Urban League, a nationwide organization which, since 1910, has sought to improve the economic conditions of minority persons by, among other things, obtaining equal housing and employment opportunities.

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The League, on its own behalf and for its members, has a special interest in the need for low-and moderate-income housing in Middlesex County. Its members are directly injured and aggrieved by the zoning and other land use policies and practices of the defendants. Such members are unable to challenge the defendants' conduct without the assistance of the League.

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5. Plaintiff Cleveland Benson, a black citizen of the United States, lives with his wife, seven children, and one grandchild in a rented four bedroom house at 425 South 8th Street, Highland Park, New Jersey 08904. In February, 1974, Mr. Benson had to sell a house in Highland Park after living in it for 2 1/2 years, because he could not afford the mortgage payments. He searched for more than a year before locating a two bedroom apartment in Jamesburg in which the entire family lived in grossly overcrowded conditions from March until June, 1974.

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Mr. Benson earns approximately \$10,000 a year at the Kaiser Aluminum Company in Edison, New Jersey. He is concerned

about his ability to meet the rental payments in his current house and would like to live in less expensive quarters in suburban Middlesex County.

6. Plaintiff Fannie Botts resides at 334 Stockton Street, Apartment 7-G, Perth Amboy, New Jersey 08861. She is a black citizen of the United States. She lives with her husband and three children in a three bedroom apartment in a virtually all-minority public housing project. Family income is approximately \$7,500 annually, from her husband's employment with a trucking firm in Woodbridge, New Jersey. Her children attend nearly all-minority schools. She would like to live in a suburban part of Middlesex County in order to afford her children a better living environment and greater educational opportunities.

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7. Plaintiff Judith Champion, a white citizen of the United States, has two children and shares a three bedroom apartment in New Brunswick with a female friend at 12 Eulner Street, South Amboy, New Jersey 08872. Ms. Champion is a student at Middlesex County College in Edison and her only income is from welfare. She would like to live in a house of her own in the suburban part of Middlesex County to provide her children with a healthier environment. She has been unable to find such housing.

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8. Plaintiff Lydia Cruz lives at 334 Stockton Street, Perth Amboy, New Jersey 08861. Mrs. Cruz is a

Spanish surnamed citizen of the United States living with nine children in an overcrowded four bedroom apartment in a virtually all-minority public housing project. The project has no recreational facilities and the maintenance of the common areas is poor. The schools her children attend are nearly all-minority. Mrs. Cruz earns a salary of \$6,500 a year as a social worker for the Middlesex County Economic Opportunity Corporation and receives welfare payments of just under \$400 a month. Mrs. Cruz has searched for housing in Edison, Highland Park and other suburban areas of the county but has found nothing she could afford. She would like a house in a racially and economically integrated area free of crime and drug usage.

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9. Plaintiff Barbara Tippett lives at 51 Burnet Street, New Brunswick, New Jersey, 08902. She is a black citizen of the United States and lives with her husband and three children in a rented two bedroom apartment. Family income in 1973 was approximately \$10,000, from Mr. Tippett's employment as a painter. Mrs. Tippett has been unable to find less crowded housing closer to her husband's work in an area with better schools, after more than one year of searching.

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10. Plaintiff Kenneth Tuskey, a white citizen of the United States, lives at 89 Stillwell Road, Kendall Park, New Jersey, 08824. This is in the township of South Brunswick. He would like to live in a racially and economically integrated community.

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11. Plaintiff Jean White lives at 237 Park Avenue, Piscataway, New Jersey, 08854. She is a black citizen of the United States living with eight children and two grandchildren in a rented three bedroom apartment in a black enclave in Piscataway. Her only income is from welfare payments. Ms. White would like to live in a larger house in a racially and economically integrated neighborhood in the Piscataway area, but has been unable to find such housing within her means.

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### III. CLASS ACTION ALLEGATIONS

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12. Plaintiffs bring this action for injunctive relief as a class action pursuant to Rule 4:32 of the New Jersey Court Rules on behalf of themselves and others similarly situated. The class plaintiffs represent is comprised of low- and moderate-income persons, both white and nonwhite, residing in Northeastern New Jersey, who seek housing and employment opportunities for themselves and educational opportunities for their children in the 23 defendant municipalities, but who are deprived of such opportunities by the

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zoning and other land use policies and practices of defendants. 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.

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13. The defendant city, boroughs, and townships are municipal corporations organized under the laws of New Jersey. The officials, employees, and agents of such defendants are responsible for the enactment and administration of the zoning and other land use policies and practices.

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#### IV. FACTUAL ALLEGATIONS

14. Middlesex County, of which these defendants are a part, is located between New York and Philadelphia, astride the Northeastern highway and rail transportation corridors. The location of the transportation lines has been central to the increased commercial, industrial, and residential growth of the county. The county is composed of 25 municipalities all of which are defendants except New Brunswick and Perth Amboy.

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15. Middlesex County constitutes a common housing and labor market area, as recognized by the Federal Office of Management and Budget in designating Middlesex County

as a Standard Metropolitan Statistical Area known as the New Brunswick-Perth Amboy-Sayreville SMSA.

16. According to the 1970 census, the population of Middlesex County was 583,813 of whom 40,549 were minorities. Approximately 85 percent of the total county population resides in the 23 defendant municipalities, but less than 50 percent of the minority population. The majority of the county's black and Puerto Rican population is confined to the two municipalities of New Brunswick and Perth Amboy.

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17. During the decade of the 1960's, Middlesex County absorbed large percentages of the population increase in Northeastern New Jersey, as the more urbanized counties in the region, such as Essex and Hudson, became fully developed. Between 1960 and 1970 the county's population increased by approximately 150,000, representing over 25 percent of the total growth in the eight counties of Northeastern New Jersey. Population projections show that Middlesex will experience a similar numerical increase over the next two decades.

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The U.S. Bureau of the Census defines a Standard Metropolitan Statistical Area (SMSA) as generally, a county or group of counties containing at least one city (or twin cities) having a population of 50,000 or more plus adjacent jurisdictions which are metropolitan in character and are economically and socially integrated with the central cities. 1970 Census User's Guide, Part I at 85.

18. Nearly all of the county's population increase consisted of white families and persons who moved into the defendant municipalities. Middlesex accounted for only 6.4 percent of minority population growth in the region. By contrast, Essex and Hudson counties, which accounted for less than one percent of the overall growth in Northeastern New Jersey, absorbed nearly 60 percent of the minority increase.

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19. Those minorities who have moved into Middlesex County have been confined largely to the cities of New Brunswick and Perth Amboy. Accounting for only 1.6 percent of the total county growth, the two cities absorbed over half of the county's minority increase. White population in the two central cities decreased by more than 10 percent.

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20. The small increase of blacks and Puerto Ricans in the 23 defendant municipalities from 1960 to 1970 was largely confined to areas of pre-existing minority concentration. These areas are characterized by substandard housing, higher density, and less restrictive zoning than white population areas.

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21. According to the 1970 census, the median income for all families in Perth Amboy was \$9,413 and in New Brunswick, \$9,589; less than 80% of the median income of more than \$12,000 in the 23 defendant municipalities.

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- 11 -

22. The median income for blacks living in New Brunswick and Perth Amboy was less than two-thirds of the median income in the 23 municipal defendants. The median income for Puerto Ricans living in Perth Amboy and New Brunswick was less than half of the median income in the 23 municipal defendants.

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23. Since 1960, there has been an increase of more than 100,000 jobs in Middlesex County, the overwhelming majority located in the 23 defendant municipalities. Most of these jobs pay low and moderate wages.

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24. The number of housing units produced in Middlesex County has been less than half the number of jobs generated during the same period. The gap between housing units and jobs has been particularly acute for low and moderate wage earners.

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25. Most of the low and moderate wage jobs in the county are in the 23 defendant municipalities, while most of the low-and moderate-income housing units in the county are located in New Brunswick and Perth Amboy.

26. Most of the black and Puerto Rican persons who work in Middlesex County are employed in low and moderate wage jobs. Of the blacks and Puerto Ricans who work in Middlesex County, more than 40 percent live outside the county, 37 percent live in New Brunswick and Perth Amboy, and only 21 percent live in the 23 defendant municipalities.

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27. In Newark, Elizabeth, Plainfield, and other central cities of Northeastern New Jersey, there are more low-and moderate-income housing units than there are jobs paying low and moderate wages.

28. Statistical projections show 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. Statistical projections also show that by 1980, 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 23 defendant municipalities.

29. More than 40 percent of the vacant land in Middlesex County is zoned for industry, a higher percentage than in any other county in New Jersey. More than 90 percent of the county's vacant land is within the 23 defendant municipalities. According to the Middlesex County Master Plan, of the approximately 40,000 acres so zoned, 75 percent, or 30,000 acres, will not be needed for such use. This excessive zoning withdraws at least 25 percent of the developable land in the county from potential use for housing.

30. Adequate housing for plaintiffs and the class they represent is largely unavailable in the defendant municipalities.

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(a) The vacancy rate for the 23 defendant municipalities is less than one percent, compared to the accepted standard of three percent as a tight housing market.

(b) There is a scarcity of rental units generally in the defendant communities and an acute scarcity of such units with two or more bedrooms. Such two or more bedroom units as are available are priced at rents beyond the financial capabilities of plaintiffs and the class they represent.

(c) Nearly all single-family dwellings in defendant municipalities sell for prices beyond the financial capabilities of plaintiffs and the class they represent.

(d) Fewer than 1,800 family public housing units are located in Middlesex County. Of these, nearly 75 percent are in the cities of New Brunswick and Perth Amboy. Although the defendant municipalities are authorized under state law to establish public housing authorities to provide housing for low-income families, 18 have not established such authorities. In four of the five municipalities that have established public housing authorities, no public housing for families has been built for more than 10 years.

(e) Twenty of the defendants have not passed the resolution of local approval required for the

use of state financial aid to assist low-and moderate-income families with their housing needs.

31. Over 50 percent of the minority public school children in the county attend school in Perth Amboy and New Brunswick, where minority enrollments exceed 60 percent. Schools in the 23 suburban municipalities are over 94 percent white.

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32. The Middlesex County Planning Board, as authorized by state law, has prepared and adopted a county-wide master plan which includes provision for the distribution of low-and moderate-income housing throughout the 23 defendant municipalities. None of the defendants has taken steps to implement the low-and moderate-income housing elements of the Plan.

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33. The defendants' zoning and other land use policies and practices have denied or otherwise made unavailable to low-and moderate-income persons, both white and non-white, equal access to housing and employment opportunities and denied educational opportunities to their children. Among other exclusionary devices and techniques, the defendants have:

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/See Appendix for a description of various exclusionary zoning and other land use policies and practices of each defendant municipality. Said appendix is incorporated by reference and made a part of this complaint as if fully set forth herein.

(a) Forbidden or severely restricted provision of mobile homes, the development of multiple dwellings, especially those with more than one bedroom, and single-family attached housing that plaintiffs can afford;

(b) imposed zoning and building requirements for single-family detached houses, such as large lot sizes, minimum floor areas, and excessive frontage requirements, which have increased housing costs;

(c) refused or otherwise failed to provide federally or State subsidized housing for low-income families; and

(d) zoned vacant land for industrial purposes in excess of need to the exclusion of residential usage.

34. The results of defendants' conduct have been, inter alia, to:

(a) Exclude low-and moderate-income households, especially those with children, from residing within defendant communities;

(b) Confine low-and moderate-income persons, both white and nonwhite, to overcrowded, substandard, and often unsafe, housing within the central city areas;

(c) Ignore the general welfare of the larger region;

(d) Maintain white isolated elite communities of high-income households;

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(e) Impose an undue burden on nearby communities which have less restrictive zoning and other land use policies and practices.

(f) Deprive middle-and upper-income white residents of the benefits of racial and economic integration,

(g) Deny to low-and moderate-income persons, white and nonwhite, the right to travel;

(h) Deprive low-and moderate-income persons both white and nonwhite, of access to employment opportunities in suburban communities; and

(i) Deny their children equal educational opportunities.

35. The conduct of the defendants described in the preceeding paragraphs interferes with and denies rights secured to the plaintiffs and the class they represent by N.J.S.A. 40: 55-32; Article one, paragraphs 1, 5, and 18 of the New Jersey Constitution; 42 U.S.C. 1981, 1982, and 3601 et seq.; and by the Thirteenth and Fourteenth Amendments of the United States Constitution.

V. PRAYER FOR RELIEF

W H E R E F O R E, plaintiffs pray that judgment be entered as follows:

(1) Permanently enjoining the defendants, their officers, agents, and employees, and all other persons acting in active concert or in participation with any of them, from engaging in any zoning and other land use policies and practices which have the effect of excluding low-and moderate-income persons, both white and non-white.

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(2) Requiring defendants, individually and collectively, to take reasonable steps to correct past discriminatory conduct by preparing and implementing a joint plan to facilitate racially and economically integrated housing within the means of plaintiffs and the class they represent. In developing and implementing such plan, defendants should be required to solicit and utilize the advice and assistance of appropriate county, state, and federal agencies and programs. Such plan should include a precise program and timetable outlining the steps defendants will take to assure successful and expeditious implementation.

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(3) Granting the named plaintiffs the recovery of all costs, including attorney fees, incurred

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in maintaining this action, and such further relief as the interest of justice may require and this Court deems appropriate.

Respectfully submitted

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APPENDIX TO COMPLAINT

Exclusionary Zoning & Other Land Use Policies  
and Practices of Defendant Municipalities

1. BOROUGH OF CARTERET

Carteret prohibits mobile homes. 10

It permits multi-family dwelling construction only in areas zoned for commercial use, but there is virtually no land so zoned.

The Carteret ordinance prohibits construction of any apartment with more than four rooms and requires that at least 90 percent contain no more than three. 20

Although the town has available vacant developable acres to meet the low- and moderate-income housing needs of its present and potential residents, an excessive and unnecessary amount of its land is zoned for industrial use. 30

Carteret has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs. 40

Although Carteret has a public housing authority, it has built only 36 units for families in the past decade.

2. TOWNSHIP OF CRANBURY

Cranbury prohibits mobile homes and forbids apartment construction.



Nearly all of its developable land zoned for single-family residences has minimum requirements such as lot area of 40,000 square feet, lot width of 170 linear feet, and floor area of 1,000 square feet.

There is a token amount of land open to houses on 10,000 square foot lots with minimum frontages of 100 feet, but these units must also have minimum floor areas of at least 1,000 square feet.

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Cranbury has also zoned an excessive amount of its vacant land for industry.

Cranbury has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

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### 3. BOROUGH OF DUNNELLEN

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Dunnellen prohibits mobile homes and multi-family dwellings.

Dunnellen has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

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4. TOWNSHIP OF EAST BRUNSWICK

East Brunswick prohibits mobile homes.

It provides little vacant land for multi-family use, prohibits the construction of apartments with more than two bedrooms, and requires that at least 80 percent of the units in any project have no more than one.

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It subjects single-family dwellings to minimum floor area requirements ranging from 1,250 to 1,500 square feet with much of the land carrying requirements of 150 foot lot widths.

Most of the residential land is zoned for single-family homes on lots of more than one-third acre.

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Excessive amounts of land are zoned for industrial and commercial use.

East Brunswick has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

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5. TOWNSHIP OF EDISON

Edison prohibits mobile homes.

It permits multi-family use on only a small amount of land.

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It requires minimum floor areas in single-family homes from 960 to 1,400 square feet.

Edison also has an excessive amount of land zoned industrial.

Edison has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

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Although Edison has a public housing authority, it has not constructed units for families since 1963.

6. BOROUGH OF HELMETTA

Helmetta prohibits mobile homes and apartments.

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All of its land zoned single-family residential is subject to minimum frontage requirements of 100 feet and minimum floor area requirements of 1,000 square feet.

Helmetta has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

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7. BOROUGH OF HIGHLAND PARK

Highland Park prohibits mobile homes.

It restricts the supply of apartments for households of three or more persons by limiting two bedroom apartments to 15 percent of each project and three bedroom apartments to five percent.

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Highland Park has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

Although Highland Park has a public housing authority, it has not built units for families since 1961.

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8. BOROUGH OF JAMESBURG

Jamesburg prohibits mobile homes and only allows multiple dwellings by special permit.

It prohibits three or more bedroom apartments and requires that at least 70 percent of the units in each project or building contain no more than one bedroom.

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It requires that all single-family residences have a minimum floor area of 1,000 square feet and a lot width of 100 feet.

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Jamesburg has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

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9. TOWNSHIP OF MADISON

Madison Township's zoning ordinance was struck down for the second time on April 29, 1974. An appeal has been taken. Its original ordinance prohibited mobile homes. It had an excessive amount of its residential acreage zoned with one and two acre lot requirements, with minimum lot widths of 160 and 200 feet.

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It restricted higher density development by limiting the permissible dwelling units per acre ratios in its planned unit developments to 3.5, 4.25 and 5.0, limiting the minimum floor area of the dwelling in such areas to specified gross feet per acre, while at the same time limiting each housing type in the planned developments to maximum density levels of eight dwelling units per acre for townhouses, 10 dwelling units per acre for high density residentials, and minimum average lot sizes of 15,000 square feet for single-family homes.

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The township zoning ordinance was originally held invalid in 1971 at 117 N.J. Super. 11 (1971). The Court stated that the township could not ignore the need for housing within its borders or within its region. The zoning restrictions complained of served to shunt aside those needs. On appeal the Supreme Court remanded that decision for trial to determine the effect of zoning ordinance amendments effective Oct. 1, 1973. The result of that trial was to strike down the amended ordinance as failing to provide housing for at least the low and moderate income resident population. The region which the township must reasonably provide for is "the area from which in view of available employment and transportation the population of the township would be drawn absent invalidly exclusionary zoning." DeWood at Madison, Inc., v. The Township of Madison, Sup.

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Madison also required minimum floor areas for single-family units ranging from 1,100 to 1,600 square feet.

Madison had an excessive amount of land zoned commercial or industrial.

Madison has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

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10. BOROUGH OF METUCHEN

Metuchen's zoning ordinance prohibits mobile homes and permits multi-family use on only an insignificant amount of land.

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It subjects single-family detached units to minimum floor area requirements from 1,000 to 1,400 square feet.

Metuchen has not established a public housing authority.

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11. BOROUGH OF MIDDLESEX

Middlesex, which prohibits mobile homes, has an inadequate amount of land zoned for multi-family dwellings.

It restricts occupancy by households with more than three persons by prohibiting apartments with more than two bedrooms and requiring that at least 85 percent of the units in new multi-family projects contain no more than one bedroom.

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Middlesex has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

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12. BOROUGH OF MILLTOWN

Milltown prohibits mobile homes and allows multi-family construction only by special permit.

It requires minimum floor areas for single-family homes ranging from 1,000 to 1,300 square feet.

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Milltown has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

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13. TOWNSHIP OF MONROE

Monroe Township prohibits mobile homes and bans all multi-family construction except in its planned retirement district, where occupancy is limited to households headed by people over 48 years old.

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It subjects all single-family construction to minimum floor area requirements ranging from 1,200 to 1,500 square feet and minimum lot widths from 100 to 150 feet.

Nearly all vacant residentially zoned land requires minimum lots of more than one-half acre.

Monroe also has an excessive amount of land zoned industrial.

Monroe has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

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14. TOWNSHIP OF NORTH BRUNSWICK

North Brunswick prohibits mobile homes and the construction of apartments larger than two bedrooms, with two bedroom units limited to 20 percent of the total of any single project.

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North Brunswick requires that single-family detached homes have minimum floor areas from 1,400 to 1,800 square feet.

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It requires minimum lot widths ranging from 100 to 150 feet, and minimum lot sizes of three-quarter acre for most single-family homes.

It also has an excessive and unnecessary amount of land zoned industrial.

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North Brunswick has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.



15. TOWNSHIP OF PISCATAWAY

Piscataway prohibits mobile homes.

It has an inadequate amount of land zoned for multi-family use.

It prohibits construction of any apartment with more than two bedrooms and requires that at least 75 percent contain no more than one bedroom.

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It requires minimum first floor areas ranging from 900 to 1,300 square feet.

It requires minimum lot widths of 100 and 150 feet for most new single family homes.

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It has an excessive amount of land zoned one acre residential and industrial.

Piscataway has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

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16. TOWNSHIP OF PLAINSBORO

Plainsboro prohibits mobile homes.

Multi-family units are limited to its planned unit development zones or service residential zones by special permit. In the former case 75 percent of the units can contain no more than one bedroom; in the latter, 90 percent.

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Almost all of Plainsboro's residentially zoned vacant land requires minimum lot widths of 200 feet and lot sizes of one-half acre.

Plainsboro has an excessive and unnecessary amount of land zoned industrial.

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Plainsboro has not established a public housing authority.

17. BOROUGH OF SAYREVILLE

Sayreville prohibits mobile homes.

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It requires minimum floor areas of 1,000 square feet for each single-family detached home and each townhouse.

It prohibits any two adjacent buildings in its planned unit development from having the same exterior and limits the maximum units per acre to 4 and 4.5 in the planned unit development. Public housing for the elderly is exempt from this density limit, but not housing for families.

40

Sayreville requires a minimum lot width of 100 feet for every single family detached dwelling.

The borough has also zoned an excessive amount of land for industrial use.

Sayreville has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

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18. CITY OF SOUTH AMBOY

South Amboy prohibits mobile homes and allows apartments only by special permit.

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It restricts multiple family dwellings to 20 percent of the units with more than one bedroom.

South Amboy has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

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Although South Amboy has a public housing authority, it has not built units for families since 1952.

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19. TOWNSHIP OF SOUTH BRUNSWICK

South Brunswick limits mobile homes to its three existing mobile homes parks.

It limits all multiple dwelling units to its planned residential district and requires insufficient units for low- and moderate-income occupancy.

It requires a minimum floor area of 1,000 square feet for single-family detached homes, with nearly all land so zoned requiring a one acre minimum lot area and a lot width of 150 feet.

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It also has an excessive amount of land zoned industrial and commercial.

South Brunswick has not established a public housing authority.

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20. BOROUGH OF SOUTH PLAINFIELD

South Plainfield prohibits mobile homes and multiple dwellings.

It requires minimum floor areas for single-family homes from 1,250 to 1,500 square feet, with lot widths of 100 to 150 feet and minimum lot sizes of 15,000 to 40,000 square feet for all but an insignificant amount of residentially zoned land.

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South Plainfield also has an excessive amount of land zoned industrial and commercial.

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South Plainfield has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

10

21. BOROUGH OF SOUTH RIVER

South River prohibits mobile homes and restricts multi-family dwelling units to 15 percent of the total number of single-family dwellings in the Borough.

It allows multi-family dwellings only by special permit on determination of the Board of Adjustment that the project "shall be economically stable and advantageous to the community."

20

It limits the maximum number of rooms in multi-family dwellings to four per apartment, with no more than 20 percent of the units exceeding three rooms each.

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The Borough requires that single family dwellings have minimum lot widths of 100 feet and minimum floor areas of 1,250 square feet of which not less than 700 square feet shall be upon the ground floor.

40

South River has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

22. BOROUGH OF SPOTSWOOD

Spotswood limits licenses for mobile home parks to one for each 1,000 population and limits occupancy in such units to people over the age of 52 without children.

Its vacant land zoned for multi-family dwelling units is insignificant. Apartments larger than two bedrooms are prohibited, and 90 percent are limited to efficiency or one bedroom apartments.

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It also requires that single-family detached homes have minimum lot widths of 100 feet and minimum floor areas of 1,300 square feet.

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Spotswood has not established a public housing authority and has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

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23. TOWNSHIP OF WOODBRIDGE

Woodbridge Township prohibits mobile homes and allows multi-family dwellings only by special permit, with the requirement that 80 percent of the multi-family units not exceed one bedroom.

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It requires that single family dwellings have minimum floor areas from 900 to 2,000 feet.

It has an excessive amount of land zoned commercial and industrial.

Woodbridge has not passed the resolution of local approval required for the use of state financial aid to assist low- and moderate-income families with their housing needs.

Although Woodbridge has a public housing authority, it has not built units for families in over 20 years.

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FILED

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*Mortimer S. Keenan, Jr.*  
Clerk

I hereby certify that the foregoing  
is a true copy of the original of file  
in my office.

*Mortimer S. Keenan, Jr.*  
Clerk

10

**BUSCH AND BUSCH**

99 BAYARD STREET  
NEW BRUNSWICK, N. J. 08903  
(201) 247-1017

ATTORNEYS FOR Deft., Township Council of East Brunswick

URBAN LEAGUE OF GREATER NEW BRUNSWICK,  
a non-profit corporation of the State  
of New Jersey, CLEVELAND BENSON, FANNIE  
BOTTS, JUDITH CHAMPION, LYDIA CRUZ,  
BARBARA TIPPETT, KENNETH TUSKEY, JEAN  
WHITE, On their own behalf and on behalf  
of all others similarly situated,

Plaintiffs,

vs.

TOWNSHIP COMMITTEE OF THE TOWNSHIP  
OF EAST BRUNSWICK,

Defendant.

SUPERIOR COURT OF  
NEW JERSEY  
CHANCERY DIVISION  
MIDDLESEX COUNTY

Docket No. C-4122-73

CIVIL ACTION

ANSWER

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Defendant, The Township Council of the Township of East  
Brunswick, incorrectly designated The Township Committee of the  
Township of East Brunswick, by way of answer to the complaint,  
says:

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1. They deny the allegations of Paragraphs #1, #2 and #3  
to the extent that they are directed against this defendant.
2. It has insufficient knowledge to form a belief as to  
the truth of the allegations contained in Paragraphs #4, #5, #6,  
#7, #8, #9, #10 and #11.



3. It denies the allegations contained in Paragraph #12.

4. It admits the allegations contained in Paragraph #13.

5. It admits the allegations contained in Paragraph #14, except that it has insufficient information to form a belief as to the truth of the allegation that the location of the transportation lines has been central to the increased commercial, industrial, and residential growth of the County.

6. It has insufficient information to form a belief as to the truth of the allegations contained in Paragraphs #15, #16, #17, #18 and #19.

7. It denies the allegations contained in Paragraph #20.

8. It has insufficient information to form a belief as to the truth of the allegations contained in Paragraphs #21, and #22.

9. It denies the allegations contained in Paragraphs #23, #24, #25, #26, #27, #28, #29 and #30.

10. It has insufficient information to form a belief as to the truth of the allegations contained in Paragraph #31.

11. It denies the allegations contained in Paragraphs #32, #33, #34 and #35 to the extent that they are directed against this defendant.

#### FIRST SEPARATE DEFENSE

The complaint should be dismissed on the grounds that plaintiffs do not constitute a class.

#### SECOND SEPARATE DEFENSE

The complaint should be dismissed because defendants do not constitute a class as defined by the rules of court.

THIRD SEPARATE DEFENSE

The complaint should be dismissed on the grounds that the plaintiffs have failed to present a justiciable issue before the courts under the Declaratory Judgment Act.

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

The complaint should be dismissed against this defendant on the grounds that the plaintiff failed to take into account the unique factual history and pattern of growth for this defendant.

SIXTH SEPARATE DEFENSE

The complaint should be dismissed on the grounds that this defendant at no time violated any legal requirement of State or Federal Law.

SEVENTH SEPARATE DEFENSE

The complaint should be dismissed on the grounds that it fails to include indispensable parties including the State of New Jersey, the United States of America and the remaining municipalities in the State of New Jersey.

EIGHTH SEPARATE DEFENSE

The complaint should be dismissed on the grounds that plaintiffs are seeking a broad advisory opinion from the court as to the permissible limits of the zoning power, which opinion may not be rendered by the court.

NINTH SEPARATE DEFENSE

The complaint should be dismissed on the grounds that the matters referred to in plaintiffs' complaint are properly the subject of legislation and any grievances which plaintiffs have should be directed to the elected officials of the legislature. 10

TENTH 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. 20

ELEVENTH SEPARATE DEFENSE

The complaint should be dismissed on the grounds that plaintiffs have failed to consider unique differences of each of the municipalities named as defendants and have asked the court to fix reasonable requirements in land use. It is submitted that the court lacks such power. 30

TWELFTH SEPARATE DEFENSE

The complaint should be dismissed because it is predicated on the fallacious assumption that each municipality must provide for specific uses while in fact there is no such requirement in law. 40

THIRTEENTH SEPARATE DEFENSE

The complaint should be dismissed because plaintiffs have failed to exhaust their administrative remedies in accordance with the rules of court and the laws of the State of New Jersey.

Plaintiffs have not made application to any of these defendants for relief and accordingly this action is premature and untimely.

FOURTEENTH SEPARATE DEFENSE

The East Brunswick ordinances which are challenged are not unconstitutional either on their face or as applied.

FIFTEENTH SEPARATE DEFENSE

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The complaint fails to conform with the rules of pleading as provided by the rules of court and inhibits the ability of the defendants to formulate complete answers thereto.

SIXTEENTH SEPARATE DEFENSE

The ordinances of the Township of East Brunswick have been enacted following a comprehensive study of local conditions, geographical, topographical, ecological, economic and sociological. The studies and subsequently enacted ordinances properly reflect the needs of the Township and the region.

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SEVENTEENTH SEPARATE DEFENSE

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The State of New Jersey is now the most densely populated State in the United States. The relief requested, if granted, would not remedy the alleged ills suffered by the plaintiffs and the net effect would be to cause further deterioration of the inner cities and substantial population density increases in the entire State to the detriment of the entire State.

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EIGHTEENTH SEPARATE DEFENSE

The ordinances of the Township of East Brunswick do not violate the Federal or State constitutions and do not constitute racial discrimination in any form.

NINETEENTH SEPARATE DEFENSE

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

TWENTIETH SEPARATE DEFENSE

The venue of this action should be removed to the United States District Court in view of the fact that a substantial Federal question is presented based upon the United States Constitution.

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TWENTY-FIRST SEPARATE DEFENSE

East Brunswick has met the needs of all economic classes, having a complete mix of existing housing including apartments, mobile homes, condominiums and modest single family housing on small lots. In addition East Brunswick has adopted cluster zoning and subdivision ordinances. A Master Plan Review Committee is currently reviewing the present and proposed zoning and land use of the Township, including a planned unit development ordinance which has been adopted by the East Brunswick Planning Board and will be considered by the East Brunswick Township Council upon the receipt of a report by the Master Plan Review Committee.

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BUSCH AND BUSCH, ESQS.  
Attorneys for Defendant  
The Township Council of the  
Township of East Brunswick

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BY: Bertram E. Busch  
BERTRAM E. BUSCH  
A Member of the Firm

I hereby certify that a copy of the within answer was served within the time period allowed by Rule 4:6-1 and that a copy was served upon the attorney for the plaintiff by ordinary mail on the \_\_\_\_\_ day of \_\_\_\_\_, 1974.

Bertram E. Busch  
BERTRAM E. BUSCH

PRETRIAL ORDER

41a

Postried by Judge DAVID D. FURLAN, JSC.  
on (Date) November 14, 1975

SUPERIOR COURT ----- MIDDLESEX COUNTY --- CHANCERY DIVISION

Docket No. C. 4122-73

URBAN LEAGUE OF GREATER NEW BRUNSWICK, a non-profit corporation of the State of New Jersey; CLEVELAND BENSON; JUDITH CHAMPION; LYDIA CRUZ; BARBARA TIPPETT; KENNETH TUSKEY on their own behalf and on behalf of all others similarly situated,

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Plaintiffs,

v.

THE MAYOR AND COUNCIL OF THE BOROUGH OF CARTERET;  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CRANBURY;  
MAYOR AND COUNCIL OF THE BOROUGH OF DUNELLEN;  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF EAST BRUNSWICK;  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF EDISON;  
MAYOR AND COUNCIL OF THE BOROUGH OF HELMETTA;  
MAYOR AND COUNCIL OF THE BOROUGH OF HIGHLAND PARK;  
MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG;  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MADISON;  
MAYOR AND COUNCIL OF THE BOROUGH OF METUCHEN;  
MAYOR AND COUNCIL OF THE BOROUGH OF MIDDLESEX;  
MAYOR AND COUNCIL OF THE BOROUGH OF HILLTOWN;  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MONROE;  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NORTH BRUNSWICK;  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF PISCATAWAY;  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF PLAINSBORO;  
MAYOR AND COUNCIL OF THE BOROUGH OF SAYREVILLE;  
MAYOR AND COUNCIL OF THE CITY OF SOUTH AMBOY;  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF SOUTH BRUNSWICK;  
MAYOR AND COUNCIL OF THE BOROUGH OF SOUTH PLAINFIELD.  
MAYOR AND COUNCIL OF THE BOROUGH OF SOUTH RIVER;  
MAYOR AND COUNCIL OF THE BOROUGH OF SPOTSWOOD  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WOODBRIDGE,

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Defendants and third party plaintiffs,

v.

CITY OF NEW BRUNSWICK and CITY OF PERTH AMBOY,

Third party defendants,

-and-

NEW JERSEY LEAGUE OF WOMEN VOTERS and  
MIDDLESEX COUNTY LEAGUE OF WOMEN VOTERS.

1. Class action challenging the validity of zoning ordinances and other land use ordinances, policies and practices of 23 of the 25 municipalities in Middlesex County, both separately and collectively as violations of the 13th and 14th Amendments to the U.S. Constitution, Article One, paragraphs 1 and 5 of the New Jersey Constitution and N.J.S.A. 40:55-32, / 42 USCA, Section 1981, 1932 & 3601 et seq. seeking injunctive relief against exclusionary and discriminatory zoning and affirmatively to require defendants to provide on a county-wide basis adequate provision for low and moderate income housing, including multi family housing, on behalf of individual plaintiffs and others of their class. Third party action against two municipalities excluded in the Complaint.

2. None.

3. Annexed rider.

4. Annexed riders.

5. No money damages sought.

6. None.

7. Validity of zoning ordinances, collective effect of zoning ordinances to fail to provide reasonably and adequately for low and moderate income housing, validity of other land use ordinances, policies and practices, economic discrimination, racial discrimination, shift of burden of coming forward with evidence, whether developing municipality within Mount Laurel holding, employment projections, population growth projections, res judicata as to prior holdings of validity, judicial notice of U.S. Census material, remedy by way of county-wide plan, standing, whether a proper class, failure to join indispensable parties, right to attorneys' fees and costs, whether Middlesex County is a region within Mount Laurel, applicability of

Mount Laurel holding, applicability of Federal Civil Rights Statutes.

8. Constitutional invalidity under Article I, paragraph 18 of the New Jersey Constitution.

9. None.

10. No limitation.

11. None preceding trial.

12. Usual.

13. None.

14.

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Edward J. Dolan, for Carteret. William C. Moran, Jr., for Cranbury. Dennis J. Cummins, Jr., for Dunellen. Bertram E. Busch, for East Brunswick. Roland A. Winter, for Edison. Richard F. Plechner, for Helmetta. Lawrence Lerner, for Highland Park.

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Louis J. Alfonso, for Madison. Martin A. Spritzer, for Metuchen. Edward J. Johnson, Jr., for Middletown. Charles V. Boorean, for Milltown. Samuel C. Inglose, for Monroe. Joseph H. Barnes, for North Brunswick. Edward Schar, for Piscataway. Joseph L. Stonaker, for Plainsboro. John J. Maccheri, for Sayreville. John J. Vail, for South Amboy. Andre G. Guler, for South Brunswick. Sanford E. Chernin, for South Plainfield. Robert J. ... for South River. Philip J. Briganti, for Spotswood.

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Six to eight weeks.

February 2, 1976 at 9:00 a.m.



BAUNGART & BEN-ASHER, ESQS.

-AND-

*Daniel A. Searing*

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Attorneys for the Plaintiffs

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BURGESS, ESQ.

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GILBERT L. NELSON, ESQ.,  
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CLAPP & EISENBERG, ESQS.,  
ATTORNEYS FOR LEAGUE OF WOMEN VOTERS

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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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:  
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:  
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PRETRIAL MEMORANDUM

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134 Evergreen Place  
East Orange, New Jersey 07018  
201-677-1400

30

MARTIN E. SLOANE  
DANIEL A. SEARING  
ARTHUR D. WOLF  
National Committee Against  
Discrimination in Housing, Inc.  
1425 H Street, N.W.  
Washington, D.C. 20005  
202-783-8150  
Attorneys for Plaintiffs

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(1) Description of Action

This action was filed on July 24, 1974, by seven individual plaintiffs and one organizational plaintiff as a class action. The class consists of all low- and moderate-income persons, both white and nonwhite, in the Northeastern New Jersey area. Two of the individual plaintiffs were dismissed by order of the Court in June, 1975. The defendants are 23 of the 25 municipalities in Middlesex County. The other two, New Brunswick and Perth Amboy, were added as third party defendants on motion of the other defendants on February 28, 1975.

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Plaintiffs challenge certain zoning and other land use policies and practices of defendants which, by effectively excluding housing plaintiffs can afford, prevent them from residing in these municipalities in close proximity to job opportunities, and deprive their children of equal educational opportunities. While plaintiffs challenge the zoning and other land use policies and practices of each of the municipal defendants, it is the operation of such policies and practices taken together that bars plaintiffs from securing housing and employment opportunities throughout suburban Middlesex County.

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Plaintiffs' claims for relief are based upon N.J.S.A. 40:55-32; Article one, paragraphs 1 and 5 of the New Jersey

Constitution; 42 U.S.C. §§ 1981, 1982, and 3601, et seq.; and the Thirteenth and Fourteenth Amendments to the United States Constitution.

Plaintiffs have requested injunctive relief to prevent the continuation of the defendants' exclusionary policies and practices. Plaintiffs also have requested affirmative relief to facilitate racially and economically integrated housing within the means of plaintiffs and the class they represent in order to correct past discriminatory conduct. In addition, plaintiffs have requested costs, including attorney fees.

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(2) Admissions and Stipulations

(a) Admissions

The admissions from defendants were requested by plaintiffs following an informal conference with the Court on June 20, 1975. Plaintiffs structured their requests for admissions so as to narrow the factual disputes as much as possible, to inform the defendants of the precise zoning and other land use policies and practices plaintiffs are challenging, and to provide plaintiffs with information as to the various defenses the municipalities intend to raise.

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To date, the only municipalities that have not responded to plaintiffs' Request for Admissions are Madison (transmitted on May 15) and South Plainfield (transmitted on May 15).

On August 28, 1975, plaintiffs informed both defendants by letter that unless we received their admissions by September 8, 1975, all items would be considered admitted. South Plainfield, by letter dated October 23, 1975, stated that the admissions would be answered, but to date, no responses have been received.

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The admissions received and a compilation of the admissions made in the answers to the complaint are attached as exhibits under item 9.

(b) Stipulations

On November 5, 1975, plaintiffs sent to all defendants a memorandum enclosing a number of proposed exhibits covering statistical material derived from official United States Bureau of the Census and other governmental documents. Plaintiffs suggested that such factual material be stipulated to for admission before the Court. A copy of the memorandum is attached.

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(3) Plaintiffs' Factual and Legal Contentions

(a) Factual Contentions

Plaintiffs' factual contentions are detailed in their complaint and may be summarized as follows:

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The defendant municipalities comprise, in the aggregate, the suburbs of Middlesex County. Because of its location, the County has experienced large-scale growth in jobs and population since 1960. Nearly all of this growth

has occurred in the suburban parts of the County. Much of the growth in employment has been in low- and moderate-wage jobs; most of the population growth has consisted of white, middle-income persons and families. Most of the housing that has been made available has been inadequate for plaintiffs and the class they represent, in terms of number of bedrooms and rental and sales prices. This has resulted in the systematic exclusion of low- and moderate-income persons, white and nonwhite, from the defendant communities. Plaintiffs contend that the defendants' liability for this economic and racial exclusion will be established by the following facts:

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(i) each defendants' exclusionary zoning and other land use policies and practices.

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(ii) statistical information on the past and present population, racial characteristics, income levels, housing type, and employment patterns of the suburban defendants as compared to the central cities of New Brunswick and Perth Amboy.

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(iii) projections of the growth of employment opportunities, population increases and housing needs throughout Middlesex County;

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(iv) projections of housing need in each defendant municipality to provide adequate housing for its current residents and for low- and moderate-income persons expected to reside there because of employment opportunities.

(b) Legal Contentions

Plaintiffs rely on the principles enunciated by the New Jersey Supreme Court in Southern Burlington County NAACP v. Township of Mt. Laurel, 67 N.J. 151 (1975) and on various federal court cases interpreting Title VIII of the 1968 Civil Rights Act and related federal civil rights provisions. The New Jersey Supreme Court stated that municipalities must make "realistically possible" various types and sizes of dwelling units to satisfy the needs of low- and moderate-income families, and that the failure to provide such opportunities is presumptively unlawful. The Court also stated that certain zoning and other land use restrictions specifically detailed in the opinion are presumptively invalid. Plaintiffs contend:

(i) that if a defendant municipality is shown to maintain at least one of these presumptively invalid land use restrictions, plaintiffs have satisfied their burden of making out "a facial showing of violation," shifting the burden to the defendant municipalities to justify these restrictions through "peculiar circumstances" which dictate continued maintenance of such regulations.

(ii) that, in addition, Mt. Laurel outlaws such other practices that in fact prevent provision of low- and moderate-income housing. Proof that such other practices are maintained also makes out a "facial showing of violation" and shifts the burden to the defendant municipalities. Among



these other practices is the failure of a municipality to take the steps necessary to facilitate provision of low-income housing, including establishment of a local public housing agency;

(iii) that the zoning and other land use policies and practices are racially discriminatory, in violation of 42 U.S.C. §§1981, 1982, and 3601, et seq., and the Thirteenth and Fourteenth Amendments to the United States Constitution.

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(4) Defendants' Factual and Legal Contentions.

While defendants are obliged to set forth their factual and legal contentions, plaintiffs believe it is important to stress the Supreme Court's comments in Mt. Laurel regarding defenses. In that case, the Court ruled inadequate certain traditional defenses.

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While the Supreme Court reaffirmed the principle that municipalities may properly zone for industry and seek industry for purposes of creating a better economic balance, it emphasized that such municipalities may not exercise their zoning power to exclude types of housing and kinds of people for the same local financial end.

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The Court also ruled out the defense that the area is without sewer or water facilities, pointing out that where the land is amenable to such utility installations, the municipality can require them as improvements by developers

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or install them under special assessments or other appropriate procedures.

Finally, while recognizing the importance of ecological or environmental factors, the Court stressed that "the danger and impact must be substantial and very real" and that generally only a relatively small portion of a developing municipality will be involved. Further, the Court said that the regulation must be "only that reasonably necessary for public protection of a vital interest."

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(5) Damage claims.

None.

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(6) Amendments to Pleadings .

None .

(7) Specification of issues, including all special evidence problems.

(a) Whether proof of at least one presumptively unlawful zoning or other land use policy or practice makes out a prima facie case for plaintiffs and shifts the burden to a defendant municipality to justify such policies or practices;

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(b) Whether proof that the exclusionary effect of a defendant's zoning and other land use policies and practices falls disproportionately on racial minorities makes out a prima facie case of racial discrimination;

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(c) Whether a defendant municipality which has become substantially developed under exclusionary zoning and other land use policies and practices may continue to maintain them;

(d) Whether a substantially developed municipality now has an obligation to take affirmative steps to correct the present effects of past exclusionary practices;

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(e) Whether a defendant municipality, presently rural in character but subject to current and projected employment and population growth, may continue to maintain exclusionary zoning and other land use policies and practices;

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(f) Whether affirmative relief in the nature of a county-wide plan to provide opportunities for low- and moderate-income housing is a proper remedy in this case;

(g) Whether a municipality whose ordinance has already been adjudicated as exclusionary is to be continued in this action in order to assure that any remedy granted conforms to that pertaining to all other defendant municipalities within Middlesex County.

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(h) Whether United States census material is judicially noticeable;

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(8). Issues or Claims disposed of or abandoned.

Plaintiffs have abandoned their claims under paragraph 18, Article One of the New Jersey Constitution. No other issues or claims have been disposed of or relinquished.

(9). List of Exhibits.

The final number and type of exhibits the plaintiff will offer into evidence depends upon the court's ruling on the respective burdens of the parties, upon the defendants complying with the plaintiffs' request for answers to interrogatories and admissions (see discussion in paragraph 18), and upon stipulation agreement among the parties. A partial list of exhibits now available or in preparation follows:

(a) a listing of the paragraphs in the complaint which various defendants have admitted is attached;

(b) copies of all responses so far received to plaintiffs' requests for admissions are attached;

(c) as agreements are reached on stipulations the items noted in paragraph 2 will be entered as exhibits;

(d) plaintiffs are in the process of preparing the following graphic displays:

(i) County composite land use maps

(ii) Maps or overlays showing County developmental patterns

(iii) Maps showing population distribution by income and race, employment distribution, and school enrollment by race;

(e) other graphic displays, not yet identified, may be developed to present factual material as clearly as possible;

(10) Limitation on Expert Witnesses.

Whether expert witnesses can be sharply limited depends upon the Court's ruling on the respective burdens of the parties. If the Court rules that the admitted zoning policies and practices establish a prima facie case of violation, plaintiffs will need fewer expert witnesses. Following the ruling, plaintiffs will expedite identification of their witnesses so discovery can be completed as soon as possible.

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(11) Pretrial Briefs.

To be determined at the pretrial conference.

(12) Order of Opening and Closing to Jury.

Not applicable to this action.

(13) Expedited Matters.

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None.

(14) Trial Counsel (listed in alphabetical order).

David H. Ben-Asher

Marilyn J. Morheuser

Jay Mulkeen

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Daniel A. Searing

Martin E. Sloane

Norman Williams

Arthur D. Wolf

(15) Estimated Length of Time.

Plaintiffs are unable to estimate the number of days needed to present their case until the remaining questions on burdens of proof and discovery have been resolved.

(16) Weekly call date.

To be determined at pretrial conference.

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(17) Attorneys conference.

Because of the large number of defendants involved in this case, it has been impractical to have a face-to-face conference among counsel. Instead of such a meeting, plaintiffs' attorneys have sought to reach agreement regarding certain trial matters through correspondence. On November 6, 1975, plaintiffs sent to each defense counsel draft stipulations regarding a number of factual matters (see paragraph 2). Plaintiffs will schedule meetings with individual defendants if specific agenda items to further narrow the issues can be identified.

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(18) Remaining Discovery.(a) Initial Interrogatories.

Plaintiffs initial interrogatories were served on all defendants in mid-October, 1974. To date, defendants Dunellen, Jamesburg and Madison have not responded. Many defendants promised to submit certain information at a later date, but have not done so. Time has not permitted completion of a listing of such questions for applicable defendants, but such a list is in preparation.

40

As to Dunellen, a three-week extension was requested and granted on February 17, 1975. Having received no response, plaintiffs requested the answers in a letter dated June 6, 1975, and again on July 17, 1975. Some factual material responsive to plaintiffs' interrogatories was contained in the brief accompanying Dunellen's Motion for Summary Judgment, filed September 2, 1975. Such material was sworn to by the Borough Engineer on September 18, at the request of counsel for plaintiffs. A letter requesting additional information was sent on October 31, 1975.

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As to Jamesburg, a letter requesting response was sent on June 6, 1975; extension until July 11 was granted as of June 19, 1975. Despite repeated assurances from defendants' counsel responses have not been received.

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As to Madison, a letter requesting response was sent on June 6, 1975, and a second was sent on July 16. Defendants' counsel stated on July 30 that we would have responses shortly after August 5. To date none has been received.

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(b) Request for Admissions and Supplemental Interrogatories. Following the informal conference with the Court in April 1975, plaintiffs served upon each defendant a Request for Admissions. This procedure was suggested by the Court as a means of obtaining precise information as to zoning practices objected to, limiting factual information

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requiring formal proofs, and highlighting defenses. Numerous defendants did not respond to the question about defenses and at a second informal conference in mid-June, the Court suggested that interrogatories be used to secure this information. Accordingly, supplemental interrogatories were forwarded to each defendant upon their response to plaintiffs' Request for Admissions. Defendants not responding to the Request for Admissions were sent interrogatories in late September or early October. To date, the following defendants have not responded to the supplemental interrogatories, despite this Court's admonition to respond, issued following the informal report on discovery on September 12, 1975. A continuing effort is being made to obtain responses.

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<u>DEFENDANT</u>	<u>DUE DATE</u>	
Carteret	12-15-75	30
Cranbury	10-15-75	
Dunellen	10-15-75	
Edison	10-8-75	
Helmetta	10-18-75	
Highland Park	9-29-75	40
Jamesburg	9-29-75	
Madison	12-15-75	
Middlesex	10-1-75	
Milltown	12-15-75	
North Brunswick	10-1-75	
Piscataway	10-1-75	
Plainsboro	10-1-75	



<u>DEFENDANT</u>	<u>DUE DATE</u>	
Sayreville	10-1-75	
South Amboy	12-15-75	
South Brunswick	10-18-75	
South Plainfield	10-18-75	
South River	9-29-75	
Woodbridge	12-15-75	10

(c) Defendants discovery requests.

Plaintiffs are responding to the following discovery request of defendants:

<u>DEMAND FOR ADMISSIONS</u>	<u>DUE DATE</u>	
North Brunswick	12-7-75	20
<u>INTERROGATORIES</u>		
Helmetta	11-22-75	
Woodbridge	12-7-75	
<u>SUPPLEMENTAL INTERROGATORIES</u>		
Metuchen	12-8-75	30

(d) Computation of Fair Share.

Several defendants have asked plaintiffs for the number of low- and moderate-income units they would be required to have if a fair share plan for such housing were developed for the region. Plaintiffs have been unable to respond because of insufficient data, and requested access to the information developed by the County Planning Board. In September, the Planning Board held a briefing for all counsel, releasing both a chart comparing the various housing allocation plans and supporting narrative information.

Material from the meeting relating to 1975 estimates of current housing needs has been included in the proposed stipulations.

Since the meeting, plaintiffs in using the most accurate available data, have been preparing their own estimates of the number of units to be provided by each defendant as its fair share of the regional housing need. Plaintiffs anticipate that these figures will be available by November 14, 1975.

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(e) Expert witnesses.

All parties may need to take the depositions of expert witnesses after the remaining questions on burdens of proof and discovery have been resolved.

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19. Parties Not Served, or Defaulting.

All parties have been served with all pleadings, memoranda, and other documents. None of the parties has defaulted, except as discussed regarding discovery in the preceding paragraph.


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BAUMGART & BEN-ASHER  
Attorneys for Plaintiffs

7-11-75

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BY:

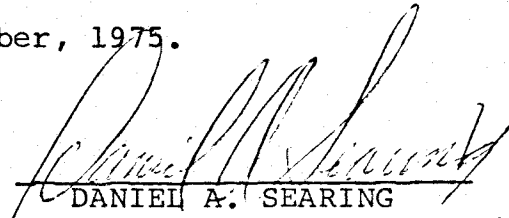
  
\_\_\_\_\_  
DAVID H. BEN-ASHER

CERTIFICATE OF SERVICE

I, Daniel A. Searing, hereby certify that I have served a copy of the foregoing Pretrial Memorandum on behalf of plaintiffs, less attachments, on all attorneys of record in this litigation by mailing the same, postage prepaid, to their office addresses.

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This 7th day of November, 1975.

  
DANIEL A. SEARING

National Committee Against  
Discrimination in Housing, Inc.  
1425 H. Street, N.W. Suite 410  
Washington, D.C. 20005  
202-783-8150  
Attorney for Plaintiffs

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BUSCH AND BUSCH  
99 BAYARD STREET  
NEW BRUNSWICK, N. J. 08903  
(201) 247-1017

ATTORNEYS FOR Township of East Brunswick

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

*Plaintiff*

vs.

THE MAYOR AND COUNCIL OF THE BOROUGH OF  
CARTERET, et als

*Defendant*

SUPERIOR COURT OF  
NEW JERSEY  
CHANCERY DIVISION  
MIDDLESEX COUNTY

Docket No. C-4122-73

CIVIL ACTION  
PRETRIAL MEMORANDUM OF

TOWNSHIP OF EAST BRUNSWICK

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1. NATURE OF ACTION: Suit challenging zoning and other land use ordinances, policies and practices of Defendant municipalities on basis of economic and racial discrimination. Claims for relief are based upon N.J.S.A. 40:55-32; Article 1, paragraphs 1, 5 and 18 of the New Jersey Constitution; 42 U.S.C. a. 1981, 1982 and 3601; and the Thirteenth and Fourteenth Amendments to the United States Constitution. Suit instituted as Plaintiff class action.

2. ADMISSIONS AND STIPULATIONS: It is requested that Plaintiffs admit that none of them sought housing in East Brunswick.

3-4. FACTUAL AND LEGAL CONTENTIONS: (Annexed hereto).

5. DAMAGE AND INJURY CLAIMS: Plaintiffs seek to enjoin Defendants from engaging in practices which have the effect of excluding low and moderate income persons, both white and non-white. Plaintiffs seek order requiring defendants to establish joint plan to facilitate racially and economically integrated housing within the means of plaintiff class; plaintiffs seek costs and attorneys fees.

6. AMENDMENTS: The Township of East Brunswick has rescinded and repealed its zoning ordinance #24-6 which prohibited the construction of apartments with more than two bedrooms and which required that at least eighty (80%) per cent of the units in any project have more than one bedroom.

## 7. LEGAL ISSUES AND EVIDENCE PROBLEMS:

- (a) Do corporate and individual plaintiffs have standing to institute suit?
- (b) Have plaintiffs presented a justiciable issue?
- (c) Are plaintiffs seeking a broad advisory opinion as to the permissible limits of zoning power and if so, may the Court render this opinion?
- (d) Is East Brunswick required to provide zoning for specific uses? 10
- (e) Have the ordinances, practices and policies of East Brunswick violated State and Federal statutes and constitutions?
- (f) Are plaintiffs entitled to costs and attorneys fees?
- (g) Is East Brunswick Zoning Ordinance reasonable with regard to amount of vacant land zoned for multi-family, single family and industrial use?
- (h) Is East Brunswick Zoning Ordinance reasonable in prohibiting mobile homes?
- (i) Are requirements governing minimum floor areas and minimum lot widths reasonable? 20
- (j) Is East Brunswick required to establish a Public Housing Authority?
- (k) Does East Brunswick have a wide variety and choice of housing?
- (l) What is the region of which East Brunswick is a part?
- (m) Does East Brunswick have a fair share of low and moderate income housing for the region?
- (n) Has East Brunswick over-zoned for industrial uses?
- (o) If East Brunswick is subject to the Mt. Laurel opinion, can it meet the burden of persuasion to justify present zoning? 30
- (p) Does fair share of regional needs apply to low and moderate income housing only, or to wide choice and variety of housing as well?
- (q) What remedy should be prescribed by the Court, if any?

8. LEGAL ISSUES ABANDONED: None

9. EXHIBITS: None.

10. EXPERT WITNESSES: No limitation 40

11. BRIEFS: As directed by the Court.

12. ORDER OF OPENING AND CLOSING: Usual.

13. ANY OTHER MATTERS AGREED UPON: None

14. TRIAL COUNSEL: Bertram E. Busch for East Brunswick

15. ESTIMATED LENGTH OF TRIAL: One Week for general and regional issues in Complaint; three days to determine validity or invalidity of zoning ordinances, practices and policies in East Brunswick.

16. WEEKLY CALL OR TRIAL DATE:

17. ATTORNEYS FOR PARTIES CONFERRED ON many occasions 19  
MATTERS THEN AGREED UPON:

18. IT IS HEREBY CERTIFIED THAT ALL PRETRIAL DISCOVERY HAS BEEN COMPLETED, except Plaintiffs' expert witnesses have not been identified nor have they been deposed.

19. PARTIES WHO HAVE NOT BEEN SERVED: None

PARTIES WHO HAVE DEFAULTED: None

BUSCH AND BUSCH  
Attorneys for Defendant,  
Township of East Brunswick

BY: *Bertram E. Busch*

BERTRAM E. BUSCH  
A Member of the Firm

DATED: November 5, 1975.

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FACTUAL AND LEGAL CONTENTIONS  
ON BEHALF OF THE TOWNSHIP OF  
EAST BRUNSWICK.

It is submitted that the corporate plaintiff has no standing to institute suit on Federal claims under the recent U.S. Supreme Court case of Warth v. Seldin, decided on June 25, 1975, 43 Law Week 4906. In addition, under the Petaluma case, East Brunswick may phase its growth over a long period of time.

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East Brunswick takes the position that it presently is meeting its fair share of regional low and moderate income housing needs. It further contends that it provides a wide choice and variety of housing including very small homes on very small lots, rental apartments, condominiums, mobile homes, middle income housing and luxury single family housing. There is very little dilapidated housing. Much of the vacant land remaining in East Brunswick serves as an intake and recharge area for a water supply which is essential not only to East Brunswick but to many communities in Middlesex and Monmouth Countys. The County of Middlesex has acquired several hundred acres for Jamesburg Park. Approximately 120 acres of land indicated on the zoning maps to be P-1 Industrial, in fact are the subject of a variance obtained by Joaldan, Inc. which will permit the construction of not more than 180 single family homes.

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It is submitted that East Brunswick presently has ample existing housing on lots with 50 foot widths and less than 1,000 square feet of living space. Accordingly, it is meeting its fair share of regional needs and is free to zone the remaining vacant land in such a way as to create a balanced community.

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As distinguished from the Mt. Laurel case, there is no section or substantial portion of East Brunswick's population living in substandard accommodations. There is no evidence that segments of the population residing in low and moderate income areas of the Township of East Brunswick desire new or better housing within their means.

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The Court in Mt. Laurel stated that exclusionary practices were maintained in order to keep down local taxes on property without regard to non-fiscal considerations with respect to people, either within or without municipal boundaries. East Brunswick is prepared to forego ratables and advantages of property in order to protect the environment and preserve a valuable aquifer recharge area.

The Mt. Laurel opinion requires a developing municipality by its land use regulations presumptively to make realistically possible an appropriate variety and choice of housing. It is submitted that the municipality's fair share of present and prospective regional needs applies solely to low and moderate income housing. Regional needs do not apply to "a wide choice and variety of housing" including housing for those of middle income.

East Brunswick presently has cluster zoning and subdivision ordinances which permit economical development of land.

If the Court should determine that the plaintiff has made a facial showing of a violation of substantive due process or equal protection, East Brunswick can establish a valid basis for its action based upon ecology and environment.

East Brunswick has properly zoned for industrial ratables as part of a reasonably comprehensive plan for the zoning of the entire municipality.

Special circumstances exist in East Brunswick which would have an effect on the fair share of housing units to be met by the Township. The development of much of the land in question would create a substantial and very real danger and impact on the water supply for the region. The regulations adopted by East Brunswick are reasonably necessary for public protection of a vital interest.

With regard to zoning for industrial uses, East Brunswick's ordinance is reasonably related to present and potential uses. The New Jersey Turnpike Authority has proposed a widening between Exit 9 and a new exit to be known as 8B with an interchange at or near the southern border of the Township. The County of Middlesex has proposed the widening of Cranbury Road to a four lane highway with a center median. If either of these proposals becomes a reality, the vacant land presently zoned for industry may well be utilized for that purpose.

East Brunswick has an established residential character which should be preserved in order to maintain the value of property.

Low and moderate income housing is available in the Township of East Brunswick in the same proportion to low and moderate housing needs in the region as the low and moderate income population of East Brunswick is to the total population of East Brunswick.

East Brunswick has created a natural resources inventory which classifies vacant land areas in terms of suitability for

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development. Much of the vacant land remaining in East Brunswick is unsuitable for further development.

In the event that the court finds that East Brunswick's zoning practices are in any way invalid, it is submitted that the Township is in the midst of master plan review and should be given a reasonable time within which to complete that review, but in any event not less than one year. In any event, the Township should not be required to eliminate all minimum lot, size, or density requirements not mandated by health statutes or regulations. If the Township is required to revise its zoning regulations, it should be permitted to assume that a degree of subsidization will be forthcoming. 10

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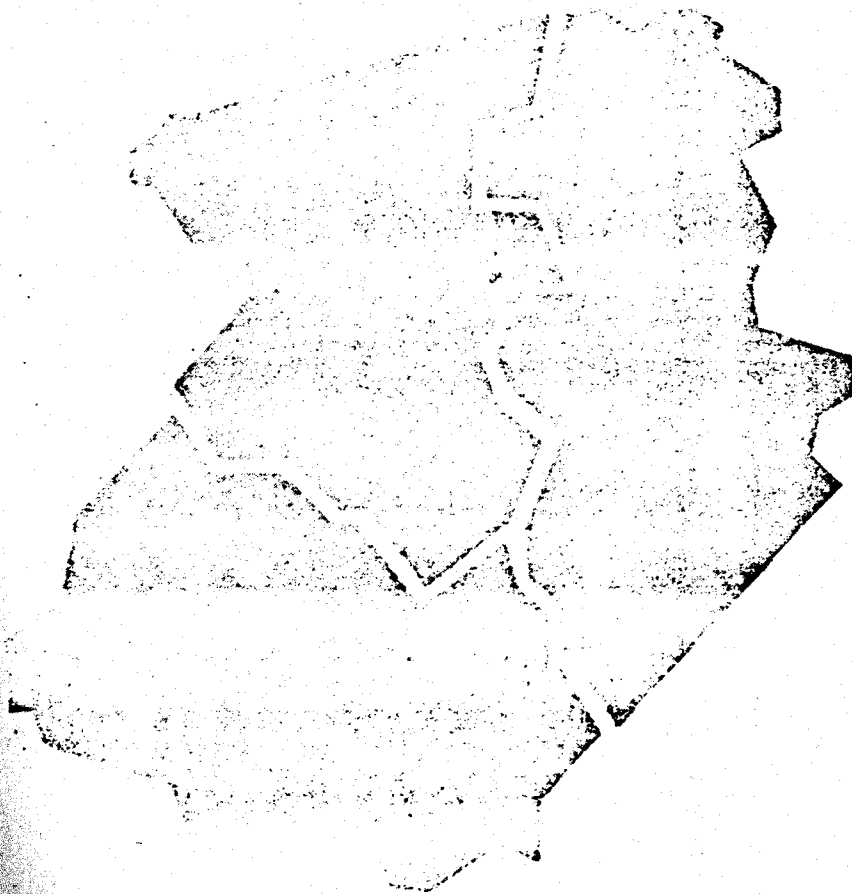
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# 1970 CENSUS

## SELECTED POPULATION AND HOUSING STATISTICS FOR MIDDLESEX COUNTY



Middlesex County Planning Board  
New Brunswick, New Jersey

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## TRI-STATE TRANSPORTATION COMMISSION

## \*HOUSING UNITS, BY STRUCTURE TYPE\*

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	TOTAL HOUSING UNITS	1 UNIT STRUCTURE	2 OR MORE UNIT STRUCTURE	OCCUPIED MOBILE HOME/TKLR	VACANT SEASONAL AND MIGRATORY
** N.J.					
* MIDDLESEX					
CARTERET BORO	7,099	3,906	2,843	350	
CRANBURY TWP	694	564	122		8
DUNELLEN BORO	2,282	1,490	785		1
EAST BRUNSWICK TWP	9,095	7,852	1,187	32	24
EDISON TWP	19,205	13,872	5,129	203	1
HELMETTA BORO	301	276	25		
HIGHLAND PARK BORO	5,293	2,253	3,031	7	2
JAMESBURGH BORO	1,377	833	540	4	
MADISON TWP	13,456	9,678	3,703	28	47
METUCHEN BORO	4,912	3,676	1,234	2	
MIDDLESEX BORO	4,349	3,327	1,021		1
MILLTOWN BORO	2,067	1,603	464		
MONROE TWP	2,903	2,146	705	21	31
NEW BRUNSWICK CITY	13,130	3,694	9,427	7	2
NORTH BRUNSWICK TWP	5,034	3,604	1,426	2	2
PERTH AMBOY CITY	13,429	4,420	8,597	10	2
PISCATAWAY TWP	10,449	6,894	3,553		2
PLAINSBORO TWP	551	334	214	1	2
SAYREVILLE BORO	9,197	6,972	2,217	3	5
SOUTH AMBOY CITY	2,902	1,794	1,107	1	
SOUTH BRUNSWICK TWP	3,903	3,075	455	364	9
SOUTH PLAINFIELD BORO	5,585	5,103	481	1	
SOUTH RIVER BORO	4,888	3,513	1,356	19	
SPOTSWOOD BORO	2,076	1,808	262		6
WOODBRIIDGE TWP	27,534	21,158	6,069	304	3
	171,711	113,851	56,353	1,359	148

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1970 Census Tabulation # 94M-75  
FOR REMAINDER OF NEW JERSEY  
TRI-STATE REGIONAL PLANNING COMMISSION

Page 6

Total Families by Income - 20 Percent

P 28

TOTAL FAMILIES BY INCOME-20 PERCENT

Y-PCC	NONE,		\$4,000	\$5,000	\$6,000	\$8,000	\$10,000	\$15,000	\$25,000	\$50,000	AND OVER			
	\$1-2,999 OR LOSS	\$3,000 \$3,999												
** N.J.														
* MIDDLESEX														
C15 CARTERET BORO	289	397	108	161	347	186	695	1574	899	2,174	1,225	142	146	4
C16 CLAREMONT TWP	43	62	19	5	40	35	36	87	48	146	167	101	101	
C18 CLNELLEN BORO	99	119	20	45	137	94	167	500	339	707	351	23	23	
C22 EAST BRUNSWICK TWP	208	264	56	81	108	87	382	1097	710	2,784	3,015	807	901	94
C25 EDISON TWP	434	650	216	271	645	374	1,309	3241	1,937	6,515	5,183	951	1125	134
C30 HELMETTA BORO	6	6		11	11		32	105	73	106	28			
C32 HIGHLAND PARK BORO	213	342	129	120	268	148	331	827	498	1,236	833	287	373	50
C40 JAMESEBURGH BORO	61	81	20	32	90	58	199	345	196	379	202	5	10	11
C45 MADISON TWP	462	621	159	273	507	234	1,050	2621	1,642	4,620	3,275	319	371	13
C50 METUCHEN BORO	149	231	82	114	210	102	326	741	415	1,259	1,283	397	453	20
C55 MIDDLESEX BORO	147	210	63	63	106	103	270	813	543	1,552	1,023	105	119	14
C60 MILLTOWN BORO	38	70	32	29	62	33	129	324	200	677	498	100	100	
C65 MONROE TWP	64	106	42	31	96	65	159	545	386	927	491	87	91	4
C70 NEW BRUNSWICK CITY	855	1267	412	426	918	492	1,133	2444	1,361	2,376	1,450	250	332	42
C75 NORTH BRUNSWICK TWP	94	109	75	101	227	126	319	955	636	1,431	1,333	254	330	30
C80 PERTH AMSEY CITY	885	1340	455	499	1091	592	1,408	3216	1,808	2,914	1,522	257	296	27
C85 FISCATAWAY TWP	391	582	191	220	396	176	640	2328	1,488	3,550	2,157	343	370	27
C90 FLAINSBORO TWP	23	27	4	9	27	18	27	106	79	94	83	32	32	
C95 SAYREVILLE BORO	206	309	103	140	286	146	710	1867	1,157	3,252	2,169	272	277	5
C100 SOUTH AMSEY CITY	188	251	63	65	140	75	247	621	374	843	415	82	96	14
C105 SOUTH BRUNSWICK TWP	123	163	40	83	151	68	278	710	432	1,191	1,015	239	247	10
C110 SOUTH PLAINFIELD BORO	158	220	62	82	201	119	338	917	579	2,265	1,417	184	184	5
C115 SOUTH RIVER BORO	183	307	124	132	248	116	372	797	522	1,480	942	122	131	9
C120 SPETSWOOD BORO	56	71	15	43	115	72	151	432	281	754	469	75	75	
C125 WCCCRIDGE TWP	842	1204	362	428	914	485	2,122	5658	3,536	9,763	6,352	886	945	55
	6,217	2,852		3,464			13,030			53,075		6,439		442
		2,852		4,005			20,239			36,953				7107
		9,069		2469			32269							

total

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Census Data  
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P-37

LAND USE REGULATION  
THE RESIDENTIAL LAND SUPPLY

STATE OF NEW JERSEY  
William T. Cahill, Governor

DEPARTMENT OF COMMUNITY AFFAIRS  
Lawrence F. Kramer, Commissioner

DIVISION OF STATE AND REGIONAL PLANNING  
Sidney L. Willis, Director

April, 1972

- (3) The deviation of Middlesex County's residential and industrial statistics from the rest of the counties is not due to one or two municipalities. An analysis of the municipal data reveals that high industrial zoning is a countywide phenomenon. Twenty-one of the twenty-five municipalities in Middlesex County have industrial percentages which exceed 23.6 percent, the percentage for the next highest county. (As shown in TABLE II.)

Although Middlesex County appears to have zoned an excessive amount of land for industrial use, this factor by itself does not appear to have reduced the County's net residential land supply to a point which could affect the housing shortage. Nearly 57,000 acres, 54.7 percent of the developable land, are still available for residential uses. Nevertheless, the relatively high percentage of industrial zoning does point to an observation which has been made that municipalities in New Jersey have a tendency to "overzone" for industrial uses for fiscal reasons. Industrial uses offer lucrative tax rates to the municipality and demand fewer services than residential uses. Also, by placing developable land in the industrial category, the municipality is able to halt residential development, regardless of whether any industrial development takes place.

There are no standards for determining the amount of land that should be allocated to industrial uses in a municipality. However, as one way of looking at this phenomenon of "overzoning", it might be interesting to compare the county zoning percentages for the net land supply with existing land use percentages on the land which has already been developed. This comparison is shown in TABLE IV.

Relationship Between Existing Land Use and the  
Zoning of the Net Land Supply

Several findings can be derived from TABLE IV:

- (1) The comparison between existing land use and the zoning of undeveloped land reveals that in all but two counties in the study area, the percentage of the net land supply zoned industrial is greater than the percentage of existing developed land in industrial use. This can be attributed in part to the fact that current zoning reflects the needs of modern industrial sites which provide for off-street employee parking and loading facilities as well as landscaping, contrasted with much of the existing industrial development which provides for little more than the building site. Middlesex County with 21 percent and Camden County with 12 percent show the largest percentage differences. 10
- (2) The comparison between existing land use and zoned developable land under the commercial category reveals a definite, but opposite pattern. In all but one county, the percentage of the net land supply zoned commercial is less than the percentage of developed land in commercial use. 20
- (3) The comparisons in the residential category do not show a consistent pattern. Seven counties show the percentage of the net land supply zoned residential as larger than the percentage of developed land in residential use, seven counties show the opposite relationship, and three show no difference.

In summary, the above findings show that the present zoning of the net land supply, when related to existing land use, provides a larger percentage of land for industrial and residential uses and a smaller percentage of land for commercial use. The comparison reveals that although there is a phenomenon which might be termed "overzoning" for industry, this has not been reflected in a reduction in the availability of land for residential development, but has been reflected in the provision of a smaller percentage of land for commercial development.<sup>5</sup> 30 40

<sup>5</sup> The term, "overzoning" as used here, should not be taken in a derogatory sense; it is not based on any standard of correct land use allocation. The term has been used merely to describe the difference between development at two points in time - the past as indicated by existing land use, and the future as predicated upon the influence of current zoning.



<u>Number of Occupants</u>	<u>Dwelling Unit Floor Area Required (square feet)</u>
1	400
2	700
3	1,000
4	1,150
5	1,400
6	1,550

10

In New Jersey, the average household contains 3.17 persons. Using the above health standards, a floor area of 1,150 square feet would be adequate for the average household. Yet it must be recognized that households can be as small as only one person who may only require 400 square feet. In addition, young married couples and retired couples are also forced to occupy dwellings of a "standard" size in excess of a minimum of 700 square feet. In short, minimum dwelling size should be related to the intended occupant of the dwelling which, although much more difficult to administer locally, would be significantly more equitable. Of the municipalities surveyed in this study, none based floor area requirements on the number of occupants.

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TABLE IX shows the minimum floor area requirements for the net residential land supply zoned for single-family use, including the requirements in non-residential zones which permit single-family dwellings.

The table reveals the following:

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- (1) With respect to the entire study area, the table shows a wide range of floor area requirements with some concentration in the 1,000-1,399 square foot range (47.0%).

### CONCLUSION

This study of municipal zoning practices in a sixteen-county study area in New Jersey has attempted to determine the extent to which current zoning practices do or do not make land available for low and moderate cost housing. The analysis has shown clearly that the study area is restrictive of housing types and lot sizes which would be the least prohibitive for housing in the low and moderate cost range. 10

More specifically, the analysis has revealed the following general findings:

- (1) Residential land supply. Most of the net land supply in the sixteen-county study area is zoned for residential use. 20
- (2) "Overzoning" for industrial use. Although a pattern of industrial "overzoning" has been noted, its effect has not been to reduce the supply of residential land. 20
- (3) Multi-family dwellings. With the exception of several rural municipalities, only a very small amount of the net land supply has been zoned to permit multi-family housing. In addition, where multi-family dwellings are permitted, they are often restricted to small units which are not suitable for families with children.
- (4) Mobile homes. The study area makes practically no provision for mobile homes. 30
- (5) Small lots. Except for a few urban counties, the study area is restrictive in terms of providing for the smallest lots (less than  $\frac{1}{4}$  acre and less than 100 feet frontage) and lots just slightly larger (less than  $\frac{1}{2}$  acre and less than 100 feet frontage). 40

- (6) Minimum building size. Based on the occupancy standard of a minimum of 1150 square feet for a family of four persons, it was found that the study area as a whole is not restrictive of dwelling units of this size or smaller.
- (7) Cumulative impact of minimum requirements. The cumulative impact of lot size, frontage, and building size requirements was not found to be appreciably more prohibitive of low and moderate cost housing than the impact of each requirement taken alone.
- (8) County comparison. The counties which were found to be the most prohibitive of low and moderate cost housing are the suburban and rural counties in the northern half of the State.

10

This study has served to document the restrictive nature of municipal zoning practices in New Jersey. Taken by itself, this report would seem to carry with it the idea that municipal zoning is faulty and must be changed in order to help achieve the housing that is needed. Nevertheless, the step from this study's findings to the condemnation of restrictive municipal zoning practices and a call for change is a long one which cannot be taken without a clarification of certain questions.

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For one thing, if municipal zoning practices can be changed and made less prohibitive of low and moderate cost housing, would the construction of such housing accelerate, or would other factors - material, labor or financing costs - operate to depress the development of low and moderate cost housing despite the zoning changes? If not, then what other aspects need also to be dealt with?

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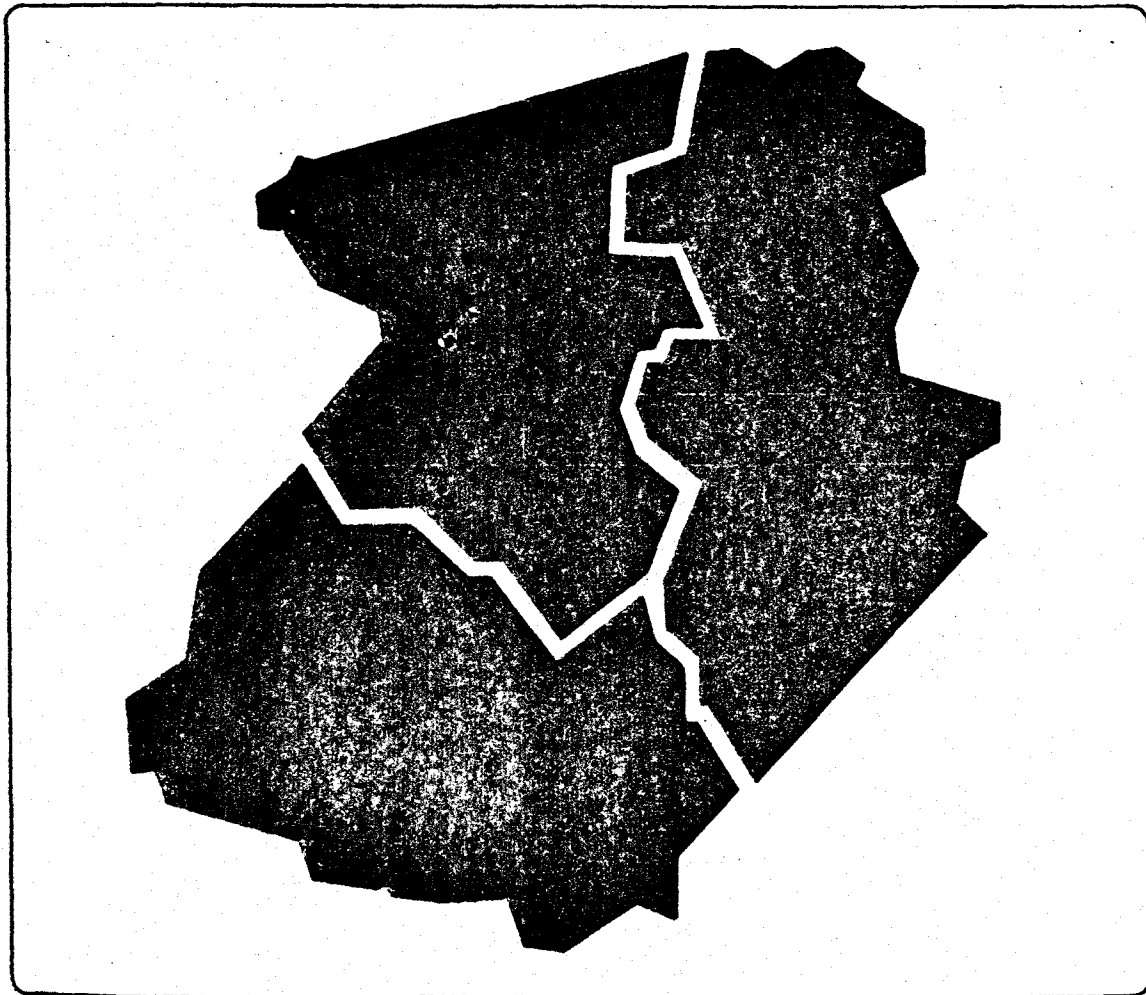
These questions require further study. An accurate definition of "low and moderate cost housing" is needed, and an analysis of the

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**Comprehensive  
Master Plan** **20**

**MIDDLESEX COUNTY  
INTERIM MASTER PLAN**



**Middlesex County Planning Board**  
New Brunswick, New Jersey

TABLE E-1  
POPULATION LEVELS AND CHANGES 1967, 1980 AND 2000  
MIDDLESEX COUNTY STUDY AREA

	<u>1967</u>	<u>1967- 1980</u>	<u>1980</u>	<u>1980- 2000</u>	<u>2000</u>
<b>A RING</b>					
Carteret	23,401	2,884	26,285	9,885	36,170
Dunellen	7,560	239	7,799	1,867	9,666
Helmetta	975	279	1,254	1,021	2,275
Highland Park	15,561	2,350	17,911	433	18,344
Jamesburg	3,501	1,160	4,661	705	5,366
Metuchen	16,504	2,849	19,353	-661	18,692
Middlesex	12,487	4,210	16,697	5,713	22,410
Milltown	6,085	836	6,921	1,634	8,555
New Brunswick	46,667	4,013	50,674	17,961	68,635
Perth Amboy	42,819	2,071	44,890	16,635	61,525
South Amboy	9,395	957	10,352	4,922	15,274
South River	15,959	3,942	19,901	3,804	23,705
Spotswood	7,651	1,900	9,551	6,809	16,360
<b>A RING TOTAL</b>	<u>208,579</u>	<u>27,670</u>	<u>236,249</u>	<u>70,728</u>	<u>306,977</u>
<b>B RING</b>					
East Brunswick	30,468	21,909	52,377	29,291	81,668
Edison	60,369	35,319	95,688	30,835	126,523
North Brunswick	16,078	18,337	34,415	8,936	43,351
Piscataway	32,582	25,737	58,319	21,582	79,901
Sayreville	29,858	15,863	45,721	24,777	70,498
South Plainfield	22,104	8,063	30,167	13,891	44,058
Woodbridge	98,864	27,392	126,256	42,289	168,545
<b>B RING TOTAL</b>	<u>290,323</u>	<u>152,620</u>	<u>442,943</u>	<u>171,601</u>	<u>614,544</u>
<b>C RING</b>					
Cranbury	2,555	5,566	8,121	44,785	52,906
Madison	38,535	40,307	78,842	76,285	155,127
Monroe	7,778	23,060	30,838	64,915	95,753
Plainsboro	1,537	8,761	10,298	50,259	60,557
South Brunswick	14,167	16,457	30,624	68,901	99,525
Franklin	30,849	30,858	61,707	74,125	135,832
<b>C RING TOTAL</b>	<u>95,421</u>	<u>125,009</u>	<u>220,430</u>	<u>379,270</u>	<u>599,700</u>
<b>STUDY AREA</b>	594,323	305,299	899,622	621,599	1,521,221
<b>MIDDLESEX COUNTY</b>	563,474	274,441	837,915	547,474	1,385,389

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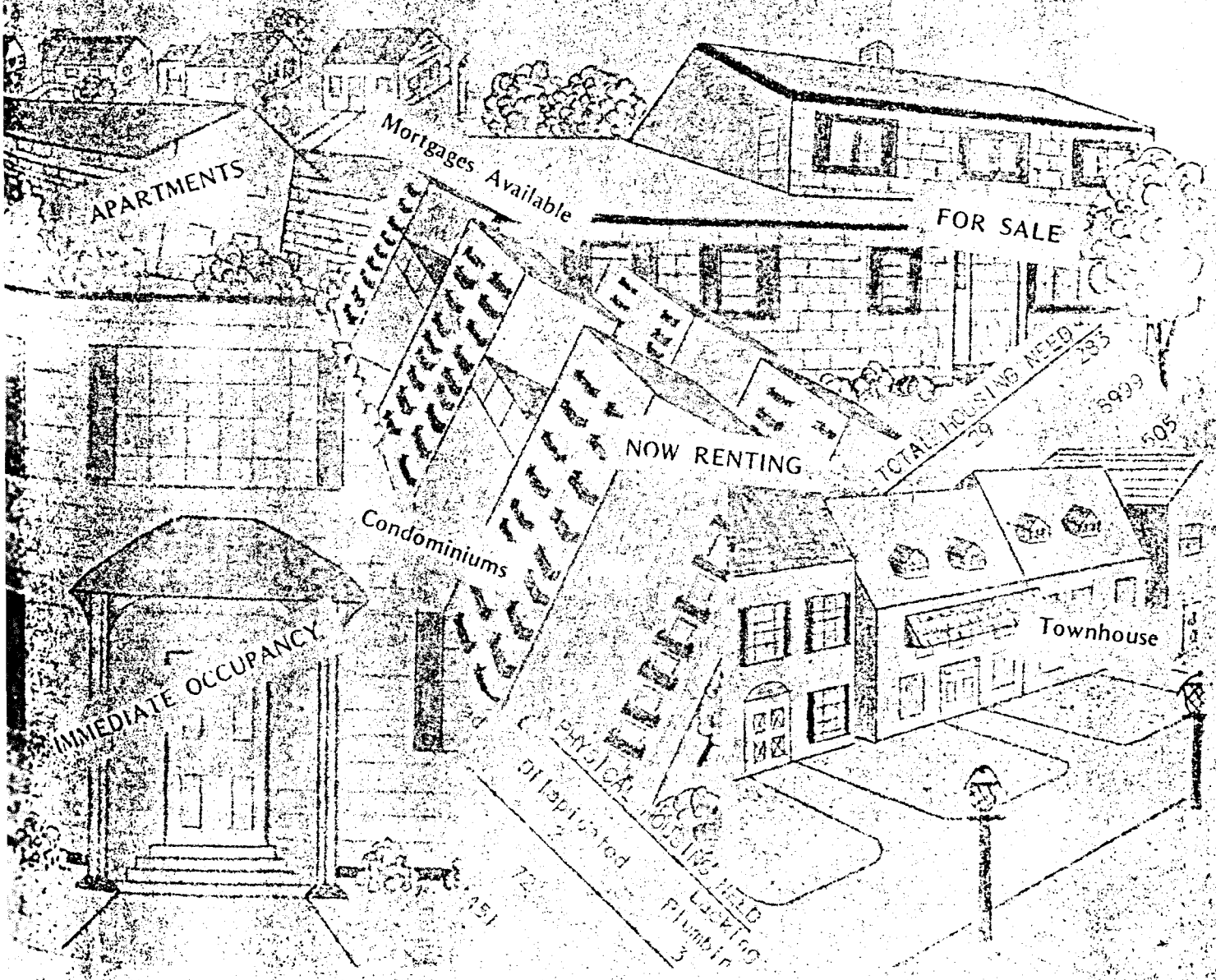
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ENCLOSURE - Bergen, N. J.

# AN ANALYSIS OF LOW- and MODERATE- INCOME HOUSING NEED IN NEW JERSEY



Municipality	PHYSICAL HOUSING NEED				FINANCIAL HOUSING NEED			TOTAL HOUSING NEED		
	Deteriorated 1	Dilapidated 2	Lacking Plumbing 3	Total 4	Low Income 5	Moderate Income 6	Total 7	Gross Need (Cols. 4&7)	Overlap (.38 of Col. 7)	Net Housing Need
CARTERET	597	219	236	1,052	455	82	537	1,589	204	1,385
CRANBURY	51	57	32	140	38	13	5	191	19	172
DUNELLEN	163	92	19	274	148	55	203	477	77	400
EAST BRUNSWICK	560	14	56	630	125	60	185	815	70	745
EDISON	973	549	133	1,655	855	500	1,355	3,010	515	2,495
HELMETTA	13	8	28	49	43	4	47	96	18	78
HIGHLAND PARK	360	175	57	592	788	269	1,057	1,649	402	1,247
JAMESBURG	109	62	16	187	102	65	167	354	63	291
MADISON	1,175	97	177	1,449	642	295	937	2,386	356	2,030
METUCHEN	256	142	36	434	334	141	475	909	181	728
MIDDLESEX	307	107	12	426	193	82	275	701	104	597
MILLTOWN	85	48	31	164	70	23	93	257	35	222
MONROE	156	88	63	307	42	13	55	362	2	341
NEW BRUNSWICK	1,292	729	342	2,363	2,879	464	3,343	5,706	1,270	4,436
NORTH BRUNSWICK	236	133	48	417	167	111	278	695	106	589
PERTH AMBOY	1,614	573	642	2,829	1,997	319	2,316	5,145	880	4,265
PISCATAWAY	640	362	42	1,044	571	304	875	1,919	333	1,586
PLAINSBORO	26	15	6	47	39	15	54	101	21	80
SAYREVILLE	580	226	178	984	260	157	417	1,401	158	1,243
SOUTH AMBOY	250	141	54	445	262	23	285	730	108	622
SOUTH BRUNSWICK	194	109	49	352	108	51	159	511	60	451
SOUTH PLAINFIELD	347	127	65	539	104	52	156	695	59	636
SOUTH RIVER	363	159	126	648	302	40	342	990	130	860
SPOTSWOOD	153	87	15	255	98	38	136	391	52	339
WOODBIDGE	1,580	890	268	2,738	1,067	435	1,502	4,240	571	3,669

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Totals for  
MIDDLESEX COUNTY

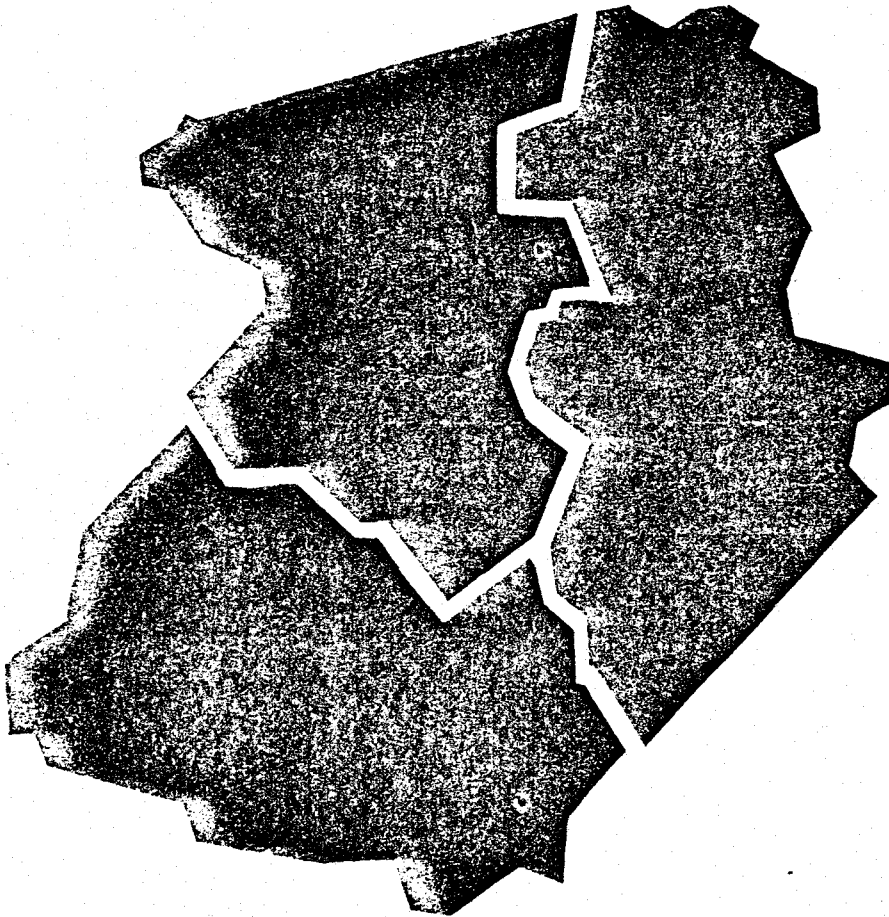
12,080      5,209      2,731      20,020      11,689      3,611      15,300      3,532      5,813      29,507

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Comprehensive  
Master Plan

9

- LAND USE INVENTORY AND ANALYSIS
- TERMINAL FACILITIES: A LOCATIONAL ANALYSIS
- FORECASTS 1985, 2000: PEOPLE, JOBS & LAND



Middlesex County Planning Board  
New Brunswick New Jersey



TABLE 5  
MANUFACTURING LAND USE AND JOBS  
BY REGION AND MUNICIPALITY, 1967

<u>East Region</u>			
	<u>Acres</u>	<u>Jobs</u>	<u>Jobs/Acre</u>
Sayreville	790	8,133	10.3
Perth Amboy	762	10,449	13.7
Woodbridge	549	7,311	13.4
Metuchen, Madison, Carteret, South Amboy	<u>726</u>	<u>6,052</u>	<u>8.4</u>
Total Region	2,827	31,945	11.3

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<u>Central Region</u>			
	<u>Acres</u>	<u>Jobs</u>	<u>Jobs/Acre</u>
Edison	627	13,039	20.8
North Brunswick	496	9,711	19.5
New Brunswick	242	7,723	32.0
Piscataway	231	5,964	25.8
South Plainfield	183	3,012	16.5
Remainder* (9 municipalities)	<u>432</u>	<u>10,466</u>	<u>24.2</u>
Total Region	2,211	49,915	22.6

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\*Dunellen, East Brunswick, Franklin, Helmetta, Highland Park, Middlesex, Milltown, South River, Spotswood.

<u>South Region</u>			
	<u>Acres</u>	<u>Jobs</u>	<u>Jobs/Acre</u>
South Brunswick	363	2,282	6.3
Cranbury	153	1,095	7.2
Remainder* (3 municipalities)	<u>131</u>	<u>883</u>	<u>6.8</u>
Total Region	647	4,260	6.6

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\*Jamesburg, Monroe, Plainsboro.

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TABLE 6  
WHOLESALE AND WAREHOUSING LAND USE AND JOBS  
BY REGION AND SELECTED MUNICIPALITIES 1967

East Region

	<u>Acres</u>	<u>Jobs</u>	<u>Jobs/Acre</u>
Perth Amboy	424	1,732	4.1
Woodbridge	381	1,268	3.3
Carteret	15	112	7.5
Remainder* (4 municipalities)	<u>26</u>	<u>206</u>	<u>7.9</u>
Total Region	846	3,318	3.9

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\*Metuchen, Madison, Sayreville, South Amboy.

Central Region

	<u>Acres</u>	<u>Jobs</u>	<u>Jobs/Acre</u>
Edison	134	564	4.2
New Brunswick	133	1,106	8.3
North Brunswick	108	879	8.1
Piscataway	35	315	9.0
South Plainfield	30	198	6.6
East Brunswick	21	139	6.6
Remainder* (8 municipalities)	<u>27</u>	<u>230</u>	<u>8.5</u>
Total Region	488	3,431	7.0

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\*Dunellen, Middlesex, Franklin, Highland Park, Milltown  
South River, Spotswood, Helmetta.

South Region

	<u>Acres</u>	<u>Jobs</u>	<u>Jobs/Acre</u>
5 municipalities*	20	1,152	5.8

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\*Cranbury, Jamesburg, Monroe, Plainsboro, South Brunswick.

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TABLE 7  
RETAIL LAND USAGE AND JOBS  
BY REGION AND MUNICIPALITY

East Region

	<u>Acres</u>	<u>Percent</u>	<u>Jobs</u>	<u>Jobs/Acre</u>	
Woodbridge	333	42%	5,113	15.4	
Madison	153	20	1,111	7.3	
Perth Amboy	88	11	2,377	27.0	
Carteret	78	10	587	7.5	
Sayreville	76	10	869	11.4	
Metuchen, South Amboy	<u>55</u>	<u>7</u>	<u>1,352</u>	<u>24.6</u>	
Total Region	783	100%	11,409	14.5	10

Central Region

	<u>Acres</u>	<u>Percent</u>	<u>Jobs</u>	<u>Jobs/Acre</u>	
Edison	194	22%	2,826	14.5	
East Brunswick	147	16	2,775	18.9	
Franklin	104	12	291	2.9	
New Brunswick	95	10	4,036	42.5	20
South Plainfield	95	10	585	6.2	
North Brunswick	70	8	1,698	2.4	
Remainder* (8 municipalities)	<u>194</u>	<u>22</u>	<u>2,193</u>	<u>11.3</u>	
Total Region	899	100%	14,404	16.0	

\*Dunellen, Middlesex, Piscataway, Highland Park, Milltown, South River, Spotswood, Helmetta.

South Region

	<u>Acres</u>	<u>Percent</u>	<u>Jobs</u>	<u>Jobs/Acre</u>	
South Brunswick	82	43%	666	8.1	
Remainder* (4 municipalities)	<u>108</u>	<u>57</u>	<u>491</u>	<u>4.5</u>	
Total Region	190	100%	1,157	6.1	

\*Cranbury, Jamesburg, Monroe, Plainsboro.

TABLE 8  
 SERVICE; FINANCE, INSURANCE AND REAL ESTATE  
 LAND USAGE AND JOBS BY REGION AND MUNICIPALITIES, 1967

East Region

	<u>Acres</u>	<u>Jobs</u>	<u>Jobs/Acre</u>	
Woodbridge	1,215	3,302	2.7	
Madison	735	490	.7	
Sayreville	204	856	4.2	
Perth Amboy	198	3,085	15.6	
Metuchen	176	1,253	7.1	
Carteret and South Amboy	158	459	2.9	10
Total Region	2,687	9,445	3.5	

Central Region

	<u>Acres</u>	<u>Jobs</u>	<u>Jobs/Acre</u>	
Edison	3,060	4,077	1.3	
Piscataway	812	2,345	2.9	
East Brunswick	683	819	1.2	20
North Brunswick	404	797	2.0	
Franklin	287	616	2.1	
New Brunswick	241	6,312	26.2	
South Plainfield	168	222	1.3	
Remainder* (7 municipalities)	348	1,044	3.0	
Total Region	6,151	16,777	2.7	

\*Dunellen, Helmetta, Highland Park, Middlesex, Milltown,  
 South River, Spotswood.

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South Region

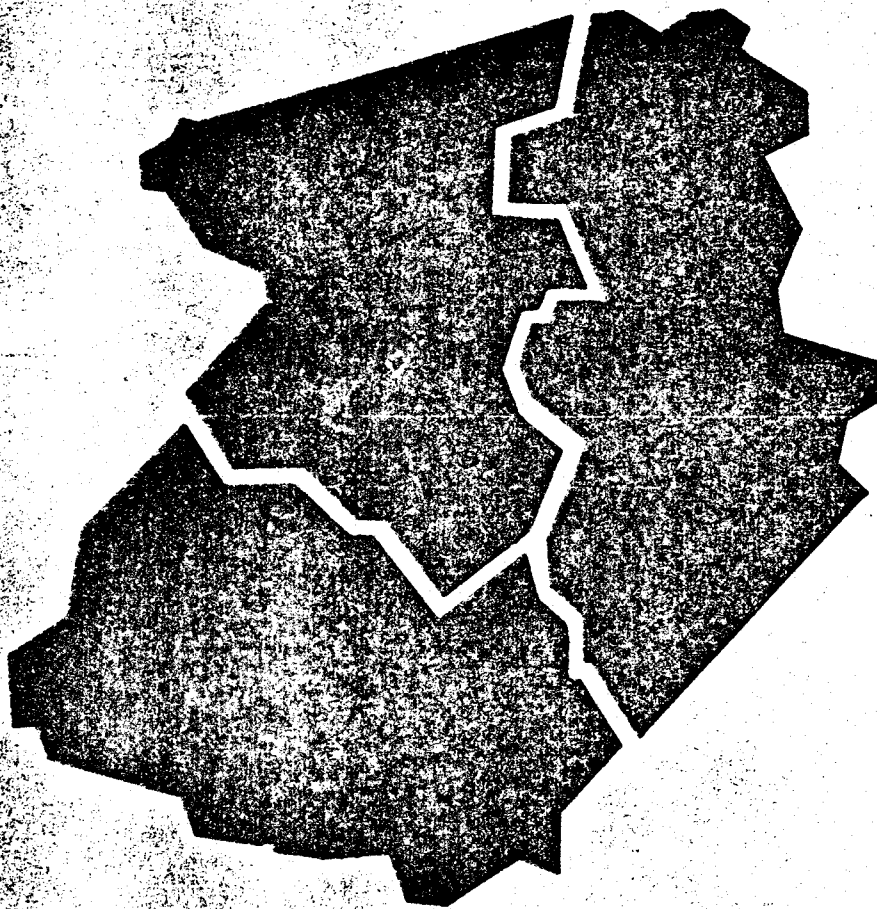
	<u>Acres</u>	<u>Jobs</u>	<u>Jobs/Acre</u>	
Monroe	491	512	1.0	
South Brunswick	280	765	2.7	
Plainsboro	144	97	.7	
Jamesburg and Cranbury	52	416	8.0	
Total Region	967	1,790	1.9	40

P-49 Int. Guid  
2-9-76

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Master Plan

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**LONG RANGE COMPREHENSIVE  
PLAN ALTERNATIVE**



Middlesex County Planning Board  
New Brunswick, New Jersey

open choices to low and moderate income households throughout the County as well as fiscally relieve many of the County's older urban areas.

The key to the above, however, lies in the provision of 100,000 balanced income dwelling units, and particularly those 70,000 units in PUC's. Accordingly, Table 8 shows a shift in the concentration of future multi-family households through the introduction of PUC's in the County's suburban B and rural C Ring municipalities. Additionally the A Ring areas also exhibit increases in future multi-unit households with effective rehabilitation and renewal.

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#### Residential Use and Density

Based on the foregoing, Table 9 presents a summary of residential acreage levels and changes throughout the County.

Municipal totals of these data may be found in Appendix B for the year 2000.

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As expected the B and C Ring municipalities would account for the major residential acreage in the County. These areas will account for 39,000 residential acres apiece. Franklin Township in the C Ring alone would hold about 9,000 of these acres by the year 2000. Additionally, relatively low densities in the B and C Ring municipalities would result in more acreage used for residential purposes there.

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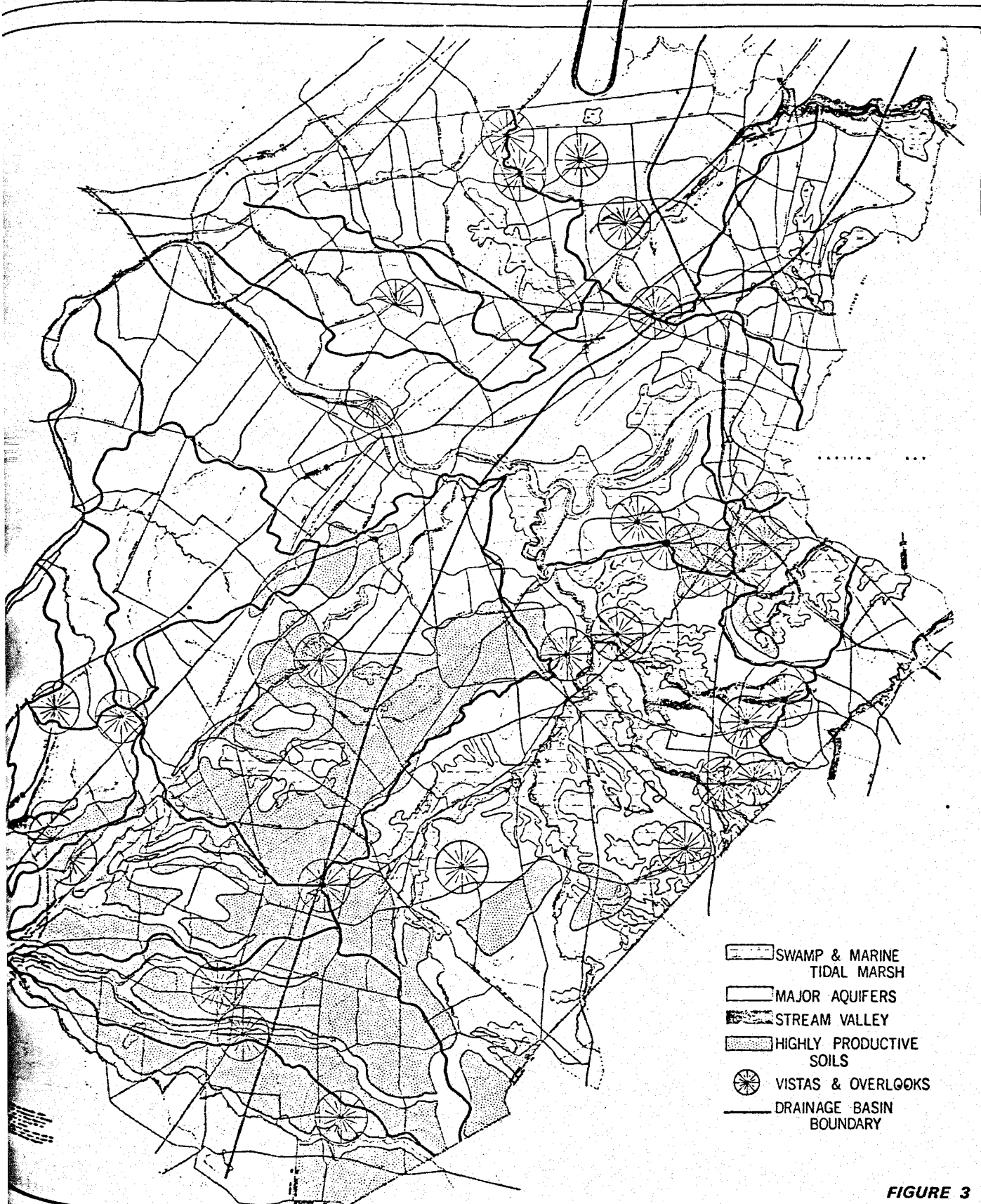
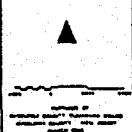


FIGURE 3

MIDDLESEX COUNTY  
COMPREHENSIVE MASTER PLAN



MAJOR NATURAL RESOURCES

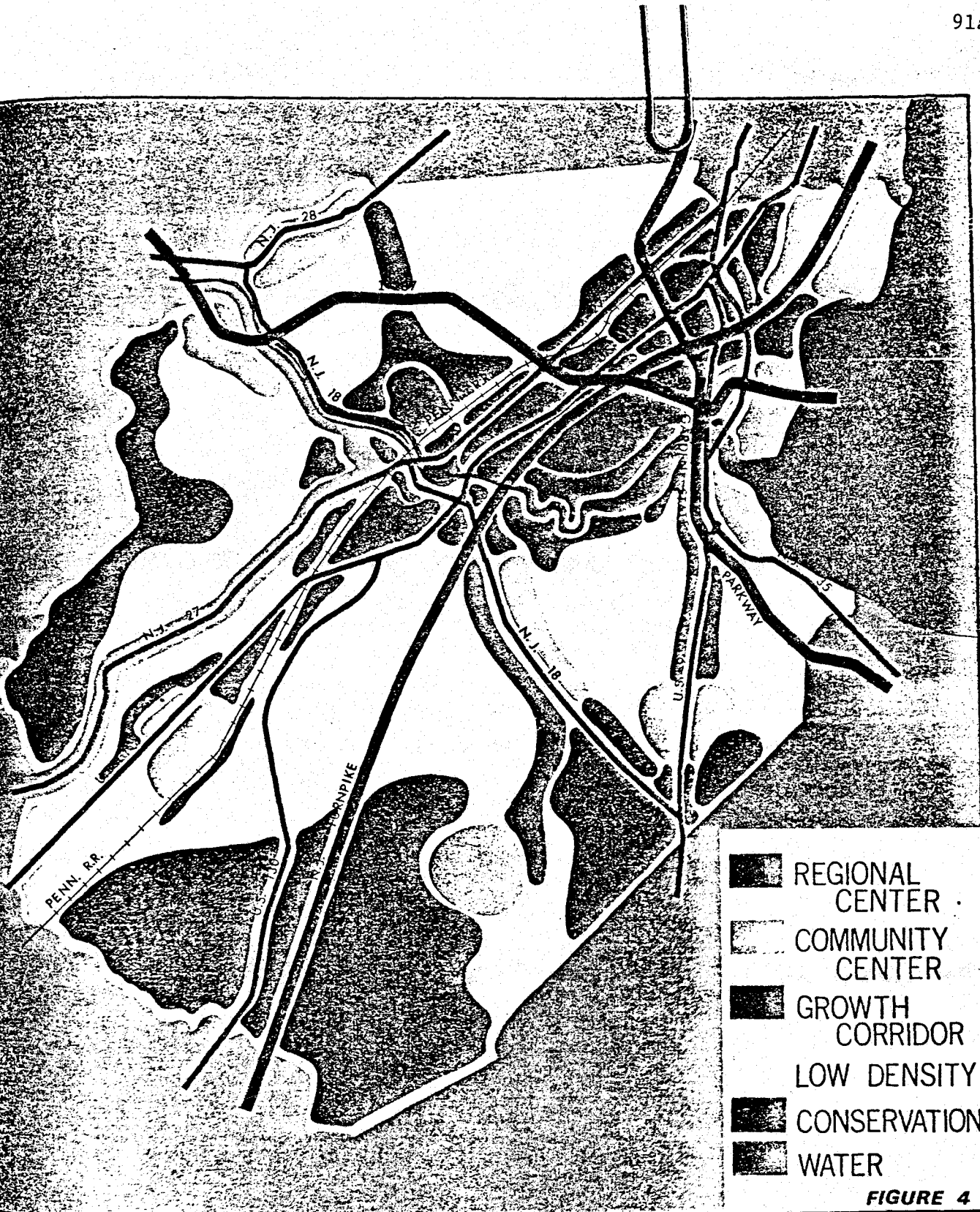
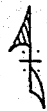


FIGURE 4

MIDDLESEX COUNTY  
COMPREHENSIVE MASTER PLAN



MIDDLESEX COUNTY  
PLANNING BOARD  
1972

CONCEPTUAL  
LAND USE PATTERN



TABLE A  
JOB LEVELS BY TYPE AND MUNICIPALITY  
2000 PLAN ALTERNATIVE  
MIDDLESEX COUNTY STUDY AREA

	MANUF.	NON-MANUFACTURING						2000 Total Jobs
		Whole- sale	TCU & Constr.	Mining	Retail	F.I.R.E. & Services	Govt	
<b>A RING</b>								
Carteret	6,598	977	1,223	--	891	2,290	873	--
Dunellen	1,991	30	247	--	186	398	252	--
Helmetta	177	--	152	--	6	20	66	--
Highland Park	1,331	98	1,547	--	1,327	975	758	--
Jamesburg	154	4	128	5	142	191	158	--
Metuchen	1,417	161	1,386	--	1,378	1,931	911	--
Middlesex	2,146	99	474	--	743	239	507	--
Milltown	1,624	31	120	--	152	105	272	--
New Brunswick	12,701	1,958	5,228	--	8,310	18,416	16,267	--
Perth Amboy	11,213	1,373	2,663	--	2,629	6,508	2,331	--
South Amboy	858	139	677	--	733	872	294	--
South River	2,135	40	680	4	443	820	504	--
Spotswood	1,281	22	70	--	534	194	258	--
<b>A RING TOTAL</b>	<b>43,626</b>	<b>4,932</b>	<b>14,595</b>	<b>9</b>	<b>17,474</b>	<b>32,959</b>	<b>23,451</b>	<b>--</b>
<b>B RING</b>								
East Brunswick	3,049	1,086	4,074	76	7,710	5,036	2,956	--
Edison	23,589	7,429	7,362	--	8,935	11,231	7,750	--
North Brunswick	20,694	5,701	4,654	6	3,243	4,428	2,422	--
Piscataway	11,780	1,697	2,578	--	4,717	5,208	10,031	--
Sayreville	13,843	1,210	1,561	127	2,372	1,857	1,466	--
South Plainfield	6,668	1,366	1,219	--	2,181	947	1,344	--
Woodbridge	19,119	6,550	11,733	41	14,740	14,858	7,501	--
<b>B RING TOTAL</b>	<b>98,742</b>	<b>25,039</b>	<b>33,181</b>	<b>250</b>	<b>43,898</b>	<b>43,565</b>	<b>33,470</b>	<b>--</b>
<b>C RING</b>								
Cranbury	2,619	416	450	--	1,535	657	384	125
Madison	2,608	1,406	3,357	18	3,718	8,198	4,128	--
Monroe	3,997	547	1,878	--	7,985	4,737	4,169	20
Plainsboro	926	118	222	60	105	1,525	327	350
South Brunswick	6,449	1,389	2,644	26	7,677	11,830	4,213	116
Franklin	3,552	1,469	2,017	370	1,705	4,654	2,838	--
<b>C RING TOTAL</b>	<b>20,151</b>	<b>5,345</b>	<b>10,568</b>	<b>474</b>	<b>22,725</b>	<b>31,601</b>	<b>16,059</b>	<b>611</b>
<b>STUDY AREA</b>	<b>162,519</b>	<b>35,316</b>	<b>58,344</b>	<b>733</b>	<b>84,097</b>	<b>108,125</b>	<b>72,980</b>	<b>611</b>
<b>MIDDLESEX COUNTY</b>	<b>158,967</b>	<b>33,847</b>	<b>56,327</b>	<b>363</b>	<b>82,392</b>	<b>103,471</b>	<b>70,142</b>	<b>611</b>

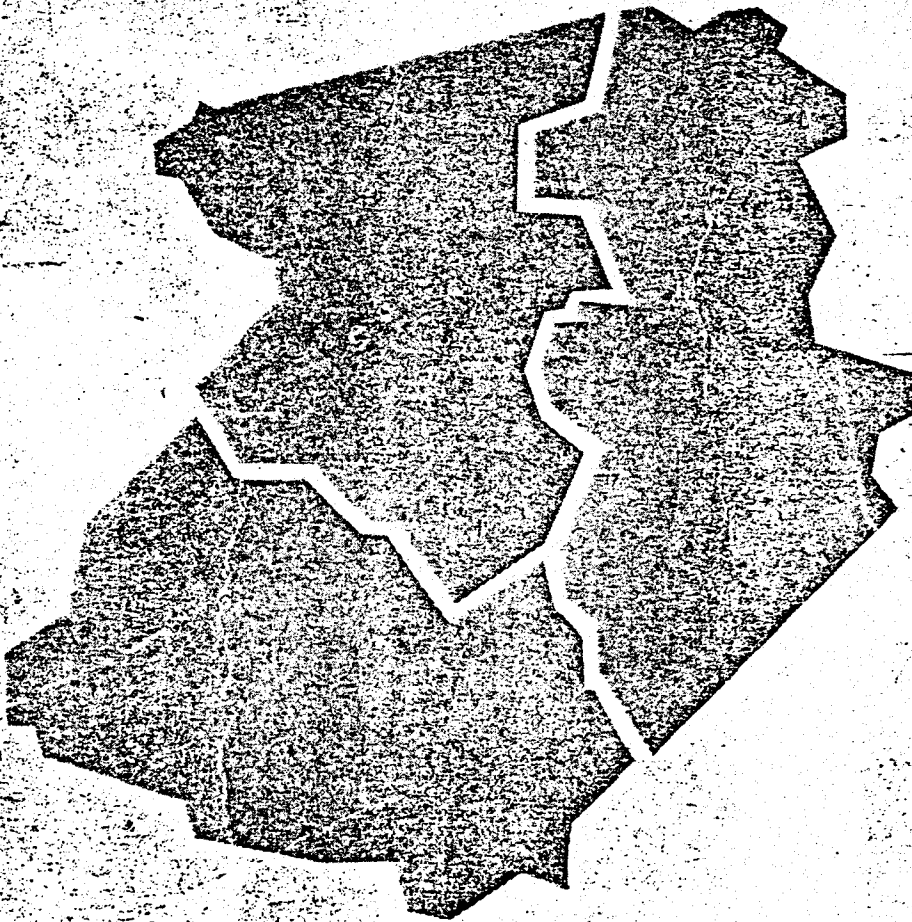
SOURCE: Middlesex County Planning Board and Hammer, Greene, Siler Associates.

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2-9-76

**1970 CENSUS**

**SELECTED POPULATION AND  
HOUSING STATISTICS FOR  
MIDDLESEX COUNTY**



**Middlesex County Planning Board**  
New Brunswick New Jersey

TRI-STATE TRANSPORTATION COMMISSION

\*POPULATION BY DECADE\*

TOTAL POPULATION  
 1940      1950      1960      1970

PERCENT OF CHANGE  
 1940-50   1950-60   1960-70   1950-70

\*\* N.J.

\* MIDDLESEX

CARTERET BORO	11,976	13,030	20,502	23,137	8.8	57.3	12.9	77.0
CRANBURY TWP	1,342	1,757	2,001	2,253	33.9	11.4	12.6	25.4
DUNELLEN BORO	5,360	6,291	6,840	7,072	17.4	8.7	3.4	12.4
EAST BRUNSWICK TWP	3,706	5,099	19,909	34,160	53.8	250.3	71.1	499.5
EDISON TWP	11,470	16,348	44,799	67,120	42.5	174.0	49.6	310.6
HIGHLAND PARK BORO	9,002	9,721	11,049	14,335	8.0	13.7	30.2	48.0
JAMESBURGH BORO	2,128	2,307	2,853	4,584	8.4	23.7	60.7	98.7
MADISON TWP	3,803	7,366	22,772	48,715	93.7	209.2	113.9	561.3
METUCHEN BORO	6,557	9,879	14,041	16,031	50.7	42.1	14.2	62.3
MIDDLESEX BORO	3,763	5,943	10,520	15,038	57.9	77.0	42.9	153.0
MILLTOWN BORO	3,515	3,766	5,435	6,470	7.7	43.6	19.0	70.9
MONROE TWP	3,034	4,082	5,831	9,136	34.5	42.8	56.7	123.9
NEW BRUNSWICK CITY	33,180	38,811	40,139	41,885	17.0	3.4	4.3	7.9
NORTH BRUNSWICK TWP	4,562	6,450	10,099	16,691	41.4	56.6	65.3	158.6
PERTH AMBOY CITY	41,242	41,330	38,007	38,798	.2	8.0	2.1	6.1
PISCATAWAY TWP	7,243	10,180	19,890	36,418	40.5	95.4	83.1	257.7
PLAINSBORO TWP	925	1,112	1,171	1,648	20.2	5.3	40.7	48.2
SAYREVILLE BORO	8,186	10,338	22,553	32,508	26.3	118.2	44.1	214.5
SOUTH AMBOY CITY	7,802	8,422	8,422	9,338	7.9	.0	10.9	10.9
SOUTH BRUNSWICK TWP	3,129	4,001	10,278	14,058	27.9	156.9	36.8	251.4
SOUTH PLAINFIELD BORO	5,379	8,008	17,879	21,142	48.9	123.3	18.3	164.0
SOUTH RIVER BORO	10,714	11,308	13,397	15,428	5.5	18.5	15.2	36.4
SPOTSWOOD BORO	1,868	2,905	6,567	8,846	55.5	126.1	34.7	204.5
WOODBIDGE TWP	27,191	35,758	78,846	98,944	31.5	120.5	25.5	176.7
	217,077	264,872	433,856	583,813	22.0	63.8	34.6	120.4

P.A. & D.B.

74,422

80,141

78,146

80,683

34.390

30.2

18.0

13.2

## TRI-STATE TRANSPORTATION COMMISSION

## \*HOUSING UNITS, BY STRUCTURE TYPE\*

PAGE

	TOTAL HOUSING UNITS	1 UNIT STRUCTURE	2 OR MORE UNIT STRUCTURE	OCCUPIED MOBILE HOME/TRLR	VACANT SEASONAL AND MIGRATORY
** N.J.					
* MIDDLESEX					
CARTERET BORO	7,099	3,906	2,843	40.0 350	
CRANBURY TWP	694	564	122	17.7	8
DUNELLEN BORO	2,282	1,496	785	34.2	1
EAST BRUNSWICK TWP	9,095	7,852	1,187	13.0 32	24
EDISON TWP	19,205	13,872	5,129	26.0 203	1
HELMETTA BORO	301	276	25	8.2	
HIGHLAND PARK BORO	5,293	2,253	3,031	57.2 7	2
JAMESBURGH BORO	1,377	833	540	39.2 4	
MADISON TWP	13,456	9,678	3,703	27.3 28	47
METUCHEN BORO	4,912	3,676	1,234	25.1 2	
MIDDLESEX BORO	4,345	3,327	1,021		1
MILLTOWN BORO	2,067	1,603	464	23.5	
MONROE TWP	2,903	2,146	705	22.3	
NEW BRUNSWICK CITY	13,130	3,654	9,427	24.3 21	31
NORTH BRUNSWICK TWP	5,034	3,604	1,426	17.9 7	2
PERTH AMBOY CITY	13,429	4,420	8,997	28.3 2	2
PISCATAWAY TWP	10,449	6,894	3,553	67.1 10	2
PLAINSBORO TWP	551	334	214	34.7	
SAYREVILLE BORO	9,197	6,972	2,217	38.8 1	2
SOUTH AMBOY CITY	2,902	1,794	1,107	24.1 3	5
SOUTH BRUNSWICK TWP	3,903	3,075	455	38.2 1	
SOUTH PLAINFIELD BORO	5,585	5,103	481	11.6 364	9
SOUTH RIVER BORO	4,888	3,513	1,356	8.6 0 1	
SPOTSWOOD BORO	2,076	1,808	262	27.8 19	
WOODBRIIDGE TWP	27,534	21,158	6,069	22.5 304	6
	171,711	113,851	56,353	32.7 1,359	148

## TRI-STATE TRANSPORTATION COMMISSION

\*AVERAGE MONTHLY RENT OF RENTER-OCCUPIED AND VACANT-FOR-RENT HOUSING UNITS, BY RACE OF HEAD\* . PAGE 3

	TOTAL-RENTER-OCCUPIED			NEGRO-RENTER-OCCUPIED			VACANT-FOR-RENT		
	AGGREGATE MO. RENT	NUMBER OF UNITS	AVERAGE MO. RENT	AGGREGATE MO. RENT	NUMBER OF UNITS	AVERAGE MO. RENT	AGGREGATE MO. RENT	NUMBER OF UNITS	AVERAG RENT
** N.J.									
* MIDDLESEX									
CARTERET BORO	187,580	2,011	93	13,110	182	72	6,210	76	62
CRANBURY TWP	16,020	135	119	1,565	21	75			
DUNELLEN BORO	66,085	586	113				1,050	11	99
EAST BRUNSWICK TWP	186,810	1,126	166	4,275	23	186	23,840	130	183
EDISON TWP	737,230	5,005	147	17,210	175	98	12,275	85	144
HELMETTA BORO	6,635	96	69				185	5	37
HIGHLAND PARK BORO	382,005	2,737	140	16,285	112	145	5,195	32	162
JAMESBURGH BORO	60,440	525	115	7,525	65	116	1,750	15	119
MADISON TWP	539,375	3,665	147	5,425	38	143	17,860	107	167
METUCHEN BORO	188,045	1,311	143	5,670	43	132	3,310	24	138
MIDDLESEX BORO	140,730	983	143	1,160	9	125	2,110	18	117
MILLTOWN BORO	39,920	349	114				1,205	11	110
MCCRACKEN TWP	22,565	227	99	1,030	20	52	895	12	75
NEW BRUNSWICK CITY	941,450	7,896	119	219,325	1,906	115	30,040	237	127
NORTH BRUNSWICK TWP	201,390	1,373	147	5,310	39	136	3,530	24	147
PERTH AMBOY CITY	688,130	6,908	100	56,945	577	99	19,805	191	104
PISCATAWAY TWP	524,635	3,640	144	45,930	328	140	7,040	42	168
PLAINSBORO TWP	31,440	240	131	510	7	73			
SAYREVILLE BORO	273,595	2,066	132	975	7	139	6,255	52	120
SOUTH AMBOY CITY	86,185	879	98				3,210	33	97
SOUTH BRUNSWICK TWP	92,820	644	144	2,730	23	119	665	6	111
SOUTH PLAINFIELD BORO	56,835	461	123	3,610	30	120	625	7	89
SOUTH RIVER BORO	110,335	1,144	96	2,980	31	96	4,715	45	105
SPICERWOOD BORO	39,525	301	131				1,025	7	146
WOODBRIDGE TWP	698,310	5,227	134	15,645	114	137	22,120	144	154
	6,318,090	49,535	128	427,215	3,750	114	174,995	1,314	133

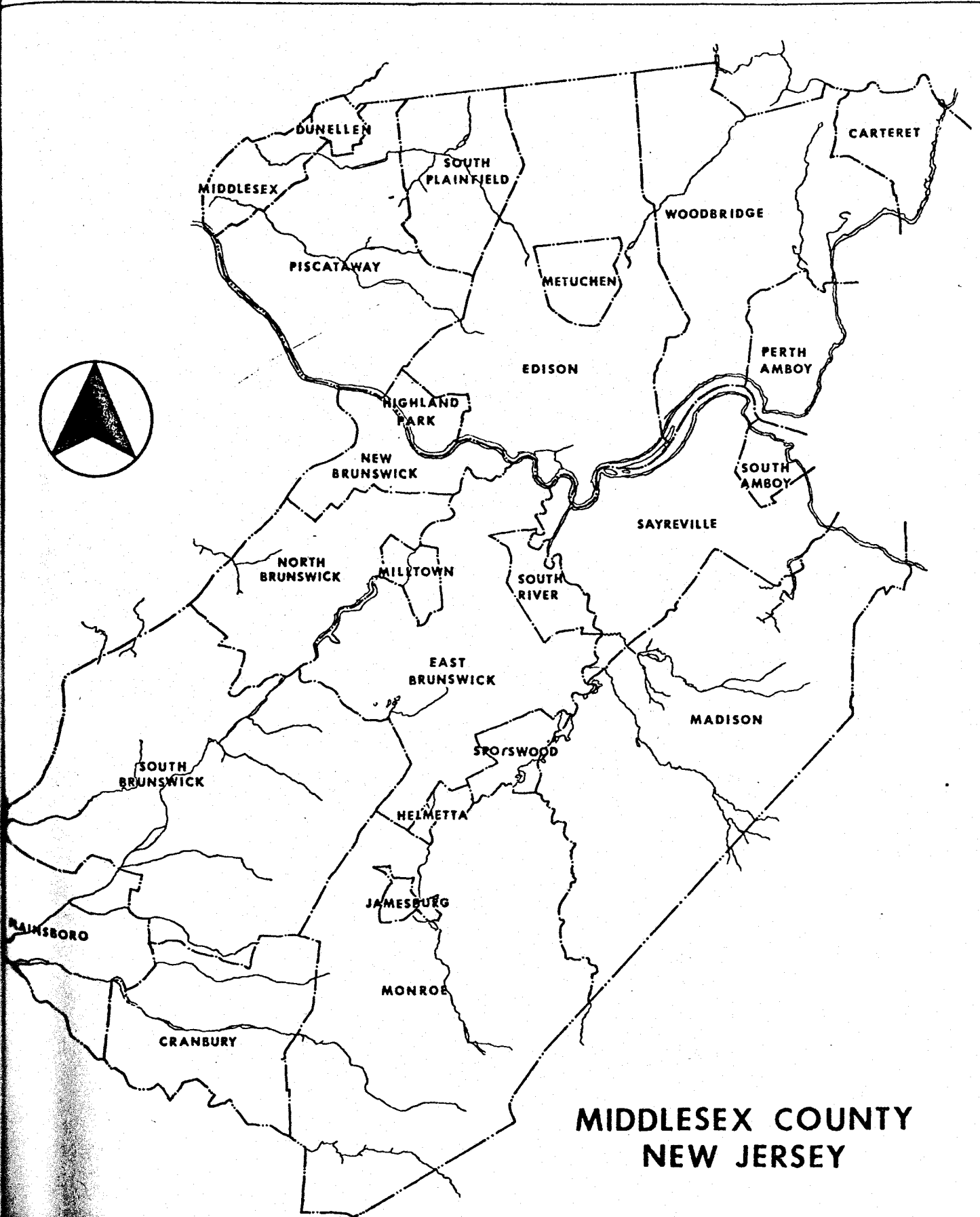
## TRI-STATE REGIONAL PLANNING COMMISSION

1970 CENSUS FOURTH COUNT - FROM POPULATION TABLES 75, 76

PAGE 38

## INCOME OF FAMILIES AND UNRELATED INDIVIDUALS--MEASURES OF CENTRAL TENDENCY

	FAMILY INCOME				UNRELATED INDIVIDUALS' INCOME			
	FAMS	TOTAL	MEAN	MEDIAN	INDIVS	TOTAL	MEAN	MEDIAN
CARTERET BORO	5883	\$ 68,606,200	\$11,662	\$11,232	1114	\$ 4,632,450	\$ 4,158	\$ 3,453
CRANBURY TWP	600	9,294,900	15,492	14,076	171	709,450	4,149	3,099
DUNELLEN BORO	1845	21,035,650	11,401	11,077	515	2,211,900	4,294	2,813
EAST BRUNSWICK TWP	8224	132,469,050	16,108	14,845	726	4,464,350	6,159	5,029
EDISON TWP	17364	254,596,750	14,662	12,914	2097	12,522,650	5,972	4,924
HELMETTA BORO	256	2,553,800	10,365	10,168	66	160,800	2,436	2,260
HIGHLAND PARK BORO	3851	51,670,850	13,418	11,757	1806	9,702,300	5,372	3,955
JAMESBURGH BORO	1163	12,570,000	10,808	10,202	245	983,200	4,013	3,899
MADISON TWP	12046	152,136,900	12,630	12,116	1272	7,936,100	6,239	5,827
METUCHEN BORO	4218	65,422,950	15,510	13,703	790	4,930,450	6,241	4,559
MIDDLESEX BORO	3883	49,805,650	12,827	12,269	606	2,377,200	4,748	3,727
MILLTOWN BORO	1736	23,718,450	13,663	12,954	314	1,466,700	4,671	3,733
MONROE TWP	2256	28,876,850	12,800	11,681	539	2,924,250	5,425	4,683
NEW BRUNSWICK CITY	8837	94,737,050	10,720	9,589	11371	31,913,900	2,807	1,583
NORTH BRUNSWICK TWP	4495	64,344,650	14,315	12,900	662	3,371,550	5,093	4,285
PERTH AMBOY CITY	10379	108,123,050	10,417	9,414	3506	13,817,900	3,950	2,611
PISCATAWAY TWP	9383	116,990,650	12,468	11,695	2207	8,658,100	3,923	1,913
PLAINSBORO TWP	369	4,844,250	13,128	10,833	276	1,892,500	6,857	5,961
SAYREVILLE BORO	8200	103,474,050	12,863	12,079	880	4,603,250	5,231	4,652
SOUTH AMBOY CITY	2365	27,359,300	11,564	10,802	619	2,850,700	4,521	3,316
SOUTH BRUNSWICK TWP	3479	48,457,950	13,940	13,023	602	3,122,000	5,186	4,153
SOUTH PLAINFIELD BORO	5209	69,172,950	13,280	12,773	611	2,294,950	5,584	3,541
SOUTH RIVER BORO	4102	49,680,000	12,111	11,405	865	3,605,400	4,168	2,999
SPOTSWOOD BORO	1956	24,684,500	12,620	12,047	177	843,600	4,766	4,458
WOODBRIIDGE TWP	24836	319,389,450	12,668	12,205	3039	16,479,950	5,423	4,456
MIDDLESEX	146936	1,906,356,250	12,974	11,981	34876	149,017,200	4,273	2,647



**MIDDLESEX COUNTY  
NEW JERSEY**

C.D.E.S. 1975 Annex -

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This Agreement, Dated May 30, 1975, By and Between the County of Middlesex, New Jersey and certain municipalities located therein as more fully set forth on pages 12-14 of this Agreement for the establishment of a cooperative means of conducting certain community development activities.

WHEREAS Title 1 of the Housing and Community Development Act of 1974 provides for substantial Federal funds being made to certain urban counties for use therein, and

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WHEREAS this act establishes certain criteria which must be met in order for a county to be the recipient of said funding, and

WHEREAS the Interlocal Services Act (N.J.S.A. 40:8A-1 et seq.) provides a mechanism through which counties and municipalities may enter into agreements for the provision of joint services, it is therefore agreed by the County of Middlesex, New Jersey (known hereafter as the county), and the Municipalities set forth on pages 12-14 hereof, as follows:

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A. Community Development Planning Process

1. Nature and Extent of Services.

a. Purpose. The purpose of this agreement is to establish a legal mechanism through which the county government may apply for, receive, and disburse Federal funds available to eligible urban counties under Title I of the Housing and Community Development Act of 1974, commonly known as Community Development Revenue Sharing, and to take such actions in cooperation with the participating municipalities as may be necessary to participate in the benefits of this program. Federal funds received by the county shall be for such functions as urban renewal, water and sewer facilities,

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neighborhood facilities, public facilities, open space, and such other purposes as are authorized by the Act. Nothing contained in this agreement shall deprive any municipality or other unit of local government of any powers of zoning, development control or other lawful authority which it presently possesses, nor shall any participant be deprived of any State or Federal aid to which it might be entitled in its own right, except as herein provided.

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b. Establishment of Committee: There is hereby established a cooperative Community Development Revenue Sharing Committee, consisting of two representatives from each participating municipality and two representatives of the county government, each to be appointed for one year periods coinciding with the calendar year. The governing body and the chief executive of each participating agency shall make one appointment each.

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c. Responsibilities of Committee.

(1.) The Committee shall elect a chairman, and shall take formal action only upon a two-thirds vote of the full membership thereof.

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(2.) With the concurrence of the Board of Chosen Freeholders an Administrative Liaison Officer shall be designated. He shall be an employee of the County. He shall within the limits of resources available, provide technical and administrative support to the Committee, and shall provide liaison between the Committee and the Board of Chosen Freeholders.

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- (3.) The Committee shall meet promptly after its establishment and thereafter as often as required. It shall establish rules of procedure as may be required.
- (4.) The Committee shall study and discuss the community development needs of the county which affect the participating local governments, and shall determine the most effective and acceptable utilization of Community Development Revenue Sharing funds available to the county government. It shall recommend to the Board of Chosen Freeholders an application for participation in Federal funding, and towards that end it shall, in the manner herein prescribed, be authorized to develop a 3 year Community Development Plan for the county, including a housing assistance program, and such other documents and certifications of compliance as are required by the Federal Government for participation by the County in Community Development Revenue Sharing. Funds applied for may be those available for "urban counties"; SMSA balances may also be applied for subject to approval of the participating municipalities.
- (5.) The Committee shall develop, in full consultation with the county planning board and all affected agencies of the local governments involved, priorities for the actual utilization of such funds as are made available from the Federal Government under this Title. The Committee shall recommend for each project or activity to be carried out with these funds a

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specific means of accomplishment. This may be for the county to carry out the project or function, for a municipality to receive the monies to carry it out, or for some other combination of local or State agencies. Such implementation mechanism shall be established either by means of a separate contract entered into between the county government, upon the approval of this Committee, and the municipality or municipalities in which the activity or function is to take place, pursuant to the provisions of the Interlocal Services Act, or by inclusion of such information in section C of this agreement, subject to the same approvals. The implementation mechanism shall be established before submission of the application to HUD, and any relevant documents become part of this agreement and should be submitted to HUD with it.

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(6.) Every municipality participating in the committee may request participation in the expenditure of the Federal funds, comment on the overall needs of the county which may be served through these funds, or otherwise take part in the proceedings of the Committee through its members of the Committee. No project may be undertaken or services provided in any municipality without the approval of the governing body of the municipality, which approval shall be established as provided in subsection (5.) above in addition to such other approvals as may be required by law.

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2. Standards of Performance

Every Interlocal Service Agreement established pursuant to this agreement shall contain standards of performance as required by the Interlocal Services Act and by the Housing and Community Development Act. Annually a report shall be prepared for the Committee by each recipient of funds describing whether the desired objectives have been attained. The Committee shall thereupon report its findings to all participating local governments, and shall submit such reports to the Board of Chosen Freeholders as may be required for submission to the Federal Government.

10

3. Estimated Cost and Allocation thereof.

The amount of Federal funds involved shall be the amount applied for by the Board of Chosen Freeholders pursuant to the recommendation of the Committee, subject to any modifications made by HUD. Any Federal funds received by letter of credit or otherwise shall be placed in a County Trust Fund established and maintained pursuant to regulations promulgated by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs. This fund shall be in a separate bank account subject to the control of the County government, which shall be the designated recipient for the funds provided by the Federal act. Upon authorization by the County, and in compliance with State law and promulgated regulations, funds may be expended from this Trust Fund by the County. Neither the committee, the county government, nor any participating local government may expend or commit funds except as may be authorized pursuant to this agreement and in full compliance with State and Federal

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laws and regulations. No participant under this contract may in any way be obligated to expend funds of its own except as may be mutually agreed in a lawful manner.

4. Duration of Contract.

This contract shall be effective retroactive to December 15, 1974 and shall continue in effect until notification by the governing body to the effect that it wishes to withdraw. Said notice must be given in writing at least 30 days prior to the Federal application date of any given year in order for it to drop out for the second, third or subsequent program year, but in no case may a participant drop out of an ongoing year, except as a result of HUD action.

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5. Designation of General Agent.

The Administrative Liaison Officer selected pursuant to section A 1c (2) of this Agreement is hereby designated as the administrative agent of the Board of Chosen Freeholders for purposes of compliance with statutory and regulatory responsibilities. He shall be accountable to the Board of Chosen Freeholders, and for this purpose shall be subject to the supervision of the Board.

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B. Qualification as Urban County.

In addition to such assurances and agreements as may have been made by previously executed ordinances in order to meet the criteria for funding eligibility as an "urban county" the municipality will cooperate with the county by undertaking or assisting in the undertaking of essential community development and housing assistance activities specifically including urban renewal and publicly assisted housing as set forth in the application filed.

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This agreement shall be effective only when sufficient municipalities have signed the contract so that 200,000

105a  
population is represented, and when all other Federal eligibility criteria for designation as an "urban county" under the Act have been satisfied. In the event that sufficient municipalities to meet these criteria should not sign this Agreement within the time period set forth by the United States Department of Housing and Urban Development, the Freeholder Director shall so notify all signators and the Agreement shall thereupon be null and void.

In order to comply with Federal requirements, the County government, through the Board of Chosen Freeholders, shall be the applicant for community development funds, and shall take the full responsibility and assume all obligations of an applicant under the federal act.

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C. Agreement As to Specific Activities.

1. Specific Activities.

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Attached hereto and made a part of this agreement between the County and certain municipalities are exhibits which set forth the specific activities for each and every local body participating in the program. In particular each of these exhibits describe:

- a. community development needs;
- b. long-term community development objectives;
- c. short-term community development objectives;
- d. a program for community development activities to be undertaken by and/or on behalf of the local unit and within a year of related and official approval of the current application by HUD for Community Development Revenue Sharing funds; and,
- e. community development cost estimates and related budget for the current year program;
- f. a survey of housing conditions;
- g. housing assistance needs of lower income households;
- h. annual and three year goals for housing assistance; and,
- i. the general location of lower income housing, as applicable.

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The County of Middlesex, New Jersey, will prepare the application for the above activities and assist in the administration thereof; accordingly, the County is entitled to receive up to ten percent (10%) of the total community development entitlement.

2. Identification of Participants and Authorized Officials.

The chief executive officers of the participating municipalities and as identified in the attached exhibits, shall bear responsibility for compliance with the proper implementation of the activities in their respective municipalities and as described herein.

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Full ultimate responsibility for compliance with the proper implementation of the activities described herein rests with the applicant, the County of Middlesex, New Jersey. For purposes of this agreement, the Freeholder-Director, Mr. Peter Daly Campbell represents the County of Middlesex.

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3. Fund Transmittal Procedures and Standards.

The means of paying for a local project and transmitting the funds from the Federal Government under the applicable title of the Housing and Community Development Act of 1974 through the Trust Account created pursuant to N.J.S. 40A:4-39 to the local governing bodies shall be as follows, to wit:

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a. The local governing body shall provide for any and all legal budgetary appropriations, together with all appropriations which are to be made by rider as shall be available through the Trust Account as hereinabove mentioned.

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b. After the appropriations have been provided for the local body shall, in accordance with the Public Contract Law, prepare the necessary plans and specifications for the local project and secure bids pursuant to the statute. It shall in all respects comply with the statutory laws of the State of New Jersey for public improvements.

- c. The clerk of the local bodies shall certify to the County Board of Chosen Freeholders compliance with Paragraphs 1 and 2 hereof, and submit all proofs of compliance therewith including Affidavit of Publication, Minutes of receipt of bids and awards.
- d. Any and all contracts for any project shall be between the local unit and the contractor or subcontractors, as the case may be, in accordance with the Public Contract Law. 10
- e. Any and all payments in pursuance of the contract entered into under Paragraph 4 shall be made by and through the treasurer of the local body and the source of funds thereunder shall be as follows:
- (1.) Those payments first to be made by the treasurer of the local body shall be from funds derived or secured through the bonding ordinance or bond anticipation notes or appropriations authorized issued by the local body to the full extent of said appropriations. 20
- (2.) Prior to the delivery of the funds by the County Treasurer to the local body the local treasurer shall submit a schedule of all payments heretofore made by the local treasurer to the contractor or contractors working on said project together with copies of the certification of the architect setting forth that said work had been completed and that said contractors were entitled to said payment which schedules and certification shall be submitted to the County Comptroller for his examination and verification. 30 40



- (3.) Thereafter the payment of funds by the treasurer of the local body shall be from those funds secured and held in the Trust Account pursuant to N.J.S. 40A:4-39. Payments from said Trust Account shall be made upon written request from the treasurer of the local body on a regular County voucher to the County Treasurer at least one week prior to date of payment. The County Treasurer shall thereafter secure the necessary funds for said Trust Account, in accordance with a request on a letter of credit and shall forthwith deliver said funds to the treasurer of the local unit. 10
4. Standards of Performance. 20
- The participating municipalities shall comply with all applicable state and federal laws and regulations, toward proper implementation of the activities as described herein.
5. Time Period. 30
- The activities covered by this agreement shall commence immediately after date of execution of this agreement by and/or on behalf of the participating municipality. These activities shall be completed within a year from the date of the related and official HUD approval of the current year application for Community Development Revenue Sharing funds.
6. Availability of Records for Audit. 40
- The participating municipalities and the County shall maintain and share between themselves and their CDRS Committee all the necessary and sufficient records for review and audit that pertain to the implementation of the activities described herein, and as required by the U.S. Department of Housing and Urban Development.

7. Activities Subject to Review.

Each activity, as described herein, is subject to review by the CDRS Committee and to any action that the Board of Chosen Freeholders of the County may take that is, in its discretion, necessary to the proper administration of this program.

8. Arbitration.

Arbitration of all questions in dispute under this Agreement shall be at the choice of either party hereto and shall be in accordance with the provisions, then obtaining, of the American Arbitration Association. This Agreement shall be specifically enforceable under the prevailing arbitration laws, and judgment upon the award may be entered, in the Court of the Forum, State or Federal, having jurisdiction. The laws of the State of New Jersey are deemed to govern this contract. The decision of the arbitrators shall be a condition precedent to the right of any legal action.

D. This contract may be executed in substantially similarly worded counterparts each of which shall be signed by the Freeholder Director and the chief executive of an individual municipality.

Each such signator agency agrees to cooperate with all other signators and be bound as if all had signed the same Agreement.

E. Severability and Modification Clause.

In the event that any portion of this agreement shall be made inoperative by reason of judicial or administrative ruling, the remainder shall continue in effect. In the event that any modification of work activity shall become

necessary, the Community Development Revenue Sharing Committee may increase or decrease the cost of any project by not more than 10%, subject to concurrence by HUD and the municipalities involved.

F. This agreement shall supplement any previous agreements on this subject and shall replace and supersede any previously agreed upon provisions only to the extent of conflict of purpose.

IN WITNESS WHEREOF the parties hereto have caused these presents to be signed by its proper chief executive officer, attested by its clerk and affixed thereto its corporate seal.

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Attest:  
Mary A. Theodor  
Clerk ASST. CLERK

County of Middlesex  
by [Signature]  
Freeholder-Director

Attest:  
Anni H. Szalay  
Clerk

Borough of Carteret  
by [Signature]  
Mayor

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Attest:  
Arthur C. Romer  
Clerk

Township of Cranbury  
by [Signature]  
Mayor

Attest:  
[Signature]  
Clerk

Borough of Dunellen  
by [Signature]  
Mayor

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Attest:  
[Signature]  
Clerk

Township of East Brunswick  
by [Signature]  
Mayor

Attest:  
[Signature]  
Clerk

Borough of Helmetta  
by [Signature]  
Mayor

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Attest:

Clerk

Attest:

Clerk

Attest:

Clerk

Attest:

Clerk

Attest:

Clerk

11a

City of South Amboy

by Willie D. ...  
Mayor

Township of South Brunswick

by W. H. ...  
Mayor

Borough of South Plainfield

by J. P. ...  
Mayor

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Borough of South River

by Walter ...  
Mayor

Borough of Spotswood

by William ...  
Mayor

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Attest:

Elizabeth P. Fortney  
Clerk

Borough of Highland Park

by Grace Beck  
Mayor

Attest:

James M. Ryan  
Clerk

Borough of Jamesburg

by John E. Ryan  
Mayor

Attest:

Mary M. Brown  
Clerk

Township of Madison

by William E. Ryan  
Mayor

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Attest:

Elmer W. Brown  
Clerk

Borough of Metuchen

by Small Johnson  
Mayor

Attest:

Elizabeth M. Fiegel  
Clerk

Borough of Middlesex

by John H. Fiegel  
Mayor

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Attest:

Mary Flood  
Clerk

Borough of Milltown

by John B. Flood  
Mayor

Attest:

Emilie B. Butler  
Clerk

Township of Monroe

by Joseph J. Butler  
Mayor

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Attest:

Charles P. Johnson  
Clerk

Township of North Brunswick

by John P. Johnson  
Mayor

Attest:

Ann Nolan  
Clerk

Township of Piscataway

by Red H. Nolan  
Mayor

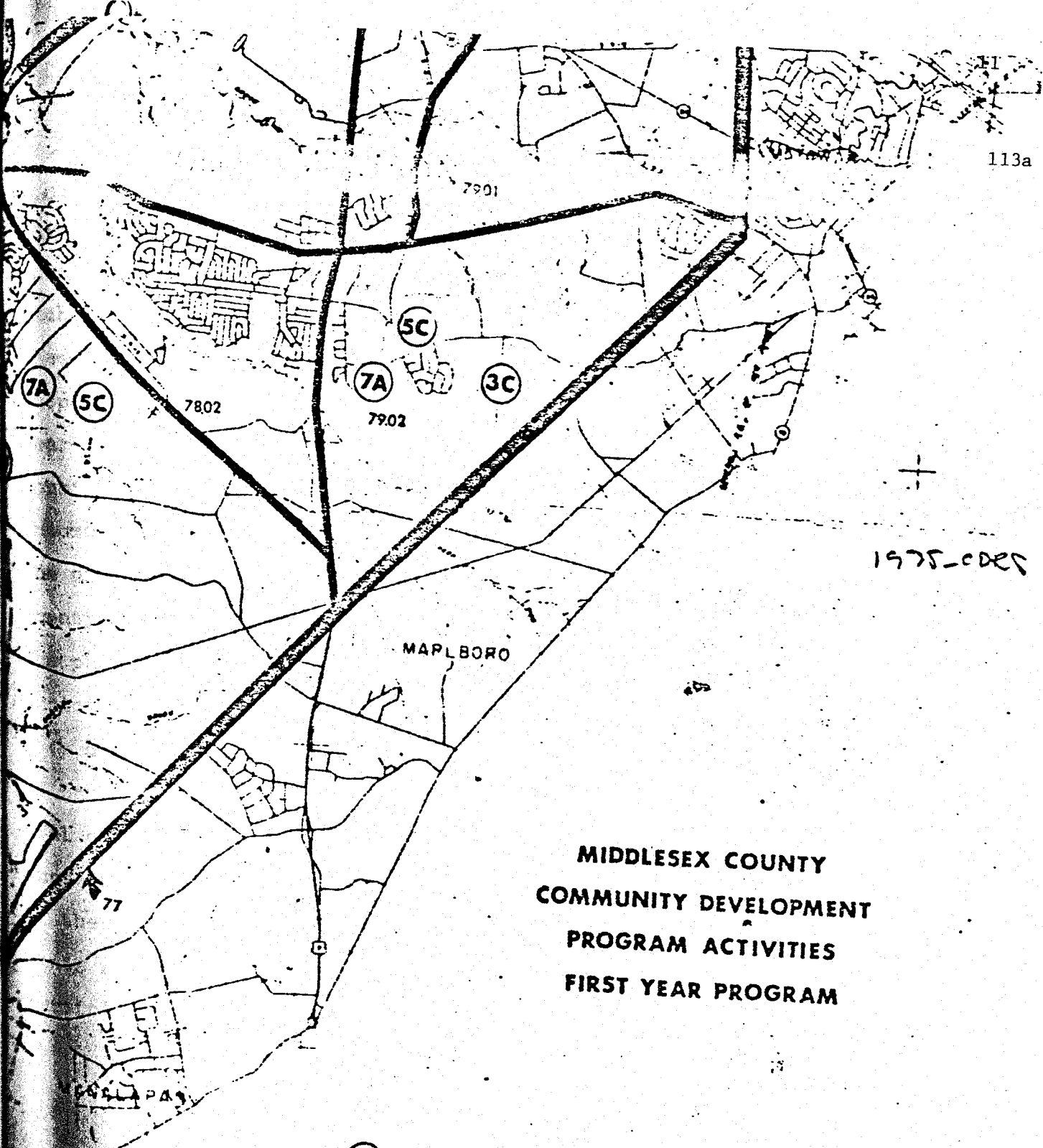
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Attest:

John P. Johnson  
Clerk

Township of Plainsboro

by John P. Johnson  
Mayor



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1975-CDES

**MIDDLESEX COUNTY  
COMMUNITY DEVELOPMENT  
PROGRAM ACTIVITIES  
FIRST YEAR PROGRAM**

- (IZ)** PROGRAM ACTIVITIES LOCATION
- 12** CENSUS TRACT NUMBERS
- URBAN COUNTY BOUNDARIES
- CENSUS TRACT BOUNDARIES



HOUSING ASSISTANCE PLAN

114a  
as Revised July 15/75  
& Submitted July 28/75

For the very first time a majority of the County's municipalities jointly discussed housing needs through their representatives of the CDRS Committee and further, arrived at a common understanding and acceptance of same with the County. In turn, each of the participating municipalities officially recognized these housing needs by incorporating them into their individual cooperation agreements with the County for participation in this year's community development program. The included Survey of Housing Conditions (Table I) and Housing Assistance of Lower Income Households (Table II) presents these needs as summed for the urban county. Similar tables for each of the twenty urban county municipalities are included in the accompanying agreement. The physical, financial and total housing need by each of these municipalities and the urban county immediately follows.

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Before proceeding with the methodology of needs, comparability of same with the County's adopted plans, and realistic housing goal derivations, the importance of the municipal acceptance of these housing needs should be underscored. Briefly, the inclusion of these needs by the municipalities into their cooperation agreements represents an official recognition of housing needs by each participating municipality.

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SUMMARY FOR "URBAN COUNTY" MUNICIPALITIES OF  
 ESTIMATION ON TABLE I: SURVEY OF HOUSING CONDITIONS (1970) 115a  
 TABLE II: HOUSING ASSISTANCE NEEDS OF LOWER INCOME HOUSEHOLDS (1970)

Table I:  
 Survey of  
 Housing  
 Conditions  
 # of Substandard  
 D.U. (1970)

Table II  
 Housing Assistance  
 Needs of Lower Income  
 Households (1970)  
 Elderly (renters &  
 owners) Non-Elderly

Tables I & II  
 TOTALS

	Table I	Table II	Tables I & II
	# of Substandard D.U. (1970)	Housing Assistance Needs of Lower Income Households (1970)	TOTALS
Ashtabula	625	821	1446
Bay View	44	90	134
Chardon	136	346	482
East Brunswick	244	348	592
Easton			
Euclid	48	60	108
Highland Park	155	1362	1517
Massillon	111	233	344
Medon	489	1271	1760
North	166	723	889
Wadsworth	187	433	620
Winton	53	202	255
Warren	210	195	405
West Brunswick			
West Brunswick	99	473	572
West Amboy			
Westaway	324	1187	1511
Winnacro	26	81	107
Wrentham			
Wrentham	186	447	633
Wrentham Brunswick	149	284	433
Wrentham Plainfield	173	303	476
Wrentham River	376	585	961
Wrentham Wood	109	182	291
Wrentham			
Wrentham Urban County	3910	9626	13,536

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Estimation of Housing Needs: Data and Methodology

The County Planning Board staff had various consultation meetings with professionals in the Newark HUD Offices in order to receive advice on the proper data and methodology to be used in the preparation of the Housing Assistance Plan.

HUD has prepared in advance some 1970 cross-tabulations for Middlesex County based on census information that could be helpful in the preparation of its housing plan. In turn, these data were somewhat helpful in selecting a methodology that could be in keeping with HUD guidelines, while maintaining some comparability with estimates at the county level.

Therefore, in Table I, Survey of Housing Conditions, the County Planning Board staff used the 1970 Census data and the suggested methodology and as explained fully on page 216 of the accompanying report. For Table II, Housing Assistance Needs of Lower Income Households, the estimation represents the number of households with incomes below \$10,000/year that pay more than 25 percent of their income for rent plus an estimation of elderly owners that spent more than 25% of their income in housing costs (taxes, utilities, maintenance). This \$10,000 cut off value has been used by the Tri-State Regional Planning Agency and by the County in its Master Plan work. It is also comparable to 80 percent of the County's household medium income in 1970 for a family of four. Also cross-tabulations

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so SIC,000 are available at the census tract level. . Using the methodology, the number of households in need of assistance was projected to 1973. After consultation with HUD, it was concluded that the short time available to prepare this application did not permit a refinement of data and/or consensus of assumptions among participating municipalities for projections of data much beyond 1973.

It should now be clear that the estimation of housing needs of lower income households as presented in the application represents and existing situation in 1970 projected to 1973. It is a survey and extrapolation of existing housing needs as per HUD guidance, and as opposed to a pure allocation of regionally determined unmet housing needs.

#### Comparability of Need Estimates

It should be noted that the urban county housing needs of 13,536 exclude the HUD designated central city needs within the county by the fact that these central cities were: 1) precluded by HUD design from participation in the urban county's CDRS Committee (and application development process) as per specific federal requirements in the urban county cooperation agreement; and 2) these central cities were identified by HUD for separate and independent funding under the community development program. Nevertheless, housing needs for all county municipalities have been calculated below in order to define the overall level of housing need and consistency with previous studies done by the Middlesex County Planning Board.

Estimation of Total County Housing Needs (Table I)

	I Substandard Units (occ. & vac.)	II Financial Need	Total I & II
"Urban County" (20 municipalities)	3,910	9,626	13,536
Metropolitan Cities (5 municipalities)	4,356	11,962	16,318
Total Middlesex County	8,266	21,588	29,854

The estimation of needs as presented herein for the total County is 29,854 units, extrapolated through 1973, which is even larger than previous estimates of the County's adopted Interim Master Plan of 23,605 units for 1975 (County projections prepared prior to availability of census data).

The adopted Interim Master Plan did not present needs by town. Therefore, no comparison can be done at that level and at this time.

It is important to note that a comparable estimate of housing needs for 1970 by N.J. D.C.A. deals only with households renting units for which they pay an excessive amount of their income and that estimate is 15,300 households for the whole county.

However, Table II of the HAP includes an estimate of elderly/handicapped owners with incomes below \$5,000 that are in special need of assistance to pay for housing cost (oil, taxes, maintenance). There is sufficient evidence that the elderly owners group are a substantial part of the housing demand for rental units for the low and moderate income households. Their

becoming substandard due to increased overhead cost and  
 fixed incomes. Also, these houses are generally  
 and very inappropriately designed, especially for the  
 elderly who are handicapped.

Summary of Households in Need of Assistance (Table II)  
in Urban County

	<u>Renters</u>	<u>Owners</u>	<u>Total</u>	<u>Percent</u>
<u>Financial Needs</u>				
Elderly/handicapped	1,557	2,713	4,270	45%
Non-elderly	<u>5,356</u>	<u>—</u>	<u>5,356</u>	<u>55%</u>
-Subtotal	6,913	2,713	<u>9,626</u>	100%
<u>Physical Needs</u>				
Occupied	1,518	2,170	3,688	
Vacant	<u>—</u>	<u>—</u>	<u>222</u>	
Subtotal			3,910	
TOTAL			<u>13,536</u>	

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The above figures represent totals for the "urban county," although the agreement includes estimates for each of the twenty participating municipalities. Each and all municipalities have recognized housing needs as an existing situation in their town (with concentration data by census tract) as recorded by 1970 census data in the accompanying agreement.

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Locally Determined Housing Priorities and Realistic  
One and Three Year Goals

According to the spirit and letter of the Housing and Community Development Act of 1974, the County's participating municipalities determined their own housing priorities in light of the foregoing estimation of overall and individual housing needs surveyed, as well as the likely availability of state and federal housing subsidies.

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MUNICIPALITIES IN MIDDLESEX COUNTY RANKED  
BY MEDIAN INCOME OF FAMILIES  
AND UNRELATED INDIVIDUALS

<u>1970</u>	<u>1960</u> <sup>1/</sup>	<u>1950</u> <sup>2/</sup>
\$14,845 East Brunswick	Metuchen \$8,236	Metuchen \$4,404
\$14,837 Madison	East Brunswick \$7,763	Highland Pk. \$4,197
\$14,076 Cranbury	Middlesex \$7,658	So. River \$4,151
\$13,703 Metuchen	Highland Pk. \$7,609	Sayreville \$4,115
\$13,023 So. Brunswick	So. Brunswick \$7,580	Dunellen \$4,000
\$12,955 Milltown	Dunellen \$7,539	Middlesex \$3,742
\$12,914 Edison	Milltown \$7,498	Milltown \$3,693
\$12,900 No. Brunswick	So. Plainfield \$7,392	So. Amboy \$3,590
\$12,773 So. Plainfield	Edison \$7,260	New Bruns. \$3,536
\$12,268 Middlesex	Woodbridge \$7,243	Perth Amboy \$3,462
\$12,205 Woodbridge	Sayreville \$7,130	So. Plainfield \$3,400
\$12,079 Sayreville	So. River \$7,075	Carteret \$3,391
\$12,047 Spotswood	No. Bruns. \$6,989	
\$11,756 Highland Park	Madison \$6,983	
\$11,695 Piscataway	Piscataway \$6,943	
\$11,681 Monroe	So. Amboy \$6,941	
\$11,406 South River	Spotswood \$6,797	
\$11,232 Carteret	Carteret \$6,571	
\$11,075 Dunellen	Jamesburg \$6,411	
\$10,833 Plainsboro	New Bruns. \$6,218	
\$10,803 South Amboy	Perth Amboy \$6,152	
\$10,196 Jamesburg		
\$10,168 Helmetta		
\$ 9,589 New Brunswick		
\$ 9,413 Perth Amboy		
\$11,982 County	County \$7,054	County \$3,725

- ✓ Data not available for Cranbury, Monroe, Plainsboro, Helmetta
- ✓ NA for Edison, Piscataway, East Bruns., So. Bruns., North Bruns., Helmetta, Madison, Cranbury, Woodbridge, Plainsboro, Spotswood, Jamesburg, Monroe.

Sources: 1970 -- 1970 Census of Selected Population and Housing Statistics for Middlesex County

Middlesex County Planning Board (Pg. 38)

Note: This reference utilized due to its inclusion of N.J. Twps. in Middlesex County)

1960 -- 1960 Census of Population, Vol. 1 (Characteristics of the Population) Part 32 (N.J.), Tables 76, 81, U.S. Department of Commerce/Bureau of the Census.

1950 -- 1950 Census of Population, Vol. II (Characteristics of the Population) Part 30 (N.J.), Tables 37, 39, U.S. Department of Commerce/Bureau of the Census.

INDUSTRIAL/RESIDENTIAL DEMAND AND ZONING PROVISION - MIDDLESEX COUNTY MUNICIPALITIES

MUNICIPALITY	LAND IN USE 1967*	IND. & RELATED USES 1967*		RESIDENTIAL ADDED TO 2000*	INDUSTRIAL & REL. ADDED 2000*	VACANT LAND AREA IN MUNICIPALITY		PERCENTAGE OF DEMAND		IND. & REL. % OF ALL VACANT LAND
		IND. & RELATED USES 1967*	%			ZONED RESIDENTIAL	ZONED INDUSTRIAL & REL.	RESIDENTIAL	INDUSTRIAL & REL.	
Carteret	1952.3	562.3	28.8%	189.0	119.6	96	108	50.8%	90.3%	52.9%
Cranbury	1054.6	184.8	17.5	4622.0	493.6	4130	2755	89.4	558.2	40.0
Dunellen	682.4	49.5	7.3	44.0	2.7	27	5	61.4	185.2	15.6
East Brunswick	5853.9	378.9	6.5	3848.0	998.3	4722**	2534**	122.7	253.8	33.5
Edison	12653.2	1780.0	14.1	2711.0	1654.2	2301	3469	84.9	209.7	60.3
Helmetta	153.1	15.9	10.4	94.0	4.2	32**	26**	34.1	619.1	44.8
Highland Park	1092.0	85.5	7.8	129.0	5.3	134**	0**	103.9	0	0
Jamesburg	352.1	34.6	9.8	88.0	2.9	95	19	108.0	655.2	15.6
Madison	8945.4	1684.9	18.8	6757.0	709.2	11142**	4090**	164.9	576.7	24.2
Metuchen	1566.3	166.1	10.6	84.0	35.6	14.5	24	17.3	67.4	62.3
Middlesex	1744.7	201.2	11.5	307.0	24.3	63.9	58.2	20.8	239.5	44.8
Hilltown	715.3	65.6	9.2	147.0	5.2	50	40	34.0	769.2	40.0
Monroe	3085.7	266.2	8.6	9842.0	593.7	12067**	6867**	112.6	1156.7	35.4
North Brunswick	4248.2	1303.4	30.7	1360.0	1043.7	986**	2016**	72.5	193.2	66.0
Piscataway	6769.0	345.8	5.1	2196.0	1042.6	1613	748	73.5	71.7	28.4
Plainboro	772.8	228.7	29.6	3356.0	328.6	3635	2335	108.3	710.6	42.7
Sayreville	3881.4	967.3	24.9	1226.0	1124.1	CANNOT BE CALCULATED	70**	47.0	193.3	58.1
South Amboy	842.0	244.3	29.0	149.0	59.5	15053	8332	239.7	722.1	35.5
South Brunswick	4185.1	718.0	17.2	6279.0	1153.9	333**	1146**	42.4	169.0	74.3
South Plainfield	2864.1	509.4	17.8	786.0	28.2	92.5	274.6	70.1	973.8	73.9
South River	1358.8	100.3	7.4	132.0	24.0	220	55	68.8	229.2	19.2
Spotswood	745.1	79.0	10.6	320.0	1556.0	772	1916	54.5	123.1	68.4
Woodbridge	11010.6	1774.3	16.1	1417.0						

\*Data from Middlesex County Planning Board master plan reports

\*\*locally provided information not available; DCA data used

Analysis By Alan H. Hatcher 3/16

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ESTIMATES AND PRELIMINARY PROJECTIONS  
OF POPULATION AND EMPLOYMENT,  
MIDDLESEX COUNTY, NEW JERSEY

This document is a progress report on the preparation of new population and employment projections for Middlesex County. The data at present are preliminary. However, it is felt that the population data are essentially close to their final form, while the employment data are only in initial form and can serve merely to indicate very general trends.

Middlesex County Planning Board  
January 1976

## Summary Highlights

### I. POPULATION

New projections foresee a County population of 937,000 by the year 2000, a 61 percent increase over the 1970 population of 583,800.

This growth rate is lower than previously expected, and is the result of lower birth rates and the migration of population away from the north to the southern and western states. 10

The Middlesex County birth rate is lower than the national average, and the County's net in-migration has slowed.

Between 1970 and 1985, pre-school children will increase in number while those aged 5-14 will decrease. Between 1985 and 2000, pre-school children will remain steady while those aged 5-14 will rise above their 1970 level.

People 65 and over will rise rapidly in numbers, especially during 1985 - 2000. 20

Increases in the elderly will require great increases in specialized services and housing. At the same time, those aged 15-64 will put heavy pressure on old and new housing stocks.

### II. EMPLOYMENT

Employment trends during 1967 - 1973 tended to continue the patterns of the boom years of the 1960's. Manufacturing, however, began to show signs of weakness. 30

Past trends have continued through 1974 - 1975, with manufacturing employment slumping badly under the impact of lay-offs and the failure of marginal firms.

In the future, non-manufacturing will continue to grow, though at lower but healthy levels. 40

Future manufacturing growth will be much slower than that in non-manufacturing as the southern and western states attract manufacturing from the north.

The County's future economy will be increasingly reliant on non-manufacturing, and the County must manage a transition from an economy based on blue collar manufacturing jobs to one based on white collar, professional, and service jobs.



-1-

## I. POPULATION

The Middlesex County Planning Board's most recent preliminary projections of population for the years 1980, 1990 and 2000 indicate that while Middlesex County is expected to grow substantially, its rate of growth seems likely to be considerably slower than during the boom years of the 1940's, 1950's and 1960's.

The new projections foresee a County population of 937,000 by the year 2000, a 61% increase over the 1970 population of 583,800. The last County projections, made in 1967, had forecast a 1985 population of 973,000, close to the level now seen for the year 2000, and a year 2000 population of 1,382,000. The former projections were made during a period when population had continued to rise sharply; the new projections reflect the substantial changes in both birth and in-migration rates which have become clearer since 1967. Nevertheless, this represents a growth scenario based on basic and most recent growth factors, whereas other growth scenarios may prevail here as well, such as rapid and significant growth attendant to the development and/or importation of energy sources.

The Planning Board's preliminary projections are based on an evaluation of both recent and longer-term past trends for the nation, the New York Metropolitan Area, and the County. The most significant of these trends and factors are described below.

#### A. Population Changes in the U.S.

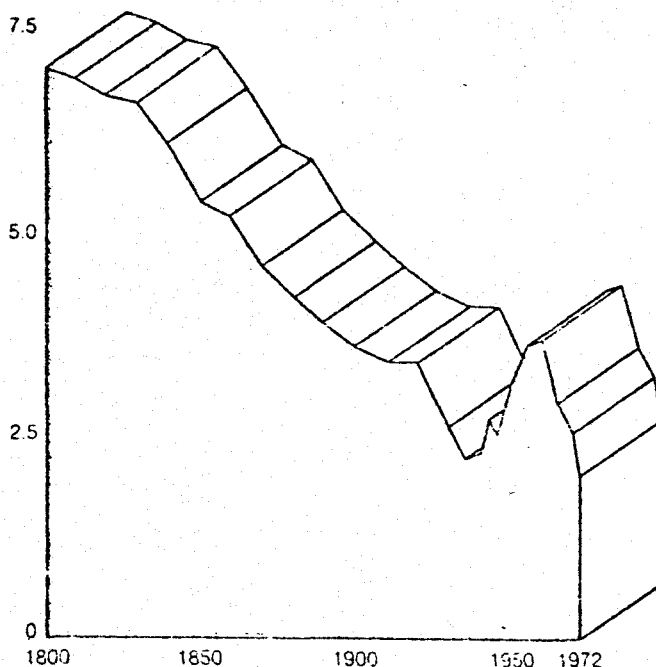
During the 30 years between 1940 and 1970, the U.S. population increased 53.3% with average annual growth rates of 1.8%. However, in the next 30 years, the US Bureau of Census has forecast the U.S.

-2-

population for year 2000 as 265.5 million, a 29.1% increase, with an average annual growth rate of only 1.0%.

The major reason for this slower growth rate is explained by rapid decline of the national birth rate, as shown in Figure I.

Fertility Rates in the United States  
1800-1972  
(children per woman)



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#### B. Regional Changes of Population in the U.S.

From 1970 to 1975, the U.S. population gained 4.8%. Of this 35% occurred in Southern and Western states. The relatively recent population growth occurring in these states can be attributed to a rapid industrial growth and job expansion and to a marked decrease in the migration of Southern blacks to Northern cities. The Southern and Western states were both holding and attracting population.

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-3-

### C. Population Changes in Middlesex County

In recent years, Middlesex County has been one of the most rapid growth areas in New Jersey and the U.S. During 1940 - 1970 period, Middlesex County's population grew by 270% while the U.S. as a whole grew by only 53.3%.

Population changes in general are attributed to two components; natural increase and net migration. Natural increase is defined as births minus deaths. In recent years, Middlesex County's birth rate has dropped, along with that of the nation. In 1971 Middlesex fertility rate, like that of the whole region, was even lower than the national rate, as shown below.

#### 1971 Birth Rate\*

Nation	82
N.Y. Region	71
Middlesex	75.8

\* Measured by the number of births per thousand women aged between 15 through 44.

At the same time, net in-migration to Middlesex County has slowed. The following table summarizes changes in natural increase (NI) and net migration (NM) from 1960 to 1974.

	<u>1960 - 1964</u>	<u>1965 - 1969</u>	<u>1970 - 1974</u>
NM	+60,738	+25,487	+ 6,182
NI	+34,408	+29,318	+15,583

### D. Expected Future Population Growth in Middlesex County

If the above trend continues, as seems likely, the changes in fertility rate and migration rate will result in less growth to Middlesex County than indicated in earlier projections, barring unforeseen major changes in the economic development of the region.

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	<u>1970</u>	<u>1985</u>	<u>2000</u>
1967 Study		973,000	1,382,000
New Study	583,800	766,000	937,000

Different migration and fertility rates would result in a different age structure for the future, which in turn will impact the County's socio-economic structure. The following table indicates how the age structure is expected to change from that of 1970.

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	<u>1970</u>		<u>1985</u>		<u>2000</u>	
	M	F	M	F	M	F
0-4	26,670	25,325	32,100	30,800	32,200	30,900
5-14	62,901	59,973	53,700	51,400	72,000	69,100
15-44	124,663	125,456	180,700	181,100	201,300	198,100
45-64	59,773	59,685	76,200	79,700	101,200	106,500
65 Over	15,074	22,289	34,100	45,700	52,800	72,900

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Looking at the above categories, it can be seen that pre-school age (0-4) will grow from 1970 to 1985 but will remain steady from 1985 to 2000. This projection reflects a continuance and even slight decline of the present low birth rate, although the number of females of child-bearing age (15-44) will grow constantly, from 125,500 in 1970 to 198,100 in the year 2000.

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The number of children in school years (5-14) is expected to drop from 1970 to 1985, but will then increase to a higher level in 2000 than in 1970.

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In 1985, the low number of children in the 5-14 age category is a reflection of the number of children in the 0-4 age group in

-5-

1970 plus a lower number of women of child bearing age. However, in 2000, because of a higher number of children in the 0-4 age group in 1985, a higher number of women of child bearing age, and a lower infant death rate, there will be a significantly higher number of school age children.

At the other end of the spectrum, there will be a striking rise in the 65 and over age category in 1985 and 2000. These larger numbers of aging persons will require greatly increased and specialized services and housing. At the same time, the large increases in the young and middle-aged adult population, (15-44, 45-64) will put heavy pressure on the available and new housing stock.

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COMPARISON OF POPULATION PROJECTIONS

	<u>1985</u>	<u>2000</u>	
1967 Projection	973,000	1,382,000	30
RPA	825,000	1,000,000	
PA	773,000	979,000	
Tri-State	793,000	954,000	
 New M.C. Projection	 766,000	 937,000	 40
NJ-Bell	764,000	918,000	
NJ-State	730,000	889,000	

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## II. EMPLOYMENT

A. Past Trends

During the period 1967-1973 employment expansion in Middlesex County tended to continue the boom years of the 1960's. This was especially the case with the non-manufacturing sector, which expanded rapidly (Table II). Manufacturing, however, began to show signs of weakness, although its gain of 6 percent compared favorably with a State loss of about 5 percent during the same period.

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B. Current Trends

These trends have persisted through 1974-1975, but with manufacturing suffering heavy losses from lay-offs and the failure of marginal firms (Table III). The non-manufacturing sector, however, continued to experience reasonably healthy gains in spite of a recessionary economy.

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C. Future Trends

Behind this difference in performance between manufacturing and non-manufacturing lies a critical distinction between these two sectors, namely, that non-manufacturing reacts chiefly to the local and regional economies while manufacturing is influenced by national location factors. Hence, non-manufacturing has continued to grow in the County as the forces of suburbanization attract people and their purchasing power to the County from the core of the New York Metropolitan Area. In the future, this process will slow, but will continue to provide some basis for expansion. Non-manufacturing employment also can be expected to be bolstered by an

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TABLE II

EMPLOYMENT<sup>1</sup>  
PAST TRENDS

	<u>1967</u>	<u>1973</u>	<u>Percent Change</u>	
Manufacturing	85,300	90,000	6	
Non-Manufacturing	108,300	158,800	39 <sup>2</sup>	20
Total	193,600	248,800	24 <sup>2</sup>	

<sup>1</sup> Total (Middlesex County Planning Board)

<sup>2</sup> Percentages were based on 1973 figures slightly lower than those given since the 1973 study was slightly more comprehensive than was that of 1967.

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TABLE III

EMPLOYMENT<sup>1</sup>  
CURRENT TRENDS

	<u>1974</u>	<u>1975</u>	<u>Percent Change</u>	
Manufacturing	94,000	79,600	-15	
Non-Manufacturing	157,000	160,800	2	
Total	251,000	240,400	- 4	

<sup>1</sup> Without agriculture and some self-employed (Bureau of Labor Statistics).

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-9-

increase in the relative importance of tertiary (service) industries and, in the near future, by growth compensating for past backlogs in service demands in the County. The combination of these three factors should produce moderately healthy gains in services, retail, wholesale, and government. Although the rate of increase will be slower than in the 1960's, white collar, office, professional, and service occupations should prove to be the County's chief growth sectors in the future (Table IV). 10

Manufacturing, however, will expand much more slowly. In the northeast, manufacturing is highly market-oriented, i.e. it locates near concentrations of population and income. But high growth rates in population and income are occurring in the southern and southwestern parts of the U.S., with relatively low growth in the northeast. Thus the relative attractiveness of manufacturing sites is shifting from the north to the south and west, and manufacturing will tend to shift location accordingly, a trend expected to continue through the future. 20

#### D. Methods and Comparisons 30

Table IV contains rough preliminary figures reflecting this change. The basic projection approach used was the shift share method in which the County's growth is calculated as a share of the growth of the County's economic region (the New York Metropolitan Area). These projections assume no extraordinary events affecting employment. Method I represents the low side and Method II the high side of the approximate employment range expected. Two intermediate methods and evaluation of various 40

-10-

economic factors will precede a final selection of expected employment for the year 2000.

Table V compares the new preliminary employment projections with those done in 1967 and with those of the three major regional planning agencies. Most of these agencies' projections are recent downward revisions of older optimistic projections similar to the County's 1967 figures. These downward shifts were made as the expansionary economy of the 1960's slowed under the impact of adverse economic conditions initiated by the Vietnam War, a process which was continued by lower population levels, reduced buying power, and the shift of economic growth away from the northeastern states.

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Although Middlesex County's high economic viability in the past will continue to give it some economic advantages in the New York region. However, the County is too small an area to entirely escape the general slump accruing to manufacturing as a result of nationwide economic shifts affecting the whole northeast. The County's future economic strength will increasingly be in the area of the non-manufacturing sector, especially services, wholesale, retail and government. This will mean that the County must manage a transition from an economy strongly based on manufacturing to one increasingly founded on the non-manufacturing sector.

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TABLE IV

EMPLOYMENT<sup>1</sup>  
FUTURE TRENDS

	<u>1985</u>	<u>2000</u>	
<u>Method I</u>			
Manufacturing	90,000	94,600	
Non-Manufacturing	206,800	299,400	
Total	296,800	394,000	20
<u>Method II</u>			
Manufacturing	103,600	126,800	
Non-Manufacturing	223,700	277,000	
Total	327,300	403,800	

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Middlesex County Planning Board.

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## TABLE V

EMPLOYMENT  
COMPARISON WITH OTHER AGENCIES

<u>Agency</u>	<u>1985</u>	<u>2000</u>	<u>10</u>
Port Authority	338,000	-	
Regional Plan Association	326,700	-	
Tri-State	301,600	370,100	
Middlesex County (1967)	343,400	502,400	20
Middlesex County (1976)			
Method I	327,300	403,800	
Method II	296,800	394,000	

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TABLE D-1

SUMMARY: SELECTED FAIR SHARE HOUSING NEED PROJECTIONS  
FOR EAST BRUNSWICK, N.J.  
1975 - 1980

		1975	1980
		Total # Low/Moderate Income Units	Total # Low/Moderate Income Units
Urban League Estimates	Initial	3767	4529
	Adjusted	1583	1875
Job/Housing Balance Estimates	A	1353	1561-1706
	B	1353	1479-1548
Urban County HAP Plan Estimates		1469	2121

Note: Total need includes existing units and new additional units that are needed.

1. Urban League Estimates: Initial - see NCADH. inc. memo 2/2/76.  
Adjusted - based on Tables E-1, E-2, E-3 by RPP, Inc.
2. Job/Housing Estimates: Based on Tables F-1, F-2, F-3 by RPP, Inc.  
A = under present township zoning ordinance.  
B = under proposed master plan.
3. Urban County HAP: See March 1976 application.

TABLE E-1

DETERMINATION OF INITIAL ALLOCATION BASED ON EQUAL SHARE  
 EAST BRUNSWICK, N. J.  
 (Urban League Method, Adjusted)

	1 Total Units	2 # Substd. Units	3 # Std. Units	4 Twp. % of County Total Std.	5 Unmet Hsg. Need	6 Initial Allocation Equal Share
EAST BRUNSWICK	9,095	244	8,851	5.4%	---	1,612
COUNTY	171,711	8,266	163,445	100.0%	29,854	29,854

- Sources:
1. 1970 Census - "Selected Population & Housing Statistics for Middlesex County
  2. "Quality of Housing" - 1975 by Middlesex County Planning Board (MCPB)
  3. Subtract Col. 2 from Col. 1.
  4. From Col. 3.
  5. 1970 estimate by MCPB - Urban County HAP 1975 includes expected to reside.
  6. From Col. 4 and Col. 5.

TABLE E-2

DETERMINATION OF # LOW/MODERATE INCOME FAMILIES ADEQUATELY HOUSED  
 EAST BRUNSWICK, N. J.  
 (Urban League Method, Adjusted)

	7 Family Incomes Under \$8,500	8 Net Housing Need	9 # Low/Mod Families Adequately Housed	10 Adjusted Share
EAST BRUNSWICK	991	592	399	1,213
COUNTY	34,519	29,854	4,765	25,089

Sources: 7. 1970 Census

8. 1970 Estimate by MCPB - Urban County HAP 7/75.

9. Subtract Col. 8 from Col. 7.

10. Subtract Col. 9 from Col. 6 (on Table E-1).

TABLE E-3

FAIR SHARE HOUSING NEEDS 1975 - 1980  
 EAST BRUNSWICK, N. J.  
 (Urban League Method, Adjusted)

	11 Vacant Land	12 % of County Land	13 Redist. of Balance of Unmet Need	14 Fair Share 1970	15 % Fair Share Total	16 Total Inc. 1970 - 75	17 Fair Share 1975	18 Total Inc. 1975 - 80	19 Fair Share 1980
EAST BRUNSWICK	3,395	3.4	162	1,375	4.6	208	1,583	293	1,875
COUNTY	101,328	100.0	4,765	29,854	100.0	4,518	34,372	6,373	40,745

- Sources:
11. Vacant Developable Land - 1975 "Preface to Planning."
  12. Based on Col. 11.
  13. Col. 9 (4,765 units) balance redistributed by % of Col. 12.
  14. Col. 10 (Table E-2) plus Col. 13.
  15. Based on Col. 14.
  16. Fair Share % (Col. 15) of 4,518 units - new housing produced 1975. MCPB figures interpolated.
  17. Col. 14 + Col. 16.
  18. Fair Share % (Col. 15) of 6,375 units - new housing estimated 1975 - 1980. MCPB figures interpolated.
  19. Col. 17 + Col. 18.



TABLE F-1

EAST BRUNSWICK'S SHARE OF PROJECTED REGIONAL EMPLOYMENT, 1975-80  
(Job/Housing Balance Method)

REGION <sup>1</sup> (Middlesex County)	1975 # of Jobs	1980 Est. # of Additional Jobs
EAST BRUNSWICK SHARE <sup>2</sup>		
Existing	12,100	---
A Projection	---	987 - 1,520
B Projection	---	564 - 869

Sources: <sup>1</sup>Estimates by MCPB - 1/76 interpolated by RPP, Inc.

<sup>2</sup>Based on ratio of Township zoned & vacant developable job producing lands to those in the County. Ratio assumed constant for period of projection.

A projection based on existing Township zoning = 3.5%.

B projection based on Proposed Master Plan = 2.0%.

TABLE F-2

EAST BRUNSWICK'S FAIR SHARE BASED ON EXISTING ZONING, 1975-80  
(Job/Housing Balance Method)

	EXISTING <sup>1</sup> Low/Mod Hsg. Need	FAIR SHARE <sup>2</sup>					Total Need 1975 - 1980	
		1970-1975 Additional <sup>3</sup> Housing Need			1975-1980 Additional Housing Need			
		# Low	# Mod	Total # Units	# Low	# Mod		Total # Units
EAST BRUNSWICK	850	186	317	503	82 - 139	126-214	208-353	1561 - 1706

Sources: <sup>1</sup>Based on East Brunswick HAP - 1976.

<sup>2</sup>Determined as follows:

- a) Regional share of jobs (Table F-1) X .7 = Total new household units.  
(.7 factor reflects ratio of average State employed household heads to total number of resident households, which means about 30% of all households have more than one wage earner.)
- b) Total new household units X .32 = Total # new low/mod units needed.  
(.32 factor taken from Urban County HAP, which indicates 32% of new jobs to be created would be for low/mod income salaried households.)
- c) Total # low/mod units X (.37) or (.63) respectively to determine low/mod income units.  
(.37 and .63 factors from 1970 Census.)

<sup>3</sup>Total number derived as in Footnote 2 adjusted by existing low/moderate units available in Township from Tax Assessor Records 1975.

TABLE F-3

EAST BRUNSWICK'S FAIR SHARE BASED ON PROPOSED MASTER PLAN, 1975-1980  
(Job/Housing Balance Method)

	EXISTING <sup>1</sup> Low/Mod Hsg. Need 1975	FAIR SHARE <sup>2</sup>					Total Need 1975 - 1980	
		1970-1975 Additional <sup>3</sup> Housing Need			1975-1980 Additional Housing Need			
		# Low	# Mod	Total # Units	# Low	# Mod		Total # Units
EAST BRUNSWICK	850	186	317	503	47-72	79-123	126-195	1479 - 1548

Sources: <sup>1</sup>Based on East Brunswick HAP - 1976.

<sup>2</sup>Determined as follows:

- a) Regional share of jobs (Table F-1) X .7 = Total new household units.  
(.7 factor reflects ratio of average State employed household heads to total number of resident households, which means about 30% of all households have more than one wage earner.)
- b) Total new household units X .32 = Total # new low/mod units needed.  
(.32 factor taken from Urban County HAP, which indicates 32% of new jobs to be created would be for low/mod income salaried households.)
- c) Total # low/mod units X (.37) or (.63) respectively to determine low/mod income units.  
(.37 and .63 factors from 1970 Census.)

<sup>3</sup>Total number derived as in Footnote 2 adjusted by existing low/moderate units available in Township from Tax Assessor Records 1975.

TABLE G-1  
 EAST BRUNSWICK'S FAIR SHARE BASED ON URBAN COUNTY HAP PLAN  
 1975 - 1980

	EXISTING Low/Mod Hsg. Need 1975	FAIR SHARE						Total Need 1975 - 1980
		1970-1975 Additional Housing Need			1975-1980 Additional Housing Need			
		# Low	# Mod	Total # Units	# Low	# Mod	Total # Units	
EAST BRUNSWICK	850	229	390	619	241	411	652	2121

Sources: Urban County HAP - March 1976 - Fair Share #'s to 1975 & 1980 interpolated by RPP, Inc.

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NALD J. BUSCH  
RTRAM E. BUSCH  
RK N. BUSCH  
NARD R. BUSCH

AREA CODE 201  
247-1017

April 19, 1976

Hon. David D. Furman  
Douglas Road  
Far Hills, New Jersey

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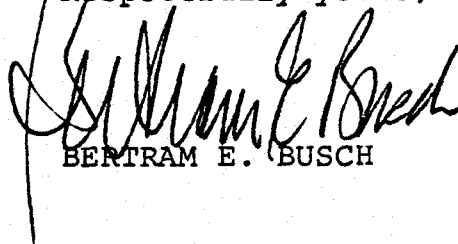
Re: Urban League of Greater New Brunswick, et al  
vs. The Mayor and Council of the Township of  
East Brunswick, et als  
Our File No. EB-183  
Docket No. C-4122-73

Dear Judge Furman:

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I enclose Reply Brief on behalf of the defendant,  
Township of East Brunswick.

Respectfully yours,



BERTRAM E. BUSCH

BEB/jkr  
Enclosure  
cc: All Counsel

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SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
MIDDLESEX COUNTY

URBAN LEAGUE OF GREATER  
NEW BRUNSWICK, et al

:

DOCKET NO. C-4122-73

Plaintiff

:

vs.

Civil Action

THE MAYOR AND COUNCIL  
OF THE TOWNSHIP OF  
EAST BRUNSWICK, et al

:

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Defendant.

:

---

REPLY BRIEF ON BEHALF OF TOWNSHIP  
OF EAST BRUNSWICK

20

---

BUSCH AND BUSCH  
Attorneys for Township  
of East Brunswick  
99 Bayard Street  
New Brunswick, N.J.

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Bertram E. Busch  
On the Brief

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LEGAL ARGUMENT

The Court's attention is directed to Executive Order No. 35 signed by Governor Brendan Byrne on April 2, 1976, a copy of which is annexed hereto. It would appear that the defendant municipalities are being subjected to a multiplicity of standards and requirements emanating from the Executive branch of government as well as the Judiciary. Under the Executive Order, the Director of the Division of State and Regional Planning is required by February 2, 1977 to allocate housing goals. The factors to be considered are left to the discretion of the Director under Paragraph 3. Conceivably he may establish a housing goal for Middlesex County completely at odds with that proposed by Ernest Erber or Douglas Powell, who have each come up with their own criteria and numbers. Paragraph 12 of the Order provides that State officials, for purposes of providing incentive aid, shall give priority to municipalities which are providing a fair share of low and moderate income housing in accordance with the Order.

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Plaintiffs concede on Page 21 of their post-trial brief that the court should exercise judicial restraint. It is submitted that Executive Order No. 35 is further reason for such an approach.

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The Court's attention is also directed to a zoning case involving the Township of Montville in which Judge Gascoyne

ordered the Township to adopt a new zoning ordinance providing for low and moderate income housing no later than January 31, 1977. This time frame contrasts with the 45 day time limit which the plaintiffs suggest on Page 22 of the post-trial brief, footnote #3.

The Court's attention is directed to Appendix B, Part II submitted by plaintiffs. In this Appendix plaintiffs, in the name of providing housing for persons of low and moderate income, brush aside all planning techniques, good and bad. Many of the techniques such as requiring "no-look-alike" provisions and no slab houses, were written in the first place so as to prevent a repetition of the Urban decay which brings the plaintiffs into court. Plaintiffs presented no evidence against East Brunswick and no pretrial notice that the "no-look-alike" ordinance would be attacked, that the ordinance requiring a basement would be challenged or that an ordinance would be sought permitting conversion of single family dwellings to two or more dwellings. If plaintiffs' recommendations were followed, Short Hills might wind up looking like Newark and Far Hills like Manville.

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The Court should limit its ruling to those ordinances involving lot size, frontage, square footage and multi-family housing.

With regard to the proposed Order submitted by plaintiffs as Appendix G, East Brunswick objects strenuously to sub-

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C317 SEP 1979

# Superior Court of New Jersey

APPELLATE DIVISION

DOCKET NO. A-4681-75

URBAN LEAGUE OF GREATER  
NEW BRUNSWICK, ET ALS.,

*Plaintiff-Respondent*

vs.

THE MAYOR AND COUNCIL OF  
THE BOROUGH OF CARTERET, ET ALS.,

*Defendant-Appellant.*

Civil Action

On Appeal From  
Judgment of the Superior  
Court of New Jersey,  
Law Division,  
Middlesex County

Sat Below:  
Hon. David D. Furman, J.S.C.

## APPENDIX FOR DEFENDANT-APPELLANT, TOWNSHIP COUNCIL OF THE TOWNSHIP OF EAST BRUNSWICK

VOLUME II

*Bertram E. Busch  
and  
Marc Morley Kane  
On The Brief*

**BUSCH & BUSCH**  
99 Bayard Street  
New Brunswick, N.J. 08903  
(201) 247-1017  
*Attorneys for Defendant-Appellant  
Township Council of the Township of  
East Brunswick*

paragraph (b), which purports to set the regional housing need for 1980 at 75,754 units. East Brunswick would agree with figures submitted by Doug Powell that the total number of new units required would be 11,300, with 5,000 required in the 20 Urban County communities.

East Brunswick objects to subparagraph d of the Order as to the 45 day time table, the requirement of a common formula, and the requirement that each plan submitted shall equal the alleged County need.

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Objection to subparagraph e is also based on the 45 day requirement while objection to subparagraph f is based, in addition, to the requirement that defendants will meet regularly with plaintiffs in order to discuss progress.

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The remaining terms of the proposed order are presumptuous.

If the Court should rule against any of the defendants, the ruling should, at the most, allocate a number of units or acres to be devoted for low and moderate income households. There should be no further requirement for any municipality to work in common with any other municipality, with the plaintiffs, or with the County. The court should retain jurisdiction to insure compliance. The remainder of plaintiffs complaint and proposed form of Order should be disregarded.

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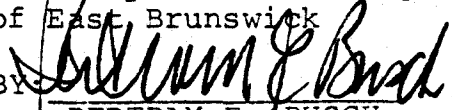
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CONCLUSION

For the reasons set forth above, it is submitted that much, if not all, of plaintiffs post-trial material, be disregarded.

Respectfully submitted

BUSCH AND BUSCH  
Attorneys for Township  
of East Brunswick

BY   
BERTRAM E. BUSCH  
A Member of the Firm

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STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

150a

EXECUTIVE ORDER NO. 35

WHEREAS, there exists a serious shortage of adequate, safe and sanitary housing accommodations for many households at rents and prices they can reasonably afford, especially for low and moderate income households, newly formed households, senior citizens, and households with children; and

WHEREAS, it is the policy of the State of New Jersey, as reflected in numerous acts and programs, to alleviate this housing shortage; and it is the law of the State of New Jersey that each municipality, by its land-use regulations provide the opportunity for the development of an appropriate variety and choice of housing for all categories of people, consistent with its fair share of the need for housing in its region; and

WHEREAS, it is the policy of the State that local government should be the primary authority for planning and regulating land-use and housing and housing development; and that the State shall provide appropriate assistance to local governments so that municipalities can meet their obligation to provide an opportunity for the development of an appropriate variety and choice of housing for all categories of people, consistent with the municipality's fair share of the need for housing in its region; and

WHEREAS, the laws of the State of New Jersey (P.L. 1944, c. 85; P.L. 1961, c. 47 P.L. 1966, c. 293; P.L. 1967, c. 42) authorize the Division of State and Regional Planning to conduct comprehensive planning, to plan for housing needs, and to provide planning assistance to local governments; and

WHEREAS, continuation of financial assistance by the federal government to the State for comprehensive planning under section 701 of the Housing Act of 1954, as amended by the Housing and Community Development Act of 1974, is contingent upon the Division of State and Regional Planning carrying out an ongoing comprehensive planning process, including, as a minimum, preparation of a housing element and land-use element by August 22, 1977;

NOW, THEREFORE, I, BRENDAN BYRNE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT that:

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*J. Zeviani*  
SECRETARY OF STATE

1. The Director of the Division of State and Regional Planning, in accordance with the provisions of this Order, shall prepare State housing goals to guide municipalities in adjusting their municipal land-use regulations in order to provide a reasonable opportunity for the development of an appropriate variety and choice of housing to meet the needs of the residents of New Jersey.

2. The Director shall allocate housing goals pursuant to this Order, as expeditiously as feasible, but no later than 10 months from the date of this Order and no later than 2 years after each future decennial census. Periodically the Director may reevaluate the adequacy of the current State housing survey and may make appropriate changes in housing goal allocations.

3. The Director shall complete a housing needs study which takes into account:

- (a) the existence of physically substandard and overcrowded housing in the State;
- (b) the existence in the State of households paying a disproportionate share of income for housing; and
- (c) other factors as may be necessary and appropriate.

4. All agencies of State Government shall cooperate with the Director and furnish such copies of any data, reports or records as may be required by the Director to discharge the responsibilities under this Order and as may be available in accordance with applicable law and regulations.

5. The State housing need as determined by the housing needs study shall serve as the basis upon which the Director shall formulate a "State Housing Goal" and allocate this goal to each county or group of counties. The formulation of the State housing goal, to the extent the Director deems appropriate, shall take into account the capacity of the public and private sector to ameliorate the State housing need within a reasonable time period. The Director also may announce the State housing goal in time stages.

6. a. The Director, in allocating this goal to each county or group of counties, shall take into account the following:

- (1) The extent to which housing need exists in each county or group of counties.

- (2) The extent to which employment growth or decline has been experienced in each county or group of counties.
- (3) The extent to which the fiscal capacity to absorb the housing goal exists within each county or group of counties.
- (4) The extent to which appropriate sites to provide for the housing goal exist within each county or group of counties.
- (5) Other factors as may be necessary and appropriate.

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b. Consistent with these standards, the Director may suballocate the housing goal or goals of a county or group of counties to groups of contiguous municipalities comprising major geographic areas of a county or group of counties.

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7. The housing goal allocated to each county shall specify a minimum number of housing units economically suitable for different segments of the population for which an adequate range of appropriate sites should be made available within the county. Appropriate sites include any land or residential structure that is suitable or amenable to providing a location for housing development, redevelopment, rehabilitation, or program of assistance for existing housing.

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8. The Director, except as provided in Section 9 of this Order, shall allocate each county housing goal among the municipalities in a county and each housing goal for a group of contiguous municipalities selected pursuant to Subsection 6 b. of this Order among the municipalities within such a group. This allocation of a county housing goal among municipalities in a county or a group housing goal among the municipalities in a group of contiguous municipalities selected pursuant to Subsection 6 b. of this Order shall take into account the following factors.

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- (a) The existence at the municipal level of physically substandard and overcrowded housing.
- (b) The existence at the municipal level of households paying a disproportionate share of income for rent.
- (c) Past, present and anticipated employment growth and relative access to these employment opportunities by

low and moderate income workers.

- (d) Relative availability of appropriate sites for housing on a municipal basis.
- (e) Relative capacity of municipalities to absorb additional housing units as measured by fiscal capacity.
- (f) Relative municipal shares of low and moderate income households, and anticipated change in such households.
- (g) Past, present and anticipated residential and non-residential municipal growth patterns.
- (h) The existence of a county development plan as it relates to fair share housing needs in that county.
- (i) Other factors as may be necessary and appropriate.

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9. The Director may delegate to a county planning board the authority to allocate the county housing goal among the municipalities in the county and any housing goals for groups of contiguous municipalities selected pursuant to Subsection 6 b. of this Order among the municipalities within such groups. Such county planning board allocation shall conform to the standards in Section 8 of this Order and appropriate guidelines provided by the Director. If a county planning board does not allocate the municipal housing goals in a reasonable period of time, as determined by the Director and consistent with the time periods of Section 2 of this Order, or if the Director determines that the allocations do not conform to the standards in Section 8 of this Order and the guidelines provided by the Director; then the Director, consistent with the standards of Section 8, shall perform the housing goal allocation which had been delegated to the county planning board.

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10. (a) The Director may promulgate the allocations required pursuant to Section 8 of this Order and may authorize a county planning board to promulgate allocations pursuant to Section 9 of this Order in time stages which give a priority to the promulgation of allocations for developing municipalities.

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(b) The Director may promulgate the allocations required pursuant to Section 8 of this Order and may authorize a county planning board to promulgate the allocations required pursuant to

Section 9 of this Order by initially promulgating collective allocations to small groups of contiguous municipalities which individually would receive relatively low allocations pursuant to Section 8 of this Order.

11. The Director shall provide opportunities for the public, other agencies of State government; and regional, county, and municipal planning agencies to comment on the determinations of housing need and the allocation of housing goals pursuant to this Order.

12. State officials administering state and federal programs providing grant and loan aid and technical assistance to municipalities and counties for open space preservation, sewerage improvements, community development, local program management and comprehensive planning, housing development and demonstration projects, housing finance, interlocal services; and the construction, repair, and maintenance of municipal and county roads and bridges; local street lighting projects, and programs supporting public transportation shall, in accordance with existing law and for purposes of providing incentive aid consistent with the objectives of this Executive Order, give priority where appropriate to municipalities which are meeting or are in the process of meeting a fair share of low and moderate income housing needs. State officials participating in regional planning activities and regional clearinghouse review and comment decisions on municipal and county applications for federal funding shall take into account whether a municipality or group of municipalities is meeting or in the process of meeting a fair share of low and moderate income housing. Any municipality in which a disproportionately large share of low and moderate income households resides and which is making an effort to improve housing conditions shall not be assigned a lower priority under the provisions of this section.

13. The Director may establish procedures and guidelines for determining whether a municipality has reasonably accommodated its municipal housing goal, as determined pursuant to this Order, and may report periodically on the progress of municipalities in complying with their respective allocations.

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14. The Director of the Division of State and Regional Planning shall continue to prepare comprehensive housing and land-use plans for guiding development decisions in this State. This comprehensive planning activity, consistent with the fair share housing objectives of this Order, shall continue to be a part of the housing and land-use programs of this State.

GIVEN, under my hand and seal this  
2nd day of April,  
in the year of Our Lord, one  
thousand nine hundred and seventy-  
six of the Independence of the  
United States the two hundredth.

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*[Handwritten Signature]*  
GOVERNOR

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ATTEST:

*[Handwritten Signature]*  
Executive Secretary to the Governor

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FILED

APR 2 1976

*[Handwritten Signature]*  
SECRETARY OF STATE

**BUSCH AND BUSCH**

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ATTORNEYS FOR Township of East Brunswick

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URBAN LEAGUE OF GREATER NEW  
BRUNSWICK, et al

Plaintiff

vs.

THE MAYOR AND COUNCIL OF THE TOWNSHIP  
OF EAST BRUNSWICK, ET als

Defendant

SUPERIOR COURT OF  
NEW JERSEY  
CHANCERY DIVISION  
MIDDLESEX COUNTY

*Docket No.* C-4122-73

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**CIVIL ACTION**

**CERTIFICATION**

1. My name is Gerald Lenaz and I am a licensed professional planner employed by Raymond, Parish & Pine, Inc. I testified on behalf of the Township of East Brunswick in the above captioned matter.

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2. Attached to this Certification is a letter dated April 19, 1976 addressed to Bertram E. Busch, Esq., Township Attorney for

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the Township of East Brunswick together with two memoranda in response to Appendix A and Appendix B submitted to the Court by the Plaintiffs.

3. I hereby 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.

DATED: April 19, 1976

  
GERALD LENAZ

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**Raymond, Parish & Pine, Inc.**

519 Federal Street Camden, New Jersey 08103 (609) 541-9441

BORGE M. RAYMOND, A.I.P., A.I.A.  
 ATHANIEL J. PARISH, P.E., A.I.P.  
 MUEL W. PINE, A.I.P.

April 19, 1976

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 Director, New Jersey branch office

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 BETH LANDAU LITT, A.I.P.  
 WILLIAM R. LUCAS, A.I.P.  
 WILLIAM R. McGRATH, P.E.  
 JIM MOHR, A.I.P.  
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 DAVID WEINER, A.I.P.

Mr. Bertram E. Busch  
 Busch & Busch  
 Counsellors at Law  
 99 Bayard Street  
 P. O. Box 33  
 New Brunswick, New Jersey 08903

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Dear Bert:

Enclosed are two separate memorandums relating our comments to the materials you forwarded us last week. I might point out that our earlier memos (March 11 and March 23) provide further insights into the issues raised by the various Appendices forwarded. They can be used as you deem appropriate.

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It appears that with the introduction of the Mallach "fair share" model, the plaintiffs are establishing an arena for negotiation. In that regard, I have the following observations to offer:

- (1) On a simple basis, we have developed a fair-share scheme related to balancing new jobs with new housing units (March 23 memo). It too, however, is subject to scrutiny as is any model.

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Perhaps the route to follow is to gain from the court an agreement as to the basic principles that should be included in a fair-share program, without a definitive allocation method established.

The responsibility for devising such a method should rest with the County Planning Agency, as the "regional" body. Each municipality could then participate in an open discussion to decide the best "method" for its own collective destiny.

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The courts could define a time limit for results. I feel the end result will be more equitable, since political realities and practicalities of implementation can occur in a more conducive atmosphere, free from courtroom strategies.

While we have suggested some criteria to be used in arriving at a fair-share scheme, there is an obvious danger in trying to find the perfect criteria or attempting to perfect selected criteria to exact indicators. A fair-share scheme for this county should really be a negotiated process amongst the municipalities under the burden of a legal mandate.

- (2) In devising a fair-share scheme, the criteria below, for various parts of the scheme, would seem important to be considered. It is not an inclusive list but a basis for initiating a negotiated fair-share scheme. We would tend to favor an unweighted application of the allocation criteria. If needed, a numerical average of various criteria can be taken, since no one factor can really assess the appropriate distribution.

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### NEED

- Agreement that county is basis for plan.
- Establishing the existing need for lower-income (low plus moderate) housing units; there seems to be general agreement on this already established through the County's and Township's Housing Assistance Plan (HAP) (e. g. , substandard units plus financially imbalanced units).

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Non-resident commuters should be excluded from the calculations, since their regions should provide housing opportunity. Inclusion of this figure is an artificial inflation of need.

One could develop projected need based on the number of new lower-income jobs in the county and its municipal areas.

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### INITIAL ALLOCATION

- On an equal basis, distribute the total need to each municipality.
- Distribute total need in the proportion that a municipality's existing lower-income units are to the county.
- Distribute total need in the proportion that a municipality's population is to the county.
- Distribute total need in the proportion that total lower-income units are to the total county population, as well as its inverse.
- Distribute total need in the proportion that a municipality's projected jobs (or lower-income jobs) are to the total projected county jobs.

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An average of the above would be used as the initial allocation number.

### MODIFIED ALLOCATION

Once an initial allocation is made, a series of modifiers could be applied related to the suitability of an area to absorb lower-income housing units.

- Credit for existing lower-income units in a municipality.
- Availability of vacant land suitable for development.
- Availability of serviced vacant land suitable for development (with utilities) to 1980.
- Where impact on the school system will not be detrimental (e. g. , assessed valuation per pupil, overcrowding in schools, existing additional school capacity—an average of the three).
- Where impact on the municipal service system will not be detrimental (e. g. , per capita financial resources, remaining municipal indebtedness—an average of the two).

### IMPLEMENTATION ALLOCATION

With an allocation scheme in hand based on need and fair share, a realistic assessment of actual implementation should be made—the allocation plan should be "strategized." This is perhaps the most difficult part of the fair-share scheme; but if the plan is to be realized beyond a legal mandate, it should be considered.

- Areas should be designated to develop lower-income units before others. Such areas should receive priority in receipt of federal housing subsidies. In fact, such funds should be a condition of meeting the priorities.
- An upper limit of units should be set for those first-priority areas; when reached, then priority would shift to second areas, third and so on.
- Priority could be established according to an overall short-range development plan established by the county with municipal participation.

Rate of anticipated growth in each community should be the basis for encouraging priority rankings. Faster growing communities, particularly in terms of jobs, should be expected to provide suitable housing opportunities in proximity to such jobs.

Finally, adjustments should be made within a 5-year period. Changes in growth rates, receipt of subsidy funds, revised projections made of new or lower housing needs, etc. would all account for readjustments of priorities and allocations. Guarantees of consistency in allocation criteria, as well as credit for provision of lower-income units, have to be made to insure an equitable long-term application of a fair-share scheme.

Good luck in court!

Sincerely,

RAYMOND, PARISH & PINE, INC.

*Gerald Lenaz*  
Gerald Lenaz

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GL:ie  
Enclosures  
cc: Mr. C. Hintz

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April 19, 1976

GERALD C. LENAZ, AIA, AIP  
Director, New Jersey branch office

M. RAYMOND, A.I.P., A.I.A.  
MEL J. PARISH, P.E., A.I.P.  
W. PINE, A.I.P.

D. J. BULLER, P.E., A.I.P.  
ANDREW LITT, A.I.P.  
DR. LUCAS, A.I.P.  
DR. McGRATH, P.E.  
DNR, A.I.P.  
L. PLAVNICK, A.I.P.  
J. RYBCZYK  
SCHWARTZ, A.I.P.  
MUSTER, A.I.P.  
I. TURNER, A.I.P.  
WEINER, A.I.P.

MEMORANDUM

To: Bertram E. Busch, East Brunswick Township Attorney

From: RAYMOND, PARISH & PINE, INC.

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Subject: Reactions to Urban League - Appendix B - Part 1

The plaintiff's Appendix B - Part 1 generalizes on restrictive elements found in eleven defendant municipalities' (East Brunswick included) zoning ordinances. We provide the following observations keyed to the plaintiff's points regarding restrictive elements, also noted on their chart "Summary of Exclusionary Elements."

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In most instances, testimony has already been provided by the Township in areas where alleged points of "exclusion" are questionable or the basis for plaintiff's allegations as specifically applied to the Township are not reasonable.

To that extent, we have summarized past testimony and refer the reader to the trial record for a further explanation of the summary remarks.

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Point (1)-(3) We concur that residential zones should be provided within which varied standards from "minimal" to "high" can be achieved. Testimony has been presented which noted the existence in the Township of modest single-family housing on small lots within the modest standards presented by the plaintiffs. Cluster zoning provisions exist in both R-1 and R-2 zones (highest lot size requirements) allowing reduction in lot size and building area to the next lower residential zone. This essentially provides lot size reductions from 43,560 to 20,000 SF and from 20,000 to 15,000 SF with reductions in setbacks and building floor area.

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Further, the Township is in the process of revising its Master Plan and pertinent zoning ordinances to increase the extent of residential land area available for modest-cost housing.

Point (4) Some of the sub-points here don't apply to East Brunswick's ordinance. Testimony established that the basement requirement was an option available due to topographic considerations. It was applicable only to the multi-family use zone in the Township ordinance.

Point (5) Multi-family uses are permitted in East Brunswick's zoning ordinance in the 0-1 district. The plaintiff's chart is incorrect in this regard.

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Point (6) Inapplicable, since multi-family uses are permitted by right.

Point (7) There are about 4 vacant acres remaining in the 0-1 zone of the Township. A total of 111 acres exist.

Point (8) Testimony has been introduced regarding East Brunswick's parking requirements as not being excessive.

Point (9) Testimony has been previously introduced responding to the various allegations of restrictive provisions cited in this point. The testimony established the reasonableness of the Township's ordinance with regard to the applicable allegations [e.g., sub-point 9(a), (c), (e) — bedroom restrictions were rescinded from the ordinance during the trial proceedings, and (g)].

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Points (10)+(11) Mobile homes exist in the Township, although not by right. It is questioned whether every municipality must provide for every conceivable form of housing type within its boundary.

Point (12) Inapplicable, since PUD or similar zone does not exist in the ordinance.

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With regard to the plaintiff's "Standards for the Cleansing of Exclusionary Zoning Ordinances," we have the following reactions:

Point (1) We are troubled by the implication of following the plaintiff's reasoning and standards in this point, although we can appreciate the intent.

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With regard to standards, the effect of utilizing the plaintiff's suggested standards, without modification, would create physically intolerable residential developments.

For example, a lot density of 10 dwelling units per acre is suggested for both modest single-family detached and attached dwellings. Further, lots of 6,000 SF or less are advanced.

With regard to detached units on lots of 6,000 SF or less, a density of 10 to the acre would result in average lots of 4,350 SF; the housing units produced on such lots would have little setback, open space or physical amenity. The very premise of innovative land design principles to reduce construction costs and enhance to the maximum the livability of a residential area subject to higher density is violated.

We believe lots, 1/4 acre or 10,000 SF in size, for single-family detached homes should be a lower limit in a zone created solely for detached units. Below this lot size, either some form of clustering should prevail, keying lower lot size to increased open space, or only attached units should prevail. In the broad sense, this would at least produce a tolerable residential environment with adequate and modest physical amenity, providing reasonable site design principles are established. This is not to say that smaller lots for detached units are not possible. However, such further reductions in a 1/4 acre lot size should be permitted only under some form of "clustering" ordinance provisions. This will ensure a more economical and physically pleasing residential area in a planned fashion. Perpetration of "cookie-cutter" subdivisions will be eliminated, and wasteful use of diminishing land resources in Middlesex County will be avoided.

With regard to attached units in a fee simple arrangement, lot densities of 10 to the acre is exceedingly high. In order to create a livable environment, common planning practice suggests a range of 5-8 units per acre.

In an attempt to create higher densities, a host of additional design standards is required. These would ensure that inhabitants of such denser areas, at a minimum, would have adequate open space, which physically makes higher-density living a pleasant experience and not just a tolerable existence.

We are troubled by the plaintiff's suggestion to allocate at least 3 times the amount of residential land needed to provide flexibility for uneven growth rates. This, in effect, is blatant "over zoning" for residential uses.

Clearly, the very essence of sound community planning is to create an appropriate balance between various land uses in an area; a principle implicit in the State's new Municipal Planning Act. Over-zoning land to account for uneven residential growth will not ensure the production of housing units on Y acres.

More direct control of the private-housing sector to stimulate or retard housing construction, coupled with consumer demand, enables such production schedules to be achieved. Indeed, such devices are beyond the realm of zoning.

The idea of maximum building areas, with exceptions for eventual additions, for modest single-family housing is a good one. However, we would suggest a sliding scale of maximums be created, keyed to bedroom sizes, as opposed to the flat "1,000 sq. ft. finished interior floor area" suggested by the plaintiff. This will allow some flexibility in dealing with 3, 4 and 5, or larger, bedroom houses within reasonable health and safety standards for livability.

Point (2) Here again, we are troubled by the plaintiff's design standards without additional standards relating to open space, modest site amenity, etc. In multi-family environments, it is exceedingly important to realize the necessity to provide adequate open space, both unimproved and improved, if such environments are to be livable assets in a community.

A variable multi-family density of 10-15 units per acre should be the minimum provision; this affords a variety of garden apartments or other forms of rental unit development to be achieved (condominium townhouses for example). By accepting the plaintiff's flat 15 du site, development of varied rental units type is hampered.

Parking maximums of 1.5/unit offered by the plaintiff is unreasonable and could create severe local traffic safety problems in multi-family developments having larger bedroom units. We would suggest a sliding scale of parking needs geared towards bedroom type. This is a more equitable approach and will allow for a realistic number of parking spaces in each multi-family project.

For those portions of a mixed residential area in which modest multi-family units might be provided, we would agree that if modest minimum floor-space requirements are required, they should be the NJHFA minimum room area standards and not the square footages suggested by the plaintiffs.

We cannot agree with the plaintiff's concept of "over-zoning" for multi-family uses for similar reasons stated earlier in this memorandum.

Point (2) implies a separate zone for multi-family housing under "reasonable and modest standards." We trust we have misinterpreted this implication, since it in effect fosters the creation of isolated areas of "modest" housing in a community. We strongly urge the principle of mixed residential and use developments, containing modest to conventional style residences,

as a basis for avoiding area-wide segregation of people by age and social class. Very clearly, the latter will be the end result of the plaintiff's proposal in suburban communities.

Point (3) We are in agreement with the basic principles advanced regarding use of the PUD or similar mixed use development zones. However, we would offer some clarification on the plaintiff's considerations to be used in drafting PUD-type ordinances.

We cannot agree, given the current mechanisms available to local municipalities for raising money to provide local services, that minimum amounts of industrial/commercial development in a PUD should not be stipulated. One of the basic tenets in a PUD is the inclusion of residential and all forms of compatible, non-residential uses. It is to be a small "town-in-town" where job opportunities are to be provided its residents. Clearly, reasonable standards need to be devised, as noted in the State PUD Law, further clarified in the State's new Municipal Planning Act, regarding the extent of commercial/industrial use in a PUD. 10

If local communities are to remain fiscal solvent, it must have the management control afforded it by a PUD to control residential growth in relation to supportive, non-residential uses. Again, reasonable requirements can be devised to permit this necessity without being "exclusionary" or "restrictive" as defined by the plaintiffs. 20

The plaintiffs imply that the size of a PUD is subject to scrutiny. We would caution that in an attempt to develop reasonable standards, the very premise of a PUD be considered. It is a mixed-use technique subject to overall density controls and a host of other factors. Its size, therefore, should vary depending on its purpose, mix of uses, density, location in an area (urban, suburban or rural situation), etc.

Point (4) Conversion comments are not directly applicable to East Brunswick. 30

Point (5) As noted earlier, we question the necessity of every municipality providing for every form of housing type. Surely, if the test of providing adequate modest housing units for a projected demand can be satisfied, of what concern is the housing type by which the demand is met? It should be a local prerogative as to how it will meet its housing obligation.

Point (6) In principle we would agree to the concept of differential standards as well as special expectation provisions for modest housing units as advanced by the plaintiffs. In application of the principles we would urge caution. 40

Clearly, in separate zones designating single-family or multi-family use, coupled to density bonus or incentive techniques, differential standards on lot and unit size makes sense. But to designate on a zoning map, in a suburban community, a district "modest single- or multi-family" zone only perpetuates social isolation and exclusion.

In the eleven communities under question, land remains in an amount to make mixed residential use zones a more realistic method for achieving a heterogenous community. Within such mixed residential zones, differential standards could be applied coupled to incentive or bonus criteria. This will allow a more successful community balance, in terms of incomes, housing types, etc., to occur.

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GL:ie

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Raymond, Parish & Pine, Inc.

519 Federal Street Camden, New Jersey 08103 (609) 541-9441

GERALD C. LENA, AIA, AIP  
Director, New Jersey branch office

April 19, 1976

RAYMOND, A.I.P., A.I.A.  
L.J. PARISH, P.E., A.I.P.  
PINE, A.I.P.  
  
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HUSTER, A.I.P.  
TURNER, A.I.P.  
WEINER, A.I.P.

MEMORANDUM

To: Bertram E. Busch  
East Brunswick Township Attorney  
  
From: RAYMOND, PARISH & PINE, INC.  
  
Subject: Urban League Fair Share Allocation Formulas

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Highlighted below are our comments regarding Appendix A and Appendix A,  
Part II - Fair Share Allocation Formulas.

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Appendix A - Refinements to Mr. Erber's Model

We are still concerned with the model, as the explanation in Appendix "A" offered no real variation with the exception of modification in the ratio of initial distribution based on existing housing stock.

The model is still weighted towards continuation of existing densities (although somewhat mitigated by the above comment) and still burdens the towns with large amounts of vacant lands, irrespective of their job-producing potential or suitability for development.

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Further, it continues to impose a superficial regional housing burden by including housing needs attributed to lower income, non-resident commuters who work in the county. The model makes no adjustment for the fact that the region in which such workers reside also have an obligation to provide housing

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opportunities. Further, no adjustment is made for more lower-income workers living in, but working outside the county.

#### Appendix A, Part II - Mallach Model

In general terms, the Mallach model suffers from some of the same drawbacks as noted in the Erber model with regard to an unfair imposition of housing need for non-resident commuters without appropriate adjustments. We concur with the Mallach model in regard to its final step; that it is within a municipality's purview to adopt its own housing strategy to accomplish meeting its local and "fair share" needs. 10

With regard to the methodology, it in principle is simple enough to follow, although we question the following methodological techniques: 20

- (a) A clearly defined "vacant land" availability is needed. In principle it should exclude all that is not suitable for development by reason of natural impediment, public/semi-public ownership or physical concerns.

We disagree that capacity of infrastructure, or rather the lack of it, should not be considered in arriving at the initial distribution. While in some communities, over time, infrastructure may be developed in heretofore virgin land; in others, for a variety of reasons expansion of infrastructure will be clearly infeasible and never developed. 30

Adjustments should be made for this fact so that an artificial and an unrealistic share of regional housing is not allocated.

We believe both vacant land and proximity to employment should be given equal weight in any formulas. If anything, employment should be overly weighted in order to achieve a closer job/housing relationship, reducing commuter time and expense. 40

- (b) We concur that proximity to employment is a key factor in any distribution method. For reasons relating to difficulty in developing and administering a fair share scheme, the Mallach proposal, basing

employment proximity in sub-regional groups of municipalities instead of the county as a whole, should be held in abeyance. His formula example goes to the total county as a base for statistical use which is a simpler route to follow.

- (c) The income distribution scheme is heavily weighted towards dispersal of units, particularly in its adjustment for disparity between an existing municipality's percentage of lower-income families to that in the county. In short, those with less get more and vice versa.

Clearly, if adjustments for disparity are made, then other adjustments should be made. For example, additional adjustments for each municipality's ability to absorb such additional units should be made. The "ability" based on fiscal resources, school capacity, etc. should be used to modify the results of such an income distribution scheme if it is to be equitable for all concerned.

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FILED

MAY 4 1976

NOT FOR PUBLICATION WITHOUT THE APPROVAL OF THE COMMITTEE ON OPINIONS

DAVID D. FURMAN, J.S.C.

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

URBAN LEAGUE OF GREATER NEW BRUNSWICK,
a non-profit corporation of the State
of New Jersey; CLEVELAND BENSON;
JUDITH CHAMPION; LYDIA CRUZ; BARBARA
TIPPETT; KENNETH TUSKEY on their own
behalf and on behalf of all others
similarly situated,

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Plaintiffs,

v.

THE MAYOR AND COUNCIL OF THE BOROUGH
OF CARTERET; TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CRANBURY; MAYOR AND COUNCIL
OF THE BOROUGH OF DUNELLEN; TOWNSHIP
COMMITTEE OF THE TOWNSHIP OF EAST
BRUNSWICK; TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF EDISON; MAYOR AND COUNCIL
OF THE BOROUGH OF HELMETTA; MAYOR AND
COUNCIL OF THE BOROUGH OF HIGHLAND
PARK; MAYOR AND COUNCIL OF THE BOROUGH
OF JAMESBURG; TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF MADISON; MAYOR AND COUNCIL
OF THE BOROUGH OF METUCHEN; MAYOR AND
COUNCIL OF THE BOROUGH OF MIDDLESEX;
MAYOR AND COUNCIL OF THE BOROUGH OF
MILLTOWN; TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF MONROE; TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF NORTH BRUNSWICK;
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
PISCATAWAY; TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF PLAINSBORO; MAYOR AND
COUNCIL OF THE BOROUGH OF SAYREVILLE;
MAYOR AND COUNCIL OF THE CITY OF SOUTH
AMBOY; TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF SOUTH BRUNSWICK; MAYOR AND
COUNCIL OF THE BOROUGH OF SOUTH
PLAINFIELD; MAYOR AND COUNCIL OF THE
BOROUGH OF SOUTH RIVER; MAYOR AND COUNCIL
OF THE BOROUGH OF SPOTSWOOD; TOWNSHIP
COMMITTEE OF THE TOWNSHIP OF WOODBRIDGE,

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Defendants and third
party plaintiffs,

CITY OF NEW BRUNSWICK and CITY OF  
PERTH AMBOY,

Third party defendants,

and

NEW JERSEY LEAGUE OF WOMEN VOTERS  
and MIDDLESEX COUNTY LEAGUE OF WOMEN  
VOTERS,

Intervenors.

Decided: May 4, 1976

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Ms. Marilyn J. Morheuser, Mr. Martin E. Sloane, of the District of Columbia bar, admitted pro hac vice, and Mr. Daniel A. Searing, of the District of Columbia bar, admitted pro hac vice, for the plaintiffs (Messrs. Baumgart and Ben-Asher, attorneys).

Mr. Peter J. Selesky for defendant Mayor and Council of the Borough of Carteret.

20

Mr. William C. Moran, Jr. for defendant Township Committee of the Township of Cranbury.

Mr. Dennis J. Cummins, Jr. for defendant Mayor and Council of the Borough of Dunellen.

Mr. Bertram E. Busch for defendant Township Committee of the Township of East Brunswick.

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Mr. Roland A. Winter for defendant Township Committee of the Township of Edison.

Mr. Richard F. Plechner for defendant Mayor and Council of the Borough of Helmetta.

Mr. Lawrence Lerner for defendant Mayor and Council of the Borough of Highland Park.

Mr. Guido J. Brigiani for defendants Mayor and Council of the Borough of Jamesburg and Mayor and Council of the Borough of Spotswood.

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Mr. Louis J. Alfonso for defendant Township Committee of the Township of Madison (Old Bridge).

Mr. Martin A. Spritzer for defendant Mayor and Council of the Borough of Metuchen.

Mr. Edward J. Johnson, Jr. for defendant Mayor and Council of the Borough of Middlesex.

Mr. Charles V. Booream for defendant Mayor and Council of the Borough of Milltown.

Mr. Thomas R. Farino, Jr. for defendant Township Committee of the Township of Monroe.

Mr. Joseph H. Burns and Mr. Leslie S. Lefkowitz for defendant Township Committee of the Township of North Brunswick.

Mr. Daniel S. Bernstein for defendant Township Committee of the Township of Piscataway.

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Mr. Joseph L. Stonaker for defendant Township Committee of the Township of Plainsboro.

Mr. Alan J. Karcher for defendant Mayor and Council of the Borough of Sayreville.

Mr. John J. Vail for defendant Mayor and Council of the City of South Amboy.

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Mr. Andre W. Gruber for defendant Township Committee of the Township of South Brunswick.

Mr. Sanford E. Chernin for defendant Mayor and Council of the Borough of South Plainfield.

Mr. Robert C. Rafano and Mr. Gary M. Schwartz for defendant Mayor and Council of the Borough of South River.

Mr. Arthur W. Burgess and Mr. Barry H. Shapiro for defendant Township Committee of the Township of Woodbridge.

30

Mr. Gilbert L. Nelson for third party defendant City of New Brunswick.

Mr. Frank J. Jess for third party defendant City of Perth Amboy.

Mr. William J. O'Shaughnessy for intervenors (Messrs. Clapp & Eisenberg, attorneys.)

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Plaintiffs attack the zoning ordinance of 23 of the 25 municipalities of Middlesex County as unconstitutionally exclusionary and discriminatory. Third party complaints against the cities of New Brunswick and Perth Amboy were dismissed after trial. The remedy sought by plaintiffs is an allocation to each municipality of its "fair share" of low and moderate income housing to meet the county-wide need. Plaintiffs rely on So. Burl. Cty. N.A.A.C.P. v. Tp. of Mt. Laurel, 67 N.J. 151, cert. den. — U.S. — (1975), which imposes on a developing municipality the obligation to provide by land use regulations for its fair share of the present and prospective regional need for low and moderate income housing.

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Plaintiffs comprise an organization and five persons who sue individually and as representatives of others similarly situated. The standing of all plaintiffs is challenged. Under Warth v. Seldin, 422 U.S. 490 (1975) the individual plaintiffs as nonresidents lack standing to urge federal constitutional and statutory infirmities in municipal zoning. But their standing as nonresidents to pursue state constitutional objections is sustained in Mt. Laurel at 159. The standing of the three organizations which were plaintiffs in Mt. Laurel was not at issue and not passed on in Justice Hall's opinion.

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Plaintiff Urban League of Greater New Brunswick seeks housing for its members and others, mostly blacks and Hispanics, throughout the county and elsewhere nearby, encountering rebuffs and delays. Under the liberal criteria for standing which prevail in this state standing must be accorded to plaintiff Urban League. Crescent Pk. Tenants Assoc. v. Realty Eq. Corp. of N.Y., 58 N.J. 98 (1971).

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No monetary or other specific recovery and no counsel fee for maintaining class actions are sought. Unquestionably some others are similarly situated to plaintiff Champion, a white, who cannot find adequate low income housing in the county for her family of three, plaintiff Benson, a black, who cannot find adequate moderate income housing in the county for his family of eleven, plaintiff Tippett, a black, whose family of five is adequately housed in New Brunswick but who cannot find equivalent housing in an unsegregated neighborhood and plaintiff Tuskey, a white, who objects to the racial and economic imbalance in South Brunswick, the predominately white municipality in which he resides with his family, including two children attending public school. The class actions are maintainable under R.4:32-1(a) and (b) (3).

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At the close of plaintiffs' proofs the court dismissed the cause of action for wilful racial discrimination. The impact of low density zoning is most adverse to blacks and Hispanics, who are disproportionally of low and moderate income.

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But no credible evidence of deliberate or systematic exclusion of minorities was before the court. That dismissal must result in the dismissal also of the specific count for violation of Federal Civil Rights Acts, 42 U.S.C.A. §§1981, 1982 and 3601 et seq.

The challenge to the exclusionary aspects of defendants' zoning ordinances remains. All three branches of government have recognized overwhelming needs for low and moderate income housing in the State as a whole.

In Executive Order No. 35, dated April 2, 1976, Governor Byrne set forth: ". . . there exists a serious shortage of adequate, safe and sanitary housing accommodations for many households at rents and prices they can reasonably afford, especially for low and moderate income households, newly formed households, senior citizens, and households with children."

The Legislature in the preamble to the New Jersey Housing Assistance Bond Act of 1975, L.1975, c.207, §2(a), made a finding: "Despite the existence of numerous Federal programs designed to provide housing for senior citizens and families of low and moderate income, construction and rehabilitation of such housing units has not proceeded at a pace sufficient to provide for the housing need of the State."

In Mt. Laurel Justice Hall concluded at 158: "There is not the slightest doubt that New Jersey has been,

and continues to be, faced with a desperate need for housing, especially of decent living accommodations economically suitable for low and moderate income families." Other recent legislation dealing with the housing shortage is set out in Mt. Laurel at 179.

In Middlesex County the shortage of low and moderate income housing is critical. From 1960 to 1970 the number of new jobs in the county increased by 2.2 times the number of new housing units, and the number of employees in the county residing outside the county increased by 291%. In 1960 the total vacant land in the county was zoned 24.9% for industry, 22.7% for one acre or larger single-family housing, 21.5% for less than one quarter acre single-family housing and 2.1% for multi-family housing. Ten years later the zoning countywide was markedly more exclusionary: 41.7% for industry, 38.7% for one acre or larger single-family housing, 4.9% for less than one quarter acre single-family housing and .5% for multi-family housing.

The pattern of dwindling low and moderate housing opportunities has continued in the county since 1970. Minimal modest lot single family housing has been built. Housing congestion is worsening in the urban ghettos. New mobile homes are prohibited in all municipalities. Thirteen municipalities have enacted rent control ordinances in response

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to the multi-family housing shortage.<sup>1</sup> Vacancy rates are low. Despite overzoning for industry, new industry is reluctant to settle in the County because of the shortage of housing for its workers. Experts for various defendants acknowledged a substantial market and a pressing need for new low and moderate housing.

The issue whether Middlesex County is a housing region is of significance because of the adoption of the term "region" in Mt. Laurel. Housing which must be afforded by a developing municipality is defined as its fair share of the present and prospective regional need. In Oakwood at Madison, Inc. v. Madison Tp., 117 N.J. Super. 11 (Law Div. 1971), certif. granted 62 N.J. 185 (1972), on remand 128 N.J. Super. 438 (Law Div. 1974), this court struck down a zoning ordinance which failed to provide for a fair proportion of the housing needs of the municipality's own population and of the region, holding that it was in derogation of the general welfare encompassing housing needs and therefore unconstitutional. Justice Eall noted in Mt. Laurel at 189:—"The composition of the applicable 'region' will necessarily vary from situation to situation and probably no hard and fast rule will serve to furnish the answer in every case."

<sup>1</sup>East Brunswick, Edison, Highland Park, Metuchen, Middlesex, New Brunswick, North Brunswick, Old Bridge, Perth Amboy, Piscataway, Sayreville, South Brunswick, Woodbridge. Municipal police power to enact rent control ordinances was upheld in Ingramort v. Bor. of Fort Lee, 62 N.J. 521 (1973) because of the critical housing need.



Middlesex County is part of the New York metropolitan region. Plainsboro and Cranbury and portions of South Brunswick and Monroe to the southwest of the county are in some measure also part of the Philadelphia metropolitan region. Those areas look predominately towards Trenton, Princeton and Hightstown in Mercer County for local shopping services. In the north of the county South Plainfield, Dunellen and Middlesex and portions of Piscataway and Edison look predominately towards Plainfield in Union County for local shopping and services. The balance of the county is oriented within the county, towards New Brunswick, Perth Amboy or elsewhere, for local shopping and services. 10

Regions are fuzzy at the borders. Middlesex County is a Standard Metropolitan Statistical Area as fixed by the United States Office of Management and Budget. Such an area is specified as an integrated economic and social unit with a large population nucleus. Twenty of the 25 municipalities joined in a Community Development Block Grant application as an "urban county" under the regulations of the Housing and Community Development Act of 1974, 42 U.S.C.A. §5301 et seq.<sup>2</sup> A county master plan and a wealth of applicable statistics are available through the County Planning Board. 20 30

<sup>2</sup> Edison, New Brunswick, Perth Amboy, Sayreville and Woodbridge submitted their separate applications as "independent municipalities". 40

Someone employed in any municipality of the county may seek housing in any other municipality, and someone residing in any municipality may seek employment in any other municipality. Residence within walking distance of the place of employment, or within the same municipality, is no longer a desideratum. Nor is the availability of public transportation a major factor. The county is crisscrossed by arterial highways, including the New Jersey Turnpike and the Garden State Parkway. Mobility by automobile is the rule. A large proportion even of low income wage earners within the county own automobiles and many of those travel regularly 20 miles or more to their places of employment. The entire county is within the sweep of suburbia. Its designation as a region for the purpose of this litigation, within larger metropolitan regions, is sustained.

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In compliance with Mt. Laurel plaintiffs undertook to establish by a prima facie showing that each of the 23 defendant municipalities' zoning ordinances was constitutionally invalid because of failure to provide for a fair share of the low and moderate income housing needs of the region. That burden was met as to 11 municipalities, as will be analyzed infra. Dunellen was granted an outright dismissal. With a population of over 7,000 in a square mile area and about 423 low and moderate income households, Dunellen has

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less than 20 acres of vacant land, mostly unsuitable for housing, and no patently exclusionary provisions in its zoning ordinance.

In addition 11 municipalities, Carteret, Helmetta, Highland Park, Jamesburg, Metuchen, Middlesex, Milltown, South Amboy, South River, Spotswood and Woodbridge were granted dismissals conditional upon adoption of amendments to their zoning ordinances which are agreed to by their respective attorneys, accepted by plaintiffs and approved by the court. These amendments include the following: Deletion of limitations on the number of bedrooms or of rooms in multi-family housing;<sup>3</sup> deletion of special exception procedures for multi-family housing and provision for it as an allowable use;<sup>4</sup> reduction of excessive parking space requirements in multi-family housing;<sup>5</sup> reduction of excessive minimum floor area requirements in multi-family or single-family housing or both;<sup>6</sup> reduction of excessive minimum lot sizes for multi-family

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<sup>3</sup>Carteret, Highland Park, Middlesex, South Amboy, Spotswood, Woodbridge. Mt. Laurel at 182-183.

<sup>4</sup>Jamesburg, Middlesex, Milltown, South Amboy, South River, Woodbridge.

<sup>5</sup>Jamesburg, Milltown. Reductions to 1.5 parking spaces minimum per unit were agreed to.

<sup>6</sup>Jamesburg, Metuchen, Milltown, South Amboy, Spotswood, Woodbridge. Reductions to less than 1,000 square feet minimum per single-family unit, to less than 700 square feet minimum per one bedroom multi-family unit and to less than 550 square feet minimum per efficiency unit were agreed to.

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or single-family housing or both,<sup>7</sup> increase of maximum density of multi-family housing to 15 units per acre,<sup>8</sup> increase of maximum height of multi-family housing to 2 1/2 stories or higher;<sup>9</sup> deletion of a multi-family housing ceiling of 15% of total housing units within a municipality;<sup>10</sup> rezoning from industry to multi-family residential<sup>11</sup> and from single-family to multi-family residential.<sup>12</sup> A number of these agreed revisions have been enacted.

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The 11 municipalities which were dismissed conditionally from the litigation are substantially built up without significant vacant acreage suitable for housing, except Woodbridge with about 800 acres, Spotswood with about 200 acres and Jamesburg, South Amboy and South River with about 100 acres each. In view of the consent dismissals no issue is before the court whether these 11 municipalities are "developing municipalities" in the sense of that term in Mt. Laurel.

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<sup>7</sup>Carteret, Highland Park, Middlesex, South River, Spotswood, Woodbridge. Reductions to less than 10,000 square feet minimum single-family lot and to less than 3 acre minimum multi-family lot were agreed to.

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<sup>8</sup>South Amboy.

<sup>9</sup>South Amboy, South River.

<sup>10</sup>South River.

<sup>11</sup>South Amboy, Spotswood.

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<sup>12</sup>Helmetta, Milltown, South Amboy, South River, Spotswood, Woodbridge.

Incontrovertibly a fair share allocation of a substantial number of new housing units to meet regional needs would be nugatory in a municipality with minimal vacant acreage. But a municipality is not exempt from the constitutional standards of reasonableness in its zoning because it is not "developing" within Mt. Laurel.

Exemption from Mt. Laurel was pressed by Cranbury and Plainsboro on another ground. Mt. Laurel at 160 cites as one of the characteristics of a developing municipality that it has undergone a great population increase since World War II. These two townships have not, in contrast to the explosive growth countywide. But their relatively static population is attributable in large measure to restrictive zoning. Past exclusionary practices cannot shield them from an obligation to meet their fair share of regional housing needs.

Eleven municipalities were not dismissed outright or conditionally and, as prescribed in Mt. Laurel, assumed the "heavy burden" of establishing peculiar circumstances justifying their failure to afford the opportunity for low and moderate income housing to the extent of their respective fair shares. These 11 municipalities comprise seven townships south of the Raritan River, Cranbury, East Brunswick, Old Bridge (formerly Madison), Monroe, North

Brunswick, Plainsboro and South Brunswick, two townships north of the Raritan River, Edison and Piscataway, and two boroughs, Sayreville south and South Plainfield north of the Raritan River.

The exclusionary zoning practices in some or all of these 11 municipalities, compounded in effect because of the proximity of several to each other, embrace overzoning for industry and low density residential housing, underzoning for high density single-family and multi-family residential housing, prohibition of multi-family housing and mobile homes, bedroom and density restrictions on multi-family housing excluding couples with two or more children, and floor area and other restrictions on multi-family housing forcing up construction costs.

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Prior to a discussion seriatim of the 11 zoning ordinances, population, income, employment and vacant acreage tables are appropriate.

East Brunswick, Edison, Monroe, North Brunswick, Old Bridge, Piscataway, Sayreville, South Brunswick and South Plainfield underwent a population upsurge since 1950 even beyond the 120% gain in the county. Only Cranbury and Plainsboro trailed perceptibly behind.

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	POPULATION			INCREASE	
	<u>1950</u>	<u>1960</u>	<u>1970</u>	<u>1950-1970</u>	
Cranbury	1,797	2,001	2,253	25%	
East Brunswick	5,699	19,965	34,166	500%	
Edison	16,348	44,799	67,120	310%	
Monroe	4,082	5,831	9,138	124%	
North Brunswick	6,450	10,099	16,691	159%	10
Old Bridge	7,366	22,772	48,715	561%	
Piscataway	10,180	19,890	36,418	258%	
Plainsboro	1,112	1,171	1,648	48%	
Sayreville	10,338	22,553	32,508	214%	
South Brunswick	4,001	10,278	14,058	251%	
South Plainfield	8,008	17,879	21,142	164%	20
Middlesex County	264,872	433,856	583,813	120%	

Based on the 1970 census, low income in the following table is figured as up to \$7,000 per year and moderate income up to \$13,000. Those limits approximate the bottom 20% and the next 20% in the State as a whole and compare closely in Middlesex County with the Federal Department of Housing and Urban Development standards of low income as up to 50% of median income and moderate income as 50 to 80% of median income.

Among the 11 municipalities only Piscataway with Rutgers University married student housing and Plainsboro with farm labor housing exceed the county percentage of low and moderate income

families. Most are within 15% of the county percentage. Edison and South Plainfield are within 25%. Only East Brunswick may be characterized as an elite community. In contrast New Brunswick and Perth Amboy both had 54% low and moderate income population, Jamesburg 49% and Helmetta 48%.

	INCOME BY FAMILIES IN 1970		
	<u>% Low Income</u>	<u>% Moderate Income</u>	
Cranbury	20	11	10
East Brunswick	7	11	
Edison	11	15	
Monroe	12	21	
North Brunswick	12	18	20
Old Bridge	12	19.5	
Piscataway	14	21.5	
Plainsboro	23	20.5	
Sayreville	10	20	
South Brunswick	12.5	17	
South Plainfield	11	15	30
Middlesex County	15	19	

Industrial employees in the following table are defined as employees in manufacturing, wholesale, transportation, utilities and construction. The projections for the year 2000 are based upon County Planning Board estimates, as modified upward in Edison, Monroe and Old Bridge

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according to fact findings by the court. In eight of the 11 municipalities there are glaring deficiencies in low and moderate income housing, as measured by low and moderate income population, for the industrial employees within that municipality. In East Brunswick the deficiency is less but over 40%. Only Monroe and Old Bridge apparently offer adequate housing opportunities for their blue collar workers. By the year 2000 the deficiencies in low and moderate income housing for industrial employees within each municipality would be of disastrous proportions under present zoning. See Justice Hall's statement in Mt. Laurel at 187: "Certainly when a municipality zones for industry and commerce for local tax purposes, it without question must zone to permit adequate housing within the means of the employees involved in such uses." It is pertinent to note that at present an estimated 75,000 residents of the county are employed outside the county, as compared to an estimated 55,000 residents elsewhere who are employed within the county.

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## INDUSTRIAL ACREAGE AND EMPLOYEES

	1967		2000 projected		
	<u>acres in use</u>	<u>employees</u>	<u>acres in use</u>	<u>employees</u>	
Cranbury	185	1,362	678	7,876	
East Brunswick	378	2,176	1,377	11,877	
Edison	1,789	15,823	3,950	39,589	
Monroe	266	460	1,860	15,033	
North Brunswick	1,231	11,739	2,347	23,204	
Old Bridge	1,685	494	2,685	9,824	10
Piscataway	346	6,898	1,388	16,746	
Plainsboro	229	438	557	4,253	
Sayreville	967	8,786	2,091	20,670	
South Brunswick	718	3,586	1,872	18,695	
South Plainfield	509	3,767	1,187	11,259	20

The vacant acreage statistics in the following table are compiled from answers to interrogatories by the respective municipalities, data of the State Department of Community Affairs and relevant testimony. Gross vacant acreage suitable for housing excludes identified environmentally critical land, that is, short term flood plains, aquifer outcrops and swamps essential to water resources, also grades of 12% or steeper and proposed park land. Net vacant acreage also excludes vacant land reasonably zoned for industry and commerce and all farmland in present use. Manifestly there

is ample vacant land in all 11 municipalities suitable for 2,000 or more units of low and moderate income housing at densities of five to ten units per acre. The major land resource of the county in the more distant future must rest in Monroe, Old Bridge and South Brunswick. With such significant open acreages all 11 municipalities fit within the Mt. Laurel criterion of "developing municipalities".

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	TOTAL ACREAGE	VACANT ACREAGE SUITABLE FOR HOUSING		
		Gross	Net	
Cranbury	8,614	6,891	1,700	
East Brunswick	14,342	3,521	1,600	
Edison	27,289	5,756	2,200	20
Monroe	26,041	21,819	11,500	
North Brunswick	7,628	2,717	1,600	
Old Bridge	25,126	15,000	13,500	
Piscataway	12,288	2,637	1,315	
Plainsboro	7,680	5,437	1,130	
Sayreville	10,560	4,083	1,800	30
South Brunswick	28,788	23,470	17,000	
South Plainfield	5,344	1,542	740	

Cranbury is an historic village in the midst of farmland. In active farm use are 4,468 acres or 52% of its total area. An aquifer underlies much of it. The Upper Millstone River on its southerly and westerly borders is dangerously

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polluted. Meadowland along the river is designated as regional open space in the county master plan of 1970. Two major highways bisect Cranbury. Its residents who are employed outside Cranbury travel about half to the north and east and half to the south and west. It has 44 substandard housing units<sup>13</sup> and 90 occupied by households requiring a governmental housing subsidy.

Cranbury's zoning ordinance permits no new multi-family housing, except conversions to two family. Minimum lot sizes of 15,000 square feet are permitted only in the substantially built up village. Elsewhere the minimum lot size is 40,000 square feet. The township is overzoned for industry by over 2,000 acres and over 500% of projected demand. A zoning amendment is under study to permit multi-family housing, with some low and moderate income units, to the east of the village along Brainerd Lake. A sewer system would tie in to the Middlesex County Sewerage Authority.

Cranbury's present zoning ordinance falls short of the Mt. Laurel standard and must be struck down in view of available suitable acreage adjoining the village on which low and moderate income housing may be built without impairing the established residential character of the village or interfering with present farm uses.

<sup>13</sup> Defined as deteriorated, dilapidated, overcrowded, without plumbing or without kitchen facilities.

East Brunswick is a relatively low density residential municipality centrally located and bisected by major highways. It has established middle and high income neighborhoods. Less than 1,000 acres is farmland in use. Much of its undeveloped land is environmentally sensitive: aquifer outcrops, tidal marshes along the Raritan and South Rivers, other flood plains along several brooks, and steep hilly terrain. Sewage disposal and drainage are problems because of the high water table and clay soil in many areas. The northernmost fringes of the pine barrens are in the township. It has 244 substandard housing units and 348 occupied by households requiring a governmental housing subsidy.

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Its zoning ordinance provides preponderately for one acre and half acre single-family housing with cluster options. Minimum floor areas of 1,500 square feet and minimum frontages exceeding 100 feet in most zones substantially include low and moderate income housing. Virtually no vacant land is available for single-family housing on 10,000 square foot lots or for multi-family housing. Maximum densities of 12 units per acre and other restrictions on multi-family housing drive up construction costs. The township is overzoned for industry by over 1,100 acres and over 250% of projected demand. A master plan revision is being worked on.

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East Brunswick's zoning ordinance must be held invalid under Mt. Laurel. Absence of sewer utilities is not per se an exemption from Mt. Laurel. As stated by Justice Hall at 186 even in soil with a permeability problem ". . . the township could require [sewer and water utilities] as improvements by developers or install them under the special assessment or other appropriate statutory procedure."

Edison is a hub of highway, rail and deep water transportation. It has 520 substandard housing units and 1,879 occupied by households requiring a governmental housing subsidy. As noted supra its low and moderate income population is about 25% below that of the county, and it falls markedly short of providing low and moderate income housing opportunities for its more than 15,000 industrial workers.

Its zoning ordinance authorizes diversity of housing but only 5% of its vacant land is zoned for multi-family housing, including 10 acres for high rise apartments, and only 5% for single-family housing on 7,500 square foot lots. No other residential zone offers a realistic possibility, even with cluster options, for low and moderate income housing because of lot size, floor area and frontage restrictions. The township is overzoned for industry by about 500 acres. Several housing projects are under way with governmental

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subsidies. The township is the subject of a consent judgment of the United States District Court to participate in various programs administered by the Department of Housing and Urban Development for new housing and rehabilitation of substandard housing and for sewage and other improvements.

Edison's zoning ordinance likewise must be struck down under Mt. Laurel, chiefly because of maldistribution of vacant land into low density rather than high density residential uses, to a lesser extent because of maldistribution of vacant land into industrial use.

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Monroe has the largest farmland acreage in the county, although less proportionately than Cranbury and Plainsboro. Four water courses with adjoining flood plains flow through it. The water table is high because of aquifers. Much of the soil is relatively impermeable. Without much industry locally, there is nevertheless ready access by highway to nearby industry and other places of employment. Monroe has 210 substandard housing units and 195 occupied by households requiring a governmental housing subsidy.

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Monroe's zoning ordinance prohibits new multi-family housing except in planned retirement communities, requiring various amenities, on lots of 400 acres or more. The vacant acreage exceeding 20,000 acres is virtually preempted by industrial and rural residential zones. In the latter the restrictions,

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including 30,000 square foot lot sizes, inhibit low and moderate income housing. The township is overzoned for industry by over 5,000 acres and over 400%.

The township's present zoning ordinance is palpably deficient under Mt. Laurel. Its own planning expert conceded a need for multi-family residential zoning with densities and other provisions compatible with low and moderate income housing opportunities. Likewise there is a glaring maldistribution into industrial and low density residential uses rather than high density residential uses.

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North Brunswick is highly industrialized on major highway and rail routes. It has 99 substandard housing units and 473 occupied by households requiring a governmental housing subsidy.

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Its zoning ordinance restricts most of the vacant land suitable for housing to single-family use on lots of 15,000 square feet or more, with frontages of 120 feet or more and floor areas of 1,200 square feet or more, and to multi-family use on five acre minimum lots with maximum densities of only ten units per acre, or seven units per acre in Planned Unit Developments, and bedroom, parking and other restrictions substantially foreclosing low and moderate income housing opportunities. The township is overzoned for industry by nearly 1,000 acres and 200%.

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North Brunswick's zoning ordinance is held invalid under Mt. Laurel for reasons paralleling those applicable to Edison's ordinance.

Old Bridge's zoning ordinance was struck down by this court in Oakwood at Madison, supra. The two previous trial records were stipulated. Identical conclusions are reached, with the additional factual determinations that Old Bridge is overzoned for industry beyond reasonable projections by over 3,000 acres and over 400% and that it has 489 substandard housing units and 1,271 occupied by households requiring a governmental housing subsidy.

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Piscataway is a sprawling township on the north bank of the Raritan River, reaching towards Plainfield and Bound Brook in Somerset County to the north and west and towards New Brunswick to the east. It has substantial industry. Its housing stock affords its fair share of present low and moderate income units. It has 324 substandard housing units and 1,187 occupied by households requiring a governmental housing subsidy.

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Piscataway's zoning ordinance inhibits appreciable further low and moderate income housing opportunities. The township is not overzoned for industry, but 80% of its vacant residentially zoned land is zoned for single-family housing on half acre minimum lots with a 20% cluster option, and only between 1 and 2% is zoned for multi-family housing.

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Various restrictions force up construction costs and discourage two or three bedroom multi-family units: five acre minimum lot size, maximum density of 15 bedrooms per acre, minimum storage area of 160 square feet per unit and minimum floor areas of 700 square feet in one bedroom apartments and 900 square feet in two bedroom apartments. A zoning revision is under study to rezone 300 acres or more for Planned Residential Developments as an alternative to single family housing, with mandatory minimums of low and moderate income units. 10

Prior to such a revision along with elimination of bedroom and other restrictions on multi-family housing, Piscataway's zoning ordinance must be held unconstitutional under Mt. Laurel as not providing adequately for prospective regional housing needs. 20

Plainsboro has over 50% of its total area in use as farmland. Its farms average over 300 acres. Other than wetlands and flood plains along several water courses its soil is prime for agriculture and favorable for housing. It has 26 substandard housing units and 81 occupied by households requiring a governmental housing subsidy. 30

Plainsboro's ordinance zones most vacant land for industry, for single family housing on 35,250 square foot minimum lots with 200 foot minimum frontages, subject to cluster options of 15,000 square foot minimum lots, and for Planned 40

Community and Planned Multi-Use Developments. Bedroom restrictions on multi-family housing were recently deleted. Other exclusionary restrictions on multi-family housing remain in effect. The township is overzoned for industry by about 2,000 acres and 700%. A 600 acre Planned Community Development providing significant low and moderate income housing is under construction. Princeton University is planning a research center with multi-family housing units, including at least 20% low and moderate income, between Lake Carnegie and U.S. Route 1.

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Plainsboro's zoning ordinance, as constituted, is deficient under Mt. Laurel in failing to afford affirmatively its fair share of prospective regional housing needs.

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Sayreville is a heavily industrialized borough surrounded on three sides by tidewater, with a deep water channel on the Raritan River. Much of its vacant acreage is abandoned sand pits. It has 467 substandard housing units and 674 occupied by households requiring a governmental housing subsidy.

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Its zoning ordinance provides cluster and town-house options in single-family residential zones. Planned Unit Developments are allowable uses in industrial zones. Minimum lot sizes for Planned Unit Developments are excessive, 100 acres under one option and 250 acres under the alternative, as are the

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requirements of 10% of total area in commercial use and 25% in industrial use. A density restriction under 15 units per acre, minimum lot size of five acres and excessive minimum floor areas curtail low and moderate income housing in garden apartments. The borough is overzoned for industry apart from the Planned Unit Development alternatives. Major townhouse, garden apartment and senior citizen housing projects, which would provide over 600 low and moderate income units, are under construction, approved or under review.

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Sayreville's zoning ordinance is held invalid under Mt. Laurel. Its fair share allocation as determined infra should be attainable with relatively minor revisions.

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South Brunswick is a sprawling township in the path of development both from New York and Philadelphia. Major highways and public transportation by railroad and bus are available. Several thousand acres of vacant land zoned for single-family housing on one, three and five acre minimum lots are abandoned farmland. Aquifers underlie much of the township. Swamps, flood plains and aquifer outcrops rule out housing over extensive sections. Protection of aquifer recharge areas may be accomplished by retention ponds in medium and high density residential zones, as well as in industrial zones. An expert for the township conceded a population capacity of at least 100,000 without endangering environmentally sensitive land.

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Water and sewer utilities are lacking in much of the township. Such infrastructure is feasible. Development may fan out from the four scattered villages. The township has 149 substandard housing units and 284 occupied by households requiring a governmental housing subsidy.

Amendments to South Brunswick's zoning ordinance in recent years have lessened its exclusionary impact.

Mandatory minimums of 5% low income and 5% moderate income units have been set in Planned Residential Developments, nevertheless less than the county's and the township's own proportions of low and moderate income households. The township is overzoned for single-family housing on lots of one acre or more with frontages of 120 feet or more, and for industry by over 7,000 acres and over 700%. No multi-family housing is permitted outside Planned Residential Developments. One such development under construction near Dayton and others proposed or under review would augment low and moderate income housing stock.

South Brunswick's zoning ordinance remains invalidly exclusionary under Mt. Laurel and must be struck down.

South Plainfield has convenient access to other municipalities of the county via Federal Interstate Highway 287. It has railroad freight transportation. Since World War II the borough has experienced upsurges in both population and industry. Housing development on its remaining open acreage which is not

swamp or flood plain may be impeded by high costs of sewer construction through shale. The borough has 173 substandard housing units and 303 occupied by households requiring a governmental housing subsidy.

South Plainfield's zoning ordinance prohibits multi-family housing except two family housing by conversion in any residential zone and in business zones. Most of its vacant acreage zoned for single-family housing is subject to excessive minimum lot size and minimum floor area restrictions. The borough is overzoned for industry by about 400 acres. Its zoning falls palpably short of meeting the housing needs of its industrial employees. Applying Mt. Laurel South Plainfield's ordinance is held unconstitutional because of failure to provide for a fair share of its own and the county's low and moderate income housing needs.

The final issue is the remedy. The zoning ordinances of 11 defendant municipalities have been held unconstitutional. The 11 municipalities have been determined to be part of a region comprising Middlesex County for the purpose of this litigation. The remaining determination is the fair share allocation of low and moderate income housing to each of the 11 municipalities.

A factual finding must therefore be made as to the countywide low and moderate income housing need projected to 1985. New units will be required to replace present substandard housing, for most of those filling new jobs in the

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county, for increasing numbers of retired persons and for other increments to population. Against this total must be deducted rehabilitated units through governmental subsidies and otherwise, units "filtering through" as occupants move up to higher income housing and units projected to be built under present or revised zoning in New Brunswick, Perth Amboy and the 12 municipalities which were dismissed outright or conditionally from this litigation, in particular Woodbridge, Spotswood, Jamesburg, South Amboy and South River which have significant vacant acreages. Taking into account County Planning Board population and job growth projections to 1985, estimating one third of new jobs as low and moderate income and a ratio, as at present, of 73% of low and moderate income employees also residing within the county, the total additional low and moderate income housing need in the county to 1985 is fixed at 18,697 units.

The initial fair share allocation must be to correct the present imbalance, that is, to bring each defendant municipality up to the county proportion of 15% low and 19% moderate income population. The county proportion rather than the state proportion of 20% low and 20% moderate income is determined upon. The historic trend of urban dispersal from New York and Philadelphia is that per capita incomes in counties are higher in inverse ratio to distance from the central city. The allocation to correct imbalance

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results in the following additional low and moderate income housing units.

Cranbury	18	
East Brunswick	1,316	
Edison	1,292	
Monroe	23	
North Brunswick	180	
Old Bridge	301	
Piscataway	0	
Plainsboro	0	
Sayreville	328	
South Brunswick	156	20
South Plainfield	<u>416</u>	
	4,030	

*the units  
be a lot  
see more  
needed*

Subtracting 4,030 from the 18,697 low and moderate income housing units needed in the county to 1985, the balance is 14,667 or approximately 1,333 per municipality. There is no basis not to apportion these units equally. Each municipality has vacant suitable land far in excess of its fair share requirement without impairing the established residential character of neighborhoods. Land to be protected for environmental considerations has been subtracted from vacant acreage totals. No special factor, such as relative



access to employment, justifies a deviation from an allocation of 1,333 low and moderate housing units, plus the allocation to correct imbalance, to each of the 11 municipalities.

Low and moderate income housing units should be divided 45% low and 55% moderate. Low income is defined as up to 50% of median income in the county and moderate income as 50 to 80% of median income, according to current data of the County Planning Board. Within each municipality there may be flexibility, for example, multi-family housing at densities of 10 or more units per acre, multi-family housing encompassing a diversity of housing but with mandatory minimums of low and moderate income units, mobile homes at densities of five to eight units per acre<sup>14</sup> and single-family housing at densities of four or more units per acre. A combination of these alternatives may be arrived at. Each municipality would receive credit for pending low and moderate income construction for which certificates of occupancy have not been granted as of the date of this judgment.

After the allocation to correct imbalance, Cranbury, East Brunswick, Edison, North Brunswick, Piscataway, Plainsboro, Sayreville and South Plainfield are ordered to

<sup>14</sup>Vickers v. Tp. Com. of Gloucester Tp., 37 N.J. 232 (1962), cert. den. 371 U.S. 233 (1963), upheld the constitutionality of a zoning ordinance which prohibits mobile homes anywhere in a sprawling, largely undeveloped municipality. But Vickers is not a bar to zoning, otherwise reasonable, to allow mobile homes

rezone their respective net vacant acreage suitable for housing, as shown in the fourth table supra, 15% for low income and 19% for moderate income on the basis of 100% zoning for housing (which this judgment does not require). The housing units thus afforded should approximate the allocation of 1,333 units each. As to any municipality, if it appears that such rezoning would fall significantly short of the allocation of 1,333 units, plus the allocation to correct imbalance, application to modify this judgment may be brought.

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Monroe, Old Bridge and South Brunswick, all with net vacant land suitable for housing exceeding 10,000 acres, are ordered to rezone to provide their respective allocations of 1,333 units, plus their respective allocations to correct imbalance, by any combination of multi-family, mobile home or single-family housing.

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As stated by Justice Hall in Mt. Laurel at 192: "Courts do not build housing . . . ". [In implementing this judgment the 11 municipalities charged with fair share allocations must do more than rezone <sup>to provide</sup> (not to exclude) the possibility of low and moderate income housing in the allocated amounts. Approvals of multi-family projects, including Planned Unit Developments, should impose mandatory minimums of low and moderate income units. Density incentives may be set. Mobile

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homes offer a realistic alternative within the reach of moderate and even low income households. Whether single-family housing is attainable for moderate income households may hinge upon land and construction costs. The 11 municipalities should pursue and cooperate in available Federal and State subsidy programs for new housing and rehabilitation of substandard housing, although it is beyond the issues in this litigation to order the expenditure of municipal funds or the allowance of tax abatements.] See Hills v. Gautreaux, — U.S. — (1976) holding that a federal district court has the authority to order the Department of Housing and Urban Development to undertake a regional plan for low income and integrated housing to remedy housing discrimination fostered by H.U.D. practices in a central city, with the consent of suburban municipalities.

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Judgment in accordance herewith to be effective after 90 days. Jurisdiction is retained.

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CHERNIN & FREEMAN,  
A PROFESSIONAL CORPORAT ON

VILLAGE PLAZA SHOPPING CENTER  
1575 EASTON AVENUE  
SOMERSET NEW JERSEY 08873  
(201) 425-7100

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ATTORNEY FOR DEFENDANT, MAYOR AND COUNCIL OF THE BOROUGH OF SOUTH PLAINFIELD

*Plaintiff*

URBAN LEAGUE OF GREATER  
NEW BRUNSWICK, ET AL,

vs.

*Defendant*

THE MAYOR AND COUNCIL OF  
THE BOROUGH OF CARTERET,  
ET AL,

SUPERIOR COURT OF  
NEW JERSEY  
CHANCERY DIVISION  
MIDDLESEX COUNTY

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Docket No. C 4122-73

CIVIL ACTION

JUDGMENT

THE ABOVE ENTITLED MATTER HAVING BEEN TRIED BEFORE THIS COURT COMMENCING FEBRUARY 3, 1976 AND THE COURT HAVING HEARD AND CONSIDERED THE TESTIMONY AND EVIDENCE ADDUCED DURING THE TRIAL AS RESULT OF WHICH THIS COURT HAS RENDERED ITS OPINION DATED MAY 4, 1976;

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IT IS, THEREFORE, ON THIS 9th DAY OF July, 1976,  
ORDERED AND ADJUDGED AS FOLLOWS:

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1. JUDGMENT BE AND IS HEREBY ENTERED IN FAVOR OF THE DEFENDANT, BOROUGH OF DUNELLEN, AND AGAINST THE PLAINTIFF BASED UPON THE RELIEF DEMANDED IN THE COMPLAINT.

1a.

2. THE DEFENDANTS, BOROUGH OF CARTERET, BOROUGH OF  
 HELMETTA, BOROUGH OF HIGHLAND PARK, BOROUGH OF JAMESBURG, BOROUGH  
 OF METUCHEN, BOROUGH OF MIDDLESEX, BOROUGH OF MILLTOWN, CITY OF  
 SOUTH AMBOY, BOROUGH OF SOUTH RIVER, BOROUGH OF SPOTSWOOD, AND 10  
 TOWNSHIP OF WOODBRIDGE, HAVING AMICABLY ADJUSTED THEIR DIFFERENCES,  
 BE AND ARE HEREBY DISMISSED UPON THE CONDITION THAT THEY COMPLY  
 WITH THE TERMS OF THEIR RESPECTIVE SETTLEMENTS WITH THE PLAINTIFF  
 applicable  
 TO THE EXTENT/THAT THEY SHALL CAUSE THEIR RESPECTIVE ZONING  
 ORDINANCES TO BE AMENDED TO CAUSE (A) DELETION OF LIMITATIONS ON 20  
 THE NUMBER OF BEDROOMS OR ROOMS IN MULTI-FAMILY HOUSING; (B)  
 DELETION OF SPECIAL EXCEPTION PROCEDURES FOR MULTI-FAMILY HOUSING  
 AND PROVISIONS FOR IT AS AN ALLOWABLE USE; (C) REDUCTION OF  
 EXCESSIVE PARKING SPACE REQUIREMENTS IN MULTI-FAMILY HOUSING;  
 (D) REDUCTION OF EXCESSIVE MINIMUM FLOOR AREA REQUIREMENTS IN  
 MULTI-FAMILY OR SINGLE FAMILY HOUSING OR BOTH; (E) REDUCTION OF 30  
 EXCESSIVE MINIMUM LOT SIZES FOR MULTI-FAMILY OR SINGLE FAMILY  
 HOUSING OR BOTH; (F) INCREASE IN MAXIMUM DENSITY OF MULTI-FAMILY  
 HOUSING TO 15 UNITS PER ACRE; (G) INCREASE OF MAXIMUM HEIGHT  
 OF MULTI-FAMILY HOUSING TO 2-1/2 STORIES OR HIGHER; (H) DELETION  
 OF A MULTI-FAMILY HOUSING CEILING OF 15% OF TOTAL HOUSING UNITS  
 WITHIN A MUNICIPALITY; (I) A REZONING FROM INDUSTRY TO MULTI- 40  
 FAMILY RESIDENTIAL AND FROM SINGLE FAMILY TO MULTI-FAMILY  
 RESIDENTIAL.

3. THE DEFENDANT, BOROUGH OF CARTERET, AS CONDITION TO

SETTLEMENT AND DISMISSAL HAS AGREED TO APPROPRIATELY AMEND ITS ZONING ORDINANCE AS FOLLOWS:

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4. THE DEFENDANT, BOROUGH OF HELMETTA, AS CONDITION TO SETTLEMENT AND DISMISSAL HAS AGREED TO APPROPRIATELY AMEND ITS ZONING ORDINANCE AS FOLLOWS:

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"RE-ZONING OF A STRIP APPROXIMATELY 225 FEET BY 1800 FEET ALONG THE NORTHERLY SIDE OF MAPLE STREET FOR TOWNHOUSES."

5. THE DEFENDANT, BOROUGH OF HIGHLAND PARK, AS CONDITION TO SETTLEMENT AND DISMISSAL HAS AGREED TO APPROPRIATELY AMEND ITS ZONING ORDINANCE AS FOLLOWS:

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(A) DENSITY OF UNITS PER ACRE ARE 16 UNITS PER ACRE ON PARCELS OF LAND GREATER THAN ONE ACRE, 12 UNITS PER ACRE ON PARCELS LESS THAN ONE ACRE.

12 UNITS PER ACRE ON PARCELS LESS THAN ONE ACRE, THERE NO LONGER BEING A MINIMUM REQUIREMENT OF ACREAGE (2½) FOR MULTI-FAMILY DWELLINGS.

(B) THAT THE DISTRIBUTION OF APARTMENTS INTO A RATIO OF ONE AND THREE BEDROOM UNITS BE DELETED ENTIRELY.

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(C) THAT THE PROHIBITION OF RENOVATION AND/OR CONSTRUCTION OF HOMES TO MORE THAN 3 BEDROOMS IN THE RESIDENCE ZONE BE DELETED FROM THE ZONING ORDINANCE.

6. THE DEFENDANT, BOROUGH OF JAMESBURG, AS CONDITION TO SETTLEMENT AND DISMISSAL HAS AGREED TO APPROPRIATELY AMEND ITS ZONING ORDINANCE AS FOLLOWS:

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(A) DELETION OF SPECIAL EXCEPTION PROCEDURES FOR MULTI-FAMILY HOUSING AND PROVISION FOR IT AS AN ALLOWABLE USE.

(B) REDUCTION OF EXCESSIVE PARKING SPACE REQUIREMENTS IN MULTI-FAMILY HOUSING.

(C) REDUCTION OF EXCESSIVE MINIMUM FLOOR AREA REQUIREMENTS IN MULTI-FAMILY OR SINGLE-FAMILY HOUSING OR BOTH.

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7. THE DEFENDANT, BOROUGH OF METUCHEN, AS CONDITION TO SETTLEMENT AND DISMISSAL HAS AGREED TO APPROPRIATELY AMEND ITS ZONING ORDINANCE AS FOLLOWS:

"ELIMINATION OF THE REQUIRED MINIMUM LIVING AREA OF 1,400 SQUARE FEET IN THE R-1 ZONE."

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8. THE DEFENDANT, BOROUGH OF MIDDLESEX, AS CONDITION TO SETTLEMENT AND DISMISSAL HAS AGREED TO APPROPRIATELY AMEND ITS

## ZONING ORDINANCE AS FOLLOWS:

(A) THE ACREAGE REQUIREMENT FOR MULTIPLE-FAMILY DWELLINGS BE REDUCED FROM 4 ACRES TO 2 ACRES.

(B) THE BEDROOM LIMITATIONS CONTAINED IN THE GARDEN APARTMENT ORDINANCE AND THE HIGH-RISE ORDINANCE BE DELETED. 10

(C) PROVISION SHOULD BE MADE FOR SOME ADDITIONAL LAND IN THE BOROUGH TO BE ZONED FOR MULTIPLE-FAMILY DWELLINGS.

(D) THE PLANNING BOARD RATHER THAN THE ZONING BOARD OR MAYOR AND COUNCIL SHALL BE DESIGNATED AS THE REVIEWING AGENCY IN THE ORDINANCE TO ASCERTAIN WHETHER AN APPLICANT WISHING TO BUILD GARDEN APARTMENTS AND/OR HIGH-RISE APARTMENTS HAS COMPLIED WITH THE TERMS AND CONDITIONS OF THE ZONING ORDINANCE. 20

9. THE DEFENDANT, BOROUGH OF MILLTOWN, AS CONDITION TO SETTLEMENT AND DISMISSAL HAS AGREED TO APPROPRIATELY AMEND ITS ZONING ORDINANCE AS FOLLOWS: 30

(A) AMEND CHAPTER 20-4.4 TO REDUCE MINIMUM FLOOR AREA OF DWELLING TO 950 SQ. FT.

(B) AMEND CHAPTER 20-4.4 TO REDUCE MINIMUM LOT FRONTAGE TO 30 FT.

(C) AMEND CHAPTER 20-7.1 A(2) AND 7.1 B(1) TO PERMIT MULTI-FAMILY DWELLINGS WITHOUT "SPECIAL PERMIT". 40

(D) AMEND CHAPTER 20-9.4 C(7) TO REDUCE GARDEN APARTMENT AVERAGE MINIMUM FLOOR AREA PER DWELLING UNIT FOR ENTIRE DEVELOPMENT TO 650 SQ. FT. AND ABSOLUTE MINIMUM FLOOR AREA PER DWELLING UNIT TO 500 SQ. FT.

(E) AMEND CHAPTER 20-9.4 C(8) TO INCREASE MAXIMUM NUMBER OF GARDEN APARTMENT DWELLING UNITS PER ACRE TO 15.



10. THE DEFENDANT, CITY OF SOUTH AMBOY, AS CONDITION TO SETTLEMENT AND DISMISSAL HAS AGREED TO APPROPRIATELY AMEND ITS ZONING ORDINANCE AS FOLLOWS:

MULTI-FAMILY

(A) REMOVE BEDROOM RESTRICTIONS IN THEIR ENTIRETY.

(B) PROVIDE THAT APPLICATIONS FOR MULTI-FAMILY DWELLINGS BE MADE TO THE PLANNING BOARD INSTEAD OF THE ZONING BOARD OF ADJUSTMENT.

(C) OPEN SPACE WILL BE 10% OF THE ENTIRE PLOT, PLUS A PLAYGROUND FOR CHILDREN TO BE DETERMINED BY THE MARKETPLACE.

(D) REMOVE THE TWO STORY LIMIT.

(E) THE MINIMUM FLOOR AREA IN THREE OR FOUR BEDROOM APARTMENTS WILL BE IN ACCORDANCE WITH FHA REQUIREMENTS.

GARDEN APARTMENTS

(A) ZONING ORDINANCE TO BE CHANGED TO PROVIDE FOR 16 UNITS PER ACRE.

(B) ELIMINATE TWO-STORY HEIGHT REQUIREMENT.

(C) OPEN AREAS SAME AS MULTI-FAMILY.

IN ADDITION TO THE ABOVE, SOUTH AMBOY HAS AGREED TO REZONE 55 ACRES OF INDUSTRIAL LAND FOR MULTI-FAMILY USE.

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11. THE DEFENDANT, BOROUGH OF SOUTH RIVER, AS CONDITION TO SETTLEMENT AND DISMISSAL HAS AGREED TO APPROPRIATELY AMEND ITS ZONING ORDINANCE AS FOLLOWS:

(A) MULTI-FAMILY RESIDENTIAL USE IS PERMITTED AS OF RIGHT RATHER THAN BY SPECIAL EXCEPTION.

(B) THE MINIMUM SIZE LOT FOR DEVELOPMENT OF MULTI-FAMILY RESIDENTIAL USE SHALL BE NOT LESS THAN TWO (2) ACRES.

(C) ROOM RESTRICTIONS IN ANY MULTI-FAMILY UNIT SHALL BE ELIMINATED ENTIRELY.

(D) THERE SHALL BE ELIMINATED ANY PERCENTAGE OR OTHER TYPE OF CEILING ON THE NUMBER OF MULTI-FAMILY UNITS PERMITTED IN DEFENDANT BOROUGH.

(E) MAXIMUM HEIGHT FOR MULTI-FAMILY UNITS SHALL BE NO MORE THAN THREE (3) STORIES.

(F) THIRTY-FIVE (35) ACRES OF EXISTING RESIDENTIALLY ZONED LAND WITHIN DEFENDANT BOROUGH SHALL BE ZONED FOR 7500 SQUARE FOOT LOTS WITH MINIMUM HABITABLE FLOOR AREA EXCLUSIVE OF BASEMENT AREA, OF NOT LESS THAN 900 SQUARE FEET.

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12. THE DEFENDANT, BOROUGH OF SPOTSWOOD, AS CONDITION TO SETTLEMENT AND DISMISSAL HAS AGREED TO APPROPRIATELY AMEND ITS ZONING ORDINANCE AS FOLLOWS:

(A) DELETION OF LIMITATIONS ON THE NUMBER OF BEDROOMS OR ROOMS IN MULTI-FAMILY HOUSING.

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(B) REDUCTION OF EXCESSIVE MINIMUM FLOOR AREA REQUIREMENTS IN MULTI-FAMILY OR SINGLE-FAMILY HOUSING, OR BOTH.

(C) REDUCTION OF EXCESSIVE MINIMUM LOT SIZES FOR SINGLE-FAMILY HOUSING.

(D) REZONING FROM INDUSTRY TO MULTI-FAMILY RESIDENTIAL OR SINGLE-FAMILY HOUSING ON REDUCED LOT SIZES.

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13. THE DEFENDANT, TOWNSHIP OF WOODBRIDGE, AS CONDITION TO SETTLEMENT AND DISMISSAL HAS AGREED TO APPROPRIATELY AMEND ITS

ZONING ORDINANCE AS FOLLOWS:

ARTICLE VI - SCHEDULE OF AREA, YARD, AND BUILDING REQUIREMENTS ZONING ORDINANCE OF THE TOWNSHIP OF WOODBRIDGE, NEW JERSEY.

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SECTION 1. ARTICLE VI, SCHEDULE OF AREA, YARD, AND BUILDING REQUIREMENTS ZONING ORDINANCE OF THE TOWNSHIP OF WOODBRIDGE, NEW JERSEY. THIS ARTICLE SHALL BE AMENDED BY DELETING ALL REFERENCE TO FOOTNOTE NO. (1) IN THE COLUMN TITLED MINIMUM GROSS FLOOR AREA/FAMILY (IN SQUARE FEET) FOR THE R-5 RESIDENCE ZONE.

SECTION 2. FOOTNOTE NO. (1) SHALL BE AMENDED TO READ AS FOLLOWS: FOR GARDEN APARTMENTS, THE MINIMUM HABITABLE FLOOR AREA IS 650 SQUARE FEET.

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ARTICLE XII - R-6A RESIDENCE ZONE, SECTION 1. PERMITTED USES

SECTION 1. ARTICLE XII, SECTION 1. PERMITTED USES IS AMENDED BY ADDING PARAGRAPH C. AS FOLLOWS:

C. GARDEN APARTMENT DEVELOPMENTS

ARTICLE XII - SECTION 3. OTHER USES PERMITTED UPON APPLICATION TO THE ZONING BOARD FOR A SPECIAL PERMIT

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SECTION 1. ARTICLE XII, SECTION 3.A. AND B. ARE AMENDED TO READ AS FOLLOWS:

A. SAME AS SPECIFIED IN THE R-5 RESIDENCE ZONE, EXCEPT THAT PUBLIC AND QUASI-PUBLIC SWIM CLUBS ARE PROHIBITED.

B. BOARDING AND ROOMING HOUSES, BUT NOT MOTELS, HOTELS, OR TOURIST HOMES AND CABINS, SUBJECT TO THE STANDARDS AND CONDITIONS SET FORTH IN ARTICLE XX, SECTION 2. OF THIS ORDINANCE.

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ARTICLE XII - SECTION 4. AREA, YARD, AND BUILDING REQUIREMENTS

ADDED TO SECTION 1. ARTICLE XII, SECTION 4. PARAGRAPH 8. IS TO READ AS FOLLOWS:

B. FOR GARDEN APARTMENT DEVELOPMENTS AS PERMITTED IN

THIS ARTICLE:

MINIMUM LOT SIZE - 2 ACRES  
 MINIMUM LOT WIDTH - 200 FEET  
 MINIMUM LOT DEPTH - 300 FEET  
 MINIMUM YARD REQUIREMENTS - 25 FEET ON ALL SIDES  
 MINIMUM FLOOR AREA PER DWELLING UNIT - 650 SQUARE  
 FEET  
 MINIMUM OFF-STREET PARKING SPACES PER DWELLING  
 UNIT 1-1/2  
 MAXIMUM BUILDING COVERAGE - 20 PER CENT  
 MAXIMUM BUILDING HEIGHT - 35 FEET  
 MAXIMUM NUMBER OF DWELLING UNITS PER ACRE - 18

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THE AREAS SHALL BE ATTRACTIVELY LANDSCAPED AND SEEDED.

ADEQUATE RECREATION AREA AND FACILITIES TO SERVE THE NEEDS  
 OF THE ANTICIPATED POPULATION SHALL BE PROVIDED AND  
 SHALL CONSIST OF AT LEAST THE FOLLOWING: A FENCED OFF  
 PLAY-LOT INCLUDING PLAY EQUIPMENT SUCH AS SWINGS,  
 SEESAWS, ETC., SHALL BE PROVIDED. THERE SHALL BE  
 FIFTEEN (15) SQUARE FEET OF PLAY-LOT FOR EVERY DWELLING  
 UNIT WITH A MINIMUM SIZE AREA OF ONE THOUSAND (1,000)  
 SQUARE FEET.

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THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY TO  
 GARDEN APARTMENTS PREVIOUSLY CONSTRUCTED OR TO APPLI-  
 CATIONS FINALLY APPROVED AS OF THE DATE OF THE  
 ADOPTION OF THIS AMENDMENT.

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ARTICLE XIV - B-1 NEIGHBORHOOD BUSINESS ZONE, SECTION 1.  
PERMITTED USES

SECTION 1. ARTICLE XIV B-1 NEIGHBORHOOD BUSINESS ZONE,  
 SECTION 1. PERMITTED USES IS AMENDED BY ADDING PARAGRAPH C. TO  
 READ AS FOLLOWS:

C. GARDEN APARTMENT DEVELOPMENTS.

ARTICLE XIV - SECTION 4.C. OTHER USES PERMITTED UPON  
APPLICATION TO THE ZONING BOARD FOR A  
SPECIAL PERMIT

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SECTION 1. ARTICLE XIV, SECTION 4.C. OTHER USES  
 PERMITTED UPON APPLICATION TO THE ZONING BOARD FOR A SPECIAL PER-  
 MIT IS DELETED IN ITS ENTIRETY.

ARTICLE XIV - SECTION 5., AREA, YARD, AND BUILDING  
REQUIREMENTS

SECTION 1. ARTICLE XIV, SECTION 5., AREA, YARD AND BUILDING REQUIREMENTS IS AMENDED BY ADDING PARAGRAPH C. AS FOLLOWS:

C. AS TO GARDEN APARTMENT DEVELOPMENT, AS SPECIFIED IN ARTICLE XII, SECTION 4.B., OF THIS ORDINANCE.

ARTICLE XV - B-2 CENTRAL BUSINESS ZONE, SECTION 1., PERMITTED USES

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SECTION 1. ARTICLE XV, B-2 CENTRAL BUSINESS ZONE, SECTION 1. PERMITTED USES IS AMENDED BY ADDING PARAGRAPH I. TO READ AS FOLLOWS:

I. GARDEN APARTMENT DEVELOPMENTS.

ARTICLE XV - B-2 CENTRAL BUSINESS ZONE, SECTION 3. D. OTHER USES PERMITTED UPON APPLICATION TO THE ZONING BOARD FOR A SPECIAL PERMIT.

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SECTION 1. ARTICLE XV, B-2 CENTRAL BUSINESS ZONE, SECTION 3. D. OTHER USES PERMITTED UPON APPLICATION TO THE ZONING BOARD FOR A SPECIAL PERMIT IS DELETED IN ITS ENTIRETY.

ARTICLE XV - B-2 CENTRAL BUSINESS ZONE, SECTION 4., AREA, YARD, AND BUILDING REQUIREMENTS.

SECTION 1. ARTICLE XV, B-2 CENTRAL BUSINESS ZONE, SECTION 4., AREA, YARD, AND BUILDING REQUIREMENTS IS AMENDED BY ADDING PARAGRAPH C. TO READ AS FOLLOWS:

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C. AS TO GARDEN APARTMENT DEVELOPMENTS, AS SPECIFIED IN ARTICLE XII, SECTION 4.B., OF THIS ORDINANCE.

ARTICLE XVI - B-3 HIGHWAY BUSINESS ZONE, SECTION 1.C. PERMITTED USES.

SECTION 1. ARTICLE XVI, B-3 HIGHWAY BUSINESS ZONE, SECTION 1. C. PERMITTED USES IS AMENDED BY ADDING SUBSECTION (8) TO READ AS FOLLOWS:

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(8) GARDEN APARTMENT DEVELOPMENTS.

ARTICLE XVI - B-3 HIGHWAY BUSINESS ZONE, SECTION 4., AREA, YARD, AND BUILDING REQUIREMENTS.

SECTION 1. ARTICLE XVI, B-3 HIGHWAY BUSINESS ZONE, SECTION 4., AREA, YARD, AND BUILDING REQUIREMENTS IS AMENDED BY

ADDING PARAGRAPH C. TO READ AS FOLLOWS:

C. AS TO GARDEN APARTMENT DEVELOPMENTS, AS SPECIFIED IN ARTICLE XII, SECTION 4.B., OF THIS ORDINANCE.

ARTICLE XVII - M-1 LIGHT INDUSTRY ZONE, SECTION 5.E. (3) OTHER PROVISIONS AND REQUIREMENTS.

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SECTION 1. ARTICLE XVII, M-1 LIGHT INDUSTRY ZONE, SECTION 5. E. (3) OTHER PROVISIONS AND REQUIREMENTS IS AMENDED TO READ AS FOLLOWS:

(3) RESIDENTIAL DWELLINGS EXCEPT GARDEN APARTMENTS AS PROVIDED FOR IN THIS ORDINANCE.

ARTICLE XX - SECTION 2. E. SPECIAL EXCEPTIONS (GARDEN APARTMENT DEVELOPMENTS)

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SECTION 1. ARTICLE XX, SECTION 2. E. SPECIAL EXCEPTIONS (GARDEN APARTMENT DEVELOPMENTS) IS DELETED IN ITS ENTIRETY AND AMENDED TO READ AS FOLLOWS:

E. GARDEN APARTMENT DEVELOPMENTS MAY BE PERMITTED IN THE M-1 LIGHT INDUSTRY ZONE PROVIDED THAT THE FOLLOWING DESIGN STANDARDS AND APPLICATION PROCEDURES ARE COMPLIED WITH:

(1) DESIGN STANDARDS:

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- MINIMUM LOT SIZE - 2 ACRES
- MINIMUM LOT WIDTH - 200 FEET
- MINIMUM LOT DEPTH - 300 FEET
- MINIMUM YARD REQUIREMENTS - 25 FEET ON ALL SIDES
- MINIMUM FLOOR AREA PER DWELLING UNIT - 650 SQUARE FEET
- MINIMUM OFF-STREET PARKING SPACES PER DWELLING UNIT 1-1/2
- MAXIMUM BUILDING COVERAGE - 20 PER CENT
- MAXIMUM BUILDING HEIGHT - 35 FEET
- MAXIMUM NUMBER OF DWELLING UNITS PER ACRE - 18

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THE AREA SHALL BE ATTRACTIVELY LANDSCAPED AND SEEDED.

ADEQUATE RECREATION AREA AND FACILITIES TO SERVE THE NEEDS OF THE ANTICIPATED POPULATION SHALL BE PROVIDED AND SHALL CONSIST OF AT LEAST THE FOLLOWING: A FENCED OFF PLAY-LOT INCLUDING PLAY EQUIPMENT SUCH AS SWINGS,

SEESAWS, ETC., SHALL BE PROVIDED. THERE SHALL BE FIFTEEN (15) SQUARE FEET OF PLAY-LOT FOR EVERY DWELLING UNIT WITH A MINIMUM SIZE AREA OF ONE THOUSAND (1,000) SQUARE FEET.

THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY TO GARDEN APARTMENTS PREVIOUSLY CONSTRUCTED OR TO APPLICATIONS FINALLY APPROVED AS OF THE DATE OF THE ADOPTION OF THIS AMENDMENT.

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(2) APPLICATION PROCEDURES:

- (A) APPLICANT SHALL CONFORM TO THE REQUIREMENTS OF ARTICLE V, GENERAL REGULATIONS, SECTION 23. OF THIS ORDINANCE.
- (B) APPLICATION FOR A PERMIT TOGETHER WITH THREE (3) COPIES OF THE APPROPRIATE PLANS, SPECIFICATIONS AND SIX (6) PLOT PLANS SHALL BE MADE TO THE BUILDING INSPECTOR, WHO SHALL GATHER ALL INFORMATION ON THE ABOVE REQUIREMENTS AND REFER THE MATTER TO THE ZONING BOARD.
- (C) THE ZONING BOARD SHALL REFER THE MATTER TO THE PLANNING BOARD FOR REPORT THEREON AS TO IT EFFECT ON THE COMPREHENSIVE PLANNING OF THE TOWNSHIP. NO ACTION SHALL BE TAKEN UNTIL SUCH REPORT SHALL HAVE BEEN RECEIVED FROM THE PLANNING BOARD, WHICH BOARD SHALL MAKE ITS REPORT THEREON WITHIN FORTY-FIVE (45) DAYS. AFTER RECEIPT OF SUCH REPORT, THE ZONING BOARD SHALL HEAR THE APPLICATION IN THE SAME MANNER AND UNDER THE SAME PROCEDURE AS IT IS EMPOWERED BY LAW AND ORDINANCE TO HEAR CASES AND MAKE EXCEPTIONS TO THE PROVISIONS OF THE ZONING ORDINANCE.
- (D) THE ZONING BOARD SHALL THEREAFTER REFER THE APPLICATION WITH ITS RECOMMENDATION AND THE RECOMMENDATION OF THE PLANNING BOARD TO THE MUNICIPAL COUNCIL. THE MUNICIPAL COUNCIL SHALL EITHER DENY OR GRANT THE APPLICATION, AND SHALL GIVE THE REASONS THEREFORE. IN APPROVING ANY SUCH APPLICATION, THE MUNICIPAL COUNCIL MAY IMPOSE ANY CONDITIONS THAT IT DEEMS NECESSARY TO ACCOMPLISH THE REASONABLE APPLICATION OF THE ABOVE STANDARDS, AND TO ENSURE CARRYING OUT OF THE GENERAL PURPOSES OF THE ZONING ORDINANCE.

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- (E) IF THE APPLICATION IS GRANTED, THE BUILDING INSPECTOR SHALL ISSUE A BUILDING PERMIT, BUT ONLY UPON THE CONDITIONS, IF ANY, IMPOSED BY THE MUNICIPAL COUNCIL.

14. UPON FULL AND COMPLETE COMPLIANCE WITH THE TERMS OF THE SETTLEMENT BY THE DEFENDANTS, BOROUGH OF CARTERET, BOROUGH OF HELMETTA, BOROUGH OF HIGHLAND PARK, BOROUGH OF JAMESBURG, BOROUGH OF METUCHEN, BOROUGH OF MIDDLESEX, BOROUGH OF MILLTOWN, CITY OF SOUTH AMBOY, BOROUGH OF SOUTH RIVER, BOROUGH OF SPOTSWOOD AND TOWNSHIP OF WOODBRIDGE, THE COMPLAINT IN THE ABOVE MATTER SHALL BE DISMISSED.

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15. THE DEFENDANTS, TOWNSHIP OF MADISON (OLD BRIDGE), TOWNSHIP OF MONROE, AND TOWNSHIP OF SOUTH BRUNSWICK BE AND ARE HEREBY ORDERED AND DIRECTED TO ENACT OR ADOPT NEW ZONING ORDINANCES TO ACCOMMODATE THEIR RESPECTIVE FAIR SHARE ALLOCATION OF LOW AND MODERATE INCOME HOUSING AS SPECIFICALLY OUTLINED IN THE COURT'S WRITTEN OPINION DATED MAY 4, 1976 AT PAGE 32 THEREOF, PLUS AN ADDITIONAL FAIR SHARE ALLOCATION OF 1,333 UNITS FOR EACH SUCH MUNICIPALITY.

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THE DEFENDANTS, TOWNSHIP OF CRANBURY, TOWNSHIP OF EAST BRUNSWICK, TOWNSHIP OF EDISON, TOWNSHIP OF NORTH BRUNSWICK, TOWNSHIP OF PISCATAWAY, TOWNSHIP OF PLAINSBORO, BOROUGH OF SAYREVILLE AND THE BOROUGH OF SOUTH PLAINFIELD, SHALL, ALTERNATIVELY, ENACT OR ADOPT NEW ZONING ORDINANCES TO ACCOMMODATE THEIR RESPECTIVE FAIR SHARE ALLOCATION OF LOW AND MODERATE INCOME HOUSING AS SPECIFICALLY OUTLINED IN THE COURT'S WRITTEN OPINION



dated May 4, 1976 at page 32 thereof, plus an additional fair share allocation of 1,333 units for each such municipality; or, shall rezone all of their remaining vacant land suitable for housing in order to permit or allow low and moderate income housing on a ratio of 15% low and 19% moderate income housing units as specifically outlined in this Court's written opinion at pages 33 and 34.

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16. All of the various defendants shall cause the enactment or adoption of their respective zoning ordinance amendments to be completed within ninety (90) days of the entry of this Judgment.

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17. This Court retains jurisdiction over the pending litigation for the purpose of supervising the full compliance with the terms and conditions of this Judgment.

18. Applications for special relief from the terms and conditions of this Judgment may be entertained by this Court.

19. It is the Judgment of this Court that the plaintiffs have an interest in this litigation which entitles them to standing to represent a class of low and moderate income people.

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20. All allegations as to alleged violations of the Federal Civil Rights Act, in such case made and provided, be and are hereby dismissed.

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21. Each of the defendants, Township of Cranbury, Township of East Brunswick, Township of Edison, Township of Madison (Old Bridge), Township of Monroe, Township of North

Brunswick, Township of Piscataway, Township of Plainsboro, Borough of Sayreville, Township of South Brunswick and the Borough of South Plainfield, are hereby ordered and directed to make good faith efforts by way of participation in existing or proposed Federal and State subsidy programs for new housing and rehabilitation of existing substandard housing. In implementing this judgment the 11 municipalities charged with fair share allocations must do more than rezone not to exclude the possibility of low and moderate income housing in the allocated amounts. Approvals of multi-family projects, including Planned Unit Developments, should impose mandatory minimums of low and moderate income units. Density incentives may be set. Mobile homes offer a realistic alternative within the reach of moderate and even low income households. Whether single-family housing is attainable for moderate income households may hinge upon land and construction costs. The 11 municipalities should pursue and cooperate in available Federal and State subsidy programs for new housing and rehabilitation of substandard housing, although it is beyond the issues in this litigation to order the expenditure of municipal funds or the allowance of tax abatements.

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22. The Third Party Defendants, City of New Brunswick and City of Perth Amboy, be and are hereby dismissed and judgment entered accordingly.

23. With regard to the 11 municipalities referred to in

Paragraph 2 above, separate orders of dismissal shall be submitted to the Court under Rule 4:42-1(b) upon enactment of ordinances in full compliance with this judgment.

24. Plaintiff's application for counsel fees is denied; however plaintiffs may apply for costs by separate motions.

It is further ORDERED that a copy of this judgment be forwarded to the respective attorneys within seven (7) days of the date hereof.

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/s/ David D. Furman  
DAVID D. FURMAN J.S.C.

I hereby consent to the form of the within judgment.

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/s/ Daniel A. Searing  
DANIEL A. SEARING, Esq.  
Attorney for Plaintiff

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REC'D.  
APPELLATE DIVISION

AUG 23 1976

A-12  
*Elizabeth McLaughlin*  
Clerk

ORIGINAL FILED  
AUG 23 1976  
ELIZABETH McLAUGHLIN  
Clerk

BUSCH AND BUSCH  
99 BAYARD STREET  
NEW BRUNSWICK, N. J. 08903  
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ATTORNEYS FOR Deft.-Appellant, Twp. of East Brunswick

URBAN LEAGUE OF GREATER NEW  
BRUNSWICK, et al

*Plaintiff*

vs.

THE MAYOR AND COUNCIL OF THE  
BOROUGH OF CARTERET, et als

*Defendant*

SUPERIOR COURT OF  
NEW JERSEY  
CHANCERY DIVISION  
MIDDLESEX COUNTY

Docket No. C-4122-73

CIVIL ACTION

NOTICE OF APPEAL

Notice is hereby given that the Mayor and Council of the Township of East Brunswick, improperly listed in the caption of the Complaint as the Township Committee of the Township of East Brunswick, having its principal offices at 1 Jean Walling Civic Center, East Brunswick, New Jersey 08816, appeals to the Superior Court, Appellate Division, from the whole of the Final Judgment entered by the Superior Court, Chancery Division, Judge

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David D. Furman, sitting below, in the above entitled action in favor of Plaintiffs and against the Defendant, Township of East Brunswick, among others, which Judgment was entered on July 9, 1976.

DATED: August 20, 1976

BUSCH AND BUSCH  
Attorneys for Defendant-  
Appellant, Township of East  
Brunswick

10

BY:

*Bertram E. Busch*  
BERTRAM E. BUSCH  
A Member of the Firm

20

I hereby certify that the foregoing is a true copy of the original on file in my office.

*Elizabeth W. Langlin*

Clerk

30

40

REC'D.  
APPELLATE DIVISION

224a

AUG 23 1976

CERTIFICATIONS

A-12  
*Elizabeth W. Laughlin*  
Clerk

1. I hereby certify that I have complied with Rule 2:5-3 (a) (request for transcript) by having ordered a transcript on August 20, 1976 from Louis Finkel, Supervisor, Middlesex County Court House, Certified Shorthand Reporters. I further certify that no deposit for the transcript is required under Rule 2:5-3(d). The request for the transcript has been signed by all attorneys for defendant-Appellant municipalities who are filing Notices of Appeal.

10

2. The undersigned hereby certifies pursuant to Rule 1:5-3 that service of the within Notice of Appeal was made by mailing the original and one copy of the foregoing Notice of Appeal to the Clerk of the Appellate Division, one copy to the Clerk of the Superior Court, and one copy to each of the attorneys indicated on the attached list.

20

3. The undersigned hereby certifies that there has been mailed, by ordinary mail, pursuant to Rule 2:5-1(b) to the Honorable David D. Furman, J.S.C., the Judge who presided at time of trial of the within matter without a jury, a copy of the foregoing Notice of Appeal.

30

BUSCH AND BUSCH  
Attorneys for Defendant, The  
Mayor and Council of the  
Township of East Brunswick

40

BY: *Bertram E. Busch*

BERTRAM E. BUSCH  
A Member of the Firm

DATED: August 20, 1976

REC'D.

225a

APPELLATE DIVISION

AUG 23 1976

BUSCH AND BUSCH  
COUNSELLORS AT LAW  
99 BAYARD STREET  
P. O. BOX 33  
NEW BRUNSWICK, N.J. 08903

A-12

*Elizabeth W. Douglas* 201  
Clerk 27-1017

D. BUSCH  
BUSCH  
R. BUSCH  
J. BUSCH  
E. BUSCH  
N. BUSCH  
R. BUSCH

August 20, 1976

Louis Finkel, Supervisor  
Certified Shorthand Reporter  
Middlesex County Court House  
New Brunswick, New Jersey

10

Re: Urban League of Greater New Brunswick  
v. Myor & Council of Borough of Carteret  
Our File No. EB-183

Dear Mr. Finkel:

In accordance with Rule 2:5-3 of the Rules Governing the  
Courts of the State of New Jersey, the undersigned attorneys,  
representing the municipalities indicated, hereby request  
that you prepare an original and copy of the transcript  
or have the same prepared by the reporters who recorded  
the proceedings in the case entitled Urban League of Greater  
New Brunswick, et al v. Borough of Carteret, et al before  
Judge David D. Furman which trial commenced on February 3,  
1976 and continued on the following dates in February:  
4, 5, 9, 10, 11, 12, 17, 18, 19, 23, 24, 25 and 26 and the  
following dates in March: 1, 2, 3, 4, 8, 9, 10, 11, 15,  
16, 17, 18, 22 and 23.

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In accordance with Rule 2:6-12 please furnish three copies  
of the transcript to the Appellate Division of the Superior  
Court of New Jersey.

30

No deposit is required under Rule 2:5-3 (sub d) for political  
subdivisions of the State.

40

Our File No. EB-183  
Page two

August 20, 1976

By a copy of this letter I am serving a copy of this request upon attorneys for all parties as well as the Clerk of the Appellate Division and the Administrative Office of the Courts.

Very truly yours,

10

BOROUGH OF SAYREVILLE

BY: Alan J. Karcher  
Alan J. Karcher, Esq.

TOWNSHIP OF EAST BRUNSWICK

BY: Bertram E. Busch  
Bertram E. Busch, Esq.

TOWNSHIP OF CRANBURY

BY: William C. Moran, Jr.  
William C. Moran, Jr., Esq.

20

BY: Sanford E. Chernin  
Sanford E. Chernin, Esq.

TOWNSHIP OF PISCATAWAY

BY: Daniel S. Bernstein  
Daniel S. Bernstein, Esq.

TOWNSHIP OF MONROE

BY: Thomas R. Farino, Jr.  
Thomas R. Farino, Jr., Esq.

30

TOWNSHIP OF PLAINSBORO

BY: Joseph L. Stonaker  
Joseph L. Stonaker, Esq.

TOWNSHIP OF SOUTH BRUNSWICK

BY: Barry C. Brechman  
Barry C. Brechman, Esq.

40

BEB/jkr  
cc: All attorneys of Record.  
Clerk, Appellate Division  
Administrative Office of the Courts



David H. Ben-Asher, Esq.  
34 Evergreen Place  
East Orange, NJ 07018

Guido Brigiani, Esq.  
Oakland Road  
Jamesburg, NJ 08831

Andre W. Gruber, Esq.  
1215 Livingston Ave.  
No. Brunswick, NJ  
08902

227a

Donald Winter, Esq.  
40 Amboy Avenue  
Lison, NJ 08817

Martin A. Spritzer, Esq.  
414 Main Street  
Metuchen, NJ 08840

John J. Vail, Esq.  
Box 238  
South Amboy, NJ 08879

Peter J. Selesky, Esq.  
2 Kirkpatrick Street  
New Brunswick, NJ 08903

William C. Moran, Esq.  
Cranbury-South River Rd.  
Cranbury, New Jersey

Alan Karcher, Esq.  
61-67 Main Street  
Sayreville, NJ 08872

Edward Johnson, Jr., Esq.  
Greenbrook Road  
Middlesex, N.J.

Sanford E. Chernin, Esq.  
1848 Easton Avenue  
Somerset, NJ 08873

Louis Alfonso, Esq.  
325 Highway 516  
Old Bridge, NJ 08857

Richard Plechner, Esq.  
51 Main Street  
Metuchen, NJ 08840

Lawrence Lerner, Esq.  
101 Bayard Street  
New Brunswick, NJ

Charles Booream, Esq.  
199 North Main Street  
Milltown, N.J.

Henry Handleman, Esq.  
c/o Dennis Cummins  
90 North Avenue  
Millen, NJ 08812

Daniel S. Bernstein, Esq.  
700 Park Avenue  
Plainfield, NJ 07061

Joseph Stonaker, Esq.  
245 Nassau Street  
Princeton, NJ 08540

National Committee Against  
Discrimination in Housing  
Attention: Daniel Searing  
13 H St., N.W.  
Washington, D C 20005

Arthur Burgess, Esq.  
167 Main Street  
Woodbridge, NJ 07095

Jonathan Heilbrunn, Esq.  
201 Highway 516  
Old Bridge, NJ 08857

Thomas R. Farino, Jr.,  
Esq.  
11 Gatzmer Avenue  
Jamesburg, NJ 08831

Gary Schwartz, Esq.  
65 Milltown Road  
East Brunswick, NJ 08816

Barry C. Brechman, Esq.  
3530 State Highway 27  
Kendall Park, NJ 08824

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3 Bayard Street  
New Brunswick, N.J.

Frank J. Jess, Esq.  
270 Hobart Street  
Perth Amboy, NJ 08861

Gilbert L. Nelson, Esq.  
203 Livingston Avenue  
New Brunswick, NJ 08903

William J. O'Shaughnessy  
34 Broad Street  
Perth Amboy, NJ. 07102

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO. A-4683-75

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URBAN LEAGUE OF GREATER NEW  
BRUNSWICK, et al., :

Plaintiffs, :

v. :

Civil Action

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

Defendants. :

NOTICE OF CROSS APPEAL

20

PLEASE TAKE NOTICE that plaintiffs, in accordance with  
R.2:3-4, Cross Appeal, hereby cross-appeal in the above  
captioned matter to the Superior Court, Appellate Division,  
against the following defendant-appellants, which filed appeals  
on the dates indicated:

30

Township Committee of the Township of Cranbury on August 18, 1976

Mayor and Council of the Township of East Brunswick on  
August 20, 1976

Township Committee of the Township of Monroe on August 18, 1976

Township Committee of the Township of Piscataway on  
August 20, 1976

40

Township Committee of the Township of Plainsboro on August 18, 1976

Mayor and Council of the Borough of Sayreville on August 19, 1976

Township Committee of the Township of South Brunswick on  
August 19, 1976

Mayor and Council of the Borough of South Plainfield on  
August 20, 1976

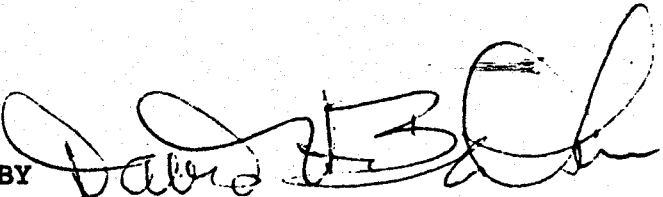
The following information is provided in accordance with R.2:5-1(f):

1. Name of Plaintiffs taking the Cross Appeal: 10
  - Urban League of Greater New Brunswick
  - Cleveland Benson
  - Judith Champion
  - Barbara Tippet
  - Kenneth Tuskey
  
2. Names and addresses of Counsel for Plaintiffs: 20
  - Martin Sloane
  - Daniel A. Searing
  - Arthur D. Wolf
  - National Committee Against Discrimination  
in Housing, Inc.
  - 1425 H Street, N.W., Suite 410
  - Washington, D.C. 20005
  - (202) 783-8150
  
  - Marilyn Morheuser 30
  - 45 Academy Street
  - Newark, New Jersey
  - (201) 642-2084
  
  - David H. Ben-Asher
  - Baumgart and Ben-Asher
  - 134 Evergreen Place
  - East Orange, New Jersey 07018
  - (201) 677-1400
  
3. The names of all other parties to the action are: 40
  - Mayor and Council of the Borough of Carteret
  - Township Committee of the Township of Cranbury
  - Mayor and Council of the Borough of Dunellen

Township Committee of the Township of East Brunswick	
Township Committee of the Township of Edison	
Mayor and Council of the Borough of Helmetta	10
Mayor and Council of the Borough of Highland Park	
Mayor and Council of the Borough of Jamesburg	
Mayor and Council of the Borough of Metuchen	
Mayor and Council of the Borough of Middlesex	
Mayor and Council of the Borough of Milltown	20
Township Committee of the Township of Monroe	
Township Committee of the Township of North Brunswick	
Township Committee of the Township of Old Bridge (formerly Madison)	
Township Committee of the Township of Piscataway	
Township Committee of the Township of Plainsboro	
Mayor and Council of the Borough of Sayreville	30
Mayor and Council of the City of South Amboy	
Township Committee of the Township of South Brunswick	
Mayor and Council of the Borough of South Plainfield	
Mayor and Council of the Borough of South River	
Mayor and Council of the Borough of Spotswood	
Township Committee of the Township of Woodbridge	40
City of Perth Amboy (Third party defendants)	
City of New Brunswick (Third party defendants)	
New Jersey League of Women Voters and Middlesex County League of Women Voters (Intervenors)	

4. This is a cross appeal from the final judgment entered  
on July 9, 1976 in Urban League of Greater New Brunswick, et al.,  
v. The Mayor and Council of the Borough of Carteret, et al.,  
C-4122-73, Superior Court, Chancery Division, Middlesex County. 10
5. The trial judge below was the Honorable David D. Furman,  
Superior Court, Chancery Division, Middlesex County.
6. This case is being cross appealed to the Superior Court,  
Appellate Division. 20

BY

  
DAVID H. BEN-ASHER  
Attorney for Plaintiffs 30

Dated: August 31, 1976 40

CERTIFICATIONS

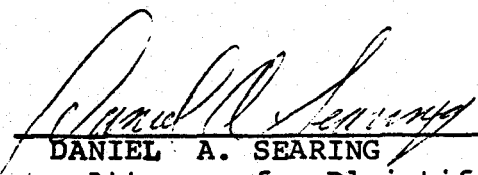
I hereby certify compliance with R.2:5-3(a) in that a copy of the transcript was requested by defendants.

Pursuant to R.2:5-1 I hereby certify that service of this Notice of Cross Appeal was made by mailing the original and one copy to the Clerk of the Appellate Division, one copy to the Clerk of the Superior Court, and one copy to each of the attorneys listed in the attached certificate of service.

10

I hereby certify that pursuant to R.2:5-1(b), a copy of this Notice of Cross Appeal has been mailed to the Honorable David D. Furman, J.S.C., the Judge who presided below.

20

  
\_\_\_\_\_  
DANIEL A. SEARING  
Attorney for Plaintiffs  
National Committee Against  
Discrimination in Housing,  
Inc.

30

Dated: August 31, 1976

40

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Notice of Cross

Appeal was served by ordinary mail upon:

Peter J. Selesky, Esq.  
 Attorney for Defendant, Mayor and  
 Council for the Borough of Carteret  
 22 Kirkpatrick Street  
 New Brunswick, New Jersey 08903 10

William C. Moran, Jr., Esq.  
 Attorney for Defendant, Township  
 Committee of the Township of Cranbury  
 Huff and Moran  
 Cranbury-South River Road  
 New Brunswick, New Jersey 08512

Dennis Cummins, Jr., Esq.  
 Attorney for Defendant, Borough of  
 Dunellen  
 16-20 St. Anne Street  
 Fair Lawn, New Jersey 07410 20

Bertram E. Busch, Esq.  
 Attorney for Defendant, Township of  
 East Brunswick  
 Busch and Busch  
 99 Bayard Street  
 New Brunswick, New Jersey 30

Roland A. Winter, Esq.  
 Attorney for Defendant, Township of  
 Edison  
 Jacobson and Winter  
 940 Amboy Avenue  
 Edison, New Jersey 08817

Richard F. Plechner, Esq.  
 Attorney for Defendant, Borough of  
 Helmetta  
 351 Main Street  
 Metuchen, New Jersey 08840 40

Lawrence Lerner, Esq.  
 Attorney for Defendant, Borough of Highland Park  
 Rubin and Lerner  
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 New Brunswick, New Jersey 08901

Louis Alfonso, Esq.  
 Attorney for Defendant, Township of  
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 Alfonso, Grossman & Alfonso  
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 Old Bridge, New Jersey 08857

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 414 Main Street  
 Metuchen, New Jersey 08840

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 Attorney for Defendant, Borough of  
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 Middlesex, New Jersey 08846

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20

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 Siegel and Farino  
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 Jamesburg, New Jersey 08831

Joseph H. Burns, Esq.  
 Attorney for Defendant, Township of  
 North Brunswick  
 103 Bayard Street  
 New Brunswick, New Jersey 08901

30

Daniel Bernstein, Esq.  
 Attorney for Defendant, Township of Piscataway  
 P.O. Box 1148  
 Plainfield, New Jersey 07061

Joseph L. Stonaker, Esq.  
 Attorney for Defendant, Township of Plainsboro  
 245 Nassau Street  
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40

Alan J. Karcher, Esq.  
 Attorney for Defendant, Borough of Sayreville  
 Karcher, Reavey & Karcher  
 61 Main Street  
 Sayreville, New Jersey 08872



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121 North Broadway  
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South Brunswick  
3530 State Highway 27  
Suite 207  
Kendall Park, New Jersey 08824

10

Sanford E. Chernin, Esq.  
Attorney for Defendant, Borough of  
South Plainfield  
1848 Easton Avenue  
Somerset, New Jersey 08873

Gary M. Schwartz, Esq.  
Attorney for Defendant, Mayor and  
Council of the Borough of South River  
65 Milltown Road  
East Brunswick, New Jersey 08816

20

Guido J. Brigani, Esq.  
Attorney for Defendant, Borough of  
Spotswood and Jamesburg  
1 Oakland Road  
Jamesburg, New Jersey 08831

Arthur W. Burgess, Esq.  
Attorney for Defendant, Township of  
Woodbridge  
167 Main Street  
Woodbridge, New Jersey 07095

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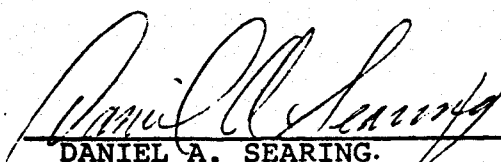
Frank J. Jess, Esq.  
Attorney for Third Party Defendant  
City of Perth Amboy  
270 Hobart Street  
Perth Amboy, New Jersey 08861

Gilbert L. Nelson, Esq.  
Attorney for Third Party Defendant,  
City of New Brunswick  
203 Livingston Avenue  
New Brunswick, New Jersey 08903

40

William J. O'Shaughnessy, Esq.  
Attorney for Petitioners, New  
Jersey League of Women Voters and  
Middlesex County League of Women Voters  
744 Broad Street  
Newark, New Jersey 07102

10



DANIEL A. SEARING.

Attorney for Plaintiffs  
NATIONAL COMMITTEE AGAINST  
DISCRIMINATION IN HOUSING, INC.  
1425 H Street, N.W., Suite 410  
Washington, D.C. 20005  
(202) 783-8150

20

ef

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**BUSCH AND BUSCH**  
99 BAYARD STREET  
NEW BRUNSWICK, N. J. 08903  
(201) 247-1017  
ATTORNEYS FOR Township of East Brunswick

10

URBAN LEAGUE OF GREATER NEW  
BRUNSWICK, et al

Plaintiff

vs

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

Defendant

SUPERIOR COURT OF  
NEW JERSEY  
CHANCERY DIVISION  
MIDDLESEX COUNTY

C-4122-73

*Docket No.*

20

**CIVIL ACTION**  
**NOTICE OF MOTION**

TO: Daniel A. Searing, Esq.  
National Committee Against  
Discrimination in Housing, Inc.  
1425 H Street, N.W.  
Washington, D. C. 20005

30

SIR:

PLEASE TAKE NOTICE that we shall apply to Judge David D.  
Furman on August 13, 1976 for relief from judgment in order to  
permit the Township of East Brunswick to implement the Master Plan  
adopted on May 19, 1976 by the East Brunswick Planning Board which

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plan would permit construction of 2,500 units for persons of low and moderate income by the year 2,000.

BUSCH AND BUSCH  
Attorneys for Township of  
East Brunswick

BY:

BERTRAM E. BUSCH  
A Member of the Firm

10

I hereby certify that the original of this Motion was filed with the Clerk of the Superior Court of New Jersey in Trenton and a copy was served by ordinary mail upon Daniel A. Searing, Esq., attorney for plaintiff and a copy was filed with Judge Furman in the Middlesex County Court House, New Brunswick, New Jersey on July 16, 1976.

20

BERTRAM E. BUSCH

30

40

BAUMGART & BEN-ASHER  
 134 Evergreen Place  
 East Orange, New Jersey 07018  
 (201) 677-1400

MARTIN E. SLOANE  
 DANIEL A. SEARING  
 ARTHUR D. WOLF  
 National Committee Against  
 Discrimination in Housing, Inc.  
 1425 H Street, N.W., Suite 410  
 Washington, D.C. 20005  
 (202) 783-8150

MARILYN MORHEUSER  
 45 Academy Street  
 Newark, New Jersey 07102  
 (201) 642-2084

10

Attorneys for Plaintiffs

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.

:  
 :  
 : 20  
 :  
 :  
 : Civil Action  
 :  
 : MEMORANDUM IN OPPOSITION TO  
 : DEFENDANT EAST BRUNSWICK'S  
 : MOTION FOR RELIEF FROM THE  
 : JUDGMENT

Introduction

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On May 4, 1976, the Court issued its written opinion in the above captioned case. On July 9, 1976, the Court signed the Judgment Order. On July 16, 1976, defendant East Brunswick moved for relief from the judgment. The motion was originally noticed for August 13, 1976, but by consent was rescheduled for September 17 and then September 24, 1976. East Brunswick appears to be requesting relief from that part of the judgment

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ordering rezoning to accommodate 2,649 low and moderate income housing units by 1985. In support of this request, East Brunswick has submitted its Master Plan, and a letter from counsel indicating that "it is expected that the Township could provide 2,500 units for persons of low and moderate income by the year 2000."

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Argument

Plaintiffs oppose the request for relief from the judgment, and respectfully request that the Court deny the motion. Plaintiffs' opposition is based on the following reasons:

1. The Master Plan does not support counsel's assurances of 2,500 low and moderate income units by 2000. Rather, the Plan includes projections only to 1985, and provides for a maximum of 1,548 such units, rather than the judgment figure of 2,649 units (Table F-2, Appendix 1). This is a shortfall of 1,101 units as compared to the judgment. Defendant's proposal is not adequate to meet the needs of the plaintiffs. Even if the Master Plan did require the production of 2,500 by the year 2000, it would still be 149 units short and 15 years too late. The constitutional rights of low and moderate income people announced in the Mt. Laurel case will not allow for a 15 year delay.

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2. The Master Plan is offered as fulfillment of all of the defendant's obligations under the judgment. However it is deficient because it does not comply with paragraph 15 of the judgment, which specifies that defendant East Brunswick shall adopt new zoning ordinances to accommodate its fair share of low and

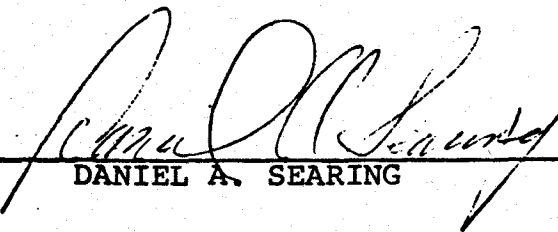
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moderate income housing or rezone all remaining land, to accommodate low and moderate income housing according to a specific ratio.

3. Counsel's letter also implies that relief from the judgment is necessary for passage of ordinances implementing the Master Plan. This is clearly not the case, as ordinances implementing all or part of the Master Plan can certainly be passed, provided such ordinances have the effect of implementing the judgment or at least do not impact on its eventual implementation.

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\_\_\_\_\_  
DANIEL A. SEARING

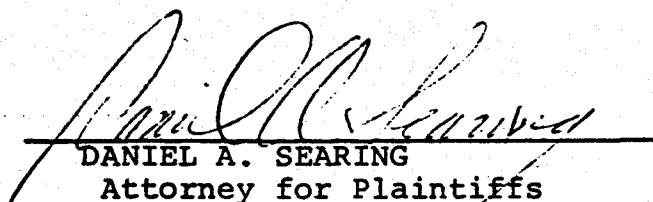
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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Memorandum was served by ordinary mail upon Bertram E. Busch, Esq., Attorney for East Brunswick and all other defense counsel; and a copy was mailed to Judge Furman in the Middlesex County Court House, New Brunswick, New Jersey, on September 20, 1976.

10



DANIEL A. SEARING  
Attorney for Plaintiffs  
NATIONAL COMMITTEE AGAINST  
DISCRIMINATION IN HOUSING, INC.  
1425 H Street, N.W.  
Washington, D.C. 20005  
202-783-8150

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# TOWNSHIP OF EAST BRUNSWICK, N. J.

MUNICIPAL BUILDING

575 RYDERS LANE . 08816

(201) 254 - 4600

Department of  
of  
Health, Environment  
& Welfare

LEONARD S. HILSEN, R.S., M.C.R.P.  
Director

May 8, 1975

The Township Council of East Brunswick  
East Brunswick Township  
Municipal Building  
East Brunswick, N.J. 08816

10

Dear Members of the Council:

The Natural Resources Inventory which the Mayor and the Township Council authorized has been completed and is ready for inspection and use. The study was performed by the Natural and Historic Resources Associates of Philadelphia, Pa. under the direction of the Natural Resources Inventory Sub-Committee of the East Brunswick Environmental Commission. The inventory consists of:

20

1. Nine (9) maps of the Township:  
Seven (7) are natural resource factor maps providing mapped data on the natural resource factors important to Township planning matters. Examples are Geology, Soils and Surface Water.  
Two (2) maps provide Development Suitability and Open Space suitability guidance for all Township areas. These maps represent the use of the natural resource maps and data to determine the suitability of all areas to development and/or open space land use.
2. The enclosed written report, which explains the study's purpose, methods and information sources, and presents a detailed explanation of the data contained in seven natural resource factor maps. It also explains how the natural resource factors were used on compiling the development suitability and open space suitability maps and how they are to be used.

30

The value of the Natural Resource Inventory lies in its use, in constant application of the information it contains to land use decisions and plans. All land use decisions or plans will impact or use the Township's natural resources. This inventory provides guidance on the nature of the impact. Use of this inventory is recommended to all Township representatives engaged in land use matters, and all citizens or developers who plan land use changes.

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-2-

It has been stated that the inventory provides land use guidance. The inventory is designed to provide a detailed and clear understanding of the natural resource factor data for each Township area. Therefore, in making site decision, it is recommended that the inventory data for that site provide the basis but not limitations of review.

Based on our knowledge of the time consuming, well documented effort made by the consultants, we are confident that the information represents an authoritative, unduplicated source that will help in reaching sound land use decisions.

The value of the inventory has already been evident in the use made by the Master Plan Review Committee in developing its recommendations and by the Environmental Commission in considering several site development questions. 10

Maximum use of the inventory will be, in part, a function of the distribution of the study. It is the objective of the Environmental Commission to encourage and participate in a communication program which will provide awareness by all Township bodies involved in land use matters, developers and the public.

While we recommend all of the enclosed text for your review, we suggest early review of the section entitled "Recommendations for the Use of This Inventory". Of particular significance in this section are observations concerning the accuracy of the information and the need to keep the inventory up to date. Since it is primarily a compilation of source material rather than the results of on site inspection, the information is as accurate as the source material. For specific site development matters, the information provided may be confirmed and supplemental by on site study by users. To the extent that it directs the users to critical natural resource consideration, it provides value. 20

In addition, it is clear that conditions change. It is the intent of the Environmental Commission to provide for periodic updating of the inventory to maintain its value. 30

The quality of this Natural Resource Inventory is a credit to Ms. Margaret Bennett of Natural and Historic Resources Associates. Ms. Bennett, who is a product of the leading environmental college in the United States, The University of Pennsylvania, has provided us with a wealth of research and knowledge. We are pleased that she will be available to consult with us on future natural resource matters.

Working with and directing the consultant was the subcommittee, led by Joseph Romero. This subcommittee, composed of all the members of the Environmental Commission and several citizen volunteers, provided their own individual environmental expertise and their common concern for environmentally sound land use planning in review of the consultant's work. 40

May 8, 1975

-3-

This inventory would not be an actuality now without the original initiative provided by our late Mayor Jean Walling and her continued support and interest during its progress. We dedicate this Natural Resource Inventory to her memory.

Respectfully,

*Frank Flower*

Frank Flower, Chairman *per FF*  
East Brunswick Environmental Commission

FF:kh

# COMPREHENSIVE MASTER PLAN

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Township of  
EAST BRUNSWICK, N.J.

Revised Draft for Planning Board Adoption

May 19, 1976

## COMPREHENSIVE MASTER PLAN

East Brunswick Township, New Jersey

This report represents a summary of Master Plan proposals, as developed by the Township's Planning Board, guided by the objectives and principles derived from the Master Plan Review Committee. Input from the Mayor, Township Council, other public bodies, citizen study committees and numerous independent citizens have been considered in its formulation. Technical assistance in its preparation was provided by the Township's planning consultant, Raymond, Parish & Pine, Inc., as well as various Township staff members.

May 19, 1976

"ON TOWNSHIP LETTERHEAD"

Letter from Planning Board to Mayor and Township Council forwarding revised Master Plan for consideration of a letter of endorsement. In letter, mention Jean Walling, Mayor.

(To be drafted by Planning Board)

ACKNOWLEDGEMENTS

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In addition, without listing the many individuals and citizen committees involved in this Master Plan, acknowledgement of their many long hours and concerted efforts is appreciated. Special note is made of the Township's Master Plan Review Committee which formalized the Master Plan revision effort and to the Township's planning consultants, Raymond, Parish & Pine, Inc., for their technical assistance.

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Special note is also made of the Township's Environmental Commission input to this Master Plan through its Natural Resource Inventory, which was an invaluable aid in formulating some basic land use decisions.

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I. INTRODUCTION

## I. INTRODUCTION

### A. Summary

East Brunswick is planning for its future. Much of our community's remaining land will be developed in the next 30 years.

As we plan for our future, complex development issues confront us. The environment, dwindling land availability, a need for affordable housing, increasing competition for diminishing jobs, emerging regional and legal planning mandates and a desire to maintain an accustomed lifestyle is the backdrop against which East Brunswick must make decisions about its future. 10

This report provides the basis upon which the Township should respond to the complex issues it now confronts. East Brunswick has chosen to develop a comprehensive Master Plan to influence decisions regarding future development in order to reflect the best interests of the entire Township and its region. 20

This Master Plan is a way to guide local control over current and future development. It is a method by which the Township establishes policies to manage and direct private and public growth on lands remaining within its boundaries as well as influence decisions in its immediate region, so that potentially harmful fiscal, social and physical impacts on the community can be avoided. 30

This Plan is conceived as a basis for preserving the most desirable existing aspects of the Township while accommodating change and growth. It responds to the social and economic needs of its residents as well as the larger area of which it is an intimate part. 40

For the past three years, many people have been examining East Brunswick's resources and potentials to develop a Comprehensive

Master Plan. They have included the Mayor, Township Council, Planning Board, citizen study committees, a Master Plan Review Committee, numerous independent citizens and a planning consultant. The ideas and concerns of many individual residents and civic groups are reflected in the basic community goals and objectives for the Plan. A great deal of citizen involvement occurred at each level of development of the Plan.

The principles which guided the formation of the Master Plan are stated in the "PREFACE TO PLANNING" report of the Master Plan Review Committee. They were developed within the context of five basic concerns:

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- 1) Natural Environment
- 2) Local Economy
- 3) Aesthetic and Cultural Values
- 4) Housing
- 5) Public and Private Services.

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Within these broad areas, more specific principles evolved, which are hereby adopted:

- Protect and preserve established residential areas.
- Conserve as many environmentally sensitive areas in the Township as feasible.
- Enhance services and accessibility to existing industrial and commercial concentrations located in the Township.
- Encourage preservation of historical landmarks.
- Encourage development of a unified town center around the existing Township Civic Center as the major source of community identity, providing opportunities for a full range of activity to include: recreation and open space; additional governmental/educational offices; civic, cultural, social and community services; appropriate supportive commercial and residential uses.

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- Encourage existing agricultural areas to remain.
- Meet the housing needs of a wide range of incomes and age levels.
- Provide varied housing types in meeting these needs.
- Utilize new planning and development techniques, which consider social and environmental factors, in meeting future housing needs.
- Maximize advantages afforded by existing or potential public transit in locating more intense housing.
- Lands zoned for industrial use should be reduced to insure that the Township land use plan is balanced as well as being realistically responsive to regional growth opportunities. 10
- Encourage additional tax producing uses, such as office facilities, to assist in meeting local fiscal needs and provide additional local job opportunities.
- Stabilize <sup>the</sup> extent of commercially-zoned land along Route 18 and improve the quality of existing commercial development located there. 20
- Promote adequacy, variety, convenience and pleasantness of shopping for local residents.
- Utilize modern water runoff control techniques to improve local drainage patterns and enhance the environment.
- Insure all development is adequately served by public water, sewer, storm drainage and other utility systems in an economic and coordinated manner. 30
- Develop coordinated open space and recreational programs, both for improving utilization of existing areas as well as newly acquired park areas.
- Insure location of new public facilities such as schools and park areas so that they are coordinated with future development patterns.
- Provide quality education at all levels for residents of the Township. 40
- Promote the full use of school facilities for recreational and community activities.

- Continue adequate fire and police service with appropriate facilities, manpower and equipment distributed according to need.
- Cooperate in improvement and provision of local health and social services coordinated with regional efforts.
- Encourage completion of coordinated regional highways and the development of a public transportation network that will best serve the Township and its immediate environs.
- Develop a safe, efficient, local circulation system with maximum convenience and minimum adverse effect on land traversed.
- Re-evaluate existing development controls regarding design standards, lot sizes, building setbacks, coverage and density of various land uses, in order to insure compatible development with the existing environment. 10

The Master Plan will serve East Brunswick in a number of ways, such as providing the Township with a basis for judging whether a specific local or regional development proposal is consistent with community growth objectives. 20

It enables a clear understanding of the impact of a proposal on the community as a whole, now and in the future. It provides a clear and workable set of guidelines for the public and private developer, enabling them to design their development proposals in harmony with the Township's stated policies. 30

It forms the basis upon which changes in zoning ordinances, other land use controls and capital improvement planning can occur.

Lastly, it helps clarify the complex social and economic consequences of developing the Township's remaining land. The Plan will help ensure a proper balance between the environment, open space, housing, jobs, community facilities, circulation and that intangible "quality of life" in East Brunswick. 40

This Plan proposes implementation in two separate stages—a short term period of 5-10 years, and a long term extending until the year 2000. In the short term, the Township will adjust its zoning ordinance and other land use management controls to implement short term planning proposals.

In the short term plan, preservation of the environment is emphasized. Balancing new growth with conservation of open spaces is paramount. Agriculture is stressed as a part of the Plan's economic base, while a reduction in industrially-zoned vacant lands to realistic future growth levels is proposed. The provision of a variety of housing choices is also endorsed and affirmatively encouraged.

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A "town green," opposite the existing Civic Center, should provide municipal offices, civic activities, varied housing uses and specialized commercial activities, set in and about open spaces. A "town green" would establish the character of the Township's "center."

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Other changes in traffic patterns and community facilities are proposed to support the Master Plan proposals. These, together with a more detailed explanation of the Master Plan, are summarized in subsequent sections of this report.

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#### B. Nature of East Brunswick's Planning Process

Revision of the Township's Master Plan was a process divided into three interrelated phases. Throughout each phase the process combined citizen involvement in defining fundamental goals and priorities and professional assistance to translate citizens' goals into comprehensive and rational planning programs and documents.

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The first phase, an analysis of existing resources and potentials culminating in the formation of community objectives and planning principles, is summarized in the "PREFACE TO PLANNING," the report of the Township's Master Plan Review Committee.

In view of the many uncertainties surrounding the future, and in order to avoid arbitrary rigidities, this Master Plan, which constituted the second phase, is generalized to afford flexibility where necessary.

The "PREFACE TO PLANNING" called for early action, as delineated in the short-term plan. It also suggested further studies and conceptualized an approach to dealing with long term growth concerns through its proposal of a long-range plan. 10

The planning proposals, contained in this Master Plan, are expressed in the form of maps and descriptive text. These are the basis for third phase implementation, which includes creation of legislative and financial programs geared towards realizing the Plan. These implementation programs will evolve after the adoption of this Plan. 20

This third phase is continuous, as it becomes necessary to periodically reevaluate the Plan's objectives and principles and the Plan itself in light of changes in the community and the region of which it is a part. 30

East Brunswick's Master Plan is an advisory document which should serve as a guide to the Township in programming of public works, in the 40



adoption of development controls, in the acquisition of land and in the construction of facilities. It should also indicate to other public and private interests the direction in which the Township hopes to guide its future.

East Brunswick's Comprehensive Master Plan is not a permanent or unalterable document. It is based upon informed judgment, applied to currently valid assumptions of public objectives, and upon current projections of future events.

The Plan must be periodically reviewed and amended to reflect future decisions, trends, or events, many of which will undoubtedly originate from outside the Township. Such a process, according to State law, must include a major re-evaluation of the Plan at intervals of six years, or sooner, depending upon the actual pace of physical development and the rate at which changes in circumstances will affect the assumptions upon which the Plan is based.

The strength of this Master Plan is predicated on its comprehensiveness. To accept one part, without being in context with others, would reduce the effectiveness of the Plan. It is paramount, therefore, that any subsequent changes in the Plan or in the Zoning Ordinance be preceded by an investigation of its implications and effect on other development policies and principles.

Only in this way can modifications be made in the Plan without destroying the rational balance of its comprehensiveness.

II. PREFACE TO PLANNING

## II. PREFACE TO PLANNING

The Master Plan Review Committee report "PREFACE TO PLANNING" established the technical data framework and basic objectives and planning principles upon which much of this Master Plan is based. It further summarized planning studies relevant to East Brunswick. The "PREFACE TO PLANNING" report, therefore, should be considered an important resource.

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### A. Key Issues - Planning Principles

As a result of the various analyses conducted by the Master Plan Review Committee and its consultant, coupled with all previous reports and planning efforts undertaken by others since / adoption of the 1970 Master Plan, certain key planning and development issues have been identified. These issues led to the formation of planning principles which, in turn, were the basis for the Master Plan as presented in this report.

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The reader is referred to "PREFACE TO PLANNING" for a full discussion of these issues and principles. Included in the "INTRODUCTION" to this report are the planning principles in summary version.

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The key planning and development issues identified by the Master Plan Review Committee were categorized according to five basic areas of concern. They are highlighted as follows:

#### 1. Natural Environment

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Environmental constraints in remaining vacant and developable lands were identified. Through the use of the Township Environmental Commission's "Natural Resource Inventory", coupled with

an inventory and study of vacant land in the Township, a documentation of environmentally-sensitive areas was established.

That documentation revealed that about 37% or 5,145 acres of the remaining vacant acreage in the Township should remain undeveloped. Some of that acreage contains severe environmental constraints, such as flood plains, wet areas or poorly-drained soils.

Such areas were classified as "Environmental 1" by the Master Plan Review Committee and were recommended to be excluded from development in the interests of protecting the health, safety and welfare of Township residents. By excluding these problem areas a gross development potential land area of some 3,500 acres, capable of sustaining development, was identified. This represents about 25% of the total Township area. Table \_\_\_\_\_ tabulates these environmentally sensitive areas. 10 20

With the exception of smaller land parcels located throughout the Township, the majority of these vacant areas with development potential are concentrated west of the New Jersey Turnpike, in the southwest portion of the Township straddling Cranbury Road, and in the central triangle portion of the Township formed by Dunhams Corner Road, Summerhill Road and Rues Lane. The location of these suitable lands predetermines, to a large extent, where future growth in the Township should be accommodated. 30 40

TABLE  
ENVIRONMENTALLY SENSITIVE LAND AREAS

	Total remaining developed acres	Acres	% Develop	
Environmental 1		1624	31.5	10
Environmental 2		1270	24.6	
TOTAL	5145	2894		

Source: Derived by RPP, Inc. from " Natural Resource Inventory"  
East Brunswick Environmental Commission, 1975 report.

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1. Environmental 1 - includes those areas containing at least one "severe development constraint" (e.g., flood plain, or areas with seasonally high watertables).
2. Environmental 2 - Includes those areas which display the lowest sum of suitability criteria ratings as developed by the NR 1 (e.g., includes areas having poor soils, excessive slopes, severe erosion, etc. which tend to produce environmental concerns in a collective fashion).

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A further physical limiting factor is the location of the Farrington Sands outcrops west of the Turnpike. Without sewer availability, any intense development would pollute this aquifer-recharge area. These areas can only reasonably support low-density development to insure adequate aquifer-recharge surfaces and minimal pollution. Their preservation is invaluable for the water supply source for both East Brunswick and central Middlesex County.

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The area west of the Turnpike should be conserved, providing a practical limit to the options available for accommodating future growth in the Township. The emphasis for locating future growth shifts, therefore, to the areas east of the Turnpike, as previously outlined above.

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## 2. Local Economy

In light of recent growth trends in the Township and the projected slowdown of growth of its region, the extent and type of presently zoned job-producing lands bears examination. Various alternative impact studies were conducted by the Master Plan Review Committee to evaluate the extent of adjustment necessary; one which would still produce a balanced development plan with sufficient jobs in relation to anticipated housing growth.

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Other studies have indicated that while commercial land uses were adequate and perhaps underplanned in light of the changing service job orientation of the region, the extent of industrial lands were overplanned. A 50% reduction in total industrially-zoned

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lands is proposed, while a 5% increase in commercially-zoned lands is outlined in this Plan.

### 3. Aesthetic and Cultural Values

The need for developing a "sense of community" was identified in the preliminary information-gathering stages leading to the formation of this Plan. This is one of the strongest motivating forces for advancing the "town green" concept as focus and identity for the Township and its residents.

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Also, emphasis on historic preservation was addressed as a key concern; so much so that a special historic district was created by ordinance in the Old Bridge section of the Township, prior to the completion of this Plan.

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### 4. Housing

The concern for meeting varied lifestyles of Township residents, both current and future, is noted. In particular, balancing new housing needs with new job generation is considered a major goal to be achieved by the Master Plan. In addition, emerging regional and statewide needs, coupled with the Township's own need to provide affordable housing for all its residents, are endorsed.

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In addressing housing needs at all levels, emphasis on using new housing styles and land development techniques that consider social and environmental factors is suggested. Paramount, however, is the need to protect and preserve established residential neighborhoods.

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## 5. Public and Private Services

The provision of adequate utilities, open space and recreation, education, transportation, health, safety and other municipal government functions are important and should be supportive of any new development proposals in this Master Plan. Further, the area of social services, such as cultural facilities and services to youth and the Township's emerging elderly population, is noted.

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### B. Regional Relationships

East Brunswick's Master Plan is developed within the context of regional plans for the Middlesex County area. Specifically, the Middlesex County Planning Board's Alternative Plan, as well as its adopted Interim Plan, have been used as the basic regional planning framework for the Township. The Township's plan is conceptually consistent with the goals and objectives embodied in the County plan. Albeit, there are minor differences in plan detail.

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The County Planning Board anticipates revising its Master Plan this year and has recently begun that process. Clearly, the Township can express its desired growth plans to the County through this Master Plan. It has always been the intention of the Township to develop a master plan that considers regional relationships and responsibilities. To the extent that there may be differences in detail, joint discussion of the options available should ensue as the County revises its Plan, arriving at solutions agreeable to both bodies.

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East Brunswick has recognized the Master Plan proposals of adjacent communities in the preparation of its Master Plan. In some instances adjacent lands are totally developed, and the character of existing development has been considered in advancing compatible land uses in East Brunswick.

As the County revises its Master Plan, open discussion with its constituent municipalities can result in developing compatible land uses at all municipal boundaries.

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Highlighted below are the basic land use relationships between East Brunswick and its adjacent municipalities:

a) South Brunswick - Both plans are compatible. Ireland's Brook preservation as open space appears in both plans. While East Brunswick proposes agricultural use along the north side of Dunhams Corner Road; South Brunswick proposes agricultural, open space and some light industrial on the south side. These uses are compatible.

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b) North Brunswick - Both plans suggest floodplain preservation along Farrington Lake, with adjacent low-density residential.

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c) Borough of Milltown - For the most part, Milltown proposes industrial uses with pockets of existing residential development along its municipal boundary. East Brunswick's Plan suggests office-research or limited industrial uses which are compatible land uses.

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- d) Township of North Brunswick - Both plans propose preservation of floodplains along Weston's Mill Pond with low-density residential use adjacent and, therefore, are compatible.
- e) City of New Brunswick - Other than developed single-family uses, New Brunswick plans for a mixed-use development along the Weston's Mill Pond area as well as the Lawrence Brook area. With the exception of the Weston's Mill Pond area, the city's proposals would be consistent with existing East Brunswick proposals. Since East Brunswick is developed as low-density residential opposite the Weston's Mill Pond area, strong concern is raised about the eventual intensity and use of this area by New Brunswick. 10
- f) Edison Township - Both plans indicate a park/open space area along the Raritan River with industry adjacent, and are therefore compatible. 20
- g) Sayreville Borough - Both plans indicate open space preservation in the floodplain adjacent the South River, and therefore are compatible. 30
- h) South River Borough - Adjacent land uses are, for the most part, compatible. The one exception is South River's proposal for heavy industry adjacent to existing single-family uses in East Brunswick along River Road.
- i) Old Bridge Township - Both plans indicate preservation of floodplain areas along South River and therefore are compatible. 40

- j) Spotswood & Helmetta Boroughs & Monroe Township - These municipalities contain similar or compatible land use proposals.

III. COMPREHENSIVE MASTER PLAN

### III. COMPREHENSIVE MASTER PLAN

#### A. Development Strategy

The Comprehensive Master Plan for East Brunswick contains two parts: a long range (year 2000) plan and a short range (5 to 10 years) plan.

The long range plan sets forth broad guidelines to which public and private decision makers, both at the local and regional levels, should relate their respective shorter range planning, development and investment efforts. 10  
By stating its long term aims and limits for the community, the long range plan directs an orderly process of desirable growth tailored to East Brunswick.

The short range plan provides a basis for guiding imminent and predictable development during the next few years. It is the basis for specific changes in zoning and local ordinances and will help municipal officials to budget more realistically for capital improvements. 20

Both short and long range plan maps are shown at the end of this chapter.

The location and character of existing development in East Brunswick are established facts. No major land use changes are suggested in any existing neighborhood. 30

The Master Plan, therefore, suggests major new development policies only in undeveloped or underdeveloped areas which should be shaped by public action or by regulation of private interests. 40

As previously identified, there are about 5,000 vacant acres in East Brunswick; of which only 3,500 acres, due to environmental sensitivities, should be considered potentially available for development in East Brunswick. These vacant areas, in spite of their present zoning for single-family houses or industrial uses, are not irrevocably committed to any particular type of future development.

Left to the usual forces of development, these valuable land resources might soon be covered with unimaginative housing design, arranged in monotony along a wasteful street pattern. Trees would be indiscriminately cut, natural beauty destroyed and the entire environment irretrievably damaged. Vacant industrially-zoned lands which are poorly situated for industrial growth would be subjected by variances to uses without regard to rational development patterns.

This type of future is not inevitable. It is a prime tenet of this Comprehensive Master Plan that an imaginatively conceived land development pattern, supported by adequate facilities and services and further reinforced by suitable ordinances, can accommodate new growth. It can preserve open space and key natural features, satisfy basic social needs and be a fiscal asset to the Township.

As such, this Master Plan reflects the belief that East Brunswick's future is best determined on a local level, to meet the needs of its residents and the larger area of which it is an intimate part.

B. Comprehensive Master Plan

In this section are the basic land use, transportation and community facility proposals contained in the Master Plan, both for the short and long term. Also included are discussions of the "town green" concept and open space and recreation facility proposals.

1. Land Use

The various land use proposals suggest a proposed distribution of future residential, industrial, commercial, public and semi-public development for the Township, as well as the characteristics desired of these choices. All land use proposals are interrelated and should be examined as part of the total Master Plan.

Table I provides a comparison of existing land use in the Township to proposed short and long range distribution patterns. The proposed land uses relate to the short and long range plan maps shown at the end of this chapter.

The implications of this distribution pattern for future growth are explained in further subsections of this report. In summary, the long range plan envisions 65,000 people living in East Brunswick at full development, or a 40% increase in population over the next 25 years.

During the last decade population growth was at 70%. The Plan accommodates a less rapid growth level and proposes to use its remaining lands to meet identified needs.

TABLE 1  
 Proposed Comprehensive Master Plan  
 Land Use Comparisons  
 East Brunswick, N.J.

USE	EXISTING-1975		SHORT RANGE-1985			LONG RANGE-2000		
	Area in Acres	% of Total Area	Additional Acres	Total Acres	% of Total area	Additional Acres	Total Acres	% of Total Area
RESIDENTIAL	4949.3	36	1,214	6163.3	44.7	1,604	7767.3	56.4
Rural	713		636			900		
Low	4330		193			275		
PRD Option	0		107			240		
Low-Med.	0		167			160		
Medium	93		90			--		
Med.-High	0		21			29		
INDUSTRIAL	948.0	7	296	1,244	9	442	1686	12.6
Gen'l Ind.	499.2		275			413		
Limited Ind.	314.7		--			--		
Office-Res.	134.1		21			29		
AGRICULTURAL	2147	16	--	694	5	--	694	5
COMMERCIAL	690.7	5	68	758.7	5.7	96	854.7	6
Business Office	--		19			29		
Prof. Office	45.8		44			63		
Retail Conv.	46.1		5			4		
Gen'l Comm'l.	598.8		-			-		
COMMUNITY FACILITIES	2403	17	151	2,554	18.6	208	2,762	20
Public	2088		144			197		
Semi-Public	315		7			11		
VACANT	2626	19	--	2,350	17	--	--	0
GRAND TOTALS	13,764	100		13,764	100		13,764	100

- NOTES:
1. Acres expressed in gross terms (include R.O.W. easements, etc.)
  2. Sources: "Existing 1975" from "Preface to Planning" adjusted.  
 "Short Range + Long Range" from Master Plan Maps
  3. Existing Agriculture also includes land assessed as "farmland".
  4. Public includes: Schools  
 Park, Recreation  
 Open Space,  
 Municipal Uses, etc.
- Semi-Public includes:  
 Churches, Charities  
 Cemeteries



The short range plan projects a growth potential of about 50,000 people or a 20% increase in the next decade. This lower growth trend is a result of various factors, including lower birth rates and shifts in population and economic growth from the Northeast to the South and West.

Of course the Township will continue to grow within the New York Metropolitan Area, but at a slower pace and in an increasingly competitive atmosphere for population and jobs.

a. Residential Land Use Plan

Even though slower growth rates are indicated, the Township will still continue to grow. The demand for housing to suit a variety of lifestyles and income ranges will become more intense, spurred in part by market demands and by the need for the community to accept and affirmatively foster a broad range of housing types to meet the needs of all population segments.

The housing crisis in New Jersey affects all income ranges, but particularly low and moderate income families—older people no longer requiring single-family houses, young married childless couples and single people. These groups generally cannot afford to purchase single-family houses, especially in East Brunswick where such residences are relatively expensive.

In developing the housing portion of the Plan, one of the basic premises has been to balance and vary the growth of housing units

MAP

Residential Land Use Plan

(Refer to "Selected Maps" packet)

in the Township with the growth of industrial and commercial uses. The idea is to prevent single-family residential growth—whose ratables usually don't pay for the Township services they require—from outpacing industrial growth. Also, by varying housing types, the Township can meet the needs of its own population's varied lifestyles and reduce somewhat its dependence on nonresidential growth to help pay for increasingly costly public services. 10

Two or more distinct types of residential units can be mixed, contrary to largely obsolete concepts of traditional zoning. Newer residential development techniques encourage diversity of housing types in planned clusters in order to avoid area-wide segregation of people by age and economic level. Designing neighborhoods with a mixture of housing styles (townhouses, patio houses, clustered single-family, duplexes, condominiums, etc.), as part of a varied environment from the outset, alleviates the fear that such housing would have an adverse effect upon property values of established developments of one-family detached homes. 20 30

This Plan firmly recommends the adoption of these newer style development techniques for East Brunswick's zoning. 40

### Proposed Density Ranges

The Plan advances a wide range of basic housing density, identified below in terms of gross\* dwelling units (DU's) per acre of land:

<u>Residential Area</u>	<u>Maximum Density (DU's per Acre )</u>	
Rural:	. 5 to 1	
Low:	2 to 4	10
PRD Option:	3 to 5	
Low-Medium:	5 to 8	
Medium: (includes "Town Green")	10 to 12	
Medium-High:	28 to 36	

The "Residential Land Use Plan" map, following page \_\_\_\_, 20 indicates the distribution of these housing densities. It should be emphasized that the map is primarily concerned with the location of new housing development on significant vacant lands in the Township at full development. As such, it does not indicate other supportive uses, such as open space/recreation and local roadways, 30 which are a necessary part of the new residential areas and which are contained elsewhere in this Master Plan.

Within each residential category a range of permitted densities is suggested. The revised zoning ordinances should require development at the lower density ranges unless certain prescribed amenities, 40 such as increased open space, improved open space areas or housing at below market rates are provided by the developer.

\*gross - maximum or total density permitted.

Buffer areas will separate differing new residential uses from existing residential development. They will be established by landscaping or a gradual transition of building types. For example, an existing single-family house now abutting vacant but future residential uses should either face a landscaped area or another detached single-family house.

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### Rural Density

Much of the land west of the Turnpike is environmentally sensitive, especially with respect to aquifer-recharge of the Farrington Sands. It lacks public sewer throughout and water in some areas; much of the developed area in septic is experiencing difficulty with septic systems (based on a survey by the East Brunswick's Department of Health, Environment and Welfare). In order to conserve this area, a combination of public park (regional and local), agricultural areas and rural density residential development is proposed.

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Rural density represents a reduction in the current permitted residential density from 1-acre to 2-acre lots since most of this area is Environmental I or II (as defined by the N. R. I.). It is envisioned that only single-family residences should be permitted in this category.

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In rural density areas where environmental concerns are minimal, clustering of single-family uses on lots smaller than 2 acres can be permitted; by doing so, the ultimate number of housing units would remain similar to that permitted by the upper range of the rural density category. Clustering should be controlled

through the introduction of an "impact"\* zoning technique. In particular, such a technique should insure that such clustering will not damage the environmentally-sensitive areas.

#### Low Density

Existing developed residential neighborhoods, where vacant land exists, should be conserved and improved. New residential growth in such areas, for the most part, should be at existing residential densities in the low density category. 10

Low density is defined as single-family residences at a density of 2 to 4 housing units per acre and generally corresponds to existing residential areas in the Township. Again, as in the "Rural" category, "clustering" of housing units to the upper limit of the density range could be permitted if the impact of such development was satisfactorily controlled. 20

#### Planned Residential Development (PRD) Option

In order to achieve a greater variety of housing styles on larger areas of contiguous vacant lands, the PRD option is suggested. 30

This category is defined to permit housing in the 3 to 5 dwelling unit range. Detached single-family, attached single-family (either townhouses or duplexes) and patio single-family houses are typical housing types envisioned in this category. The PRD option should be permitted only when a suitable mix of varied housing styles can be achieved. Units in this area are suggested to be owner-occupied. 40

\*impact - defined as various physical, financial, public service or environmental consequences of permitting more intensive development in a particular area.

The PRD density is proposed in four parts of town: a portion of the triangular area formed by Summerhill Road, Cranbury Road and Rues Lane; an area adjacent the "Town Green" between Dunhams Corner Road and Cranbury Road; an area south of the proposed "Town Green"; and an area in the southwestern portion of the Township between Cranbury Road and Old Stage Road. The latter is not suggested as a short term action area due in part to its lack of public sewer facilities.

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#### Low-Medium Density

For reasons similar to the PRD option and "Town Green," a low-medium density range of 5 to 8 housing units is proposed. Predominant housing style would be single-family ownership residences in either detached homes, attached townhouses or patio-style\* homes. The duplex or maisonette-style\*\* unit in a condominium ownership arrangement can also be introduced in this density range.

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Two areas are suggested for low-medium density; both are adjacent to the "Town Green". The area on River Road, now an active sand and gravel operation, is suggested for development on the long term. Low density development is recommended in the short term should the industrial operation cease prior to implementation of longer term proposals.

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\*patio-style - defined as an attached single story residence with an enclosed private yard area (patio).

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\*\*maisonette-style - defined as a three-storied residence in which the ground floor is a single residence and the upper floors contain another single residence in duplex arrangement.

### Medium Density (including "Town Green")

This density range includes differing residential uses together with a variety of public, semi-public and speciality commercial uses more fully described in the "Town Green" section of this report. The density range of 10 to 12 DU's per acre is proposed.

In terms of residential uses, the predominant housing style should be attached single-family houses, either ownership or rental; duplex units above commercial uses, either in a condominium or rental arrangement; and rental low-rise apartment uses. 10

This medium density range is suggested for the "Town Green" and is proposed as a short range action area.

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### Medium-High Density

Selected vacant or under-utilized parcels along Route 18 are proposed as higher density multi-family housing to utilize existing facilities and services including road access, and to capitalize on public transportation. The density range advanced is 28 to 36 DU's per acre. 30

Three areas are suggested for such medium density. One is located on the easterly side of Route 18 near Tices Corner Road intersection, near the township "Park 'n Ride"; another is situated just opposite the first, on the westerly side of Route 18; and a third, located opposite the Brunswick Square Mall on the easterly side of Route 18, where there will be an extensive buffer and no access to Old Bridge Turnpike. 40



It is envisioned that these areas would be developed on a mixed use concept. For example, office uses, commercial recreational activities, together with ample open space, parking and landscaped areas could be developed with the residential use. Maximum building heights of seventy feet (6 to 7 stories) should be permitted, with appropriate setbacks and buffering from existing uses. These height limits are imposed in recognition of sight aesthetics and fire fighting equipment. Traffic patterns would be carefully designed to avoid disruptive impact on Old Bridge Turnpike, particularly in the southernmost proposed site.

Housing Balance

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These residential densities should produce about 3,000 additional dwelling units by the year 1985; in the long range, an additional 3,200 units might be produced.

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Table 2 provides a summary of estimated residential units by density category. It also relates the dwelling units to estimated population yield and to job generation in the Master Plan.

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It should be noted that the proposed housing plan would, at full development, vary slightly from current housing stock ownership patterns. In 1970 about 86% of the entire Township housing stock was owner-occupied and 14% was renter-occupied.

By 1985 this ratio, according to the Master Plan proposals, would approximate a 80% owner versus 20% renter pattern. At full

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TABLE 2  
 Comprehensive Master Plan  
 People-Housing-Jobs  
 East Brunswick, N.J.

	EXISTING 1975	PROPOSED				
		SHORT RANGE-1985		LONG RANGE-2000		
		Additional	Total	Additional	Total	
PEOPLE	41,500	8,600	50,440	9,900	60,600	
HOUSING (dwelling units)	10,755	3,065	13,820	3,350	17,170	10
Residential Categories:						
Rural (5-1)		265		385		
Low (2-4)	9,240	440		660		
PRD Opt. (3-6)		330		795		
Low-Med (5-8)		780		790		
Medium (10-12)	1,515	770		---		
Med-High (28-36)		480		720		20
JOBS	12,100	3,800	15,900	5,700	21,600	

Source: Existing - "Preface to Planning," May 1975.  
 Proposed - Table 1 & Residential Land Use Plan map.  
 Dwelling unit tabulation based on approximate mid-point of density range.  
 (numbers rounded)

development, this ratio would shift only slightly.

The Master Plan proposals provide a better balance of dwelling units with jobs in the Township than does the existing zoning ordinance and Master Plan. At full development, a balance is created with 22,000 jobs and 17,000 dwelling units.

This represents a ratio of about 0.7 (dwelling units to job), which is the average ratio of State-employed household heads to total number of resident households. This means that, on the average, about 30% of all households have more than one wage earner. 10

Unmet Housing Needs

Balancing housing needs with jobs and providing a variety of housing types to accommodate the differing lifestyles and households in the Township are major aspects of East Brunswick's housing plan as outlined in this Master Plan. Another aspect deals with unmet needs—those low and moderate income families who cannot afford adequate housing due to income. 20 30

Various studies have been conducted by the Township, County, State and others to determine what this need might be for East Brunswick. Depending on data used and assumptions made, the results vary. 40

There appears to be general agreement that unmet needs are comprised of the following components:

- a) Physical housing inadequacies - low and moderate income families residing in substandard housing.
- b) Financial housing inadequacies - low and moderate income families paying more than 25% of their income for housing.

As a result of the New Jersey Supreme Court's decision in the Mr. Laurel case\*; a third component has been introduced. Developing municipalities are now also required to provide a "fair share" of regional housing need. 10

Within these parameters the various local studies\*\* regarding East Brunswick's unmet housing need can be summarized. Emphasis is placed on identifying these unmet housing needs in the short term to coincide with the short term action proposals of the Master Plan. 20

#### Satisfying the "Unmet Need"

In developing this portion of the housing plan, the Plan assumes that the job/housing balance method, as developed by the Planning Board's consultant for determining fair share, is an equitable approach. 30

\*Southern Burlington County NAACP v. Township of Mt. Laurel, N. J. 67NJ151(1975).

\*\*Township 1976 Housing Assistance Plan, part of federal Community Development Block Grant Program; Middlesex County Community Development Housing Assistance Plan; and Township staff and planning consultant input to these HAP's 40

It has been used as a basis for insuring that the short term Residential Land Use plan can provide adequate low and moderate income housing. Appendix 1 indicates the basic methodology used in deriving fair share housing figures.

Zoning for higher density or varied housing types alone will not insure affordable housing for low and moderate income families. To create the climate for the construction of new housing uses and to meet unmet housing needs, a combination of the techniques listed below, coupled with revised zoning, is necessary and is proposed by this Plan. 10

- Development Control Techniques: Use of flexible zoning techniques (clustering, planned residential development, zero-lot line, etc.) will help to lower the overall cost of producing housing in the Township. Also, through the use of incentives for higher densities, a percentage of low and moderate housing units in larger housing tracts will be required. 20 30

With a variety of housing types required in the PRD, low-medium town green, medium and medium-high density zones of the Master Plan, lower cost housing designed as part of a larger project should be attainable.

This approach prevents rigid income segregation by demographic characteristics within the Township. 40

- Township Encouragement Techniques: Beyond the zoning devices, such approaches as the following should be pursued by the Township: tax incentives (partial abatements or payment in lieu of taxes) for low and moderate income housing; participation in a County-wide housing authority; continued cooperation at the County level to develop a rational "fair share" housing program with adequate financing; encourage- 10  
ment of the organization and operation of non-profit sponsors and developers through assistance by Township staff and offices.
- Stabilize and Conserve Existing Housing Stock: The Township should continue and expand efforts to implement a town-wide 20  
code enforcement and housing rehabilitation program. This will maintain and upgrade older housing units in the Township and prevent their deterioration.
- Federal & State Subsidies: East Brunswick Township should continue participation in the Community Development Block 30  
Grant program as a vehicle to obtain federal subsidies for use in housing rehabilitation, as well as rent subsidies to families.
- Encourage State Legislative Action: The Township should support legislation aimed at improving the availability of low and moderate income housing (e. g. , municipal tax rebates for 40  
producing low/moderate income housing, variable and reduced mortgage interest rates for home construction, etc. ).

In achieving the unmet housing need for the short term, the following approach is proposed:

<u>Need</u>	<u>Solution</u>	
1. Existing: 850 units	1. Combination of housing re-habilitation plus family housing subsidy through participation in federal Community Development housing assistance program. This is an undertaking of the Township.	10
2. "Fair Share": 500 units 1976-7; additional 260-400 units 1985 (total 1200 new dwelling units)	2. Zoning incentives and assistance for up to 25% of new units produced in the PRD, low-medium, medium "Town Green" and medium-high residential areas.  This could produce about 1200 units at full development and could be staged to insure enough units to cover short term needs. Table B in the Appendix identifies these units. This does not include long range action programs which will promote added units.	20

The availability of federal/state subsidy funds to enable the accomplishment of the above is paramount. Local incentives alone will not produce enough units to satisfy the need for a balanced housing stock which is a desired local objective. 30

At best, zoning incentives and requirements for low/moderate income housing, without other assistance, can achieve only a portion of needed moderate income housing. Subsidy assistance is required due to the high cost of housing construction. Appendix 2 provides further insight and indicates the causes of high housing costs and how various forms of subsidy would reduce that cost. 40

b. Industrial/Commercial Land Use Plan

In order for a community to prosper, new jobs must be generated. Underlying the major industrial/commercial land use proposals is the concept of gearing new job generation to realistic expectations of future local and regional growth.

The "Industrial-Commercial Land Use Plan" shown in the following page portrays the general distribution of new job producing lands. Agriculture is proposed as part of the Township's economic base. In the short-range, the plan calls for an increase in jobs, for a total of by the year 1985. Over the long-range a total of jobs could be expected.

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Industrial Land Use Proposals

Major reductions and adjustments are made in industrial land adjacent to Cranbury Road, the New Jersey Turnpike and the Raritan River, reflecting the general slow down in the rate of job growth in this region.

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Three basic categories of industrial land use are proposed. In some cases they parallel existing industrial zoning. Refinement of design controls should be required as to lot coverage and site layout within existing zones in order to aid in the improvement of new industrial growth areas.

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MAP

INDUSTRIAL - COMMERCIAL LAND USE PLAN

Commercial Land Use Proposals

This plan proposes major commercial land uses including the introduction of business office and services at selected points along Route 18, use of professional office uses as a buffer to residential areas along Summerhill Road and specialty commercial activity in the "Town Green" area.

The Township's commercial areas serve important providing convenient, essential service to the residents, servicing a regional market and contributing to the tax base. In a changing atmosphere of increased competition for jobs due to a slower growth rate in the region, the prosperity and stability of this segment of the community is important.

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The commercial land use proposals are a rational attempt to relate various types of commercial uses to the size and type of market they can be expected to serve. Route 18 represents a special concern since it is a major regional shopping corridor.

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A study of Rt. 18's future use and role in the region has been commissioned by the Township. The results of that study, when completed later this year, will be incorporated as an amendment to this Master Plan. General observations are offered in this section with the understanding that they are subject to refinement based upon the findings of Rt. 18 study.

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The commercial land use plan is a proper grouping of various commercial uses by their primary functions and land use requirements. Wherever possible, new commercial development should be consolidated into compact areas so that retail and service strength will not be diluted by random spread.

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Concentration of commercial development also facilitates the provision of loading and off-street parking, which, by eliminating frequent curb cuts and curb parking, helps to reduce traffic conflicts on major roadways in the Township.

The following commercial land use proposals for vacant areas in the Township are submitted:

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Business Office Center: Shifts in job orientation from manufacturing to non-manufacturing uses, particularly to the service and office functions, is projected for this region. In order to capitalize on these shifts, a business office center use is proposed.

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These should be located along Route 18, on undeveloped land or selected underutilized lands. Also, this use is proposed in combination with medium high density residential use on Route 18.

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Professional Offices: Continuation and expansion of low-scale professional office use is proposed primarily along Summerhill Road. At key areas serviced by major local roadways, additional limited sites are identified.

These professional office areas should also serve as a buffer between more intense commercial uses and residential areas.

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Retail Convenience Center: These are essentially small neighborhood business areas, limited to between 1 and 3 acres in size. They should cater to the everyday needs of the neighborhoods they are intended to serve. It is further recommended that additional commercial expansion not included in designated "center areas" be discouraged.

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Several of the centers are proposed at locations where a cluster of individual business exists (Milltown Road, Old Stage Road, Main Street, Riva Avenue and Cranbury Road).

Such centers are suggested for consolidation and improvement over the long term.

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Commercial Recreation: An area along the northwestern border of the Township is proposed for recreational use but operated by private or commercial interest. This area would focus around the existing marina.

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"Town Green" Specialty Commercial: As explained further in a separate section of this report, specialty commercial uses are proposed in the "Town Green" area. These would be limited specialty retail stores as well as personal service establishments. They would be an integral part of the civic and residential uses planned for this area.

They should be constructed as ground floor uses in buildings which are civic, public or residential in nature. This will aid in clustering such commercial activities to create a "Town Green" atmosphere.

Agriculture: Proposed as Part of the Town's economic base are two areas in the eastern portion of the Township for agricultural use. These areas represent the few remaining lands in the Township which are still considered "prime" agricultural soils. The intent is to preserve agricultural land but zoning may not be the only technique.

Route 18: As may be qualified by the special Route 18 study now separately underway, the following land use suggestions and design considerations for improving this commercial roadway are advanced:

Other than the introduction of "business office" and "medium-high" density residential uses, commercial use proposals for Route 18 reflect its existing development pattern. Though commercial segments of the roadway are obsolete by modern standards, this area

will continue to serve a local and regional need in the foreseeable future. As a general approach,

future planning and improvement of the roadway should identify a series of districts according to use. For example, shopping centers and malls, strip commercial establishments, free standing stores, conversion of frontage residences and underutilized areas should be examined as special units. In the latter, since land along Route 18 is at a premium and very highly priced, low density uses, such as auto sales lots or lumber yards are not appropriate, whereas offices or professional services, doing a higher volume of business per square foot, would be most desirable.

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Within each "district", a set of specific land use and design improvement principles must be developed which attempt to unify segments of the roadway. Additionally, a special character to each "district" should be created.

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For example, on the western side of Route 18 there is still vacant land between Route 18, Summerhill, Rues Lane and Cranbury Road. By introducing office uses along Summerhill, combining internal access and parking and creating pedestrian ways between uses, a distinctive "district" would evolve. Also, by developing an internal access road within each "district", several separate parking areas can be joined. The access road can provide an immediate service alternative to direct use of Route 18 when going from one store to the next.

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Some of the immediate improvement suggestions for Route 18 relate to controlling conversion of homes fronting on the highway for non-residential use. These conversions, particularly south of Rues Lane, compound the physical and visual problems of Route 18.

Remaining residential uses fronting on Route 18 are proposed for general office designation. By such designation, residential conversions should be prohibited until more than one property is assembled. In this fashion, a less piecemeal and more functional type of development will be encouraged. 10

Another approach is to require conversions to retain their landscaped front yards by the placement of parking in rear yards. This is particularly important north of Edgeboro Road where residential land use remains predominant. 20

With rear yard parking, rear property lines must be properly screened or landscaped and common entrances and exits can be achieved. Such rear yard parking cannot achieve its full efficiency until contiguous groups of structures are converted. 30

Overall, the question of appearance should be improved by the introduction of stricter sign control requirements and more limited graphic representations. There are some centers along Route 18 which have done this already. Fostered through the aid of a sign amortization program and a signing plan, sign improvement for individual businesses can be encouraged. 40

Landscaping between the curb and front edge of a parking lot and/or building should be encouraged to begin to "buffer" the harsh effect of Route 18. Even just the introduction of street trees along selected portions of the roadway would visually aid in creating a more pleasing and commercially inviting area.

Within "districts" a pedestrian network should be developed, allowing people to walk safely within the "district." The proposed bikeway routes should be tied in with the pedestrian ways of certain "districts" at convenient locations.

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# Superior Court of New Jersey

APPELLATE DIVISION

DOCKET NO. A-4681-75

URBAN LEAGUE OF GREATER  
NEW BRUNSWICK, ET ALS.,

*Plaintiff-Respondent*

vs.

THE MAYOR AND COUNCIL OF  
THE BOROUGH OF CARTERET, ET ALS.,

*Defendant-Appellant.*

Civil Action

On Appeal From  
Judgment of the Superior  
Court of New Jersey,  
Law Division,  
Middlesex County

Sat Below:  
Hon. David D. Furman, J.S.C.

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## APPENDIX FOR DEFENDANT-APPELLANT, TOWNSHIP COUNCIL OF THE TOWNSHIP OF EAST BRUNSWICK

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VOLUME III

*Bertram E. Busch*  
*and*  
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*On The Brief*

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*East Brunswick*

c. Circulation Plan

A circulation plan for East Brunswick must deal with regional requirements as well as local needs and land use considerations.

Major circulation improvements are indicated on the Circulation Plan map, shown on the following page.

10

Improvements require cooperation and funding at different levels. Other than local roadways, many of the major road proposals are the ultimate responsibility of the state or the county.

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It should be emphasized that the Plan is conceptual in nature and is not intended to reflect exact roadway alignments, but rather principles to achieve in the Township's circulation network. During the implementation stage of this plan further detailed study will be necessary to select exact roadway alignments at the five new road improvements to be undertaken.

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As can be seen on the map, the Plan discourages major through traffic in residential areas.

In an effort to keep through traffic from residential areas, a summary of key arterial road improvements includes: widening of Tices Lane and development of a County planned highway generally along the railroad tracks in the Harts Lane industrial area of the Township. Improvements to Route 18 ranging from widening selected separated grade interchanges and esthetic improvements to abutting land uses are essential. 10

The Plan also calls for the widening of Ryders Lane to Milltown Road. Cranbury Road would be realigned to bypass the "Town Green" area. A realignment of Rues Lane between New Brunswick Avenue and Summerhill Road is proposed as an alternative to remove heavy traffic from the existing roadway. 20

While not indicated on the map, encouragement of regional local bus service as a means to provide alternatives to dependence on the automobile is also recommended. 30

#### Regional Road Improvements

The Township's Circulation Plan was developed within the objectives of the County Planning Board's preferred regional highway 40

CIRCULATION PLAN MAP

network (Long Range Plan Alternative). This Plan proposes a balanced road and transit network which reduces the need for future expressway and freeway construction. Some modifications in the County plan's detail have been made as a result of new proposed land use patterns described earlier in this report. Since the County has indicated its desire to revise its current Master Plan, the Township is in an opportune position to express its desires in that plan's future road network.

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Key underlying assumptions with regard to regional road proposals have been the following:

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(a) State Route 74, although still indicated on the State's Transportation Plan of 1972, is not considered a probable project in the short range. Alternatives for this regional east-west roadway shown in the County's Plan Alternative have been accepted.

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(b) Alfred Driscoll Expressway appears unlikely in the short term and has not been included in the Township's plan.

(c) Route 18 still remains the major highway improvement required in the short-term. Therefore this Plan urges priority status for State improvement of this roadway.

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are proposed,  
Two other major regional road improvements / which would aid in  
keeping traffic away from local roads besides Route 18 including:

(a) A County proposed expressway which would traverse the  
Township in an east-west route in the Harts Lane industrial  
area. This is shown on the plan as a "limited access"  
road generally paralleling the railroad tracks in that  
area. This road will serve as an alternative to Route 74  
and is part of a broader loop network which is proposed to  
intersect all north-south roadways in the region.

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(b) The westward extension of this road from Ryders Lane as an  
expressway is also suggested by the County's plan. While  
these two roadways have been shown on the Master Plan it  
is possible that they could be combined in the final  
analysis. As the County begins its planning revision,  
based in part on lower growth rates, the overall regional  
traffic demands may point to a one, instead of two, road plan.

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Agreement in principle with the need for an East-West regional  
roadway is supported by this plan. A combination of the two roads men-  
tioned above, perhaps generally along a Tices Lane corridor  
would have several advantages: it would encourage the creation of  
accessible mixed-use higher density development at the intersection of Tices  
Lane and Route 18 favored by this Plan; provide

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improved access and use of the Park-n-Ride facility at the same intersection; force the needed grade separated improvement at the same intersection; vastly improve the marketability of remaining industrial tracts in the Harts Lane industrial area; and, alleviate some difficult engineering problems that would result in the development of a roadway along the railroad corridor. 10

Route 18

As noted earlier in this report, a special study of this roadway corridor is underway, the results of which will be incorporated in this Plan. Pending its completion later this year, this Plan recommends the following road improvements to Route 18: 20

(1) The route should be designed for improvement as a full three lane artery in each direction. Concurrently, study and improvement of major side street intersections should be undertaken. The Township should promote early implementation of these measures by the State of New Jersey. 30

(2) The grade separated interchanges, shown on the Circulation Plan map, should be constructed over time with priority placed on Tices Lane and Rues Lane. 40

(3) In combination with the design of Route 18 widening, a study of service roadway systems within major commercial areas

should be initiated. As previously outlined in this report, a "districting" approach by which Route 18 would be combined with similar or compatible land uses will enable short, internal service roadways to be developed. These roadways would separate commercial-oriented traffic from regional through movements. Curb cuts on Route 18 could be minimized and traffic conflicts alleviated.

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Also, the feasibility of creating special one-way traffic lanes during peak hour movements through conversion of opposite bound lanes should be studied. In addition, signalization and timing sequence (green/red time of stop lights) at major cross arteries with Route 18 should be investigated, especially during peak traffic hours. This is particularly true of Tices Lane and the Old Bridge Turnpike intersections.

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### County Roads

Major improvements to County roads reflect local development objectives and proposed land use patterns. Paramount in these road proposals has been the desire to minimize through traffic movements in established or proposed new residential areas. Also, proposals are advanced to enable the "Town Green" to develop in a unified fashion.

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In the "Town Green" area, the realignment of Cranbury Road together with the realignment of Rues Lane (with either a special controlled access lane on the latter to existing residential areas or realignment as shown as Option "A" on Circulation Plan) is advanced in the short term. Summerhill Road is

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proposed for widening, in the short term, between Cranbury and Rues Lane.

In the long term, other County roads suggested for improvement to recommended standards are shown on the Circulation Plan map.

Local Roads

Major local road improvements recommended for completion in the short term include: improvement of Dunhams Corner Road and realignment of its intersection with Cranbury Road, construction of a collector road from Ryders Lane below Dunhams Corner to Rues Lane, phasing out of the Cranbury/Rues Lane/Ryders Lane intersection

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in the "Town Green" area; completion of Harts Lane and Ferris street improvements in the Harts Lane industrial area and completion of Renee Road extension to Route 18.

Other longer term improvements call for general upgrading of collector roads to recommended standards. 10

Roadway Classification and Design Standards

In a properly planned circulation system each roadway should be designed in accordance with its function; that is, the service that it will be expected to perform. Generally, the street system in the Township can be divided into five functional classes: freeways, expressways (as limited access), arterials, collectors and local streets. 20

These classes also relate to standard designations used by State, federal and regional highway bodies. 30

In East Brunswick, roads would be classified as noted below, based on the Circulation Plan map.

- (a) Freeways - Full control of access with all grade separations at all street crossings. The only freeway in the Township is the New Jersey Turnpike. 40

- (b) Expressways (Limited Access) - Partial control of access, no less than 4 moving lanes with grade separation usually at principal streets only. Right of way widths are normally between 120-150 feet depending upon existing conditions.

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- (c) Arterials - These include both major and minor arterials, with the difference relating to traffic-carrying capacity and right-of-way width depending upon existing conditions. Both are normally 2 moving lanes in each direction. Major arterials usually contain a R.O.W. of 110 feet. Minor arterials usually have a R.O.W. of 88 feet.

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- (d) Collectors - These are 2 moving lanes, 1 in each direction with improved shoulders. Their right of way should be 66 to 72 feet depending upon existing conditions. Curb parking is prohibited or restricted. Storage lanes for turning movements at intersections are provided. The roadways are usually designed for speeds of up to 30 MPH in built-up areas to as high as 40-50 MPH in outlying sections.

- (e) Local Streets - These streets are primarily intended to give direct access to abutting properties and are used to service residential, business or industrial areas. Their right-of-way is usually 50 to 60 feet.

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#### Intersection Improvements

The Township recently participated in a Countywide TOPICS improvement program ("Traffic Operations Program for Increasing Capacity and Safety"). Together with information made available by the Township's Public Safety office, a list of critical intersections in need of improvement in the short term has been identified. This Plan proposes that the intersections be improved to provide, at a minimum, appropriate signal control and turning lanes. Detailed engineering studies of those intersections, not designed by the TOPICS program, should also be undertaken to identify the proper improvements required at each location. Implementation involves working closely with the County agencies. The Circulation Plan map indicates these intersections by an asterisk symbol.

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In addition, as a result of proposed widening of Summerhill Road its intersection with Cranbury Road and Rues Lane is already designed by the County to be improved in the very near future.

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The proposed realignment of Cranbury Road (as noted on the Plan) will require intersection improvement with Dunhams Corner Road, Rues Lane and New Brunswick Avenue.

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Various intersections with Route 18 have also been identified as in need of improvement. In the short term plan, Tices Lane and Rues Lane intersection should be grade separated.

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This Plan recommends that these intersection improvements be made part of the Township's Capital Improvement Program and that federal improvement funds (through the Federal Aid to Urban Systems -- FAUS program) be sought to initiate their construction. The Route 18 improvements relate to that highway's overall improvement which requires state action.

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As part of the "Town Green" proposal, realignments and new service road proposals may take time to initiate and complete.

In the interim, the current road alignments will, practically speaking, remain as is. The existing Crambury Road Ryders Lane intersection, therefore, should be improved and considered a top priority project, although over time it will probably be phased out or made part of an internal "Town Green" service road system yet to be designed.

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In the long term, it is recommended that for all designated collector and arterial roads intersections, adequate right-of-way be provided to allow ample room at intersections for eventual turning movement improvements.

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#### Mass Transit

Many suburban communities have come to realize that the automobile is an inefficient way to move people about, particularly in view of growing energy shortages. Mass transit is becoming recognized as a more viable alternative to supplementing circulation by auto.

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Realistically speaking, mass transit in Middlesex County means busses in the foreseeable future. Several studies have been conducted by the County to initiate a Countywide transit plan. Although no plan has yet been adopted, several route proposals have been advanced. The Township has also proposed a local bus system which is in the planning stages.

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It is recommended that both the Countywide proposals and local proposals be further encouraged to result in short-term action efforts. The current land use patterns and road network can only complement and benefit either system.



d. Community Facilities, Recreation and Open Space

Community facilities such as parks, schools, libraries, fire houses, government buildings, drainage and utilities provide services vital to a modern community's existence. In short, they are the aspects that enhance the quality of life in East Brunswick and which already provide a wide range of community services. This element of the Master Plan is primarily concerned with:

1. The provision of expanded facilities in parts of the Township that are deficient. 10
2. The provision of new facilities in parts of the Township where new or intensified growth is anticipated.
3. The replacement of facilities that are obsolete or unable to meet future demands. 20
4. The broadening of the range of facilities provided to meet the demands of a varied population whose lifestyles are changing rapidly.

The proposals presented in this Plan fall within the range of responsibility of several levels of government. They reflect, for the most part, recommendations of various boards, departments and citizen study groups in the Township. Following the adoption of this Plan, a more comprehensive Parks and Recreation Facilities Master Plan will be undertaken by the Township staff; that plan may result in an amendment to this Plan. 30

The "Community Facilities Plan" map, shown on the following page, highlights some of the major facility proposals described in this section. The basis for these is not only provision of adequate recreation and open space for existing and future residents, but also the need for the Township and other governmental levels to preserve environmentally-sensitive areas. 40

Recreation and Open Space

Recreation and open space enhances the quality of the residential environment and is often expressed as one of the prime reasons why so many chose East Brunswick as their "home town."

Clearly, the establishment and preservation of permanent open space and recreational areas is extremely important.

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Open space in any community can serve a number of useful functions. It makes the community a more attractive place to live and as such helps to enhance and stabilize property values.

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Open space helps in the preservation of natural resources. Stream channels, ponding and retention areas as well as flood plains must be protected from the encroachment of future development.

As shown on the "Community Facilities" map, conservation and preservation of such areas in the Township is proposed. In addition, extension of Jamesburg Park in the vicinity of Cranbury Road as well as inclusion of various outparcels is set forth in the Land Use plan. This preservation will further protect the Old Bridge Sands aquifer.

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In recent years increased leisure time, higher income levels, expanding population in all age groups and increased mobility, have placed greater emphasis on recreation needs.

COMMUNITY FACILITIES PLAN MAP

Recreation activities require space, in some cases more space than in others, depending on the type of recreation facility, population or area covered.

The ability of existing recreation areas to satisfy present and future recreation needs is usually determined by recognized standards. It is the policy of this Township to determine the magnitude of recreation facilities development and programming it wishes to undertake. The recreation and park proposals advanced here are meant as an optimum point for the Township in completing its ongoing recreation/park program depending on capital improvement funds and resources.

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In some instances, the parks should be acquired and maintained by the County Park system. In other instances, the parks can be acquired through donation by developers, as trade-offs to permit the development of property with increased residential density as described in an earlier section of this report. The parks themselves will be developed over time based on a more detailed Parks and Recreation Facilities Master Plan prepared as an "implementation program action item."

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Appendix 3 describes the standards and methodology used to derive the various park needs proposed on the Community Facilities plan. The basic concept in developing and locating parks is to establish different levels of recreation activity geared to varied population age, interests and location. These ranged from very small play areas, which would serve a special part of a neighborhood oriented towards younger children, to Community Parks which would contain specialized recreational facilities and water oriented activities (such as the Township's Community Park with its swimming pool, lake, etc.).

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The parks are located to serve existing as well as future residents of the Township. On average, the open space, park/recreation proposals advanced herein provide a minimum of 10 acres of recreation space for each 1,000 persons as per national statistics.

### Bikeway Network

A bikeway proposal is advanced as part of the open space and recreation plan. 10  
This bikeway system, which also could serve as a pedestrian network, would link major community facilities and provide direct access to the "Town Green" area. The "Bikeway Network" map, shown on the following page, indicates the extent of the proposed bikeway network. It is based on proposals advanced by the Transportation Advisory Committee of the Planning Board. 20

Minor adjustments have been made to the proposed route which reinforce the basic land use proposals of the Master Plan. Further details regarding the staging and development of the Bikeway are contained in a special report of the Transportation Committee. This should be referred to as the basis for further capital improvement planning during the implementation stage of this Master Plan. 30

As is demonstrated on the map, significant community facilities are connected by the bikeway route(s) which lead to, begin or end at the "Town Green." 40

MAP  
BIKEWAY NETWORK

Education

No new elementary school construction is planned as a result of the short term plan development proposals. If development occurs at a rate faster than projected, it is possible that two new elementary schools and expansion of the Hammarskjold Junior High School would be required.

The two elementary school sites proposed in the long term are located in or near projected future growth areas. One is in the Riva Avenue section of the Township on land presently owned by the school board. The other is located near New Brunswick Avenue on land also owned by the Township.

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Expansion of the Hammarskjold School is based upon recommendations advanced by a special school planning citizen committee. In addition, enrollment projections based on varying annual growth rates, conducted by the school board's consultant, were used in arriving at this plan's conclusions with respect to the probability that no new schools will be required. Appendix 4 outlines the methodology used to determine these conclusions.

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Questions relating to restructuring of educational curricula, "community school concept," as well as phasing out of older school buildings in the district which have been advanced by the citizen planning committee are beyond the scope of this Plan. At the present time, the Township staff and Board of Education staff have begun discussions on a short range (ten year) Master Plan for educational planning including facilities. At that future time, it would be appropriate to respond to questions of curricula and older facilities, given a more definitive articulation of Township development policy.

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### Historic District and Preservation

Preservation of historic landmarks is encouraged. Continuation of the Old Bridge Historic District is endorsed by this Master Plan and work is underway on a plan for the district.

### Other Community Facilities

The "Town Green" is a major community facility proposed for the Township. It is more fully described in a later section of this report. 10

The proposed construction of another fire house at Dunhams/Church Lane will provide adequate fire protection coverage in the Township. No new facilities will be required.

The various volunteer companies, together with the Township, should assess their equipment and manpower needs in light of development of highway density housing along Route 18 and more intense residential/use in the "Town Green" area. 20

Police Department space needs are adequate for the short term. Naturally, as the Township grows, increased demands will be placed upon the police force. This will result in the need for additional manpower and equipment. A 25% increase in current space is recommended based on Master Plan Review Committee analyses. 30



In addition, short term needs require a garage and maintenance area accommodating police vehicles. It is recommended that such an area be provided either at the proposed additional municipal garage on Dunhams Corner Road near Church Lane or at the current public works garage. In an effort to stabilize space requirements, it is also suggested that regionalization of certain specialized police services be considered.

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Clearly, additional space to house municipal government activities and services, including public health service, will be required as the Township grows in the future. Gross space has been allocated for this expansion in the proposed "Town Green" area. Exact space requirements would be subject to further detailed studies of municipal needs. This will be more appropriately determined by a special study during the implementation phase of this plan.

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The existing public works maintenance garage and work area will need additional room in the short term. It is proposed that such an expanded facility be located on Dunhams Corner Road near Church Lane, generally opposite the Community Park.

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### Drainage

Development can substantially alter a natural drainage system's efficiency. In many instances construction modifies the topography, removes vegetation, increases erosion, affects the percolation of surface waters by paving over soil formations and encroaches on channels and ponding areas. The results of such changes are all too obvious in East Brunswick - increased stream flows or more frequent flooding of the natural channel.

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A number of areas in the Township are susceptible to flooding during periods of high runoff and extended ponding.

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The areas subject to flooding are usually adjacent to major streams that periodically overflow their natural channels.

The areas subject to ponding are usually natural depressions that lack adequate surface outlets.

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Various technical drainage studies (noted in the "Preface to Planning" report) conducted by the Township, County and State have documented the extent and location of local drainage problems as well as the remedies required to solve them.

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The Township falls within two basic drainage areas - the Lawrence Brook basin (which contains the major portion of the Township extending in a westerly direction, from Old Bridge Turnpike, Rues Lane and Cranbury Road) and the South River basin (extending in a southeasterly direction from Cranbury Road and Rues Lane).

Improvements advanced for the Lawrence Brook are channel widenings along major streams in the Township. These are indicated on the Community Facilities Plan Map.

Further, two major retention basins along Irelands Brook, one in the vicinity of the Hammarskjold School and another in the vicinity of Fern Road north of the County Fairgrounds, are proposed to help alleviate downstream flooding.

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In the South River basin, improvement of stream channels along the Cedar Brook and its tributaries into East Brunswick is suggested.

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Further development in East Brunswick requires further improvements to areas of /existing drainage deficiencies and the continuance and preservation of the existing natural drainage system. To this end the Comprehensive Master Plan recommends the following:

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- a) Incorporation of existing drainage engineering studies into a comprehensive drainage improvement plan based on land use proposals advanced in this Plan with an appropriate timetable for action.
- b) Continued establishment of drainage easements along all significant watercourses in the Township.
- c) Periodic improvement and continuous maintenance of drainage channels in joint effort with the County on waterways in areas of mutual interest.

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- d) development of appropriate local design control standards to insure the construction of adequate and innovative storm drainage systems in all future developments.

Sewerage Disposal System

With the exception of the area west of the Turnpike and areas in the southernmost portions of the Township, southeast and southwest of Fern Road, sewers are in existence.

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In the short term, sewers should be extended in the Old Stage Road area between Fern Road and New Brunswick Avenue. In the long term they should be extended to Cranbury Road. Because of the topography in this area such extension is dependant on cooperation with the Monroe Township Utility Authority.

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Sewer extension to the Riva Avenue section is not recommended by this Master Plan. Considering the low density agricultural and open space nature of this area, the need for utility expansion is questionable and the costs would be excessive in view of the benefit derived.

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Prevalent health problems from malfunctioning on site septic sewer systems in this area require attention. Alternative emergency solutions to alleviate current problem areas should be investigated. In the interim, continued vigorous review of proposed new septic installations is mandated.

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The County Sewerage Authority is investigating the feasibility of a new interceptor line along the Farrington Lake to service municipalities on line. A minor sewer line tie-in to this interceptor for alleviating current health problems should be investigated.

With regard to the existing sewer collection system, it is recommended that a revised sewer master plan be prepared based on the land use proposals advanced in this Plan. Improvements to existing collections systems could then be readily identified and this improvement staged according to planned future development needs. The new Municipal Land Use Act permits certain reasonable off-tract improvement costs to be assessed against future developers.

A detailed engineering plan could assist in identifying the level of off-tract improvements necessary to be funded by the private sector.

#### Water Supply

Various engineering studies (noted in "Preface to Planning" report) have been undertaken to document the supply and demand for water together with methods for improving the local water supply system.

The studies recommend that the Township expand its ability to tap its own ground water supply from the Farrington Sands (west of the Turnpike) as well as continue to supply its needs from the New Brunswick sources. This Plan concurs.

It has been estimated that up to 13 million gallons per day in the long range (sufficient to accommodate 80,000 people) can be handled by local sources as well as by the purchase of additional diversionary water rights from New Brunswick sources. Based on the lower growth rates envisioned by this Master Plan, the water to accommodate future Township growth appears ample, and should not be a deterrent to that growth.

As to the local water distribution system, extension in the short term will be necessary in the Old Stage area between Fern Road and New Brunswick Avenue, with eventual long term extension of facilities to Cranbury Road. The remainder of the Township, particularly where new growth is proposed, appears to be adequately served.

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In order to insure adequacy of the future water distribution system and to protect those already in existence, engineering studies should be undertaken at that time when development requires extension into unserved areas. In a way similar to the future extension of the sewer system, adequate service can be provided on a "pay-as-you-go" basis by assessing developers the cost of system installation.

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Solid Waste

In the short term, continued use of private disposal companies is advanced by the Plan. For the long term, it is recommended that the Township participate with the County Solid Waste Management planning program to develop a region-wide solution to long term waste disposal needs.

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C. "Town Green"

A major proposal of the Plan is the creation of a "Town Green" to serve as a focal point for all Township residents. Such a center would give East Brunswick a unique identity and help foster a closer community spirit.

The "Town Green" should serve as the main governmental, civic and cultural center for the Township. It should remain small and entirely in character with the Township's suburban setting never becoming a congested "downtown."

The "Town Green" core area will be built primarily by private developers on vacant land opposite the Jean Walling Civic Center.

To ensure orderly development of this area, a detailed Development Plan, to be prepared by the Township staff as a guide, would establish specific design parameters. This plan would be undertaken during the implementation phase of this Master Plan. A piecemeal, scattered approach to the creation of the "Town Green" is to be avoided.

The "Town Green" should contain:

- Civic, cultural, social, community services and recreational uses, such as tennis courts, sitting areas, bike paths, pedestrian walkways, a post office and community theater.
- Varied residential units, professional offices and small specialty shops.

--Additional municipal government and educational offices, as needed in the future.

For planning purposes, all vacant land within a quarter mile radius of the Civic Center is considered part of the core area. About 150 acres are included / of which 90 acres are potentially available for / potential development, making the "Town Green" core area about 1% of the total Township area.

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The "Bikeway Network" map in Section B(d) of this report portrays the general location of the "Town Green" core area. Table C-1 provides a tabulation of both existing and proposed land uses generally envisioned by this Master Plan within the core area.

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Detailed / studies of the "Town Green" area would be necessary to specifically formulate an overall development plan, provide definitive design controls and standards, develop a necessary internal local service pattern and establish a realistic timetable for implementation.

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As noted, / the "Town Green's" core area is based on a 1/4 mile radius, measured from the existing / Jean Walling Civic Center. Realistically, a quarter mile is a reasonable distance for an individual to walk. By limiting all the proposed "mixed use" activities to this core, a completely pedestrian, auto free, environment can prosper.

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An additional 1/4 mile, or 1/2 mile in total radius from the existing Civic Center, was determined to be within realistic bicycling range with a fair percentage of additional pedestrian patronage. For planning purposes only, the area in this additional radius was considered as the "immediate support area". In actual fact, the entire Township should be considered as the Town Green's "Support Area".

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As shown on Table C-1 a little more than half the 90 acres of vacant land available for development in the "Green" area is proposed for mixed residential use, which includes about 570 new dwellings, ranging from detached single-family homes to attached houses in a cluster arrangement with abundant open space.

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These new units represent less than 10% of the total new residential units to be developed in the entire Township as proposed in this Master Plan.

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Within the immediate support area, about another 125 acres are available for mixed residential use, which should produce some 800 additional dwelling units.

Table C-2 provides a summary tabulation of housing and population expected to be produced by the "Town Green" concept. At full development the "Town Green" area, as well as its immediate support area, would contain about 10% of the total population in the Township. Half this amount are people already residing in the developed portion of the "Town Green". The number of total

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dwelling units in the "Town Green" at full development would be about 13% of the total Township units.

Commercial uses in the "Town Green" are intended to be primarily of a specialty nature. They are not meant to be regionally competitive but are of the individual store owner variety, providing opportunity for local merchants to cater to a local following.

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Clearly, as part of the further planning studies necessary to shape the details of the "Town Green", investigation is required to determine the amount and specific store types that would be marketable in this location. Based upon preliminary analysis which dealt with determining spending power in the "core" and "immediate support" area, general ranges of probable commercial uses were estimated.

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In keeping with the intended low scale character of the "Town Green," the numbers suggested in Table C-1 appear reasonable.

It is intended that these commercial uses would be situated on the ground floor of residential and other non-residential buildings, rather than free-standing units

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By doing so, the principle of an open green square or series of interlocking green courtyards with mixed activities adjacent, is reinforced. A certain air of activity and excitement can be created when such complementary uses are so located.

By doing so, the uniqueness of East Brunswick's "Town Green" can be assured.

USES	"TOWN GREEN"			IMMEDIATE SUPPORT AREA			GRAND TOTAL AREA (Acres)
	Existing (Acres)	Proposed (Acres)	Sub-total (Acres)	Existing (Acres)	Proposed (Acres)	Sub-total (Acres)	
RESIDENTIAL	35.4	46.8	82.2	152	126	278	360.2
Low	5.1	--	5.1	152	---	152	157.1
Low-Med.	--	7.8	7.8	---	52	52	59.8
Medium (mixed use)	30.3	39.0	69.3	---	74	74	143.3
COMMERCIAL	0.	110 to 160,000 SF <sup>1</sup>	--	10.4	7.1	17.5	17.5
Prof. Offices	-	30 to 40,000 SF	--	4	4	8	8 +
Retail Conv.	-	--	--	6.4	3.1	9.5	9.5 +
Specialty Retail (mixed use)	-	80 to 120,000 SF	--	---	---	---	- +
PUBLIC-SEMI-PUBLIC	23.8	41.5	65.3	18.3	7	25.3	90.6
Park/Recreation	--	10	10	5	7	12	22.0
Municipal Functions	17.6	20	37.6	3	-	3	40.6
Civic/Semi-Public Functions	6.2	11.5	17.7	10.3	-	10.3	28.0
TOTALS	59.2	88.3	147.5	180.7	140.1	320.8	468.3

- NOTES: 1. Indicated as square feet (SF) since it is intended as a ground floor use, part of residential development in the core.  
 2. Gross Acres includes R. O. W.  
 3. Town Center Delineation Criteria: CORE AREA = 1/4 mile radius from existing Civic Center.  
 TOTAL AREA = 1/2 mile radius from existing Civic Center.

TABLE C-2  
 "Town Green" Area - At Full Development  
 People-Housing-Summary

	EXISTING	PROPOSED			TOTAL AREA
	<u>Total Area (1975)</u>	<u>Green Area</u>	<u>Support Area</u>	<u>Sub- total</u>	
PEOPLE	3,000	1,280	1,950	3,230	6,230
HOUSING (Units)	914	566	794	1,360	2,274
Low	622	5	---	5	627
Low-Med.	---	33	222	255	255
Medium	292	528	572	1,100	1,392

Source: Table C-1 by Raymond, Parish & Pine, Inc.

#### D. Overview of Short Range Plan Impacts

To test the impact of short range plan proposals, the consultant conducted a basic development impact test to generally assess both the fiscal and physical consequences of the land use proposals continued in the Plan.

The development impact test shows general order of magnitude impacts to assess the probable effects of the proposed new development on the Township. The relative effects of inflation or of development proceeding at varying time spans has not been considered.

Clearly as implementation of the plan progresses and specific applications for development are received, more definitive and fairly detailed cost/benefit analyses can be made. These should be part of the zoning implementation process. Using the Plan and cost/benefit analysis as guides, positive growth management techniques can be applied by the Township. Those guides used as a yardstick to gauge and control the rate of development.

Results of the fiscal impact analysis are shown on Table D-1. The analysis covers basic areas of municipal fiscal concern-- educational, non-educational (essentially public services) and non-residential (commercial/ industrial) costs and revenues.

A key assumption in conducting the analysis was an objective proposed by the Master Plan Review Committee in its "Preface to Planning"; namely, that there should ultimately be a mix of dwelling units consisting of 10-40% traditional single-family dwelling units and the rest as dwelling units of other styles and ownership arrangements. Given a realistic non-residential growth rate, this analysis generated a positive or breakeven fiscal posture.

Applying the findings of that analysis to the short range Plan proposals, the determination was made that 30% of all new mixed-residential units would be developed as traditional, detached single-family homes. As can be seen on the accompanying table, the residential analysis shows about a \$100,000 deficit. This is essentially a break-even. The deficit is caused by revenue U.S. expenditures of the single-family detached units. Non-residential uses would produce a substantial surplus of over \$5 million, indicating a favorable cost-revenue picture for the Plan.

If the overall percentage of traditional single-family uses in proposed mixed-residential areas is reduced to approximately 10%, the residential portion of the Plan would more than pay its way.

Physical impacts of such development on total utility and road service networks can be accommodated with appropriate improvements. For example, the total water/sewer demand from the proposed short range plan is estimated at little more than one million gallons per day (MGD), which is in the Township's projected capacity.

Elsewhere in this report the ultimate available capacity projected for the Township was an additional 13 MGD, of which 3 MGD can be derived from new local well sources. The County sewer system has been upgraded to absorb major sewer needs and, according to local utility authority officials, Township capacity is being limited. Since the short range proposals are in areas with existing infra-structure, new growth can be accommodated without extension of utilities.

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It is difficult to assess the specific impact of given local development upon other parts of the utility service network. This can only be determined when development applications are submitted and further studies are made.

Similarly, the overall traffic impact could be carried by the existing and proposed road networks. Clearly, as has been identified in other sections of this report, certain key roadway and local intersections need immediate improvements. Any additional development, with or without a Master Plan, will aggravate existing circulation trouble spots. As is the case with the utility network, it is difficult to assess specific impacts on selected portions of the local road systems until actual development applications are received.

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Clearly within the enabling legislation of the new Municipal Land Use Act, contributions of a developer for reasonable off-tract water, sewer, drainage and street improvements can be required by a municipality. As recommended elsewhere,

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comprehensive utility and drainage plans, based on this Master Plan, should be developed. Together with the Circulation Plan, these would form a basis for estimating future infrastructure improvement costs and establishing equitable proration techniques to be applied against new development, when necessary.

In this fashion, the Township will be able to gauge specific impacts of each development proposal and require off-site contributions to mitigate any physical impacts requiring a public improvement.

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Fiscal-Cost-Revenue Order of Magnitude Impact

Short Range Plan Proposals (1985)

USE	Residential Use (Units)	Non-Residential Use (S. F.)	Est. Population	Est. School Population	Est. Add'tl. Rateable (\$)	Deficit (-) Surplus (+) (\$)
<b>RESIDENTIAL</b>						
Single Family (detached)	935		3,460	1,122	36,180,000 )	
Single Family (attached)	780		2,260	490	33,150,000 )	
Mixed Residential	770		1,850	270	20,405,000 )	(-) 112,000
Multi-family	480		1,060	100	16,800,000 )	
<b>COMMERCIAL</b>		1,633,400			45,735,200	(+) 1,505,000
<b>INDUSTRIAL</b>			4,112,100		115,138,800	(+) 3,790,000
<b>TOTALS</b>	2,965	5,745,500	8,630	1,982	267,409,000	(+) 5,183,000

NOTES: Single Family (detached) = rural, low + 30% of PRD, and Low-Med. units.  
 Single Family (attached) = 70% of Low-Med. and PRD units.  
 Mixed Residential = Medium units.  
 Multi-family = Med-High units.

MAP

Long-Range Development Plan

MAP

Short-Range Plan

IV. IMPLEMENTING THE PLAN

#### IV. IMPLEMENTING THE PLAN

Adoption of a Master Plan does not mark the end of the Township's planning effort. It is a beginning upon which more detailed plans regarding specific parts of this Plan can be made. Of greatest significance is the extent to which the Plan's provisions will be implemented, allowing managed and balanced growth to be achieved.

New and improved zoning ordinances, subdivision and site-plan ordinances, other development controls, capital improvement planning, official mapping, and, most importantly, continued citizen involvement will mark the next stages of the Township's planning effort.

Planning goals reflect the broadest goals of the community. In a continued effort to implement the Master Plan it is recommended that the following programs, some of which are already in motion, proceed:

1. Institute a continuing dialog with the community. Constant exposure to, and discussion of, the Plan is frequently the only way in which people can assimilate its content and become familiar with its conceptual framework.

In this regard, perhaps the creation of a "federation" of local civic groups, business leaders and officials could be established to present a public forum in which a continuing dialog of progress and prospects in Plan implementation can be effectively discussed.

Success in publicizing the Plan will depend upon the Planning Board's ability to keep it in the forefront of the public's consciousness by referring to its provisions with regard to every development proposal that may be brought forth. They should also be able to engage in a continuous process of amendment based on altered growth trends and revelation of plans of other agencies which may affect East Brunswick.

2. Detail the Plan by developing more specific studies of individual problem areas or areas of opportunity. Clearly, development design schemes for the "Town Green" are the first priority. 10
3. Create a public display of the Plan or its sub-parts as it moves toward implementation. This will include maps and photographs of existing conditions, examples of existing desirable types of development as well as undesirable types of development which the Plan seeks to avoid, for exhibition in the library, schools, civic center, Park'n Ride, etc. 20
4. Provide speakers and discussion leaders able to discuss the Plan with all local groups and organizations who have either a general interest in the Plan as a whole or who want to help in relating what may be happening in their area to any specific detail of the Plan. 30

5. Continue with grantsmanship. Implementation of parts of the Plan depends on availability of funds from higher levels of government. Success in securing these funds requires close contact with countless county, regional, state and federal agencies; with the area's congressional delegation and its state legislators; and through liaison, on a person-to-person basis, with their staffs.

6. To remain useful, the Plan must be kept vigorously up to date and its "principles" must be kept relevant to the evolving needs of the community. Through its professional staff, the Planning Board must be ready to seize new opportunities which arise as a result of new programs or new directions set by changes locally or outside Township boundaries.

The constant review, evaluation and adjustment of the Plan is as important as its original preparation. It should include constant updating of its information base, for its quality will be directly related to the level of detail and accuracy of information available.

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### Implementation of the Plan

The comprehensive master plan will be implemented by two basic types of public activities: (1) the regulation of private development activities; and (2) the realization of capital projects for which public agencies are directly responsible, whether they be state, county, or local.

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For East Brunswick, such activities will be based initially on the proposals contained in the Short Range Plan. These activities will be completed after formal adoption of the Plan.

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### Development Regulation

Revision in the Township's zoning ordinance will be necessary to accomplish specific proposals in the Master Plan. It should be recognized that the zoning ordinance, which controls what the land is used for and the manner in which it is developed, cannot always reflect the Master Plan faithfully. This is because the Plan looks to a future which is conjectural whereas zoning, with its statutory powers, must be conditioned by the realities of the present.

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In all existing districts a review of current development controls will be necessary to insure their compatibility with the Master Plan proposals and principles. A revision to the existing zoning map, based on the new zone proposals as well as Master Plan land use proposals, will be necessary.

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Investigation of "Transfer of Development Credits" (TDC) and "Transfer of Development Rights (TDR) as well as other zoning innovations should occur, as to their applicability in further implementing the short-term agricultural and certain residential proposals.

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Bonus density or incentive criteria will be required in the "PRD", low-medium, medium, "Town Green" and medium-high

areas to reflect ways in which density can increase from the low to high end of the proposed range. Also included should be appropriate requirements for low-moderate housing units to a specified percentage in these zones.

#### Subdivision & Site Plan Ordinance

Refinement of site plan review criteria will be necessary to insure adequate control and impact analysis over newer forms of development that will be permitted by the Master Plan proposals.

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Review of the land subdivision requirements as they relate to newer forms of housing proposed by the Master Plan should be undertaken. Emphasis should be placed on proper control of drainage as well as insuring that the most up-to-date planning practices are incorporated in these requirements.

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#### Official Map

An Official Map should be adopted to reflect key Master Plan proposals with regard to circulation and necessary public drainage ways, park or public areas.

Caution should be exercised in the preparation of such a Map. There are requirements that the Township would have to map by exact survey all proposals and that reservation for those proposals be paid for by the Township. In some instances, public improvements (park areas for example) could be gained from developers as a tradeoff for increased density and not necessarily be placed on an Official Map to insure future implementation.

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### Housing Code and Other Development Controls

The last set of regulatory tools which can influence the quality of the community and assist in preventing deterioration in its older sections are a Housing Code and various codes governing construction. Their constant updating to reflect new court attitudes on the exercise of public powers and the mutual responsibilities of landlords and tenants, and to reflect the development of new materials and building technology are essential to the maximization of their effectiveness.

### Capital Improvements

The Township should plan for capital improvement expenditures by annual preparation of a six-year capital improvements program. This should reflect improvements embodied in the short range plan. Those capital improvements which are currently needed to maintain and upgrade the Township should be identified as well.

APPENDIX

## APPENDIX 1

Unmet Housing Needs: Fair Share Allocation Methodology

Low and moderate income families in East Brunswick has been defined according to federal guidelines. Low income, based on 1970 data, means an average family of four earning annually less than \$6,000. Moderate income means families earning between \$6,000 and \$9,500. It was estimated that in 1975 these ranges would be increased to \$8,000 for low income families and \$13,000 for moderate income families.

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It is generally accepted that the average family could afford to pay 25% of his income for housing or support a house valued at 2.5 times his annual income. Therefore, a low income family in 1975 could support a \$20,000 home value or pay \$170/month in rent. A moderate income family could support a \$32,500 home value or a rent of \$270/month.

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In 1970, these values were somewhat lower. They ranged for home owners from \$15,000 to \$25,000 and for renters from \$125 to \$210 per month.

In terms of the Township's unmet need, 1975 estimates indicate a total need of about 1,350 units, comprised of 850 existing units either physically substandard or households paying more than 25% of their income for shelter and about 500 new units representing the Township's "fair share." These numbers are adjusted to reflect credit for existing low and moderate income units in the Township. In 1985, or basically the short term plan period, between 250 and 400 additional units are required depending upon the level of job growth actually experienced.

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The "Fair share" was based on a method which relates low and moderate income housing need to the extent of new low and moderate income jobs in the region. East Brunswick's share is proportionate to its share of the region's job growth, in this case was assumed to be the County.

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Table F-3, following indicates a summary of the suggested approach to determining unmet housing need in the Township. It indicates a need of 1353 units in 1975 to 1605 units, and 1743 units in 1985.

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The following are key points in this

- a) Determine number of new jobs expected in the region. 10
- b) Define East Brunswick's share of the region's job growth by utilizing the following ratio applied against the total new job estimates:

$$\frac{\text{East Brunswick's Developable Zoned Vacant Job Producing Lands}}{\text{County Developable Zoned Vacant Job Producing Lands}}$$

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Job producing lands include industrial and commercial land uses.

- c) Determine what percentage of these jobs will be held by low/moderate income salaried employees.
- d) Determine number of new low/moderate income households as result of new job generation.

The following tables, F-1 and F-2, apply this basic approach based on the proposed Master Plan. 30

Table F-1 Estimates East Brunswick's share of regional employment based on existing zoning and proposed Master Plan.

Table F-2 Calculates East Brunswick's Fair Share as a result of the revised Master Plan proposals. 40

To these "fair share" estimates would be added the existing low/moderate income housing need. Existing need has been extracted from the Township's Housing Assistance Plan, prepared as part of its participation in the Federal Community Development program.



TABLE F-1

**EAST BRUNSWICK'S SHARE OF PROJECTED REGIONAL EMPLOYMENT, 1975-80**  
 (Job/Housing Balance Method)

	1975 # of Jobs	1980 Est. # of Additional Jobs
<b>REGION<sup>1</sup></b>		
— (Middlesex County)	240,400	28,000 - 43,450
<b>EAST BRUNSWICK SHARE<sup>2</sup></b>		
Existing	12,100	---
A Projection	---	987 - 1,520
B Projection	---	564 - 869

Sources: <sup>1</sup> Estimates by MCPB - 1/76 interpolated by RPP, Inc.

<sup>2</sup> Based on ratio of Township zoned & vacant developable job producing lands to those in the County. Ratio assumed constant for period of projection.

A projection based on existing Township zoning = 3.5%.

B projection based on Proposed Master Plan = 2.0%.

TABLE F-2

EAST BRUNSWICK'S FAIR SHARE BASED ON PROPOSED MASTER PLAN, 1975-1980  
(Job/Housing Balance Method)

	EXISTING <sup>1</sup> Low/Mod Hsg. Need 1975	FAIR SHARE <sup>2</sup>					Total Need 1975 - 1980	
		1970-1975 Additional <sup>3</sup> Housing Need			1975-1980 Additional Housing Need			
		# Low	# Mod	Total # Units	# Low	# Mod		Total # Units
EAST BRUNSWICK	850	186	317	503	47-72	79-123	126-195	1479 - 1548

Sources: <sup>1</sup> Based on East Brunswick HAP - 1976.

<sup>2</sup> Determined as follows:

- a) Regional share of jobs (Table F-1) X .7 = Total new household units.  
(.7 factor reflects ratio of average State employed household heads to total number of resident households, which means about 30% of all households have more than one wage earner.)
- b) Total new household units X .32 = Total # new low/mod units needed.  
(.32 factor taken from Urban County HAP, which indicates 32% of new jobs to be created would be for low/mod income salaried households.)
- c) Total # low/mod units X (.37) or (.63) respectively to determine low/mod income units.  
(.37 and .63 factors from 1970 Census.)

<sup>3</sup> Total number derived as in Footnote 2 adjusted by existing low/moderate units available in Township from Tax Assessor Records 1975.

TABLE F-3

## SUMMARY: FAIR SHARE HOUSING NEED PROJECTIONS

FOR EAST BRUNSWICK, N.J.

1975 - 1985

		1975	1985	
		<u>Total # Low/Moderate Income Units</u>	<u>Total # Low/Moderate Income Units</u>	
Job/Housing				
Balance	A	1353	1769-2059	
Estimates	B	1353	1605-1743	10

Note: Total need includes existing units and new additional units that are needed. 20

1. Job/Housing Estimates: By RPP, Inc.
- A = under present Township zoning ordinance.
- B = under proposed master plan.

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Meeting the Unmet Housing Need

Greater amounts of housing subsidy, whether it be direct Federal subsidy of interest rates, family income, property tax abatement, or other assistance techniques, is needed if the low and even moderate income family in East Brunswick is to be adequately housed.

Reducing lot sizes, amenity requirements and introducing varied housing types can help reduce costs, but only minor in relation to the level required to permit low and the majority of moderate income families to obtain affordable housing. At best, such cost savings will allow more upper moderate to middle income housing to be produced. 10

Modest low-rise townhouse construction, with ideal site conditions and low land acquisition costs, has been estimated to produce a unit selling between \$28,000 and \$34,000 in rural portions of Middlesex County. 20

Even at this most ideal situation, a low income family earning \$8,000 (assuming the maximum value he could carry being \$20,000) could not afford to purchase this unit.

Why does housing cost so much? Many studies have been conducted to illustrate the costs of housing development and related effects of density. Attached are two charts extracted from such a study conducted by Rutgers University - Center for Urban Policy Research in 1972. It compares single family development at 1/2 acre lots to townhouse development at 8-10 du/acre located in East Windsor, New Jersey. While construction and development costs have risen since 1972, it does serve as an example for the following observations: 30 40

1) In terms of the basic "development" and "construction" cost stages of the residential development projects under examination, Table C-1 indicates little variation in overall cost between single lot and townhouse development. As can be expected in a townhouse development, "development" costs are somewhat lower due to lower land cost/unit and reduced site preparation costs due to clustering of units resulting in reduced runs of utilities, roads, etc.

10

However, in the "construction" category, due to larger front end costs, increased standard amenities, differences in structural and mechanical systems, a shift towards higher total construction costs is apparent.

2) In the example examined by Table C-1, the real savings is in land costs gained through increased density (assuming land is purchased at less than major density value). An approximate \$2,000 per unit saving in land acquisition was realized. There are two qualifications to be made here:

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a) Achieving land savings hinges on the acquisition of raw land at low density prices and subsequently developing the land at a higher density.

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b) Even at a \$2,000 per unit land savings cost, a savings of about \$15 in monthly occupancy costs, which at that time was equivalent to about \$700 added home purchasing power to a consumer; hardly a significant reduction in reaching the low and majority of moderate income families.

3. Table C-2 illustrates the very real problem contributing to housing costs—its monthly operating expenses. Significant savings in housing can be achieved if reduction in debt retirement (through some form of interest subsidy or reduction program) or in taxes (through some form of tax abatement program) is achieved. 10

For example, if in the case under example on Table C-2 we were to reduce interest and/or taxes, the following would occur: 20

<u>Interest Reduction from 7-1/2 % to:</u>	<u>Resultant Decrease in Family Income Require- ment to Purchase<sup>1</sup> \$31,000 Town House</u>	
6-1/2	- \$ 960	30
5-1/2	- \$1,776	
4-1/2	- \$2,640	

<sup>1</sup> Calculate @ FHA financing 30-year mortgage @ 7-1/2% with 10% down, yielding a family income requirement of \$16,500 to purchase the home.

As can be seen, a reduction in 3 percentage points reduces the family income requirement by \$2,640. In our example, that would result in a family income requirement of \$13,860. This begins to 40

approach the moderate income level of affordable housing.

Coupled with reductions in property taxes, additional "buying/  
carrying" power can be added to the home consumer's finances.

In summary then, increases in densities, cost saving development techniques will not significantly reduce housing costs to levels required by low and moderate income families. It will lower the cost of housing so that more families in the upper moderate (above \$12,000) bracket could afford it.

To reach the low income/moderate income brackets (under \$7,000 to \$12,000), other subsidy techniques in both home financing, taxes or direct Federal/State/County subsidies are required.

TABLE C-1

## HOUSING DEVELOPMENT COST COMPARISON - AN EXAMPLE

Elements of Cost	CASE A	CASE B	
	Single Family Subdivision	Townhouse Development	
Development Cost	% of <u>Total Cost</u>	% of <u>Total Cost</u>	
Developer's Fees	13	12	
Architectural/Eng.	1.7	1.7	10
Land Purchase	6.3	1.4	
Preliminary Site Work	8.2	5.8	
Interim Financing	4.3	4.5	
Misc. Admin. Fees	5.4	5.8	
Sub-total	<u>38.9</u>	<u>31.3</u>	20
Construction Cost			
Foundation, Excavation	8.4	8.1	
Structural Frame	26.0	29.4	
Mechanical Systems	10.5	13.2	
Interior Prep.	13.7	14.8	
Landscaping & Paving	2.5	3.2	30
Sub-total	<u>61.1</u>	<u>68.7</u>	
TOTAL	100.0	100.0	

Notes: Case A = Single family subdivision 1,700 ft.<sup>2</sup> - 4/5BR - 1/2 acre lots.

Case B = Townhouses 1,300 ft.<sup>2</sup> - 3BR - avg. 20X90 lots. Density 8-10 du/acre

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Source: Extracted from "Planned Unit Development" - Burchell - Center for Urban Policy Research - Rutgers University 1972.



TABLE C-2

## HOUSING OCCUPANCY COST - AN EXAMPLE

Monthly Carrying Charge	CASE A	CASE B	
	\$31,000 Town House FHA Financing 7-1/2% 30-Year Mortgage (10% Down)	\$37,990 SF House FHA Financing 7-1/2% 30-Year Mortgage (10% Down)	
	<u>% of Total</u>	<u>% of Total</u>	
Debt Retirement	56.7	55.7	10
Taxes	25.6	25.9	
Utilities	10.5	11.6	
Maintenance & Repair	4.9	5.0	
Insurance	2.3	1.9	
<b>Total</b>	<u>100.0</u>	<u>100.0</u>	<b>20</b>
<b>Family Income Requirement to carry home</b>	<b>\$16,500<sup>1</sup></b>	<b>\$20,000</b>	

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<sup>1</sup> Assumes total housing cost = 25% of monthly income.

Appendix 3 - Park/Recreation Planning Methodology

Table 3-1 below indicates the general park/recreation standards used to derive East Brunswick's recreation plan. They are based on recognized standards derived by the National Recreation and Park Association, Regional Plan Association of New York and Middlesex County Planning Board as adjusted by this consultant to reflect local conditions. In addition, recommendations advanced by the Master Plan Review Committee for additional park and recreational areas was considered in the location of additional facilities.

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TABLE 3-1

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## RECREATION STANDARDS PLANNING

Type	Standard/ 1,000 pop. Acres	Service Area	Ideal Size	Typical Facilities
Totlot (TL)	.25-.5	1/8-1/4 mile depending on residential density	1/4-1/2 acre	Pre-school activities
Neighborhood Park (NP)	1.5-2.0	1/2 mile	2-5 acres	Playground, quiet rec. areas, spray pool, informal games
Community Park (CP)	2.0-3.5	1.5-2 miles	10-40 acres	Playfield, turf area, softball, court games
District Park (DP)	2.5-4.0	3 miles	100-200 acres	Outdoor sports, passive or active water sports, picnic, nature enjoy- ment, boating
Regional Parks (RP)	- similar to County Golf Course or Jamesburg Park, deemed adequate in the Township			

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Based on the above standards an analysis by Census Enumeration District was undertaken to identify existing deficiencies as well as projected needs based on Residential Land use proposals. That analysis revealed a parkland need, both existing and proposed of between 280 to 530 acres.

The proposals advanced in the Community Facilities Plan would provide about 420 acres if the "ideal" size acreage were acquired for each proposed park area. This falls within an acceptable range. At full development, if implemented, the Township would have a proper balance of recreation and developed areas such that its overall open character would be maintained.

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#### Appendix 4 - School Needs Methodology

In brief terms the School Board, through its consultant has developed an enrollment projection technique for a ten year period (1975-1980) based on current growth, population changes and anticipated future growth.

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It uses a system of "single family home equivalents" (SFE) which translate differing housing types into single family homes for purposes of estimating future school children. Estimates based on 150 SFE, 300 SFE and 300 SFET were made by the School Board, the most recent set being March 1975.

20

From these enrollment estimates conclusions were reached in a special Long Range Planning Committee report, regarding future school needs. Recommendations range from no new facilities to a new high school and two additional elementary/middle schools depending on use of older facilities.

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Important to this plan is the translation of the short-range residential growth proposals into single family equivalents. This produced about 150 SFE per year, on the assumption that growth was evenly spaced over the next ten-year period.

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Based on this projection, it was concluded that no new school construction in the short-term was warranted.

With regard to high school needs, a different choice arises. School board projections indicate current 9-12 grade enrollment of 3300 pupils. Based on 150SFE, in 1985 the enrollment was projected as 3068 pupils, with slight variations over the ten year period.

If slower growth rates continue, the decision as to costs of new instructional space bears closer examination. This is perhaps best done as part of the implementation phase of this project in concert with the school board as it prepares its Master Plan for future school facilities.

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Appendix 5 - Natural Resources Inventory of East Brunswick Township

By reference, the "Natural Resources Inventory of East Brunswick Township" prepared by the Natural Resources Inventory Subcommittee, East Brunswick Environmental Commission, 1975, is made part of this Master Plan.

## CONSULTANT CREDITS

Raymond, Parish & Pine, Inc.

Planning Consultants

Camden, New Jersey and Tarrytown, New York

Stuart Turner, AIP Vice President	Principal-in-charge	10
Gerald Lenaz, AIP, AIA Director, New Jersey Office	Project Planner	
John Sarna, PE	Transportation	
Bernard Buller, PE, AIP	Engineering	
Paula Oyama	Graphics Production Coordinator	
Michael Smirnoff	Graphic Design	20
Edward Kirchner	Chief Draftsman	

30

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MIDDLESEX COUNTY PLANNING BOARD

ER/83

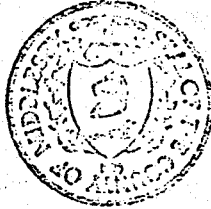
369a

40 LIVINGSTON AVENUE  
NEW BRUNSWICK, NEW JERSEY 08901

Bart Busch

(201) 246-6662

- MEMBERS
- WILLIAM CENTER, Chairman
  - JOHN SEWITCH, Vice Chairman
  - FRANK PEREAT, JR.
  - ROBERT DAILY CAMPBELL, Freeholder Director
  - JOHN CASTRO, Freeholder
  - JOHN THOMAS DURANT
  - WILLIAM J. REISER, JR., County Engineer
  - RENCE S. WEISS
  - WALTER L. WILSON



DOUGLAS S. POWELL  
Director of County Planning

FRANK J. RUBIN  
Counsel

PATRICIA A. LYCOSKY  
Secretary

May 11, 1976

*This is a very important statement for East Brunswick!*

10

Mrs. Joan Abramowitz, Chairperson  
East Brunswick Planning Board  
1 Jean Walling Civic Center  
East Brunswick, New Jersey 08816

Re: East Brunswick 1976 Master Plan

Dear Mrs. Abramowitz:

The Middlesex County Planning Board has reviewed the proposed East Brunswick Master Plan in both its preliminary and draft forms, including the most recent revisions cited in Mrs. Dolores Shugart's letter of 30 April 1976. The attached review, previously sent to you, comments on East Brunswick's proposals in detail.

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We find most aspects of the proposed plan to be consistent with the County's adopted Interim Master Plan, and with the policies contained in the County's Plan Alternative. Accordingly, we believe that East Brunswick's proposed plan provides sound guidelines for the continued development of the Township, and offers a realistic and forthright response to the variety of needs of the residents of the Township and of the larger region.

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Further, we believe that the process through which East Brunswick's plan has evolved, with its many opportunities for full public participation, has been excellent and might well serve as a model for other municipalities contemplating master plan revision. We also are pleased at the opportunities offered for input by the County's staff at various stages along the way, and at East Brunswick's clear concerns for the regional implications of its planning and development. Such concern for the regional as well as the local community is absolutely essential if Middlesex County is going to meet the physical, economic and social needs of its present and future residents in a timely and efficient way.

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Mrs. Joan Abramowitz  
May 11, 1976  
Page 2

We are particularly pleased to note that East Brunswick's proposed plan attempts to come to grips with very real problem of providing adequate variety and choice in housing for present and future residents. The plan's recommendations for modest increases in residential density in some areas closely parallel the recommended policies set out in the County's Plan Alternative. While it often has been observed that municipalities do not build housing, it is equally true that strong municipal support for a range of housing types, codified in the master plan and zoning ordinance, is the essential first step toward this end.

We also wish to commend the Township's Planning Board for its realistic approach toward allocation of land for industrial growth. Our studies have noted the prevalence of over-zoning for industry in the County, far beyond the foreseeable market for such land, and the adverse effects of this policy on the region. While we believe that Middlesex County should and will continue to increase its employment and tax base, we also believe that the careful shaping of this growth by providing realistic amounts of developable land in environmentally-sound locations, or nodes, will offer many short and long-term benefits to both municipality and region. We hope that other municipalities will follow East Brunswick's lead in this regard.

With regard to the new road alignments proposed in the master plan, and commented on in the attached staff report as well as in subsequent conversations with the East Brunswick staff, we note that the proposed Ryders Lane realignment adjacent to the New Jersey Turnpike, as well as the new road south from Hardenburg Lane adjacent to the Tamarack golf course now have been deleted.

We offer no further comments at this time concerning the proposed Cranbury Road realignment, but stress the need for further analyses and discussions in this regard.

In discussions with your staff, we have noted that the extension of Tices Lane westward and the proposed new expressway adjacent to the Raritan River Railroad are not contained in the adopted County Interim Master Plan. While these are shown in the Plan Alternative to illustrate conceptually the need for improved east-west services, the final determination of both the needs for and alignments of these roads must be studied further in the formulation of the refined County Master Plan now underway with various County-wide committees, and involving East Brunswick representatives along with all municipalities and other interest groups. We believe that through this multi-municipal process we can arrive at final recommendations most acceptable to all parties involved.

Mrs. Joan Abramowitz  
 May 11, 1976  
 Page 3

Finally, I hope that the spirit of regional cooperation and concern which has marked this major planning effort of East Brunswick's, and which has been so clearly demonstrated in other areas as well--208 Water Quality Planning, the Transportation Improvement Process, Community Development Revenue Sharing, Solid Waste Management--will continue, to the mutual benefit of the Township and the region.

Sincerely yours,

MIDDLESEX COUNTY PLANNING BOARD

*Hyman Center by [Signature]*

Hyman Center  
 Chairman

10

HC:jgt

cc: Hon. William Fox, Mayor  
 ✓ Mr. John Runyon, Township Administrator  
 Mr. Carl Hintz, Planning Manager  
 Mrs. Dolores Shugart, Plan Review Coordinator

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EB183A

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

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URBAN LEAGUE OF GREATER NEW  
BRUNSWICK, et als.,

Plaintiffs,

Motions.

v.

THE MAYOR AND COUNCIL OF THE  
BOROUGH OF CARTERSVILLE, et als.,

Defendants.

Middlesex County Courthouse  
New Brunswick, New Jersey  
September 24, 1976

Honorable David L. Forman, J.S.C.

APPEARANCES:

Daniel A. S. acting, Esq.,  
-and-  
Marilyn J. McNeuser, Esq.,  
Attorneys for the Plaintiffs

William C. Moran, Jr., Esq.,  
Attorney for Cranbury

Bertram L. Busch, Esq.,  
Attorney for East Brunswick

Roland A. Winter, Esq.,  
Attorney for Edison

Richard F. Flechner, Esq.,  
Attorney for Helmetta

1 Guido Brigiani, Esq.,  
2 Attorney for Jamesburg and Spotswood

3 Louis Alfonso, Esq.,  
4 Attorney for Old Bridge

5 Martin A. Spritzer, Esq.,  
6 Attorney for Metuchen

7 Charles V. Booream, Esq.,  
8 Attorney for Milltown

9 Thomas Farino, Jr., Esq.,  
10 Attorney for Monroe

11 Daniel S. Bernstein, Esq.,  
12 Attorney for Piscataway

13 Alan J. Karcher, Esq.,  
14 Attorney for Sayreville

15 John J. Vail, Esq.,  
16 Attorney for South Amboy

17 Barry C. Brechman, Esq.,  
18 Attorney for South Brunswick

19 Sanford E. Chernin, Esq.,  
20 Attorney for South Plainfield

21 Gary M. Schwartz, Esq.,  
22 Attorney for South River

23 Arthur W. Burgess, Esq.,  
24 Attorney for Woodbridge.

25  
Stanley Grabon, C.S.R.

1 THE COURT: Township of East Brunswick?

2 MR. BUSCH: Your Honor, the judgment which  
3 was signed on July 9, 1976 states in Paragraph 18  
4 that applications for special relief from the terms  
5 and conditions of this judgment may be entertained  
6 by the Court.

7 On July 16, 1976 I filed a notice of motion  
8 under that provision, and I attached and submitted  
9 to the Court and to Mr. Searing a copy of the master  
10 plan which was adopted by the East Brunswick Planning  
11 Board on May 19, 1976. This was done prior to the  
12 time within which appeal was to have been made, and  
13 it was hoped that the matter would be heard origin-  
14 ally on August 13th, but with the consent of all  
15 parties it was carried to the present time.

16 I would comment initially that the master  
17 plan and specifically Table F-3, and in the appendix  
18 there are various tables, indicates that the Township  
19 assesses its own needs for low and moderate income  
20 housing by the year 1985 at 1,743 units.

21 Mr. Searing in his opposition papers noted  
22 the number 1,548, and he indicated that that would be  
23 by 1985. I think that if he will look at the  
24 Table F-2, which he cited, that projection was to  
25 1980. So that the actual number that the township

1 proposes and that the mayor and council have asked  
2 me to submit for special relief from the terms of  
3 the judgment would be 1,743 units of low and moderate  
4 income housing as compared to the number required by  
5 the Court in the judgment of 2,649. The difference,  
6 as I calculate it, is 906 units.

7 I think that the master plan is a serious  
8 effort by the Township for the first time ever to  
9 come to grips with the region in which it is located  
10 and specifically acknowledges throughout the master  
11 plan that its present plan as it stands now and under  
12 the cases as they stand may be inadequate.

13 On Page 10 of the plan there's an indication  
14 that there is a reduction in industrially zoned land  
15 by fifty percent. That was in this case, and  
16 traditionally has been one of the claims by plaintiffs  
17 of overzoning for industry.

18 There is an acknowledgment of regional  
19 housing needs and a fair share allocation, and there  
20 is reference to all of those items which the Court  
21 considered in its judgment and opinion, including  
22 density bonuses, tax incentives for low and moderate  
23 income housing, cooperation at the County level,  
24 encouragement of non-profit private sponsors and  
25 developers.

1           At this point the township would want to  
2 implement the zoning that's envisioned in the master  
3 plan. There, of course, is not uniformity or  
4 unanimity in the township, but the five people on  
5 the council and the mayor have asked me to submit  
6 this plan in response to Item 18 of the judgment.

7           In effect, it is what the other towns did  
8 during the course of trial, a settlement. It is not  
9 one hundred percent of what plaintiffs wanted or even  
10 one hundred percent of what the Court ordered, but it  
11 is a way to avoid a continuous appeal as to the  
12 township of East Brunswick, and it is in that vein  
13 that it is submitted to the Court.

14           MR. SEARING: With all due respect to the  
15 obvious amount of work that has gone into East  
16 Brunswick's master plan, the plaintiffs would still  
17 insist that under no circumstances can it be con-  
18 sidered as evidence of compliance with the Court's  
19 order. It simply does not match what the Court has  
20 called for in its judgment, and rather than being  
21 specific plans for implementation or revisions, it is  
22 rather a set of guidelines or guidances, and the  
23 plaintiffs would like to see some specific proposals  
24 rather than the kind of language that is contained in  
25 the plan.

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We are asking for changes in zoning ordinances that make provisions for the type of units that were discussed as being needed during the trial and which your Honor found.

We do not feel that the master plan, however valid it may be, is a guiding document, and is in conformity with the judgment or can be.

THE COURT: Well, I think that you have done - the Township has done well, Mr. Busch, but not quite well enough, and I don't really see any basis for granting special relief to East Brunswick Township. So the motion is denied.

\*\*\*\*\*

\*\*\*\*\*



**FILED**

SEP 28 1976

DAVID D. FURMAN, J.S.C.

**BUSCH AND BUSCH**

99 BAYARD STREET  
NEW BRUNSWICK, N. J. 08903  
(201) 247-1017

ATTORNEYS FOR Township of East Brunswick

LEAH LEGAL OF GREATLY NEW  
JERSEY, et al

Plaintiff

vs

THE MAYOR AND COUNCIL OF  
THE BOROUGH OF CARTMIST, et al

Defendant

SUPERIOR COURT OF  
NEW JERSEY  
CHANCERY DIVISION  
MIDDLESEX COUNTY

Docket No. 3-4122-72

**CIVIL ACTION**

ORDER DENYING MOTION  
FOR RELIEF FROM  
JUDGMENT

This matter having been opened to the Court on September 24, 1976 upon application of Busch and Busch, Esqs., attorneys for defendant, Township of East Brunswick, Bertram E. Busch, Esq. appearing in the presence of Daniel A. Searing, Esq., attorney for plaintiff on an application for relief from judgment in order to permit the Township of East Brunswick to implement a comprehensive Master Plan adopted by the East Brunswick Planning Board on

May 19, 1976, which plan would permit the construction of 1,743 dwelling units for persons of low and moderate income by the year 1985 and the Final Judgment having required the Township of East Brunswick to provide 2,649 dwelling units for persons of low and moderate income by the year 1985, and the Court having considered the pleadings and having heard oral argument and good cause appearing;

IT IS on this 28 day of Sept, 1976  
ORDERED and ADJUDGED that the motion of defendant, Township of East Brunswick for relief from judgment as set forth above be, and the same hereby is, denied and

IT IS FURTHER ORDERED that a copy of this Order shall be served upon the attorney for the plaintiff by ordinary mail within five days of the date hereof.

David D. Furman, J.S.C.  
DAVID D. FURMAN J.S.C.

GB183A

ORIGINAL FILED  
OCT 8 1976  
ELIZABETH McLAUGHLIN  
Clerk

**BUSCH AND BUSCH**  
99 BAYARD STREET  
NEW BRUNSWICK, N. J. 08903  
(201) 247-1017  
ATTORNEYS FOR Township of East Brunswick

10

URBAN LEAGUE OF GREATER NEW  
BRUNSWICK, et al

*Plaintiff*

*vs.*

THE MAYOR AND COUNCIL OF THE  
BOROUGH OF CARTERET, et als

*Defendant*

SUPERIOR COURT OF  
NEW JERSEY  
CHANCERY DIVISION  
MIDDLESEX COUNTY

Docket No. C-4122-73

20

*CIVIL ACTION*

AMENDED NOTICE OF  
APPEAL

Whereas, Appellant, Township of East Brunswick, filed  
a Notice of Appeal on August 20, 1976 and subsequently a motion  
was filed for special relief from judgment and an Order denying  
said motion was entered on September 28, 1976 by Judge Furman:  
accordingly an Amended Notice of Appeal from the Order of

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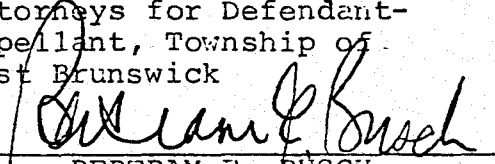
40

September 28, 1976 is hereby filed.

BUSCH AND BUSCH  
Attorneys for Defendant-  
Appellant, Township of  
East Brunswick

DATED: October 5, 1976

BY:



BERTRAM E. BUSCH  
A Member of the Firm

FILED IN THE CLERK'S OFFICE  
OF THE SUPERIOR COURT OF NEW JERSEY  
IN AND FOR THE COUNTY OF MIDDLESEX  
ON OCTOBER 5, 1976



Clerk

CERTIFICATIONS

1. I hereby certify that I have complied with Rule 2:5-3 (a) (request for transcript) by having ordered a transcript on September 30, 1976 from Stanley Grabow, Supervisor, Middlesex County Court House, Certified Shorthand Reporters. I further certify that no deposit for the transcript is required under Rule 2:5-3(d). The request for the transcript has been signed by all attorneys for defendant-Appellant municipalities who are filing Notices of Appeal. 10

2. The undersigned hereby certifies pursuant to Rule 1:5-3 that service of the within Amended Notice of Appeal was made by mailing the original and one copy of the foregoing Notice of Appeal to the Clerk of the Appellate Division, one copy to the Clerk of the Superior Court, and one copy to each of the attorneys indicated on the attached list. 20

3. The undersigned hereby certifies that there has been mailed, by ordinary mail, pursuant to Rule 2:5-1(b) to the Honorable David D. Furman, J.S.C., the Judge who presided at the time of the hearing of the motion, a copy of the foregoing Amended Notice of Appeal. 30

BUSCH AND BUSCH  
Attorneys for Defendant,  
The Mayor and Council of  
the Township of East  
Brunswick 40

DATED: October 5, 1976

BY: \_\_\_\_\_  
BERTRAM E. BUSCH  
A Member of the Firm

BUSCH AND BUSCH  
COUNSELLORS AT LAW  
99 BAYARD STREET  
P. O. BOX 33  
NEW BRUNSWICK, N. J. 08903

AREA CODE 201  
247-1017

WIS D. BUSCH  
WRY BUSCH  
COLM R. BUSCH  
WALD J. BUSCH  
WTRAM E. BUSCH  
WIK N. BUSCH  
WARD R. BUSCH

September 30, 1976

Stanley Grabow, Certified  
Shorthand Reporter  
Middlesex County Court House  
New Brunswick, New Jersey

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Re: Urban League of Greater New Brunswick vs.  
Borough of Carteret, et als  
Our File No. EB-183

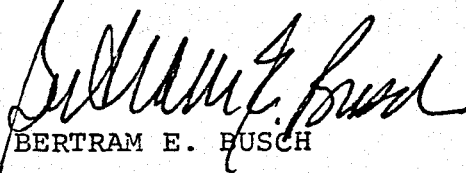
Dear Mr. Grabow:

On behalf of the Township of East Brunswick I would  
like to order a transcript of that portion of the  
oral argument on the Urban League matter which was  
heard by Judge Furman on Friday, September 24, 1976  
dealing specifically with motion by the Township of  
East Brunswick for relief from the judgment.

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A voucher is enclosed for your reference.

Very truly yours,

  
BERTRAM E. BUSCH

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BEB/jkr  
Enclosure

40

David H. Ben-Asher, Esq.  
14 Evergreen Place  
East Orange, NJ 07018

Guido Brigiani, Esq.  
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Laneshburg, NJ 08831

384a

Donald Winter, Esq.  
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199 North Main Street  
Milltown, N.J.

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c/o Dennis Cummins  
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700 Park Avenue  
Plainfield, NJ 07061

Joseph Stonaker, Esq.  
245 Nassau Street  
Princeton, NJ 08540

National Committee Against  
Discrimination in Housing  
Attention: Daniel Searing  
5 H St., N.W.  
Washington, D C 20005

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Woodbridge, NJ 07095

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Newark, NJ. 07102

CHEPIN & FREEMAN,  
A PROFESSIONAL CORPORATION

VILLAGE PLAZA SHOPPING CENTER  
1075 EASTON AVENUE  
SOMERSET, NEW JERSEY 08873  
(201) 828 7400

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ATTORNEY FOR DEFENDANT, MAYOR AND COUNCIL OF THE BOROUGH OF SOUTH  
PLAINFIELD

*Plaintiff*

URBAN LEAGUE OF GREATER NEW BRUNSWICK,  
ET AL,

SUPERIOR COURT OF  
NEW JERSEY  
CHANCERY DIVISION  
MIDDLESEX COUNTY

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vs.

Docket No. C 4121-73

*Defendant*

THE MAYOR AND COUNCIL OF THE BOROUGH OF  
CARTERET, ET AL,

**CIVIL ACTION**

NOTICE OF MOTION

TO: ALL ATTORNEYS OF RECORD

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PLEASE TAKE NOTICE THAT ON FRIDAY, SEPTEMBER 17, 1976, AT  
9:00 A.M. IN THE FORENOON OR AS SOON THEREAFTER AS COUNSEL MAY BE  
HEARD, THE UNDERSIGNED ATTORNEY FOR THE DEFENDANT, MAYOR AND COUN-  
CIL OF THE BOROUGH OF SOUTH PLAINFIELD, SHALL APPLY BEFORE THE  
SUPERIOR COURT OF NEW JERSEY, CHANCERY DIVISION, MIDDLESEX COUNTY,  
AT THE COURT HOUSE, NEW BRUNSWICK, NEW JERSEY, FOR AN ORDER  
GRANTING A STAY OF THE PROVISIONS OF THE FINAL JUDGMENT DATED

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JULY 9, 1976, PENDING THE OUTCOME OF APPEALS HERETOFORE FILED.

COUNSEL SHALL RELY UPON THE CERTIFICATION ANNEKED HERETO  
AT THE TIME OF HEARING.

CHERNIN & FREEMAN

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BY /S/ SANFORD E. CHERNIN  
SANFORD E. CHERNIN  
ATTORNEY FOR DEFENDANT,  
BOROUGH OF SOUTH PLAINFIELD

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CERTIFICATION

1. I AM ATTORNEY FOR THE DEFENDANT, BOROUGH OF SOUTH PLAINFIELD, AND MAKE THIS CERTIFICATION IN SUPPORT OF MY NOTICE OF MOTION FOR A STAY PENDING THE OUTCOME OF THE APPEAL FILED.

2. ON AUGUST 23, 1976 THE BOROUGH OF SOUTH PLAINFIELD FILED ITS NOTICE OF APPEAL FROM THE ENTIRETY OF A DECISION RENDERED BY THE HONORABLE DAVID D. FURMAN, J.S.C. DATED JULY 9, 1976.

3. THE MATTERS CONTAINED IN THIS LITIGATION ARE OF VAST AND FAR REACHING IMPORTANCE NOT ONLY TO THE RESIDENTS AND CITIZENS OF THE BOROUGH OF SOUTH PLAINFIELD BUT TO ALL RESIDENTS AND CITIZENS THROUGHOUT THE STATE OF NEW JERSEY AND ELSEWHERE. THE MATTERS INVOLVED ARE OF GREAT SUBSTANCE AND INVOLVE LEGAL AND CONSTITUTIONAL ISSUES WHICH OUGHT BEST BE RESOLVED BY AN APPELLATE TRIBUNAL.

4. FURTHER, THE COURT IS AWARE THAT THE LEGISLATURE HAS RECENTLY ENACTED A NEW LAND USE LAW EFFECTIVE AUGUST 1, 1976 AND REQUIRED A FULL AND COMPREHENSIVE REVIEW OF ALL EXISTING MASTER PLANS AND ZONING ORDINANCES TO THE END THAT THEY BE REDRAFTED AND ADOPTED IN ACCORDANCE WITH THE NEW LAND USE LAW ON OR BEFORE FEBRUARY 1, 1977.

5. THE JUDGMENT OF THIS COURT DATED JULY 9, 1976 REQUIRES FULL COMPLIANCE BY THE MUNICIPALITIES WITHIN NINETY (90)

DAYS FROM ITS DATE. EFFECTIVELY, THIS WOULD MEAN THAT EACH MUNICIPALITY MUST REVIEW ITS ORDINANCES AND COMPLY WITH THE COURT'S JUDGMENT AND THEN REDO THE ENTIRE THING ONCE MORE IN ORDER TO ACCOMPLISH THE PURPOSES AND INTENT OF THE NEW LAND USE LAW.

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6. IN ANY EVENT, IN ORDER TO EFFECTIVELY COMPLY WITH EITHER THE COURT'S JUDGMENT OF JULY 9, 1976 OR THE NEW LAND USE LAW, IT WILL BE NECESSARY FOR THE BOROUGH OF SOUTH PLAINFIELD TO SEEK THE AID AND ADVICE OF PROFESSIONAL PLANNERS AS IT DOES NOT HAVE A FULL TIME PLANNER ON ITS STAFF. THIS MEANS THAT SOLICITATION THROUGHOUT THE PROFESSIONAL PLANNING FIELD WILL HAVE TO BE MADE. PLANNERS INTERVIEWED, BIDS RECEIVED AND APPROVED. IT WOULD BE WHOLLY IMPOSSIBLE TO ACCOMPLISH THE COMPLIANCE DICTATED BY THE COURT WITHIN THE NINETY DAY PERIOD.

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7. LASTLY, BECAUSE OF THE MAJOR IMPORTANCE OF THE ISSUES ENCOMPASSED WITHIN THE COURT'S DECISION, IT WOULD APPEAR TO BE AN EFFORT IN WASTED TIME, ENERGY AND EXPENSE TO DIRECT AND COMPEL FULL COMPLIANCE WITH THE COURT'S ORDER PENDING A FULL REVIEW AND FINAL DETERMINATION BY OUR APPELLATE COURTS.

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8. IT IS URGENTLY REQUESTED THAT THIS COURT ENTER A STAY OF THE INJUNCTION SET FORTH IN THE JUDGMENT OF JULY 9, 1976 UNTIL SUCH TIME AS THE APPEAL LODGED IN THIS CASE CAN BE FULLY ARGUED AND DECIDED.

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9. 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.

DATED: AUGUST 25, 1976

/s/ SANFORD E. CHERNIN  
SANFORD E. CHERNIN

Attorney(s): CHERNIN & FREEMAN, A PROFESSIONAL CORPORATION  
Address & Tel. No.: VILLAGE PLAZA SHOPPING CENTER, 1075 EASTON AVENUE,  
SOMERSET, NEW JERSEY 08873 (201) 828-7400  
Attorney(s) for DEFENDANT, SOUTH PLAINFIELD

URBAN LLAGUE OF GREATER  
NEW BRUNSWICK, ETC., Plaintiff(s)  
ET AL vs.

MAYOR AND COUNCIL OF THE BOROUGH  
OF CARTERET, ET AL, Defendant(s)

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
MIDDLESEX COUNTY

Docket No. C 4122-73

CIVIL ACTION

A copy of the within Notice of Motion has been filed with the Clerk of the County of MIDDLESEX  
THE COURT HOUSE, NEW BRUNSWICK, New Jersey

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/S/ SANFORD E. CHERNIN  
SANFORD E. CHERNIN  
Attorney(s) for DEFENDANT, BOROUGH OF  
SOUTH PLAINFIELD

The original of the within Notice of Motion has been filed with the Clerk of the Superior Court in Tren-  
ton New Jersey.

/S/ SANFORD E. CHERNIN  
SANFORD E. CHERNIN  
Attorney(s) for DEFENDANT, BOROUGH OF  
SOUTH PLAINFIELD

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Service of the within

is hereby acknowledged this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Attorney(s) for

I hereby certify that a copy of the within Answer was served within the time prescribed by Rule 4:6.

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Attorney(s) for

COF OF MAILING: On AUGUST 26 19 76 .I, the undersigned, mailed to ALL ATTORNEYS

RECORD  
EX 197

FIRST CLASS

mail, the following:

NOTICE OF MOTION

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

dated: AUGUST 26 19 76

/S/ WESLIE M. KUNZ

WESLIE M. KUNZ

FILED

SEP 28 1976

DAVID D. FERMAN, J.S.D.

CHERNIN S FREEMAN,  
A PROFESSIONAL CORPORATION

VILLAGE PLAZA SHOPPING CENTER  
1075 EASTON AVENUE  
SOMERSET, NEW JERSEY 08873  
(201) 828-7400

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ATTORNEY FOR DEFENDANT, MAYOR AND COUNCIL OF THE BOROUGH OF SOUTH PLAINFIELD

*Plaintiff*

URBAN LEAGUE OF GREATER NEW BRUNSWICK, ET AL.,

vs.

*Defendant*

THE MAYOR AND COUNCIL OF THE BOROUGH OF CARTERET, ET AL,

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
MIDDLESEX COUNTY

Docket No. C-4122-73

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CIVIL ACTION

ORDER

THIS MATTER HAVING BEEN OPENED TO THE COURT ON JOINT APPLICATION OF THE ATTORNEYS FOR THE DEFENDANTS, TOWNSHIP OF CRANBURY, TOWNSHIP OF EAST BRUNSWICK, TOWNSHIP OF MONROE, TOWNSHIP OF PISCATAWAY, TOWNSHIP OF PLAINSBORO, BOROUGH OF SAYREVILLE, TOWNSHIP OF SOUTH BRUNSWICK, AND BOROUGH OF SOUTH PLAINFIELD, AND DANIEL A. SEARING, ESQ., ATTORNEY FOR PLAINTIFF, APPEARING IN OPPOSITION THERETO;

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AND, WHEREAS, VARIOUS APPEALS AND CROSS APPEALS HAVE BEEN FILED WITH THE APPELLATE DIVISION OF THE SUPERIOR COURT FROM A JUDGMENT OF THIS COURT HERETOFORE ENTERED ON JULY 9, 1976, WHICH

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JUDGMENT DIRECTED THE VARIOUS MUNICIPALITIES TO ADOPT NEW ZONING ORDINANCES IN ACCORDANCE WITH THE DIRECTIVE CONTAINED IN SAID JUDGMENT;

AND, WHEREAS, THE MOVING PARTIES SEEK AN ORDER OF THIS COURT STAYING THE EFFECTIVENESS AND OPERATION OF THIS COURT'S JUDGMENT OF JULY 9, 1976 PENDING THE OUTCOME OF THE VARIOUS APPEALS FILED WITH THE APPELLATE DIVISION OF THE SUPERIOR COURT;

AND, WHEREAS, THIS COURT HAS READ AND CONSIDERED THE MOVING PAPERS TOGETHER WITH THE AFFIDAVITS AND DOCUMENTS ANNEXED THERETO AND HAVING GIVEN DUE CONSIDERATION TO THE ARGUMENTS PRESENTED BY ALL COUNSEL;

IT IS, THEREFORE, ON THIS 28 DAY OF SEPTEMBER, 1976, O R D E R E D THAT THE MOTIONS MADE BY THE VARIOUS MUNICIPAL DEFENDANTS FOR A STAY OF THE JUDGMENT OF THIS COURT ENTERED ON JULY 9, 1976 BE AND THE SAME IS HEREBY DENIED WITHOUT PREJUDICE TO THE RIGHTS OF ANY MUNICIPALITY TO SEEK AN EXTENSION OF THE TIME FOR COMPLIANCE BY PRESENTING SPECIAL CIRCUMSTANCES TO THIS COURT ON SEPARATE APPLICATION; AND,

IT IS FURTHER O R D E R E D THAT A COPY OF THIS ORDER BE SERVED UPON ALL INTERESTED PARTIES WITHIN SEVEN (7) DAYS OF THE DATE HEREOF.

*David D. Furman, J.S.C.*

DAVID D. FURMAN, J.S.C.

CHERNIN & FREEMAN,  
A PROFESSIONAL CORPORATION

VILLAGE PLAZA SHOPPING CENTER  
1075 EASTON AVENUE  
SOMERSET, NEW JERSEY 08873  
(201) 828-7400

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ATTORNEY FOR BOROUGH OF SOUTH PLAINFIELD

*Plaintiff*

URBAN LEAGUE OF GREATER NEW  
BRUNSWICK, ET AL,

SUPERIOR COURT OF  
NEW JERSEY  
APPELLATE DIVISION

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vs.

*Docket No. A-4585-75*

*Defendant*

THE MAYOR AND COUNCIL OF THE  
BOROUGH OF CARTERET, ET AL,

CIVIL ACTION

NOTICE OF MOTION

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PLEASE TAKE NOTICE THAT SANFORD E. CHERNIN, ATTORNEY FOR  
THE DEFENDANT, BOROUGH OF SOUTH PLAINFIELD, MAKING THIS APPLICA-  
TION ON BEHALF OF SAID BOROUGH OF SOUTH PLAINFIELD AND JOINTLY  
ON BEHALF OF THE DEFENDANTS, TOWNSHIP OF CRANBURY, TOWNSHIP OF  
EAST BRUNSWICK, TOWNSHIP OF MONROE, TOWNSHIP OF PISCATAWAY,  
TOWNSHIP OF PLAINSBORO, BOROUGH OF SAYREVILLE AND TOWNSHIP OF  
SOUTH BRUNSWICK, HEREBY APPLIES TO THE SUPERIOR COURT OF NEW JERSEY,  
APPELLATE DIVISION, FOR AN ORDER OF SAID COURT GRANTING A STAY

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OF THE PROVISIONS OF THE FINAL JUDGMENT OF JULY 9, 1976 PENDING  
THE OUTCOME OF APPEALS HERETOFORE FILED. THE MOVANT SHALL RELY  
UPON THE CERTIFICATION ANNEXED HERETO.

DATED: SEPTEMBER 27, 1976

CHERNIN & FREEMAN  
ATTORNEYS FOR DEFENDANT,  
BOROUGH OF SOUTH PLAINFIELD

BY /S/ SANFORD E. CHERNIN  
SANFORD E. CHERNIN

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CERTIFICATION

1. I AM ATTORNEY FOR THE DEFENDANT, BOROUGH OF SOUTH PLAINFIELD, AND MAKE THIS CERTIFICATION IN SUPPORT OF MY NOTICE OF MOTION FOR A STAY PENDING THE OUTCOME OF THE APPEALS FILED.

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2. ON AUGUST 23, 1976 THE BOROUGH OF SOUTH PLAINFIELD FILED ITS NOTICE OF APPEAL FROM THE ENTIRETY OF A DECISION RENDERED BY THE HONORABLE DAVID D. FURMAN, J.S.C. DATED JULY 9, 1976.

LIKewise, THE DEFENDANTS, TOWNSHIP OF CRANBURY, TOWNSHIP OF EAST BRUNSWICK, TOWNSHIP OF MONROE, TOWNSHIP OF PISCATAWAY, TOWNSHIP OF PLAINSBORO, BOROUGH OF SAYREVILLE AND TOWNSHIP OF SOUTH BRUNSWICK, HAVE ALSO FILED NOTICES OF APPEAL FROM THE SAME JUDGMENT. IN ADDITION, THE PLAINTIFF HAS FILED A NOTICE OF CROSS APPEAL AND ADDITIONALLY, HAS FILED SEPARATE NOTICES OF DIRECT APPEAL FROM VARIOUS PORTIONS OF THE SAME JUDGMENT. EFFECTIVELY, ALL OF THE PARTIES HAVE APPEALS NOW PENDING IN THE APPELLATE DIVISION.

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3. THE MATTERS CONTAINED IN THIS LITIGATION ARE OF VAST AND FAR REACHING IMPORTANCE NOT ONLY TO THE RESIDENTS AND CITIZENS OF THE BOROUGH OF SOUTH PLAINFIELD, TOWNSHIP OF CRANBURY, TOWNSHIP OF EAST BRUNSWICK, TOWNSHIP OF MONROE, TOWNSHIP OF PISCATAWAY, TOWNSHIP OF PLAINSBORO, BOROUGH OF SAYREVILLE, TOWNSHIP OF SOUTH BRUNSWICK, BUT TO ALL RESIDENTS AND CITIZENS THROUGHOUT THE STATE OF NEW JERSEY AND ELSEWHERE. THE MATTERS INVOLVED ARE OF GREAT

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SUBSTANCE AND INVOLVE LEGAL AND CONSTITUTIONAL ISSUES WHICH OUGHT BEST BE RESOLVED BY AN APPELLATE TRIBUNAL.

4. FURTHER, THE COURT IS AWARE THAT THE LEGISLATURE HAS RECENTLY ENACTED A NEW LAND USE LAW EFFECTIVE AUGUST 1, 1976 AND REQUIRED A FULL AND COMPREHENSIVE REVIEW OF ALL EXISTING MASTER PLANS AND ZONING ORDINANCES TO THE END THAT THEY BE REDRAFTED AND ADOPTED IN ACCORDANCE WITH THE NEW LAND USE LAW ON OR BEFORE FEBRUARY 1, 1977.

5. THE JUDGMENT OF THIS COURT DATED JULY 9, 1976 REQUIRES FULL COMPLIANCE BY THE MUNICIPALITIES WITHIN NINETY (90) DAYS FROM ITS DATE. EFFECTIVELY, THIS WOULD MEAN THAT EACH MUNICIPALITY MUST REVIEW ITS ORDINANCES AND COMPLY WITH THE COURT'S JUDGMENT AND THEN REDO THE ENTIRE THING ONCE MORE IN ORDER TO ACCOMPLISH THE PURPOSES AND INTENT OF THE NEW LAND USE LAW.

6. IN ANY EVENT, IN ORDER TO EFFECTIVELY COMPLY WITH EITHER THE COURTS JUDGMENT OF JULY 9, 1976 OR THE NEW LAND USE LAW, IT WILL BE NECESSARY FOR THE RESPECTIVE MUNICIPALITIES TO SEEK THE AID AND ADVICE OF PROFESSIONAL PLANNERS. THE BOROUGH OF SOUTH PLAINFIELD DOES NOT HAVE A FULL TIME PLANNER ON ITS STAFF. THIS MEANS THAT SOLICITATION THROUGHOUT THE PROFESSIONAL PLANNING FIELD WILL HAVE TO BE MADE, PLANNERS INTERVIEWED, BIDS RECEIVED AND APPROVED. IT WOULD BE WHOLLY IMPOSSIBLE TO ACCOMPLISH THE COMPLIANCE DICTATED BY THE COURT WITHIN THE NINETY DAY PERIOD.

7. IT IS QUITE APPARENT THAT BUILDERS, OWNERS OF LAND, OR CONTRACT PURCHASERS CAN READILY BE ADVERSELY AFFECTED AND THEIR RIGHTS PREJUDICED IF THERE IS NOT A STAY OF THE JUDGMENT OF JULY 9, 1976. SHOULD NEW ORDINANCES BE ENACTED IN COMPLIANCE WITH THE JUDGMENT, BUILDERS, LAND SPECULATORS, DEVELOPERS AND INDIVIDUALS WHO DESIRE TO PURCHASE LAND FOR THEIR OWN HOMES WOULD BE IN POSITION TO COME IN AND OBTAIN BUILDING PERMITS AND/OR CERTIFICATES OF OCCUPANCY; DEVELOPERS COULD OBTAIN PRELIMINARY APPROVAL FOR A SUBDIVISION, ALL PRIOR TO THE TIME WHEN THIS MATTER WOULD BE CONSIDERED BY THE APPELLATE DIVISION OF THE SUPERIOR COURT. ANY ALTERATION OF THE TRIAL COURT JUDGMENT WOULD VOID THE ISSUANCE OF BUILDING PERMITS OR THE GRANTING OF PRELIMINARY SUBDIVISION APPROVAL. THE END RESULT WOULD BE WHOLLY DISRUPTIVE AND DAMAGING. I CAN NOT BELIEVE THAT THE COURT WOULD CONSIDER PERMITTING THIS TO HAPPEN. THE VERY PERSONS WHO WOULD BE PART OF THE CLASS REPRESENTED BY THE PLAINTIFFS WOULD BE THE VERY PERSONS WHO WOULD BE MOST HARMED IN THE FINAL ANALYSIS.

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3. LASTLY, BECAUSE OF THE MAJOR IMPORTANCE OF THE ISSUES ENCOMPASSED WITHIN THE COURT'S DECISION, IT WOULD APPEAR TO BE AN EFFORT IN WASTED TIME, ENERGY AND EXPENSE TO DIRECT AND COMPEL FULL COMPLIANCE WITH THE COURT'S ORDER PENDING A FULL REVIEW AND FINAL DETERMINATION BY OUR APPELLATE COURTS.

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9. IT IS URGENTLY REQUESTED THAT THIS COURT ENTER A STAY OF THE INJUNCTION SET FORTH IN THE JUDGMENT OF JULY 9, 1976 UNTIL

SUCH TIME AS THE APPEAL LODGED IN THIS CASE CAN BE FULLY ARGUED AND DECIDED.

10. 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.

DATED: SEPTEMBER 27, 1976

/S/ SANFORD E. CHERNIN  
SANFORD E. CHERNIN

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**HUFF AND MORAN**

CRANBURY - SOUTH RIVER ROAD  
CRANBURY, N. J. 08512  
(609) 655-3600

ATTORNEYS FOR Defendant, Township Committee of  
the Township of Cranbury

*Plaintiff*

URBAN LEAGUE OF GREATER  
NEW BRUNSWICK, ET AL.

*vs.*

*Defendant*

THE MAYOR AND COUNCIL OF THE BOROUGH  
OF CARTERET, ET AL.

SUPERIOR COURT OF  
NEW JERSEY  
APPELLATE DIVISION

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*Docket No. A-4685-75*

**CIVIL ACTION**

**ORDER**

This matter being opened to the Court  
by William C. Moran, Jr., attorney for Defendant, Township of  
Cranbury, and on behalf of counsel for the municipalities of  
East Brunswick, Monroe, Piscataway, Plainsboro, Sayreville,  
South Brunswick, and South Plainfield, for an Order for a  
Temporary Stay Pending Appeal and the Court having considered  
the affidavits presented and for good cause shown,

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It is on this *30<sup>th</sup>* day of  
1976, ORDERED that *September*

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The effect of the Judgment of the Superior Court, Law Division, Middlesex County, declaring invalid the zoning ordinances of the above-named municipalities entered in the within matter on July 9, 1976 be and the same is hereby stayed until such time as a full Part of the Appellate Division shall have had an opportunity to consider <sup>and decide</sup> the ~~Petition~~ <sup>Pending Motion</sup> for a ~~Reargument~~ Stay Pending Appeal.

15) Barnet S. Selmer

J.A.D.

ORDER ON  
MOTIONS/PETITIONS

400a

URBAN LEAGUE OF GREATER NEW  
BRUNSWICK, ET AL

VS

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION

DOCKET NO. A-4722-75  
MOTION NO. M-406-76  
BEFORE PART G

THE MAYOR AND COUNCIL OF THE  
BOROUGH OF CARTERET, ET AL

JUDGES: MATTHEWS  
SEIDMAN  
HORN

ORIGINAL FILED  
NOV 29 1976  
ELIZABETH McLAUGHLIN  
Clerk

MOVING PAPERS FILED OCTOBER 22, 1976  
ANSWERING PAPERS FILED \_\_\_\_\_  
DATE SUBMITTED TO COURT OCTOBER 27, 1976  
DATE ARGUED \_\_\_\_\_  
DATE DECIDED NOVEMBER 24, 1976

ORDER

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS  
HEREBY ORDERED AS FOLLOWS:

MOTION/PETITION FOR  
STAY PENDING APPEAL

GRANTED	DENIED	OTHER
X		

SUPPLEMENTAL:

I hereby certify that the foregoing  
is a true copy of the original on file  
in my office.

*Elizabeth McLaughlin*

Clerk

FOR THE COURT:

**ROBERT A. MATTHEWS**

P.J.A.D.

WITNESS, THE HONORABLE ROBERT A. MATTHEWS, PRESIDING  
JUDGE OF PART G, SUPERIOR COURT OF NEW JERSEY, APPELLATE DIVISION,  
THIS 24 DAY OF NOVEMBER 1976.

*Elizabeth McLaughlin*  
CLERK OF THE APPELLATE DIVISION

ORDER ON  
MOTIONS/PETITIONS

401a

URBAN LEAGUE OF GREATER NEW  
BRUNSWICK, ET AL

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO. A-33-76; A-4681; 4683;  
4685; 4720; 4721; 4722; 4723 &  
4759-75  
MOTION NO. M-327-76  
BEFORE PART G

VS

THE MAYOR AND COUNCIL OF THE  
BOROUGH OF CARTERET, ET AL

ORIGINAL FILED  
NOV 29 1976  
ELIZABETH McLAUGHLIN  
Clerk

JUDGES: MATTHEWS  
SEIDMAN  
HORN

WRITING PAPERS FILED	OCTOBER 7, 1976
ANSWERING PAPERS FILED	OCTOBER 15, 21, 22 & 25, 1976
PETITION SUBMITTED TO COURT	OCTOBER 27, 1976
DATE ARGUED	
DATE DECIDED	NOVEMBER 24, 1976

ORDER

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS

HEREBY ORDERED AS FOLLOWS:

MOTION/PETITION FOR  
CONSOLIDATION OF APPEALS

GRANTED	DENIED	OTHER
X		

SUPPLEMENTAL:

I hereby certify that the foregoing  
is a true copy of the original on file  
in my office.

*Elizabeth McLaughlin*

Clerk

FOR THE COURT:

**ROBERT A. MATTHEWS**

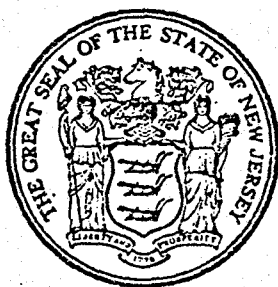
P.J.A.D.

WITNESS, THE HONORABLE ROBERT A. MATTHEWS, PRESIDING  
JUDGE OF PART G, SUPERIOR COURT OF NEW JERSEY, APPELLATE DIVISION,  
THIS 24 DAY OF NOVEMBER 1976.

*Elizabeth McLaughlin*  
CLERK OF THE APPELLATE DIVISION



# A STATEWIDE HOUSING ALLOCATION PLAN FOR NEW JERSEY



Preliminary Draft  
For Public Discussion

NOVEMBER 1976

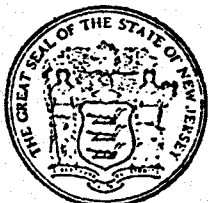
STATE OF NEW JERSEY  
DIVISION OF STATE AND REGIONAL PLANNING

# A STATEWIDE HOUSING ALLOCATION PLAN FOR NEW JERSEY

A Preliminary Draft Prepared  
By The New Jersey Division of  
State and Regional Planning  
Richard A. Ginman, *Director*

The preparation of this report was financed and aided through a Federal Grant from the Department of Housing and Urban Development, under the 701 Comprehensive Planning Assistance Program authorized by the Housing Act of 1954, as amended by the Housing and Community Development Act of 1974.

The remainder has been financed by an appropriation of the State of New Jersey as part of the Co-operative Governmental Planning Program.



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## I. INTRODUCTION

### A. Background

In the Housing Act of 1949, Congress declared that "...the general welfare and security of the Nation and the health and living standards of its people require housing production and related community development sufficient to remedy the serious housing shortage...and the realization as soon as feasible of the goal of a decent home and suitable living environment for every American family..."<sup>1</sup>

In 1968, Congress went further, stating that "...this goal has not been fully realized for many of the Nation's lower income families... The highest priority and emphasis should be given to meeting the housing needs of those families for which the national goal has not become a reality..."<sup>2</sup>

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In 1968 and in 1970, the New Jersey Department of Community Affairs investigated the extent of the housing problem in the State of New Jersey. These investigations found that the State was in the midst of a serious housing crisis characterized by deterioration of housing in the core cities, a decline in the volume of housing production and a low vacancy rate. This housing crisis was found to exist in juxtaposition with a situation of widespread exclusionary land use restrictions on housing opportunity in the developing areas of the State outside the core cities.<sup>3</sup>

Since 1970, a number of studies have documented the State's housing needs and the nature and extent of exclusionary land use practices.<sup>4</sup> Under former Governor William T. Cahill, two messages were delivered to the Legislature outlining the State's housing problems and suggesting a number of strategies that might be utilized to increase housing opportunities, including the need to consider regional housing needs in the exercise of local land use powers.<sup>5</sup> An outgrowth of this executive initiative was

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1. The Housing Act of 1949, Public Law 171, 81st Congress; 63 Stat. 413; 42 U.S.C. 1441, Section 2, approved July 15, 1949.

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2. The Housing and Urban Development Act of 1968, Section 2, Public Law 90-448, 82 Stat. 476.601; 12 U.S.C. 1701t and 42 U.S.C. 1441a, approved August 1, 1968.

3. Housing in New Jersey 1968 and The Housing Crisis in New Jersey 1970, New Jersey Department of Community Affairs.

4. An Analysis of Low and Moderate Income Housing Need in New Jersey, New Jersey Department of Community Affairs, 1975; Modeling State Growth: New Jersey 1980, Franklin James and James W. Hughes, Center for Urban Policy Research, Rutgers University, the State University of New Jersey, New Brunswick, New Jersey 1973; Land Use Regulation The Residential Land Supply, New Jersey Department of Community Affairs, 1972; and Multi-Family Housing and Suburban Municipalities - Fiscal and Social Impact, New Jersey County and Municipal Government Study Commission (Xerox), 1973.

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5. A Blueprint for Housing in New Jersey, 1970, and New Horizons in Housing, 1972, Governor William T. Cahill.

further research and the introduction of proposed legislation which, although not enacted, sought to meet some of the State's housing problems by encouraging municipalities, on a voluntary basis, to increase the number of housing sites suitable for low-and moderate-income housing.<sup>6</sup> Governor Brendan T. Byrne has continued and expanded these efforts to address the State's housing problems and in April 1976 issued an Executive Order which mandates that the Division of State and Regional Planning "prepare State housing goals to guide municipalities in adjusting their land use regulations in order to provide a reasonable opportunity for the development of an appropriate variety and choice of housing to meet the needs of the residents of New Jersey."<sup>7</sup>

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Although the Executive branch of New Jersey's government has worked to solve the complex issue of exclusionary zoning and housing opportunity, it was the decisions of the New Jersey courts which finally focused public attention on the problem. In March 1975, the landmark New Jersey Supreme Court decision--Southern Burlington County N.A.A.C.P. v. the Township of Mount Laurel--essentially moved the issue of fair share housing from problem defining to the stage of corrective implementation. The Mount Laurel decision redefined the relationship between housing opportunity and municipal land use powers, stating that municipalities must, by their land use regulations, "presumptively make realistically possible an appropriate variety and choice of housing...at least to the extent of the municipality's fair share of the present and prospective regional need..."<sup>8</sup> It was made clear that the exercise of municipal land use regulation and other actions affecting housing opportunity must take into account not only a municipality's own housing needs, but also the housing needs of a wider region of which it is a part.

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B. A Statewide Fair Share Housing Allocation Plan for New Jersey

The Mount Laurel case sets forth the "fair share" responsibility of municipalities with regard to regional housing needs. However, that case did not provide the specific guidelines by which municipalities might determine "fair shares." Subsequent related court decisions have attempted to deal with this and related issues, but not on a uniform basis. Consequently, the Division of State and Regional Planning, under the mandate of both the Mount Laurel decision and Executive Order No. 35, has prepared a statewide fair share housing allocation plan which provides guidelines for determining municipal "fair shares."

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The plan has three basic aspects: (1) ascertaining a numerical housing goal based on the present and prospective need for low-and moderate-income housing in the State; (2) delineating appropriate housing regions; and (3) formulating a fair share allocation methodology to distribute each regional

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6. Assembly Bill 1421, November 13, 1972.

7. Executive Order No. 35, April 2, 1976.

8. Southern Burlington County N.A.A.C.P. et. al. v. Township of Mount Laurel, 67 N.J. 1975, at 174.

housing goal among the municipalities in the region. Under this plan, each municipality in the State receives an allocation of low-and moderate-income housing units based on present housing needs, recent growth and a potential to accommodate future growth.

C. Scope of the Allocation Plan

There are a number of unsatisfactory housing conditions in New Jersey, including physical housing deficiencies--deteriorated or dilapidated units and housing lacking plumbing facilities; financial housing imbalances--units priced above, or with rental costs above the affordability of households; overcrowded housing units; and an insufficient number of vacant units to provide mobility in the housing market. Unsatisfactory housing conditions also exist where suitably priced units are not in reasonable proximity to employment opportunities, and when the type of housing available is not suitable for a portion of the housing market. For this plan, the housing goal which has been selected and allocated to municipalities does not represent all the housing needs in the State. As will be discussed in this report, present housing needs include only particular types of existing housing problems, and the target group for the assessment of both present and prospective housing needs is only low-and moderate-income households. The housing goal selected for allocation is therefore more limited than the housing problems that confront the State.

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This housing allocation plan focuses specifically on the need for new housing construction for low-and moderate-income households. A change in the locational opportunity for such housing is necessary and has been directed by the New Jersey Supreme Court. However, the goal should not be such that any one municipality might be overburdened or possibly overwhelmed as a result of its compliance. The selection of a more limited goal is consistent with this objective and also attempts to meet the needs of that portion of the population which has the least opportunity to secure adequate housing, and therefore requires the most public attention at the present time.

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D. Public Opportunities For Comment

This statewide fair share housing allocation plan has been submitted to all municipal clerks and county planning boards in the State. The plan will be the subject of several public hearings at which interested agencies and citizens will have the opportunity to comment on the determination of housing needs and the allocation of the regional housing goals to the municipalities in each allocation region. After reviewing the public comments, a final report will be issued in February 1977.

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## 11. HOUSING ALLOCATION PLAN

This statewide fair share housing allocation plan is presented in four interrelated parts, followed by the allocation figures computed for each municipality in the State. The four sections are: (1) present housing needs: 1970; (2) prospective housing needs: 1970-1990; (3) substate regions for housing allocation; and (4) housing allocation methodology.<sup>9</sup>

### A. Present Housing Needs: 1970

Purpose: The determination of the present housing needs of low- and moderate-income households in New Jersey, which are applicable for replacement by new units, is the purpose of this section. 10

Method: As already indicated, there are many types of present housing needs, and all such needs were not considered to be within the scope of this plan. The types selected as measures of present housing needs for inclusion as part of the regional need suitable for housing allocation are: (1) dilapidated units, (2) overcrowded units, and (3) needed vacant units. These housing needs predominantly affect low- and moderate-income households and most closely reflect new construction requirements. Unlike these three types, the others, although important, do not, strictly speaking, require new units on a one-for-one basis. Strategies other than new construction--e.g., housing maintenance, rehabilitation, renovation, financial assistance, etc.--might be more appropriate to meet these housing problems. 20

The target group for the assessment of present housing needs consists of households in the State in 1970 with gross incomes in the low- and moderate-income ranges. While households of higher incomes also experience housing needs, it is recognized that low- and moderate-income households have the least mobility, purchasing power and opportunity to secure adequate housing in the present housing market. Numerical income ranges for this target group were determined by using family budget information published by the United States Department of Labor. In 1970, these income ranges were: 30

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9. This discussion is based on four detailed technical reports prepared by the Division of State and Regional Planning in the Summer of 1976. These include: New Jersey's Present Housing Needs, Prospective Housing Needs Report, Housing Allocation Regions and New Jersey's Fair-Share Housing Allocation.



Low Income Household.....up to \$5,568/year

Moderate Income Household.....\$5,569 to \$8,567/year<sup>10</sup>

The three types of housing needs which were selected to represent the present housing need are defined as follows:

1. Dilapidated Units: units having one or more critical defects; or having a combination of intermediate defects in sufficient number or extent to require considerable repair or rebuilding; or being of inadequate original construction. The defects are either so crucial or so widespread that the structure should be extensively repaired or torn down.<sup>11</sup>
2. Overcrowded Units: units which are considered not large enough to accommodate the occupants adequately. The standard of overcrowding used was 1.01 or more persons per room. 10
3. Needed Vacant Units: units which are considered necessary to permit mobility and choice in the housing market. The number of units required to achieve a five (5) percent vacancy rate for rental units and a 1.5 percent rate for owner occupied units were used as a measure of this need.

Findings: Using the above definitions for present housing needs, it was found that in 1970 there existed a statewide need for 219,455 units. This included 94,835 dilapidated units, 94,499 overcrowded units and 31,121 needed vacant units.<sup>12</sup> 20

Table 1 shows the 1970 present housing needs for each county and for the State. A total present need figure is provided for each municipality in Appendix 2.

0. Standards of Living for an Urban Family of Four, Bulletin No. 1570-5, Bureau of Labor Statistics, Spring, 1967. See also An Analysis of Low- and Moderate-Income Housing Need in New Jersey, op. cit., p.1. Since 1970, these income ranges have expanded. In 1976, low and moderate-income households are estimated to have incomes of up to approximately \$13,000. 30

1. Plumbing Facilities and Estimates of Dilapidated Housing, Final Report, HC (6) U.S. Bureau of the Census, Census of Housing: 1970, pp. VII and VIII.

2. New Jersey's Present Housing Needs, op. cit., pp. 10-12, and Appendixes A and B. Some overcounting of present housing needs might result if and when new units become available for households presently occupying overcrowded units. The amount of overcrowding would be reduced, however, since some of the overcrowded units contain more than one family. (Unfortunately, the extent of "doubling-up" cannot be determined accurately.) As a practical matter, however, the fact that there may be some overcounting of overcrowded units is not significant in light of the very limited definition of housing needs used in this allocation plan. 40

TABLE 1

1970 - Present Housing Needs

<u>County</u>	<u>Dilapidated Units</u>	<u>Overcrowded Units**</u>	<u>Needed Vacant Units</u>
Atlantic	3,517	2,092	73
Bergen	8,033	7,758	5,709
Burlington	3,189	3,360	852
Camden	5,814	5,493	1,067
Cap May	1,352	478	20
Cumberland	2,228	1,690	157
Essex	17,527	16,612	4,711
Hampden	2,184	2,113	454
Hudson	11,062	13,120	3,795
Hunterdon	683	602	220
Mercer	3,868	3,402	1,050
Middlesex	5,209	7,943	2,503
Monmouth	5,411	5,475	932
Morris	2,934	3,485	1,710
Ocean	3,805	3,119	229
Passaic	7,109	7,036	3,006
Perth	871	600	214
Somerset	1,618	1,866	859
Sussex	861	948	135
Union	6,520	5,674	3,206
Warren	1,040	633	219
State Total	94,835	93,499	31,121

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Overlap between dilapidated units and overcrowded units has been eliminated in these numbers.

B. Prospective Housing Needs: 1970-1990

Purpose: Determining the prospective housing requirements for low- and moderate-income households in New Jersey is the purpose of this section.

Method: In the statewide fair share housing allocation plan, prospective housing need is defined as the projected increase in low- and moderate-income households between 1970 and 1990. This twenty-year time span was selected to provide reasonably accurate projections of household growth.

The calculation of the increase in low- and moderate-income households involves several steps and a number of assumptions, e.g., a slower rate of population growth, a decrease in household size, and a continuation of current socio-economic trends.<sup>13</sup> Population was projected to 1990 for each county, and county household increases between 1970 and 1990 were determined. The prospective low- and moderate-income housing needs were then computed for each county.

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Findings: Table 2 shows the steps involved in determining low- and moderate-income household growth. Column 7 indicates the 1970-1990 low- and moderate-income household growth by county. For the State, there will be the need to house an additional 326,627 low- and moderate-income households between 1970 and 1990.<sup>14</sup>

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Substate Regions for Housing Allocation

Purpose: Delineating a set of substate regions which can facilitate the equitable allocation of the present and prospective regional needs for low- and moderate-income housing is the purpose of this section.

Method: Four criteria were identified as necessary to delineate equitable and practicable housing allocations regions. They are:

1. Sharing Housing Needs - In Southern Burlington County N.A.A.C.P. v. Township of Mount Laurel, the New Jersey Supreme Court made it clear for the first time that municipalities must take into account not only local

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3. Prospective Housing Needs Report, op. cit.

4. An adequate vacancy rate to allow mobility and choice for future low- and moderate-income households might be added to prospective housing needs, as was done with present housing needs. It has not been included here because of the difficulty in projecting housing stock changes to the year 1990. Periodic updating of the housing needs analysis will consider such vacancy needs.

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Prospective Housing Needs: 1970 - 1990

	<u>Col. 1</u>	<u>Col. 2</u>	<u>Col. 3</u>	<u>Col. 4</u>	<u>Col. 5</u>	<u>Col. 6</u>	<u>Col. 7</u>
						% of Low-and Moderate- Income Households in 1970	Low & Moderate Income Household Growth: 1970-1990 (Col.5 x Col.6)
<u>County</u>	<u>1970 Households</u>	<u>1990 Population</u>	<u>1990 Average Household Size</u>	<u>1990 Total Households (Col.2 ÷ Col.3)</u>	<u>1970-1990 Total Household Growth (Col.4-Col. 1)</u>		
Atlantic	60,716	200,060	2.61	76,651	15,935	58.4	9,306
Bergen	279,625	956,200	2.71	352,841	73,216	28.4	20,793
Burlington	84,788	409,540	2.85	143,698	58,910	35.6	20,972
Camden	138,408	572,835	2.76	207,549	69,141	41.5	28,694
Cape May	21,177	78,615	2.49	31,572	10,395	61.1	6,351
Cumberland	37,086	154,950	2.73	56,758	19,672	51.0	10,033
Essex	302,582	943,380	2.66	354,654	52,072	46.8	24,370
Gloucester	49,693	218,800	2.81	77,865	28,172	40.4	11,381
Hudson	207,499	612,165	2.54	244,553	37,054	51.7	19,157
Hunterdon	21,063	89,835	2.72	33,028	11,965	37.7	4,511
Mercer	93,486	379,600	2.67	142,172	48,686	40.9	19,913
Middlesex	168,076	694,280	2.74	253,387	85,311	31.2	26,617
Monmouth	135,230	542,415	2.79	194,414	59,184	39.1	23,141
Morris	109,823	475,890	2.83	168,159	58,336	25.7	14,992
Ocean	68,362	360,600	2.71	133,063	64,701	51.9	33,580
Sassaic	147,214	508,435	2.68	189,715	42,501	42.6	18,105
Walden	18,681	76,120	2.70	28,193	9,512	44.8	4,261
Warren	57,013	231,665	2.80	82,737	25,724	26.9	6,920
West	22,809	104,540	2.84	36,810	14,001	38.9	5,446
Windsor	171,580	576,015	2.72	211,770	40,190	33.6	13,504
Wright	23,271	88,950	2.67	33,315	10,044	45.6	4,580
<b>State Total</b>	<b>2,218,182</b>	<b>8,283,890</b>	<b>2.71</b>	<b>3,052,904</b>	<b>834,722</b>	<b>39.4</b>	<b>326,627</b>

housing needs, but also the housing needs beyond the municipality's boundaries in the region of which it is a part. The regional delineation should be reflective of the intent of the Mount Laurel decision and permit the equitable sharing of housing needs between areas with high levels of present housing needs and few resources and areas with the opposite characteristics. The lack of resources precludes, for example, the designation of Hudson County as a region by itself. The concentration of housing needs in this county would require a more expansive region than the county itself. This criterion (sharing housing needs) was considered to be the most important in the selection of a set of substate regions and would take precedence over the other three.

- 2. Socio-economic Interdependence - The regions should be characterized by evidence of socio-economic interdependence with regard to housing choice considerations, i.e., they should reflect the geographic area within which housing location decisions are made. Housing decisions are related to job location, to the location of community facilities and institutions and to available transportation and services. 10
  
- 3. Data Availability - Data reliability and availability are necessary considerations in delineating housing regions. The regions should have descriptive and directly applicable socio-economic data available for the purpose of housing allocation, with minimum reliance upon assumptions or interpolations from data describing other geographic units. It is necessary that reliable land use, demographic, economic and other data be available for all housing allocation regions, so that the enumeration of a regional housing need and "fair-share" allocation can be complete and precise. 20
  
- 4. Executive Order 35 - The regions should be reflective of the intent of Executive Order 35. While the term "region" is used in the Order, it is not explicitly defined; however, there are recurring references to the allocation of housing needs to municipalities within counties or groups of counties. 30

Various delineations of regions were analyzed in terms of these four criteria. They included existing planning, statistical and geographically defined regions in New Jersey, none of which were designed for housing allocation, and the housing allocation regions promulgated in recent judicial decisions in the State, including the Mount Laurel case. This analysis was concluded with the formulation of a new set of regions specifically delineated for the purpose of equitable housing allocation. 40

Findings: The recommended set of allocation regions consists of twelve regions covering the entire State. Ten of the regions (1-10) were delineated as single counties. They are:

- Region 1: Atlantic
- Region 2: Cape May
- Region 3: Cumberland
- Region 4: Hunterdon
- Region 5: Mercer
- Region 6: Monmouth
- Region 7: Ocean
- Region 8: Salem
- Region 9: Sussex
- Region 10: Warren

The other two regions consist of clusters of adjacent counties. Region 11, in the northeastern part of the State, contains the counties of: 10

- Bergen
- Essex
- Hudson
- Middlesex
- Morris
- Passaic
- Somerset
- Union

Region 12, in the southwestern part of the State, consists of the counties of: 20

- Burlington
- Camden
- Gloucester

The twelve allocation regions are shown on MAP 1. The delineation of two multi-county regions was necessary to insure an equitable balance between existing housing needs and resources. For the remaining areas of the State, the relationship between housing needs and resources did not currently warrant more expansive allocation regions than individual counties.

Table 3 shows the present and prospective housing needs for each of the twelve allocation regions in the State. 30



Housing Allocation Methodology

Purpose: The formulation of a method for equitably allocating each region's low-and moderate-income housing goal to the municipalities in the region is the purpose of this section.

Method: There are various methods for distributing a housing goal to constituent units. Several have been developed by a number of agencies throughout the country and were reviewed as to their suitability for this housing allocation plan. In this plan, two principles were established to guide the formulation of an allocation methodology for New Jersey: (1) the allocation should improve the present imbalance of responsibility for meeting low-and moderate-income housing needs in a "fair share" manner, and (2) the allocation should take 40

# MAP I

## PLANNING ALLOCATION REGIONS

-  INDIVIDUAL COUNTY REGIONS
-  CLUSTERED COUNTY REGIONS

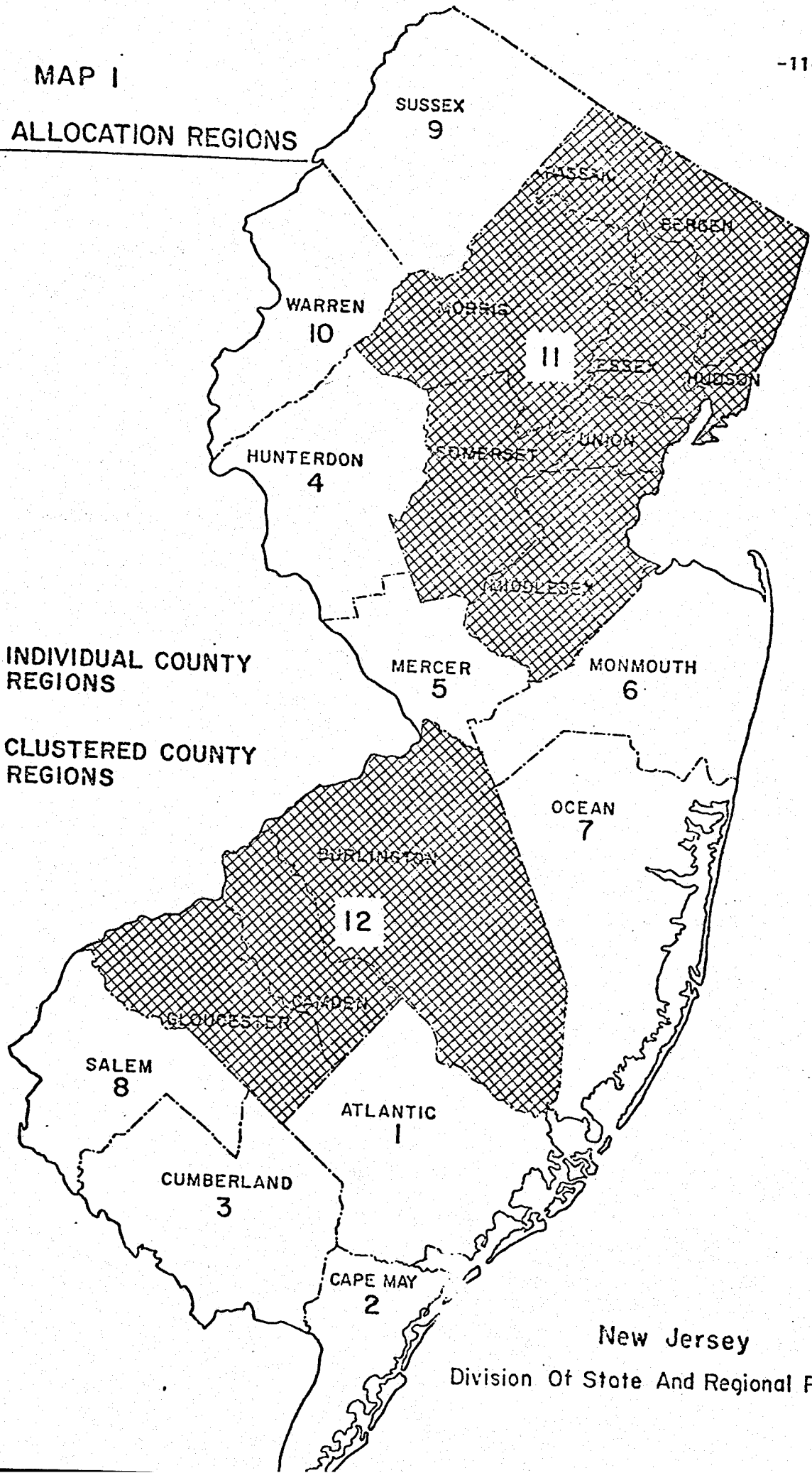


TABLE 3Present and Prospective Housing Need By Allocation Regions

	<u>Present Housing Needs 1970</u>	<u>Prospective Housing Needs 1970-1990</u>
ION 1 - Atlantic County	5,682	9,306
ION 2 - Cape May County	1,850	6,351
ION 3 - Cumberland County	4,075	10,033
ION 4 - Hunterdon County	1,505	4,511
ION 5 - Mercer County	8,320	19,913
ION 6 - Monmouth County	11,818	23,141
ION 7 - Ocean County	7,153	33,580
ION 8 - Salem County	1,685	4,261
ION 9 - Sussex County	1,944	5,446
ION 10 - Warren County	1,892	4,580
ION 11 -	149,005	144,458
ergen Morris ssex Passaic udson Somerset iddlesex Union		
ION 12 -	24,526	61,047
urlington anden oucester		



into account the relative suitability or capability of municipalities to assume more responsibility for providing low-and moderate-income housing.

In order to incorporate these two principles, two separate allocations were performed and then combined for each municipality in its region. First, the present housing need in each region was allocated to constituent municipalities in a "fair share" manner. This approach involved equalizing responsibility for present housing needs throughout the region. For example, if present housing needs in a region were ten (10) percent of that region's total housing stock, then each municipality in that region was allocated a number of present housing needs equal to ten percent of its own housing stock. Each municipality is responsible for meeting present housing needs at the same rate as every other municipality in the region. No municipality would be responsible for more than its proportion, or "fair share" of the region's present housing need. This allocation approach tends to shift the responsibility for providing opportunities for low-and moderate-income housing away from municipalities which have higher shares of present low-and moderate-income housing needs to municipalities with lower shares of need. This approach is aimed at improving the balance of responsibility for present housing needs, and therefore, offers some relief to overburdened municipalities.

A second approach was used to allocate each region's prospective housing need. This approach employs four indexes which reflect municipal differences in suitability and ability to accommodate low-and moderate-income housing needs.

Municipalities in each region were compared in terms of land availability, employment growth, growth in non-residential tax rates, and income wealth. Each municipality received an allocation of prospective housing needs according to each of the four indexes and was given a single allocation of prospective needs equivalent to the average of the four indexes. A brief description of these indexes and how they were employed is given below:

1. Vacant developable land - This factor was included as a measure of a municipality's capability to assume additional housing construction. Vacant developable land has been defined as the vacant land in a municipality, less reductions for land with greater than 12 percent slope, wetlands, qualified farmland and public lands. (Farmland qualified for farmland assessment was included in the adjustment of vacant developable land in accordance with a general State policy to preserve farmland. However, this cannot be construed as a prohibition against the use of any farmland for housing development.)

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Based on this index, each municipality's share of the acreage of vacant developable land is also its share of the prospective housing need. For example, if a municipality's share of vacant developable land is 10% of the total of such land in the region, then it would receive 10% of the prospective housing need of the region.

2. Employment growth - This factor is used to measure the relative responsibility of municipalities to provide housing in relation to employment growth. As defined in this allocation plan, employment growth is the increase in covered employment between 1969 and 1975. Only those municipalities with gains in employment receive allocations. For example, if a municipality's share of employment growth is 10% of the total of such growth in the region, then it would receive 10% of the prospective housing need of the region. 10
3. Municipal fiscal capability - This third allocation factor was included as a relative measure of municipal capability to accommodate additional low-and moderate-income housing. Non-residential ratable growth between 1968 and 1974 was used as a criterion for fiscal capability. Each municipality's share of the regional growth in non-residential ratables represents its share of the allocation goal. For example, if a municipality's share of non-residential ratable growth is 10% of the total of such growth, then it would receive 10% of the prospective housing need of the region. 20
4. Personal income - This fourth factor is an additional measure of municipal capability to absorb low-and moderate-income housing growth. It has been included to take into account municipalities which have not experienced much non-residential ratable growth, but presumably have the affluence to accomodate housing without undue hardship. This factor has been defined as the municipal total of family and unrelated individual income as reported by the 1970 census. Total municipal personal income wealth was weighted to reflect regional variation in per capita income in New Jersey. A municipality which has a per capita income exceeding the per capita income for the region as a whole had its total personal income increased. Conversely, if a municipality's per capita income was below the regional per capita income, its total personal income was decreased. To illustrate this point, if a municipality's per capita income is twice the size of the regional per capita income, its total personal income wealth is doubled; conversely, if a municipality's per capita income is half the regional level, its total personal income is halved. 30  
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Each municipality's weighted share of the region's personal income wealth is also its share of the prospective housing need of the region. For example, if a municipality's share of total personal income, after weighting, is 10% of the total income of the region, then it would receive 10% of the prospective housing need.

Findings: Municipal allocations of prospective housing needs were computed for each of the four indexes, and averaged to obtain a single prospective need allocation. This average allocation of prospective housing needs was then added to the allocation of present needs, previously described, to obtain a single allocation number for each municipality in the twelve regions in the State. 10

### III. CONCLUSIONS

This report has presented a fair share housing allocation plan for New Jersey. Under this plan, each municipality in the State receives a regional allocation of low-and moderate-income housing units based on present housing needs, recent growth and the potential to accommodate future growth. The housing goal which has been selected and allocated to municipalities does not represent all the housing needs in the State. As discussed in this report, present housing needs include only three types of existing housing problems relating closely to the need for new housing construction, and the target group for the assessment of both present and prospective housing needs is only low-and moderate-income households. The housing goal selected for allocation is therefore more limited than the overall housing problems that confront the State, but a more accurate reflection of that aspect which requires the most affirmative attention if it is to be solved. 20

This statewide fair share housing allocation plan provides a specific allocation number with which each municipality can begin to evaluate its land use regulations and housing programs. It is not suggested here that there can be a standard response equally applicable to each municipality. There are wide differences among municipalities in terms of housing composition, location, land availability, recent efforts to accommodate housing need and local circumstances. Obviously, each municipality will need to devise specific solutions best suited to its own situation, but each should strive to provide a favorable climate for the construction of low-and moderate-income housing as reflected in the spirit of the Mount Laurel decision. Moreover, it would appear that regardless of the size of the housing goal allocated to each municipality, every municipality has the obligation to seek to remove exclusionary practices which act as artificial barriers to the achievement of equal opportunity for all income groups. It is hoped that this report will facilitate initiatives in this regard. 30 40

As indicated earlier in this document, this fair share allocation plan is preliminary in nature and thus subject to changes and revisions. Copies are

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available at the following locations:

New Jersey State Library  
185 West State Street  
Trenton, New Jersey

Division of Administrative Procedure  
10 North Stockton Street  
Trenton, New Jersey

Copies have been forwarded by mail to all municipal clerks and county planning boards. 10

Written and oral comments concerning the draft plan will be received at the following public hearings:

<u>Date</u>	<u>Place</u>	<u>Time</u>	
Nov. 29 (Mon.)	Rutgers, the State University Robeson Campus Center Newark, New Jersey	7:30 P.M.	
Nov. 30 (Tues.)	N. J. State Museum Auditorium Trenton, New Jersey	7:30 P.M.	20
Dec. 2 (Thurs.)	Hackettstown Middle School Hackettstown, New Jersey	7:30 P.M.	
Dec. 7 (Tues.)	Rutgers, the State University College Center Camden, New Jersey	7:30 P.M.	
Dec. 9 (Thurs.)	Richard Stockton State College Pleasantville, New Jersey	7:30 P.M.	30

Interested persons may also send statements in writing relevant to the draft plan to be received on or before January 6, 1977, at the address below:

Division of State and Regional Planning  
Bureau of Urban Planning  
Box 2768  
Trenton, New Jersey 08625

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After a review of the comments received at the public hearings and those submitted directly to the Division of State and Regional Planning, a final report will be issued in February 1977.

APPENDIX 1Housing Allocation Numbers

Region 1 - Atlantic County	Region 6 - Monmouth County
Region 2 - Cape May County	Region 7 - Ocean County
Region 3 - Cumberland County	Region 8 - Salem County
Region 4 - Hunterdon County	Region 9 - Sussex County
Region 5 - Mercer County	Region 10 - Warren County

Region 11

Bergen County	Morris County
Essex County	Passaic County
Hudson County	Somerset County
Middlesex County	Union County

Region 12

Burlington County  
Camden County  
Gloucester County

- 1) Numbers will not precisely add-up to regional totals due to rounding and averaging of allocation shares; error is insignificant - less than one percent.
- 2) Minor upward adjustments of allocations based on employment will be made based on upgraded reporting of employment statistics to the Department of Labor and Industry in Covered Employment Trends in New Jersey.

## REGION 11

## MUNICIPAL LOW-AND MODERATE-INCOME HOUSING ALLOCATION: 1970-1990

1-22

## MIDDLESEX County

Municipality	Allocation of Present Housing Need (Units)	Allocation of Prospective Housing Need (Units)					Combined Allocation of Housing Needs (Col. 1 + Col. 6)
		Vacant Developable Land	1969-1975 Employment Growth	1968-1974 Non-Residential Ratables Growth	1970 Personal Income Wealth	Average Allocation of Prospective Housing Need (Col. 2 + Col. 3 + Col. 4 + Col. 5 ÷ 4)	
	1	2	3	4	5	6	7
Carteret	716	-	-	930	458	347	1,063
Cranbury	69	1,384	69	428	87	492	561
Dunellen	230	-	272	92	150	129	359
East Brunswick	914	1,530	3,632	1,306	1,075	1,486	2,809
Edison	1,936	2,964	11,267	4,474	2,099	5,201	7,137
Helmetta	30	-	-	33	9	11	41
Highland Park	532	-	48	194	514	189	721
Jamesburg	139	52	214	118	78	116	255
Madison	1,352	6,817	260	955	1,037	2,266	3,618
Metuchen	495	-	-	400	665	251	746
Middlesex	438	-	1,230	471	361	516	954
Milltown	203	-	-	121	191	78	286
Monroe	289	5,621	26	770	218	1,659	1,948
New Brunswick	1,323	-	2,223	832	753	952	2,275
North Brunswick	507	1,336	-	1,739	542	904	1,411
Perth Amboy	1,353	-	-	991	753	436	1,789
Piscataway	1,053	1,271	7,388	2,561	652	3,018	4,071
Plainsboro	55	1,133	221	347	53	439	494
Sayreville	926	2,150	-	1,632	634	1,104	2,030
South Abbey	293	52	698	230	191	293	586
South Brunswick	392	7,406	-	1,341	373	2,280	2,672
South Plainfield	563	809	3,874	2,076	474	1,808	2,371
South River	493	52	-	118	361	133	626
Spotswood	209	103	204	157	160	156	365
Woodbridge	2,775	422	5,475	5,677	2,203	3,444	6,219
TOTAL	17,290	33,097	37,101	27,993	14,230	28,108	45,399

## REGION 11

## MUNICIPAL LOW-AND MODERATE-INCOME HOUSING ALLOCATION: 1970-1990

1-23

## MORRIS County

Municipality	Allocation of Present Housing Need (Units)	Allocation of Prospective Housing Need (Units)					Combined Allocation of Housing Needs (Col. 1 + Col. 6)
		Vacant Developable Land	1969-1975 Employment Growth	1962-1974 Non-Residential Ratables Growth	1970 Personal Income Wealth	Average Allocation of Prospective Housing Need (Col. 2 + Col. 3 + Col. 4 + Col. 5 ÷ 4)	
	1	2	3	4	5	6	7
Boonton Twp.	298	150	-	240	243	358	456
Boonton Twp.	95	1,508	282	98	130	505	600
Butler	212	62	-	201	142	101	313
Chatham Boro	311	40	-	201	491	383	494
Chatham Twp.	258	686	337	98	734	464	722
Chester Boro	41	160	244	129	26	140	181
Chester Twp.	118	3,350	53	176	149	932	1,059
Denville	416	1,681	220	441	399	685	1,101
Dover	494	10	-	269	352	159	652
East Hanover	203	666	878	952	214	678	851
Floren Park	206	932	1,950	1,291	283	1,114	1,320
Hanover	298	1,261	-	1,368	355	746	1,044
Harding	101	2,082	-	176	390	662	763
Jefferson	445	4,939	140	386	299	1,441	1,886
Kinnelon	202	2,906	250	253	422	958	1,160
Lincoln Park	256	208	1,020	286	230	436	692
Madison	490	6	514	1,291	761	643	1,133
Mendham Boro	99	1,167	279	78	153	419	518
Mendham Twp.	105	2,683	39	104	295	780	895
Nine Hill	104	441	1	32	82	139	243
Montville	313	2,485	-	683	348	879	1,192
Morris	510	1,579	1,872	1,296	1,091	1,459	1,969
Morris Plains	160	202	1,144	527	214	522	682
Morristown	663	19	1,856	1,524	634	1,013	1,676

# Housing Policy In a New Light

## Supreme Court Decision Alters Mt. Laurel Ruling

By MARTIN WALDRON

Special to The New York Times

TRENTON, March 28—Inner-city dwellers who may have thought that the Mount Laurel zoning decision of two years ago would pave the way for them to move into the suburbs had their hopes dashed by the New Jersey Supreme Court last week. The state's highest court ruled in a case involving two Bergen County communities, Washington Township and Demarest, that "bedroom" towns in New Jersey were under no obligation to provide space for apartment houses for low-income families.

The court had said in March 1975 in the Mount Laurel case that zoning regulations that prohibited suburban apartment complexes were unconstitutional.

That ruling had set off what amounted to jubilation among open-housing and civil-rights groups. There were predictions that the ruling would help abolish racial and economic segregation in New Jersey.

In the Mount Laurel ruling, the court said municipalities must "make realistically possible an appropriate variety in choice of housing . . . at least to the extent of the municipality's fair share" of low- and moderate-income families.

### Earlier Decision Explained

Last week, the Supreme Court said it had meant this to apply to "developing" communities that might have room for apartment houses and the suburbs where workers might need to live to be near their work.

The court said that the "overriding point" in the whole situation was that it was a matter for the Legislature and local officials and not the courts to decide what the public welfare needed in the way of residential zoning.

Justice Morris Pashman, considered the most "activist" member of the State Supreme Court, was bitterly disappointed by the trend of the recent zoning cases.

This latest ruling, he said, "effectively neutralizes our holding in Mount Laurel" and the effects "will be long-lasting."

"Generations of children are relegated to a slum schooling and to playing in the overcrowded and congested streets of the inner cities," he said.

"Men and women seeking to earn a living for themselves and their families are barred by distance from job markets.

"Society as a whole suffers the failure to solve the economic and social problems which exclusionary zoning creates; we live daily with the failure of democratic institutions to eradicate class distinctions.

"Inevitably, the dream of pluralistic society begins to fade."

### A 'Mockery of Human Rights'

The New Jersey Supreme Court, Justice Pashman said, is making a "mockery" of human rights by "perpetuating a

ghetto system in which residents live in an inferior and often degrading condition.

"Unless and until we open up the suburbs to all citizens of the state on an equal basis, the cherished ideals of our constitutional rights will remain elusive and unattainable."

If the Supreme Court's Mount Laurel ruling had kindled the hopes of Justice Pashman and a large number of civil-rights groups that something might be done to ease urban slums, Governor Byrne's actions thereafter fanned these hopes into a flame.

In Executive Order No. 35, signed April 2, 1976, the Governor directed each of the state's 567 municipalities to make plans to take a "fair" share of New Jersey's poor and disadvantaged families.

He also directed the Division of State and Regional Planning to prepare "state housing goals" to guide cities in providing for this.

Last December, the official "state housing goals" plan was presented to Mr. Byrne, but he no longer seemed enthusiastic about the idea. He rejected the plan and ordered it redone and returned to him again in a year's time. This would serve to delay facing this possibly thorny political issue until after the November general election this year.

### Land Use Bill Adopted

After the Governor issued Executive Order No. 35 but before he delayed implementation of it, the State Legislature adopted the new version of the State Municipal Land Use Law, which directed "land use planning which will best satisfy the general welfare of all citizens of the state."

One section of this law says that its purpose is to "insure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the state as a whole."

Whether that section prohibits bedroom towns from adopting zoning practices that in effect keep out the poor, has not yet been decided. If any test case has been filed under it, none has yet reached the Supreme Court.

The United States Supreme Court has been active in zoning cases, and its rulings—while not necessarily binding in New Jersey because New Jersey zoning cases are being judged under the State Constitution and not the Federal Constitution—have also seemed somewhat inconsistent.

Last April, the United States Supreme Court ruled that Federal Courts could order the construction of low-income public housing in white suburbs to alleviate urban racial segregation. In that 8-to-0 ruling, the High Court said the cities did not have to be shown to have practiced housing discrimination for this to be done.

Then in January of this year, in a case involving a mostly all-white suburb, Arlington Heights, Ill., the High Court said in a 5-to-3 ruling that exclusionary zoning did not violate the Federal Constitution even if the effect was to perpetuate segregation, as long as this was not the intent.

In most of the New Jersey cities that have tried to keep out low-cost housing, the major motive has been to keep up property values and keep down taxes.

It is widely believed that allowing low-cost apartment houses in a town not only lowers the value of the homes in its general vicinity, but also increases school costs in the town since poor families tend to have more children than well-to-do families.

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1 York Times  
rch 29, 1977

The Mount Laurel Debate Continued:

## OAKWOOD AT MADISON: A TACTICAL RETREAT BY THE NEW JERSEY SUPREME COURT.\*

by Jerome G. Rose, Professor and Chairman,  
Department of Urban Planning and Policy  
Development, Livingston College

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ing needs of its own population and of the region." This decision was appealed to the New Jersey Supreme Court and was scheduled for argument in March, 1973 and again in January, 1974, together with oral argument in the *Mount Laurel* case. However, because Madison Township had adopted a major amendment to the zoning ordinance the New Jersey Supreme Court remanded the *Oakwood at Madison* case to the trial court for a ruling upon the effect of the amended ordinance and proceeded with, and then rendered, a decision in the *Mount Laurel* case.

After a hearing on remand, Judge Furman held that the Township's obligation to provide its fair share of the housing needs of its region is not met unless its zoning ordinance approximates in additional housing unit capacity the same proportion of low income housing as its present low income and moderate income population. The court found that the amended ordinance does not meet this test and therefore the entire ordinance is invalid. In defining "region," the housing needs of which must be met by the Township, the court said that the region is not coextensive with the county. "Rather it is the area from which in view of available employment and transportation the population of the township would be drawn absent invalidly exclusionary zoning."

Upon return of the appeal to the Supreme Court, oral argument was presented twice with emphasis placed upon the effect of the *Mount Laurel* decision that had been rendered in the intervening period. The Supreme Court affirmed the judgment with modifications.

In the majority opinion, written by Justice Conford, the legal issues of the case were broken down into three questions: (1) Is the zoning ordinance exclusionary? (2) Should the trial court

demarcate the "region" and determine the "fair share" of regional need? and (3) What is the proper judicial remedy?

### Is the Ordinance Exclusionary?

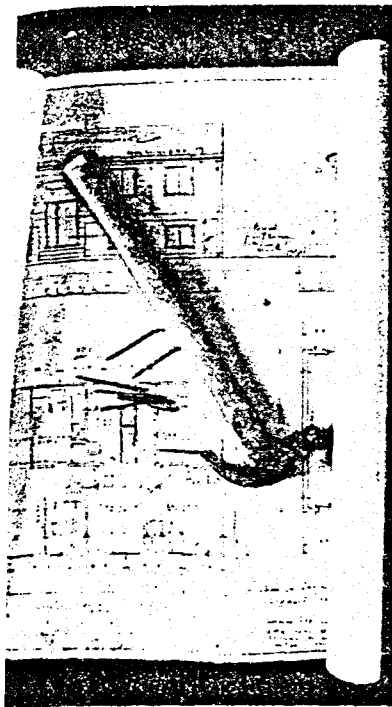
In answering the first question, whether the zoning ordinance is exclusionary, the court made it clear that a zoning ordinance is "exclusionary" if it "operates in fact to preclude the opportunity to supply any substantial amounts of new housing for low and moderate income households now and prospectively needed in the municipality and in the appropriate region" whether or not such effect was intended. Thus the New Jersey Supreme Court has taken a position that squarely contravenes the position taken by the United States Supreme Court a few weeks earlier in *Village of Arlington Heights v. Metropolitan Housing Development Corp.* — U.S. — (Jan. 11, 1977). In the *Arlington Heights* case the U.S. Supreme Court upheld the refusal of a municipality to zone to permit subsidized multi-family housing even though such refusal would have a racially discriminatory effect because there was insufficient evidence to show a racially discriminatory intent. In *Oakwood at Madison*, the New Jersey Supreme Court held that a zoning ordinance may be "exclusionary" without a showing of exclusionary intent.

The test established by the court is whether the zoning ordinance operates in fact to preclude the opportunity for the requisite share of low and moderate income housing to be built. Under this new test it is not necessary for the municipality to devise specific formulae for estimating a precise fair share allocation of lower income housing needs for a specifically demarcated region. Nor is it necessary for a trial court to make such findings. What is necessary under the *Oakwood at Madison* test is a bona fide effort by the municipality toward

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AFTER over six years of litigation, the New Jersey Supreme Court, on January 26, 1977 finally rendered decision in *Oakwood at Madison v. Township of Madison*. In a 4 to 3 decision, written by Justice Conford and separate opinions written by Justices Clifford, Mountain, Pashman andreiber, the court made a tactical decision to withdraw its troops (i.e. the courts) from the losing battle of "statistical warfare" involved in the relative-administrative process of defining "region" and allocating a "fair share" of regional housing needs to municipalities involved in *Mount Laurel* litigation.

The *Oakwood at Madison* decision is the New Jersey Supreme Court's latest and in the litigation that gave rise to the concept of a municipal obligation to provide for a fair share of regional housing needs adopted by the court in *Mount Laurel*. The litigation started in September 1970 when the plaintiff developer brought an action challenging the validity of the Madison Township zoning ordinance. After trial, Judge David Furman held the zoning ordinance invalid on the grounds that "it failed to promote reasonably a balanced community in accordance with the general welfare." The decision also held that in defining a "balanced community, a municipality must not ignore housing needs, that is, its fair proportion of the obligation to meet the hous-

Copyright 1977 by Jerome G. Rose  
This article is part of a larger work on the subject  
to be published by Rutgers University Center for  
Urban Policy Research entitled, *After Mount  
Laurel: The New Suburban Zoning.*



the elimination or minimization of undue cost-generating requirements in the zoning ordinance. In the language of the court:

"To the extent that the builders of housing in a developing municipality like Madison cannot through publicly assisted means or appropriately legislated incentives...provide the municipality's fair share of the regional need for lower income housing, it is incumbent on the governing body to adjust its zoning regulations so as to render possible and feasible the 'least cost' housing, consistent with minimum standards of health and safety, which private industry will undertake, and in amounts sufficient to satisfy the deficit in the hypothesized fair share."

With this standard for evaluating the exclusionary effect of a zoning ordinance, the court held the Madison ordinance invalid because (1) it designated insufficient areas for very small lots and multi-family housing; (2) it contained undue cost generating features such as requirements for roads and utilities; (3) it failed to provide for prospective regional need for lower cost housing beyond 1975.

**Role of the Courts**

The primary contribution of the *Oakwood at Madison* decision may be its contribution to the trial courts to withdraw from the process of "demarkating region" and determining the "fair share" of the municipality. The court observed that this process "involves highly-controversial economic, sociological and policy questions of innate difficulty and complexity. Where predictive responses are called for they are apt to be speculative or conjectural." In a statement that may have only limited significance, the court articulated the constitutional truism that this process "is much more appropriately a legislative function rather than a judicial function to be exercised in the disposition of isolated cases." Nevertheless, after indicating its awareness of the existence and importance of the fundamental principle of separation of powers in our legal system, the court stated:

"But unless and until other appropriate governmental machinery is effectively brought to bear the courts have no choice, when an ordinance is challenged on *Mount Laurel* grounds, but to deal with this vital public welfare matter as effectively as is consistent with the limitations of the judicial process."

These preliminary statements alone would leave unanswered the question of what the trial courts will deal with the concepts of "region" and "fair share"

when the validity of a municipal zoning ordinance is challenged in an action before them. However, the opinion goes on to provide some guidelines. Generally, the court concluded that "there is no specific geographical area which is necessarily the authoritative region as to any single municipality in litigation." The objective of the trial courts is to determine whether the zoning ordinance "realistically permits the opportunity to provide a fair and reasonable share of the region's need for housing for the lower income population." The technical details of the basis for fair share allocations of regional goals among municipalities are not as important "as the consideration that the gross regional goals shared by the constituent municipalities be large enough fairly to reflect the full needs of the housing market of

**... the court made a tactical decision to withdraw its troops (i.e. the trial courts) from the losing battle of "statistical warfare" involved in the legislative-administrative process of defining "region" and allocating a "fair-share" of regional housing needs to municipalities involved in Mount Laurel litigation."**

which the subject municipality forms a part." The court then indicated its approval of Judge Furman's definition of "region" as "the area from which, in view of available employment and transportation, the population of the township would be drawn absent exclusionary zoning." The court also reaffirmed the statement by Justice Hall in the *Mount Laurel* opinion that "confinement to or within a certain county appears not to be realistic, but restriction within the boundaries of the state seems practical and advisable." The opinion predicted that an official fair share housing study of a group of counties or municipalities conducted under the auspices of a regional agency pursuant to the Governor's Executive Order No. 35 would be entitled to *Prima facie* judicial acceptance.

On the question of the computation of the "fair share" allocation for the defendant municipality, the court was equally circumspect. It recognized, (in a footnote) that "because of the conjectural nature of such calculations, utilization of the court as the forum for determining a municipality's fair share may result in 'statistical warfare' between the litigants." Nevertheless, the court recognized (in another footnote) that "fair share studies by expert wit-

nesses may be of substantial evidential value to a trial court." The opinion summarized the courts conclusion on this issue with the statement that:

"Fair share allocation studies submitted in evidence may be given such weight as they appear to merit in the light of the two statements above. But the court is not required, in the determination of the matter, itself to adopt fair share housing quotas for the municipality in question or to make findings in reference thereto."

After setting forth these general principles relating to the fair share allocation to municipalities, the court directed its attention to the specific issue of the relevance of ecological and environmental considerations in this process. Evidence had been offered at the trial relating to the adverse environmental impact of the proposed development upon the surrounding area. Judge Furman had declined to consider this evidence because there was a substantial amount of other land free from such environmental impact available in the municipality with which the fair share of its regional housing needs could be met. The Supreme Court ruled that the trial court had erred in not receiving in evidence and considering these environmental factors. The court said:

"It is not an answer to say there is ample other land capable of being deployed for lower income housing. The municipality has the option of zoning areas for such housing anywhere within its borders consistent with all relevant considerations as to suitability..."

To prevent future litigants from generalizing too broadly from this statement, the court repeated its statement in the *Mount Laurel* decision that although ecological and environmental factors may be considered in zoning "the danger and impact must be substantial and very real (the construction of every building or the improvement of every plant has some environmental impact) — not simply a make-weight to support exclusionary housing measures or preclude growth..."

**The Judicial Remedy**

To prospective developers of higher density housing in suburban communities the most significant part of the *Oakwood at Madison* decision may be the order of the court directing the issuance of a permit for the development of the housing project proposed by the developer-plaintiff. However, this order is made subject to the condition that the developer comply with its representation that it will guarantee the allocation of at least 20% of the units to low or moderate income families. However, the court

(Continued on page 28)

## OAKWOOD AT MADISON

(Continued from page 7)

did subject the enforcement of the order to the supervision of the trial court to assure compliance with local regulations and to determine whether the developer's and is environmentally suited to the degree and density and type of development proposed.

In addition, the court ordered the municipality to submit to the trial court for its approval a revised zoning ordinance that would, among other things, allocate more land for single family houses on small lots, allocate more land for multi-family units, eliminate provisions resulting in bedroom restrictions and eliminate undue cost-generating requirements. The trial court is specifically authorized, in its discretion, to appoint an impartial zoning and planning expert or experts, to assist in the process.

### \*Significance of the Decision

The full significance of an important judicial decision is not always readily discernible immediately. Frequently, it is necessary for some period of time to lapse before the many complex ideas can be assimilated and interrelated with each other and with the realities of the world to which they will be applied. However, some first impression observations may be of interest:

#### \*Reaffirmation of the Mount Laurel Principle

The Oakwood at Madison decision reaffirms the *Mount Laurel* principle that the zoning ordinance of every developing municipality must afford the opportunity for the municipality's "fair share" of the present and prospective regional need for low and moderate income housing. Although the role of the trial courts is to be more constrained, the test of validity of a municipal zoning ordinance will continue to be based upon the answer to such questions as (1) What is the "region?" (2) What is "fair share?" (3) What is the present housing need?" (4) What is the prospective housing need?"

#### \*Judicial Restraint

The New Jersey Supreme Court has paid homage to the constitutional principle of separation of powers and to the concept of judicial restraint. It has recognized the impropriety of having judges engage in the legislative and administrative processes necessary to define "region" and calculate "fair share." However, it has at the same time made it clear that it intends to retain each judicial power as is necessary to protect and preserve the integrity of the judicial process. Having found that exclusionary zoning violates the state

constitution in *Mount Laurel*, the court does not intend to abandon the judicial power to enforce its ruling. The *Oakwood at Madison* decision should not be interpreted to be a weakening of the court's resolve to outlaw exclusionary zoning. Rather, this decision is based, in part upon a tactic designed to consolidate the judicial forces into a position in which it will be less vulnerable to direct attack.

It is also interesting to note that most of the admonition relating to the court's participation in the process of demarcating the region and computing "fair share" is more applicable to Judge Furman's decision in *Urban League of Greater New Brunswick, v. Carter* than Judge Furman's decision in *Oakwood at Madison*. Although the *Urban League* case was not before the court there is little doubt that the members of the court were aware of its existence and aware of the extent to which a trial judge could become enmeshed in the intricacies of the planning process.

#### \*Ambiguity of the Standard of Validity

The decision fails to provide an unambiguous standard for municipal officials to determine, with some assurance, whether their zoning ordinances will be upheld, short of completely abandoning all programs of rational and comprehensive community planning. On one hand the decision states that it is not necessary for a municipality, whose zoning ordinance is challenged, to devise specific formulae for estimating their precise share of the housing needs of the region. Rather, the municipalities and the courts should look to the *bona fide* efforts toward the elimination of undue cost generating requirements. On the other hand when a zoning ordinance is challenged, the court will evaluate "fair share" allocation studies submitted in evidence (although the court will not adopt a "fair share" housing quota for the municipality). Thus, it would appear that a municipality could make a *bona fide* effort toward the elimination of undue cost generating requirements in the zoning law but still be vulnerable to attack on the grounds that it has not fulfilled its "fair share" housing quota. Consequently each municipality and each developer-challenger of the zoning validity will have to prepare its own study to support its position and the statistical warfare will continue to be fought in the courtrooms. The only difference, after *Oakwood at Madison* is that the trial court will remain aloof from the proceedings and only evaluate the alternative methodologies but will not prescribe one for the municipality.

#### \*Implementation of the Mandatory Percentage of Moderately Priced Dwellings (MPMPD) Requirement

The court ordered the issuance of a building permit to the developer-plaintiff subject to the condition that the developer guarantee the allocation of at least 20% of the units to low or moderate income families. The court did not deal in any way with the complex and difficult problem of administering the procedure by which the benefits of low and moderate income housing units would be preserved over a period of time for succeeding generations of occupants. This issue creates a difficult dilemma. If no attention is given to this matter the first occupant of each of up to 20% of the units will benefit from the court ordered obligation imposed on the developer. However, as costs rise and property values increase, subsequent occupants will have to pay the increased non-subsidized costs of occupancy. On the other hand, to avoid the short-lived benefits to only the first occupant, a system of administration would have to be established that would control the rents of apartments or control the selling prices of sales units. Either mechanism would subject the developer to a form of regulation that would constitute a significant disincentive to development.

#### \*The Dual Requirement of Land and Subsidies

At some point in every comprehensive discussion of exclusionary zoning it becomes necessary to remind all participants that there are two separate and distinct questions that must be resolved if low and moderate income families are to have an opportunity to live in suburban communities. The first question is: Is land available in the community that can be used for "least cost" housing? The second question is: Are subsidies available to close the gap between the cost of housing construction and the amount that low and moderate income families can afford to pay? The *Oakwood at Madison* decision focused attention upon the duality of these issues and reaffirmed the principle that the state constitution requires each developing municipality to make land available for "least cost" housing. However, in response to the second question the court was unwilling to impose an affirmative obligation on developing municipalities to help to subsidize construction costs. Although the amicus brief of The Public Advocate had suggested various forms of affirmative municipal action to help subsidize these costs, the New Jersey Supreme Court deferred this issue to another day.

*File*  
Housing Sr. Citizen

Bl. 26.01 Lot

March 4, 1977

Mr. Walter Johnson, Area Director  
 Department of Housing and  
 Urban Development  
 1 Gateway Plaza  
 Raymond Blvd.  
 Newark, New Jersey

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Dear Mr. Johnson:

It is our understanding that a private developer will be submitting a proposal for senior citizen housing in East Brunswick to be located on Block 2601, Lot 2, at Lake Avenue and State Highway 18.

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The Township of East Brunswick is in the process of revising its zoning code so as to be consistent with its newly developed and adopted Master Plan. The above lot will be zoned to allow for senior citizen housing, for which we have a community need.

If this proposal meets with your requirements, we hope you will entertain it favorably as the community is most anxious to begin to diversify its housing stock and provide housing opportunities for persons of all income levels.

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Sincerely,

William F. Fox  
 Mayor

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*File*

March 31, 1977

Mr. Walter Johnson  
 Area Director  
 Department of Housing and  
 Urban Development  
 Newark Area Office  
 Gateway Plaza, Raymond Blvd.  
 Newark, N. J.

Re: East Brunswick Township  
B-76-HS-34-0102 and  
B-77-HS-34-0102

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Dear Mr. Johnson:

We are submitting to Mr. Claude Miller, a revised Housing Assistance Plan Table II and Table III, Current Year Goal and Three Year Goal. We are doing this in order to comply with the request that any application considered under the current advertisement for Section 8 for East Brunswick, comply with the Housing Assistance Plan. We are raising our goals for senior citizens based on the needs discovered by the activities of our senior citizen outreach center and our Office of Housing and Community Development, as well as a reinterpretation of the census data that was submitted on our original application. We have also included this allocation into the Section 8 Housing instead of the 202 because of the present feasibility of this type of program. We have also retained the consistency of percentages for goals for other housing, so that we can meet the needs of our population and the Expected-to-Reside.

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We hope that these revised tables will meet the requirements of your office so that the application pending can be considered for an allocation.

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If there are any further problems, do not hesitate to call me or Roberta Nalven, Manager of Housing and Community Development. We look forward to the construction of the first assisted housing, outside of the conventional FHA financing, in the Township of East Brunswick.

Sincerely,

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cc: Mr. Claude Miller

William F. Fox  
 Mayor



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
NEWARK AREA OFFICE  
GATEWAY I BUILDING, RAYMOND PLAZA, NEWARK, NEW JERSEY 07102

430a

REGION II  
26 Federal Plaza  
York, New York 10007

April 11, 1977

IN REPLY REFER TO:  
2.4PM:Dungee

William F. Fox, Mayor  
1 Jean Walling Civic Center  
East Brunswick, New Jersey 08816

Subject: Project No. NJ39-0015-003- Lake View Apartments, E. Brunswick, N. J.

Dear Sir:

We have received the enclosed applications involving housing assistance to be provided by the U.S. Department of Housing & Urban Development in your jurisdiction. Pursuant to Section 213 (a) of the Housing and Community Development Act of 1974, your unit of government has the opportunity to object to our approval of any application on the grounds that the application is inconsistent with your local housing assistance plan as approved by HUD for your jurisdiction.

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If your community does not have a local housing assistance plan or is not included in a county plan, a proposal may be approved only if we make a favorable determination of the following. Pursuant to Section 213 (c) of the Housing & Community Development Act of 1974, we must determine whether or not there is a need for such housing assistance, taking into consideration any applicable State housing assistance plan, and that there is or will be available in the area public facilities and services adequate to serve the housing proposed to be assisted.

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We invite you to submit to us all comments or information you may have which you deem relevant to our determination. While we will not be bound by any such comments or information, all relevant comments or information you provide to us will be considered.

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We will consider only comments or information from you received by us no later than 30 days after the date on which you receive this letter. If you do not intend to object or to submit any comments or information, please so notify us as soon as possible so that we may expedite the making of our determination.

Sincerely,

Walter J. Johnson  
Area Office Director

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Enclosure

U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
FEDERAL HOUSING ADMINISTRATION

431a

APPLICATION - PROJECT MORTGAGE INSURANCE

Project Name: **Lake View Apartments** Project Number: **NJ39 00000000**

TO: **HUD Newark Area Office** and the **FEDERAL HOUSING COMMISSIONER.**

The undersigned hereby requests a loan in the principal amount of \$ **3,800,000** to be insured under the provisions of Section \_\_\_\_\_ of the National Housing Act, said loan to be secured by a first mortgage on the property hereinafter described.

Insurance of advances during construction  is,  is not desired.  Feasibility (Rehab.)  SAMA  Conditional  Firm

Type of Mortgagor:  PM  LD  B-S  NP Permanent Mortgage Interest Rate **7.5** %.

**A. LOCATION AND DESCRIPTION OF PROPERTY:**

1. Street No.	2. Street	3. Municipality	4. Census Tract	5. County	6. State and ZIP Code
	<b>Lake Avenue</b>	<b>Brunswick</b>	<b>64.02</b>	<b>Middlesex</b>	<b>N. J. 07016</b>

7. Type of Project:  Elevator  Walkup  Row (T.H.)  Detached  Semi-Detached

8. No. Stories: **7** 9. Foundation:  Slab on Grade  Basement  Bsmt.  Crawl  Space

10.  Proposed  Existing

11. Number of Units: Revenue **129** Non-Rev.

12. List Accessory Buildings and Area: **1**

13a. List Recreation Facilities and Area: **Community Room, Patio**

**SITE INFORMATION** 14. Dimensions: **245** ft. by **410** ft. or **100,450** sq. ft.

**BUILDING INFORMATION** 16. Yr. Built: \_\_\_\_\_ 16a.  Manufactured Housing  Conventionally Built  
 Modules  Components

15. Zoning: (If recently changed, submit evidence) **In process**

16b. Exterior Finish: **masonry** 17. Structural System: **conc. plank** 17a. Floor System: **conc. plank** 18. Heating-A/C System: **hot water**

**B. INFORMATION CONCERNING LAND OR PROPERTY:**

19. Date Acquired: <b>3/4/77</b>	20. Purchase Price: <b>\$150,000</b>	21. Additional Costs Paid or Accrued: \$ _____	22. If Leasehold, Annual Ground Rent: \$ _____	23a. Total Cost: <b>\$150,000</b>	23b. Outstanding Balance: <b>\$150,000</b>	24. Relationship- Business, Personal or Other Between Seller and Buyer: <b>business</b>
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25. Utilities: Public  Community  Distance from Site: **on site**

Water  Sewers  **on site**

26. Unusual Site Features:  Cuts  Fills  Rock Formations  Erosion  None  Poor Drainage  High Water Table  Retaining Walls  Other (Specify) \_\_\_\_\_  Off-Site Improvements

**C. ESTIMATE OF INCOME:**

27. Number of Family Type Unit	Living Area (Square Feet)	Composition of Units	Unit Rent Per Month	Total Monthly Rent for Unit Type
36 Eff.	464	Living, sleeping alcove, kitchen, bath	\$ 420	\$ 15,120
69 1Br. A&C	550	Living, Br. Kitchen, Bath	\$ 455	\$ 31,395
24 1Br. B	624	Living, Br. Kitch. Bath, Balcony.	\$ 461	\$ 11,064
			\$	\$
			\$	\$
28. TOTAL ESTIMATED RENTALS FOR ALL FAMILY UNITS				\$ <b>57,579</b>
29. Number of Parking Spaces:				
<input type="checkbox"/> Attended <input checked="" type="checkbox"/> Self Park <b>66</b>				
Open Spaces _____ @ \$ _____ per month				
Covered Spaces _____ @ \$ _____ per month				
30. Commercial:				
Area-Ground Level _____ sq. ft., @ \$ _____ per sq. ft./month				
Other Levels _____ sq. ft., @ \$ _____ per sq. ft./month				
31. TOTAL ESTIMATED GROSS PROJECT INCOME AT 100% OCCUPANCY				\$ <b>57,579</b>
32. TOTAL ANNUAL RENT (from 31 x 12 months)				\$ <b>690,948</b>

33. Gross Floor Area: <b>96,934</b> sq. ft.	34. Net Rentable Residential Area: <b>71,458</b> sq. ft.	35. Net Rentable Commercial Area: <b>0</b> sq. ft.
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**36. NON-REVENUE PRODUCING SPACE**

Type of Employee	No. Rooms	Composition of Unit	Location of Unit in Project
Manager	1	Office	Ground Floor

**D. EQUIPMENT AND SERVICES INCLUDED IN RENT: (Check Appropriate Items)**

<p>37. EQUIPMENT:</p> <input checked="" type="checkbox"/> Ranges (Gas or Elec.) <input type="checkbox"/> Dishwasher <input checked="" type="checkbox"/> Refrig. (Gas or Elec.) <input checked="" type="checkbox"/> Carpet <input checked="" type="checkbox"/> Air Cond. (Equip. Only) <input checked="" type="checkbox"/> Drapes <input checked="" type="checkbox"/> Kitchen Exhaust Fan <input type="checkbox"/> Swimming Pool <input type="checkbox"/> Laundry Facilities <input type="checkbox"/> Tennis Court <input type="checkbox"/> Disposal <input type="checkbox"/> Other (Specify) _____	<p>38. SERVICES:</p> <b>14</b> <input checked="" type="checkbox"/> Heat <input checked="" type="checkbox"/> Hot Water <b>GAS:</b> <input checked="" type="checkbox"/> Cooking <input type="checkbox"/> Air Conditioning <b>ELEC.:</b> <input type="checkbox"/> Heat <input type="checkbox"/> Hot Water <input type="checkbox"/> Cooking <input checked="" type="checkbox"/> Air Conditioning <input checked="" type="checkbox"/> Lights, etc., in Unit <b>To 3000W</b> <b>OTHER FUEL:</b> <input checked="" type="checkbox"/> Oil <input type="checkbox"/> Gas <input type="checkbox"/> Hot Water <input checked="" type="checkbox"/> WATER <input type="checkbox"/> Other _____	<p>39. SPECIAL ASSESSMENTS:</p> <input type="checkbox"/> Prepayable <input type="checkbox"/> Non-Prepayable b. Principal Balance \$ _____ c. Annual Payment \$ _____ d. Remaining Term _____ years
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15' 30" 433a

65' 10'

33'

CITY OF NEW BRUNSWICK

NORTH BRUNSWICK TOWNSHIP

EDISON TOWNSHIP

EAST BRUNSWICK TOWNSHIP

BORO OF SAYREVILLE

BORO OF MILLTOWN

N. J. TURNPIKE

RT 18

LAKE AVE

BORO OF SOUTH RIVER

LOCATION MAP





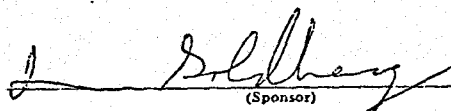
I. NAMES, ADDRESSES AND TELEPHONE NUMBERS OF THE FOLLOWING:	
<p>1. SPONSOR(S): Name, Address, and ZIP Code:</p> <div style="border: 1px solid black; padding: 5px; min-height: 60px;">                     Lake View Apts. Co.                      Room 103                      181 S. Franklin Ave.                      Valley Stream, N.Y. 11581                 </div> <p>Telephone Number: 515-791-6660</p>	<p>2. CONTRACTOR: Name, Address and ZIP Code:</p> <div style="border: 1px solid black; padding: 5px; min-height: 60px;">                     Owner-Builder                 </div> <p>Telephone Number:</p>
<p>1a. Name, Address and ZIP Code:</p> <div style="border: 1px solid black; padding: 5px; min-height: 60px;">                     Partners in the Lake View Co.                      are Sydney &amp; Arthur Engel at                      the above address, and                      Irwin Goldberg, Alan Blauth,                      and Bruce Miller                      Bridge &amp; Union Sts.                      Lambertville, N.J. 08530                 </div> <p>Telephone Number: 609-397-1785</p>	<p>3. SPONSOR'S ATTORNEY: Name, Address and ZIP Code:</p> <div style="border: 1px solid black; padding: 5px; min-height: 60px;">                     Steven Moreland                      25 N Main St.                      Lambertville, N.J. 08530                 </div> <p>Telephone Number: 609-397-3400</p>
<p>1b. Name, Address and ZIP Code:</p> <div style="border: 1px solid black; padding: 5px; min-height: 60px;"> </div> <p>Telephone Number:</p>	<p>4. ARCHITECT: Name, Address and ZIP Code:</p> <div style="border: 1px solid black; padding: 5px; min-height: 60px;">                     Blauth-Miller                      Bridge&amp;Union Sts.                      Lambertville, N.J. 08530                 </div> <p>Telephone Number: 609-397-1775</p>

**J. CERTIFICATION:**

The undersigned, as the principal sponsor of the proposed mortgagor, certifies that he is familiar with the provisions of the Regulations of the Federal Housing Commissioner under the above identified Section of the National Housing Act and that to the best of his knowledge and belief the mortgagor has complied, or will be able to comply, with all of the requirements thereof which are prerequisite to insurance of the mortgage under such section.

The undersigned further certifies that to the best of his knowledge and belief no information or data contained herein or in the exhibits or attachments listed herein are in any way false or incorrect and that they are truly descriptive of the project or property which is intended as the security for the proposed mortgage and that the proposed construction will not violate zoning ordinances or restrictions of record.

The undersigned agrees with the Federal Housing Administration that pursuant to the requirements of the FHA Regulations, (a) neither he nor anyone authorized to act for him will decline to sell, rent or otherwise make available any of the property or housing in the multifamily project to a prospective purchaser or tenant because of his race, color, religion or national origin; (b) he will comply with federal, state and local laws and ordinances prohibiting discrimination; and (c) his failure or refusal to comply with the requirements of either (a) or (b) shall be proper basis for the Commissioner to reject requests for future business with the sponsor identified or to take any other corrective action he may deem necessary.

Date: March 8, 1977      Signed:   
(Sponsor)

**REQUEST FOR COMMITMENT:**     Conditional     Firm

**TO: FEDERAL HOUSING COMMISSIONER:**

Pursuant to the provisions of the Section of the National Housing Act identified in the foregoing application and FHA Regulations applicable thereto, request is hereby made for the issuance of a commitment to insure a mortgage covering the property described above. After examination of the application and the proposed security, the undersigned considers the project to be desirable and is interested in making a loan in the principal amount of \$ \_\_\_\_\_ which will bear interest at \_\_\_\_\_%, will require repayment of principal over a period of \_\_\_\_\_ months according to amortization plan agreed upon.

Insurance of advances during construction  is,  is not desired.

It is understood that the financing expense, in the amount of \$ \_\_\_\_\_ is subject to adjustment so that the total will not exceed \_\_\_\_\_% of the amount of your commitment.

Herewith is check for \$ \_\_\_\_\_, which is in payment of the application fee required by FHA Regulations.

Signed: \_\_\_\_\_  
(Proposed Mortgagee)

Address of Mortgagee: \_\_\_\_\_

**FOR FHA USE ONLY**

Received					
Amount					

April 13, 1977

Mr. Walter J. Johnson  
Area Office Director  
Department of Housing & Urban Development  
Newark Area Office  
Gateway One Building, Raymond Plaza  
Newark, N. J. 07102

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Re: 2.4FM: Dungee  
Project #NJ39-0015-008  
Lakewview Apartments  
East Brunswick, N. J.

Dear Mr. Johnson:

In response to your letter of April 11, 1977, we wish to state that this proposal is consistent not only with our amended Housing Assistance Plan but with the goals and policies of the Township of East Brunswick. The preliminary publicity received by this project has generated spontaneous enthusiastic response from our senior citizens. Despite our protestations that the project is still not approved, we have been forced to start a waiting list for the apartments.

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We look forward to your evaluation of this project in meeting HUD guidelines. If we can be of any further assistance, do not hesitate to contact me or our Manager of Housing and Community Development, Roberta Halven,

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Sincerely,

William F. Fox  
Mayor

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April 15, 1977

Mr. James Bowers  
Department of Housing & Urban Development  
Raymond Boulevard  
1 Gateway Plaza  
Newark, New Jersey

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Re: Project No. N.J. 39-0015-008

Dear Mr. Bowers:

It has come to our attention that HUD is concerned about the location of Seacoast Laboratories adjacent to the site for the proposed Senior Citizens' Housing to be located in East Brunswick.

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We have ascertained from Mr. Richard Baker, of Seacoast Laboratories, that this is a small operation. They occupy 60,000 square feet of space in which they package agricultural chemicals for the retail market. Most of this space is devoted to warehousing. The total number of employees during their busy season is eight. They average three or four employees most of the year. There is no outside operation. The only inside facility which is required in their operation by OSHA is a dust collector.

We have had no complaints from any of the residents of the existing apartments or their owners in the area about the operation of this facility.

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If we can be of any further assistance in this matter, please do not hesitate to call.

Sincerely,

William F. Fox  
Mayor

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WFF:cek

cc: Mrs. Roberta Nalven/

**NOTICE**

**TOWNSHIP OF EAST BRUNSWICK**  
TAKE NOTICE that the following ordinance was passed on first reading by the Township Council of the Township of East Brunswick at a meeting held on April 25, 1977, and that said ordinance will be further considered for final passage at a regular meeting of the Council to be held at 8:00 P.M., May 9, 1977, at the East Brunswick Public Library, 2 Jean Valling Civic Center, in the Township of East Brunswick, at which time and place a public hearing will be held and all persons will be given an opportunity to be heard concerning said ordinance.

DAVID J. GERMAIN  
Municipal Clerk

**ORDINANCE 77-264-B**

**ORDINANCE AMENDING CHAPTER XXVII AND USE, BY PROVIDING PROCEDURES AND STANDARDS FOR PLANNED UNIT RESIDENTIAL DEVELOPMENT**

WHEREAS, the East Brunswick Planning Board has adopted a resolution on March 15, 1977 recommending that the East Brunswick Township Council adopt the following ordinance and

WHEREAS, the East Brunswick Planning Board further resolved on the aforesaid date that the Township Council should adopt an amendment to the zoning ordinance in accordance with a certain map entitled "Proposed Zoning" and further identified as TGI, dated March 16, 1977, and bearing the initials of Carl Hintz, Planning Manager;

WHEREAS, the Township of East Brunswick wishes to prevent strip commercial development and to preserve the residential integrity of a area.

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of East Brunswick, Middlesex County, New Jersey, as follows:

SECTION 1. Chapter XXVII of the revised General Ordinances of the Township of East Brunswick is hereby amended by inserting the following as R.G.O. 27, Article VIII, Section :

SECTION 2. Chapter XXVII, Article VIII, Section 10. Planned Unit Residential Development.

a. AUTHORITY. This ordinance is adopted pursuant to N. J. S. 40:55D.

b. Purpose and Intent. In order for a Township of East Brunswick to set its responsibility to protect and defend its natural resources, ecological systems, open spaces, natural beauty and the value of the property within the Township while, at the same time, recognizing the increased urbanization occurring within its boundaries, and attempting to meet its responsibilities to its fair share of the region's need to provide for the construction of housing; and the Township, having studied and analyzed its environmental and natural resources and a potential hazards to those resources in anticipation of future development, and having undertaken studies as major steps in creating long range plans directed towards the accommodation of housing and other development, while avoiding environmental degradation and its attendant threats to public health and safety, the Township Council of the Township of East Brunswick hereby declares it to be in the general interest of the health, safety and welfare of the inhabitants of the Township of East Brunswick to act in harmony with the objectives of this Ordinance and the Township's adopted Master Plan to permit greater flexibility in design, layout and construction in housing development than heretofore, so as to encourage retention and preservation of woodlands, surface water, swamps, aquifers, aquifer recharge areas, poorly drained soils, flood plains and other open space land for aesthetic and scenic beauty, passive recreation, rejuvenation of retired areas and preservation of the ecological systems of the Township; and encourage innovations in design to reflect changes in land development technology and to provide for necessary educational and recreational facilities conveniently located near housing; and in such zones where applicable, to provide for necessary commercial facilities and services; to insure compatibility among various land uses; to conserve the value of the land and to encourage more efficient use of land

and of public services; and to encourage better transportation of people; and to prevent strip commercial development and to preserve the residential integrity of the area.

Section 11. PURD OPTION ZONE includes the land described in Schedule A annexed hereto, notwithstanding the fact that the boundaries are not shown on the zoning maps.

Section 12. STANDARDS FOR DEVELOPMENT. No planned unit residential development under this Ordinance shall take place except upon tracts of land having a minimum of forty (40) contiguous acres having sufficient access to an existing improved street, except the Village Green Two A which shall take place upon tracts of land having a minimum of twenty-five (25) contiguous acres having sufficient access to an existing improved street.

Section 13. RESIDENTIAL DENSITY LIMITATIONS

a. Gross density per acre shall be as follows (unless increased under exceptions in Sections b and c below).

(1) Village Green One - Three dwelling units per acre

(2) Village Green Two and Two A - Three (3) dwelling units per acre

(3) Village Green Three - Five (5) dwelling units per acre

(4) Town Green - Nine (9) dwelling units per acre

(5) Town Green - Twelve (12) dwelling units per acre

b. The gross densities of planned unit residential development may be increased by the municipal agency considering an application for development in accordance with the standards set forth in this section, not to exceed the following:

(1) Village Green Two and Two A - Five (5) dwelling units per acre

(2) Village Green Three - Eight (8) dwelling units per acre

(3) Town Green - Twelve (12) dwelling units per acre

(4) Gross densities of planned unit residential development may be increased as set forth in (b) above, where the developer provides, or causes others to provide, dwelling units for low or moderate income (as defined elsewhere in this Ordinance) families or individuals, including senior citizens, whether for sale or rental, in the ratio of one additional unit of conventional housing per acre for each unit of low or moderate income housing per acre provided by the developer. Such housing shall include, but need not be limited to, housing or mortgage financing which is provided pursuant to any federal, state or private subsidy program whose object is to provide low and moderate income housing. The foregoing shall not include a developer from compliance with this provision by any other means provided that such alternate means shall provide low and moderate income housing upon terms and conditions substantially equivalent to those available through any of the foregoing methods. The developer shall submit to the municipal agency for its approval in writing a plan by which such low and moderate income housing shall be provided by the developer and maintained as such low and moderate income housing thereafter.

Section 14. NET RESIDENTIAL DENSITY

a. Net density for residential lands of planned unit residential development shall be as follows:

(1) single-family cluster detached - 7 d.u./ac.

(2) single-family cluster attached - 8 d.u./ac.

(3) patio houses/atrium houses - 9 d.u./ac.

(4) townhouses - 12 d.u./ac.

(5) multi-family housing - 16 d.u./ac.

b. Net density may be increased above the densities set forth in subdivision a. above of this section, not to exceed the following densities, if the increased density of housing units is devoted to senior citizen low and moderate income housing as defined elsewhere in this Ordinance:

(1) single-family cluster detached - 8 d.u./ac.

(2) single-family cluster attached - 9 d.u./ac.

(3) patio houses/atrium houses - 11 d.u./ac.

(4) townhouses - 14 d.u./ac.

(5) multi-family housing - 20 d.u./ac.

Section 15. OPEN SPACE/COMMON RECREATION LANDS

a. Not less than twenty-five percent of the total land area of any planned unit residential development shall be designated for open space or common recreation lands. Such designated open space shall consist of land in a natural state, or land developed for specific recreational purposes and shall be specified as to its intended use, including areas for wildlife preservation. Parcel size shall be a minimum of five contiguous acres, which may be irregularly shaped. Such designated open space shall not include yard areas of lots in private individual ownership, land area within the right-of-way of a public or private street, and buildings where the principal use of such lands is to provide pedestrian access to and from buildings. Such open space may be deeded to the Township or dedicated to a homeowners association or trust, which incorporation and bylaws shall be approved by the Planning Board, subject to but not limited to the provisions of R.G.O. 23-9 (Cluster Subdivision) and 24-5.5 (Cluster Zoning).

Section 16. STANDARDS FOR RESIDENTIAL DEVELOPMENT.

a. Single family cluster (detached)

(1) Architectural character of each dwelling unit shall be compatible in style, size, color and materials with all proposed dwelling units in the same neighborhood surrounding the unit.

(2) Height shall be limited to twenty-five feet (25')

(3) Minimum lot size shall be 3200 square feet.

(4) Minimum setback for all structures from any street (public or private) or from any common parking area for two adjacent units shall be ten feet (10'). Minimum setback for all structures from any collector or arterial street as defined elsewhere in this Ordinance shall be fifty feet (50').

(5) Parking requirements shall average two and a quarter (2.25) spaces per dwelling unit, except for senior citizen housing for which parking requirements may be reduced by the Planning Board to not less than .5 spaces per unit. Parking may be reduced to average by the Planning Board to not less than 1.5 spaces per dwelling unit for low and moderate income housing.

(6) Minimum separation between units shall be twenty feet (20').

b. Single Family cluster (attached)

(1) Architectural character of dwelling unit must be compatible in style, size, color and materials with proposed dwelling units in the same neighborhood surrounding the unit.

(2) Height shall be limited to twenty-five feet (25').

(3) Minimum lot size shall be 3200 square feet.

(4) Minimum setback for all structures from any street (public or private) or from any common parking area shall be ten feet (10'). Minimum setback for all structures from any collector or arterial street as defined elsewhere in this Ordinance shall be fifty feet (50').

(5) Parking requirements shall be two and a quarter (2.25) spaces per dwelling unit, except for senior citizen housing which may be reduced by the Planning Board to not less than .5 spaces per unit.

(6) Units shall be attached in such a manner as to provide maximum safety and privacy for adjoining units.

c. Patio Houses

(1) Architectural character of dwelling unit must be compatible in style, size, color and materials with proposed dwelling units in the same neighborhood surrounding the unit.

(2) Height shall be limited to twenty-five feet (25').

(3) Minimum lot size shall be 3200 square feet.

(4) Minimum setback for all structures from any street (public or private) or from any common parking area shall be ten feet (10'). Minimum setback for all structures from any collector or arterial street as defined elsewhere in this Ordinance shall be fifty feet (50').

(5) Parking requirements shall be two and a quarter (2.25) spaces per dwelling unit, except for senior citizen housing which may be reduced by the Planning Board to not less than .5 spaces per unit.

(6) Units shall be attached in such a manner as to provide maximum safety and privacy for adjoining units.

(7) No more than twenty dwelling units shall be connected to form one structure.

(8) Groupings of structures shall be separated by a maximum of fifteen feet (15') to allow for rear fire access in which areas planted shall not block or prevent access in case of emergency.

(9) Such patio area shall be not less than 400 square feet in size, having no single dimension of less than 15 feet (15'), shall be completely clear of structures, and shall be designed for the recreational use of the occupants of the dwelling unit. The patio may be at ground level or elevated, and may be composed of any materials designed to create a patio surface, or may be a wood deck area, or other surface or structure or combination thereof in whole or in part. Adequate visual screening from neighboring dwelling units, patios, adjacent parking areas and roadways shall be provided, which may consist of plantings, masonry structures, or wood fencing. Architectural elements such as masonry walls and fences shall be compatible in both style and materials with the dwelling unit of which it is a part.

d. Town Houses

(1) Architectural character of dwelling unit must be compatible in style, size, color and materials with proposed dwelling units in the same neighborhood surrounding the unit.

(2) Height shall be limited to three stories or thirty-five feet (35') whichever is less.

(3) Minimum tract size shall be five acres.

(4) Minimum setback for all structures from any street (public or private) or from any common parking area shall be ten feet (10'). Minimum setback for all structures from any collector or arterial street as defined elsewhere in this Ordinance shall be fifty feet (50').

(5) Parking requirements shall be two and a quarter (2.25) spaces per dwelling unit, except for senior citizen housing which may be reduced by the Planning Board to not less than .5 spaces per unit.

(6) Units shall be attached in such a manner as to provide maximum safety and privacy for adjoining units.

(7) Not more than twelve dwelling units in any single town house structure shall be constructed in a manner so as to form one linear plane. No more than twenty such units may be included in a structure having units constructed on more than one linear plane.

(8) Town house units attached on a single linear plane shall not exceed a length of three hundred feet (300').

(9) The front facades of at least 40% of the number of units which are attached in a structure having a single linear plane shall be set back not less than ten feet (10') behind the facades of the remaining units in such structure.

(10) The rooflines of at least 30% of the number of units which are attached in a structure having a single linear plane shall be staggered in height by not less than 5% of the height of the rooflines of the remaining units in such structure.

(11) No town house structure shall be closer than twenty feet (20') from any other such structure to allow for fire access.

(12) Where an outdoor living space is included for each or any particular unit, it shall be provided with adequate visual screening from all other neighboring dwelling units, outdoor living spaces, parking areas and roadways. Screening may be accomplished with plant materials, masonry structures, or wood fencing. Architectural elements such as masonry walls and fences shall be compatible in both style and materials with the dwelling unit.

e. Apartments (multi-family units)

(1) Height shall be limited to three (3) stories or thirty-five feet (35') whichever is less.

(2) Minimum tract size shall be four acres.

(3) Minimum setback for all structures from any street (public or private) or from any common parking area shall be ten feet (10'). Minimum setback for all structures from any collector or arterial street as defined elsewhere in this Ordinance shall be fifty feet (50').

(4) A maximum of twenty units shall be contained in any one structure.

(5) Parking requirements shall be one and three quarters (1.75) spaces per dwelling unit, except for senior citizen housing for which parking requirements may be reduced by the Planning Board to not less than .5 spaces per unit.

f. Apartments in mixed use structures (applicable to Town Green Zone only).

(1) Height shall not exceed thirty-five feet (35') or three stories for the total structure.

(2) Parking requirements shall be one and three quarters (1.75) spaces per dwelling unit, except for senior citizen housing for which parking requirements may be reduced by the Planning Board to not less than .5 spaces per unit.

(3) All other standards applicable to Section 16.g shall apply.

g. Non-residential Uses (applicable to Town Green Zone only).

(1) All standards set forth in R.G.O. 24.3 shall apply.

Section 17. INFRA-STRUCTURE

a. Parcel size and location of public facilities shall be substantially in accordance with guidelines established in the Township Comprehensive Master Plan, provided, however, that upon due cause shown the Planning Board may vary the location of same from the location shown in the Master Plan.

(1) Site to be dedicated for school purposes shall be reviewed and approved by the Board of Education and the Planning Board.

(2) Sites to be dedicated for municipal purposes shall be reviewed and approved by the Planning Board.

b. All public utilities shall be installed in accordance with the Township subdivision ordinance standards; all PURD development shall be tied into approved and adequate public sanitary sewerage and water systems.

(1) All water systems shall be looped of a size and type as approved by the Township Engineer.

(2) All sewerage systems shall be approved by the East Brunswick Sewerage Authority.

c. Streets, roads, sidewalks and bikeways shall comply with the design standards set forth in the East Brunswick subdivision ordinance.

1) Road configurations and proposed alignments described in the Master Plan, Town Green Subsection, shall govern in all PURD Zones.

roadway widths shall conform to standards set forth in the East Brunswick Revised General Ordinances or standards promulgated by Middlesex County, whichever is applicable.

all streets and roads shall intersect at right angles with other streets.

Refuse and refuse collection areas shall be provided and shall be located for the occupants' convenience. All such areas shall be screened with evergreens on at least two sides of the refuse and pick-up area, planted at a height of at least four feet, with a maximum growth of at least six feet in height. All plants shall be approved in accordance with the landscape ordinance of East Brunswick Township.

Section 18. DESIGN EFFICIENCY. Pedestrian sidewalks shall be provided in such locations, including entrances and exits where normal pedestrian traffic will occur. Where appropriate, bikeways may be provided instead of sidewalks. Provision of bikeways along streets shall be made upon determination and requirement by the Planning Board and the Master Plan where applicable. Each parking space shall follow standards of East Brunswick T.G.O. Parking spaces shall be provided in accordance with standards provided, however, that the Planning Board may reduce the number of spaces for senior citizens housing.

Access to off-street parking areas shall not be through entrances directly abutting streets, but shall be connected to streets by means of access driveways situated between the parking areas and adjacent streets, not less than 15 feet long.

Off-street parking lot shall contain more than fifty spaces. The distance between parking lots and dwelling units shall be a minimum of ten feet.

Driveway racks shall be provided outside public and commercial buildings.

Section 19. ENVIRONMENTAL. Development shall be in conformity with the Master Plan, Town Green Subsection and all account for all relevant environmental factors as outlined in the Subsection or the East Brunswick Natural Resource Inventory. Any proposal for development that would conflict with the environmental review criteria as found within this study must be justified by appropriate soil documents, geotechnical information, and other environmental data. Any development which does not conform to the Town Green Subsection, in terms of the environmental review criteria, need not submit environmental documents as part of the application. However, additional investigation may be required and may be required part of the submission of the RD development to the Planning Board. Such additional information would include but not be limited to test borings for geologic factors, detailed topography no less than two-foot contour intervals, and such other similar information as may be required by the Planning Board.

Grading and other surface covers should be limited to the extent possible to the incorporation of increased building height up to the maximum permitted; the use of parking in other buildings; reduction of asphalt pavement for roads; use of permeable surfaces for paving wherever possible; and the utilization of open space areas for aquifer recharge. Non-point source pollutants should be handled by using rainwater retention facilities, in an attempt to reduce the amount of potential pollutants entering into the aquifer. Such areas should be seeded with appropriate vegetative material satisfactory to the Planning Board, to filter silt and other pollutants to the surface and underground waterily systems.

Natural surface drainage structures should be utilized wherever possible. All applications must be submitted to the Soil Conservation Service for review and recommendations. All such structures should be set back at least fifty feet from any stream course or natural drainage way unless flood plain information indicates that there should be a further setback. Swamp areas should not be developed but should be included as open space areas. All trees over six inches in calliper shall be shown on the development plans by methods approved by the Planning Board.

Section 20. QUALITY AND AMENITY.

a. Landscaping shall be provided and installed by the developer in accordance with the Landscaping Ordinance. A plan showing all plant materials, existing or proposed, shall be submitted with the application for development.

b. The developer may provide sufficient recreation facilities and equipment in accordance with National Recreation Association standards which shall be reviewed and approved by the Division of Parks and Recreation.

c. A strip of land fifty feet wide shall be reserved for a landscaped buffer between any new development of Townhouses or multi-family units pursuant to this Ordinance, and any single-family detached residential dwellings existing as of the time when such new development is commenced. Such buffer area shall be planted by the developer with a mixture of deciduous and coniferous plant material at a minimum height of four (4) feet and maintained at a height of a minimum of six (6) feet. An earth berm of a minimum of three (3) feet in height may be installed in such a fifty (50) foot landscaped buffer area, in which case the height of the plant materials may be revised as approved by the Planning Board at the time of final site plan approval.

Section 21. TIMING OF DEVELOPMENT.

The number of dwelling units and square footage of non-residential uses which may be constructed by the developer during any year, may be regulated by the Planning Board at a rate which would not create excessive demands on any municipal facility or services available to serve the area proposed for development. Such development as may be allowed pursuant herein shall be controlled by means of the issuance of building permits at a rate allowed by the Planning Board at time of preliminary approval, based upon the projected development.

b. The time of development, including the type and number of residential uses, number and type of non-residential uses, public and semi-public facilities and required utilities and services, shall be established by resolution of the Township Planning Board and the developer and approved by the Planning Board at the time when preliminary approval is granted.

Section 22. PROCEDURE FOR APPROVAL.

a. Application for planned unit residential development shall be made in (number of copies) on the form provided by the Township, which shall be considered an application for preliminary approval.

- b. The application shall set forth the following: (1) name and address of the applicant; (2) name and address of the owner, if different from the applicant; (3) the location of the land proposed to be developed, including tax lot and block numbers; (4) the nature of the applicant's interest in the land; (5) the density of land use to be allocated to various parts of the site; (6) the location, type, standards and size of recreational and community facilities of all open space; (7) the form or organization proposed to own and maintain common open space.

(8) the use, approximate height, bulk and location of buildings or other structures.

(9) the proposed provision for disposition of storm and sanitary water.

(10) the substance of any covenants, grants, easements, or any covenants proposed to be imposed upon the land or buildings, including easements for public utilities, to the extent known.

(11) the proposed provisions for parking.

(12) locations and widths of proposed streets and rights-of-way.

(13) the projected schedule for development and the approximate times when final approvals would be requested.

(14) a statement of why the public interest would be served by the proposed development, such statements to be supported by a detailed economic, social and physical study.

(15) the proposed number of bedrooms for all dwelling units.

(16) delineation of pedestrian walkways, nature paths and bicycle paths, which must be in conformity to any adopted master plan for bicycle paths.

(17) delineation of natural features which will be preserved, such as ponds, natural drainage, trees, etc.

c. Submission of Application: Any landowner(s) shall file twenty-five (25) copies of the maps of the proposed development plan with the secretary of the Planning Board, who shall distribute the copies as follows:

- (1) Five (5) copies for filing with Planning Board.
(2) Two (2) copies to Manager of Development Services
(3) One (1) copy to Manager of Code Management Services
(4) One (1) copy to Director of Health, Environment and Welfare
(5) Three (3) copies to Middlesex County, Planning Board.
(6) One (1) copy to New Jersey State and Regional Planning in the Department of Community Affairs.
(7) One (1) copy to Fire Marshall.
(8) Other officials and agencies at the discretion of the Planning Board.

d. Public Hearing and Consideration by the Planning Board.

Within forty-five (45) days after the submission meeting of the complete application for preliminary approval, a public hearing on said application shall be given in the manner prescribed in R.S. 40:55D-10 et seq. for hearing on amendments to a zoning ordinance, at least ten (10) days prior to the time appointed for the hearing by the Planning Board of the proposed preliminary plan. The applicant shall give notice to all property owners within two hundred (200) feet of the extreme limits of the preliminary plan, as shown by the most recent tax list of the Township of East Brunswick. Such notice shall be given by sending written notice thereof by registered or certified mail, return receipt requested, to the last known address of the property owner, as shown by the most recent tax list of the Township of East Brunswick, or by handing a copy thereof to the said property owner, or by leaving a copy thereof at their usual place of abode. Said notice shall state the time and place of the hearing and a brief description of the proposed preliminary plan. The application shall also cause said notice of the hearing to be published in the official newspaper at least ten (10) days prior to the hearing. Proof of service and publication shall be filed with the Planning Board at the time of the hearing of the proposed preliminary plan. The Chairman, or in his absence, the Acting Chairman of the Planning Board may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses. A

transcript of the hearing shall be provided by the developer with a copy to the Planning Board; copies of which shall be made available, at cost, to any party to the proceeding and all exhibits accepted in evidence shall be identified and duly preserved, or, if not accepted in evidence, shall be identified and the reason for their exclusion clearly noted in the record.

Conduct of Hearing: At the public hearing the applicant shall present evidence as to (1) its general character and substance; (2) objectives and purposes to be served; (3) adequacy and completeness of standards; (4) satisfactory application of standards in specific details of design and organization of elements and plans; (5) scale and scope; (6) economic feasibility; (7) time factors and sequential development potentials; (8) conformity to comprehensive plans for Township development; (9) traffic and circulation impact and provisions; (10) an impact on the school system in terms of projected number of students and grade levels; (11) a listing of amenities; (12) analysis of the impact on the environment; (13) to this end, final evidence and expert opinion shall be submitted by the applicant in the form of such necessary maps, charts, reports, models and other tangible materials and in the form of sworn testimony by experts such as landscape architects, architects, professional planners, engineers, economists and realtors as well clearly stated for the record the full nature and extent of the proposal.

e. Preliminary Approval. Following the public hearing and within ninety-five (95) days and based on the foregoing evidence, the Planning Board shall either (1) grant preliminary approval of the plan as submitted; or (2) grant preliminary approval subject to specific conditions not included in the plan as submitted or modified; or (3) deny preliminary approval to the plan.

f. Conclusions and Granting or Denial of Plan. The granting or denial of preliminary approval shall be by written resolution, including but not limited to, the findings of fact and conclusions setting forth in what respects the plan would or would not be in the public interest and (1) in what respect the plan is or is not consistent with the statement of objectives of a planned unit residential development; (2) the purpose, location and amount of the common open space in the planned unit residential development, the reliability of the proposals for maintenance and conservation of the common open space and the adequacy or inadequacy of the amount and purpose of the common open space, as related to the proposed density and type of development; (3) the physical design of the plan and manner in which the design does or does not make adequate provision for public services, provide adequate control over vehicular traffic and further amenities of light and air, recreation and visual enjoyment; (4) the relationship, beneficial or adverse, of the proposed planned unit residential development to the neighborhood in which it is proposed.

Implementation in Section or Stages. As a condition to preliminary approval of the planned unit residential development plan, the Planning Board may permit the implementation of the plan in whole or in sections or stages, consisting of one or more sections or stages, under the sequence of actions determined as part of the planned unit residential development district plan. Such sections or stages shall be (1) substantially functionally self-contained and self-sustaining with regard to access, parking, utilities, open spaces and similar physical features and capable of substantial occupancy, operation and maintenance upon completion of the construction and development; (2) properly related to other services of the community as a whole and to those facilities and services yet to be provided

in the full execution and implementation of the planned unit residential development district; (3) provided with such temporary or permanent transitional features, buffers, or protective areas as the Planning Board may require under conditions of ownership and maintenance, as will prevent damage or detriment to any completed section or stage to other sections or stages and to adjoining properties not in the planned unit residential development plan. Plans and specifications of such sections or stages are to be filed with the Planning Board and are to be of sufficient detail and at such a scale as to fully demonstrate the following:

—arrangement and site location of all structures, primary and accessory land uses, parking, landscaping, public and private utilities and service facilities and land ownership conditions;

—estimates of the economic base of the section or stage and its one or more sections or stages as supported by such evidence as the estimated cost and market values of structures and land improvement; increase of taxable values; cost of maintenance and services to be borne by public and private agencies; potential rental scales; cost of utility installations, etc.

—estimate of its social characteristics, such as the size and composition of future population in terms of probable family size as occupants of the several unit dwelling types; and need for public services and protection, for recreational facilities and for commercial and professional services; anticipated rental scales, etc.

—such further evidence as shall demonstrate conformity to and support of principles and objectives of the Township Master Plan and the Town Green Study, and the enhancement of the living standards of the community with conformity to the balance of residential, commercial and public land utilization and the economic base, as established in the planned unit residential development district plans.

j. ISSUANCE OF PERMITS: upon finding that the plans and specifications for the proposed development of the section or stage conform to the above conditions, the Planning Board shall so inform the administrative officers as are charged with the issuance of permits for the construction of utilities or structures and that upon presentation of requisite parking drawings and specifications, such permits may be issued. Upon substantial completion of any section or stage which shall include all performance bonds, covenants and public instruments to assure such completion, and before proceeding with the review and approval of additional sections or stages, the Planning Board may require a report and review of the status, character and conditions of it and other previously completed sections or stages with regard to their compliance with the plans, specifications and estimates which formed the basis for their approval. Upon finding that such compliance has occurred, the Board may initiate proceedings for the review of the new section or stage.

k. MODIFICATIONS OR ADJUSTMENTS: as a further condition for approval of later sections or stages, the Board may require or permit adjustments or modifications in the conditions established in the approved Planned Unit Residential Development District plan to compensate for differences between the estimates of record on previously approved and completed sections or stages as required under Section 22 (i), above, and the actual conditions prevailing on their completion. In this regard, consideration may be given to the balance of land use established, consistency with the conditions of the Planned Unit Residential Development District plan, extent of variance from the social and economic estimates on which previous approval may have been based, overall community and minimum requirements established elsewhere in this chapter and the effects of unforeseen changes, extreme conditions or unexpected advantages which may have resulted during the time of construction and development. On determining that

such adjustments or modifications are reasonable, the Planning Board shall follow in full the procedure and conditions herein required for original submission and review.

Final Approval Must Be Made: If preliminary approval is granted, with or without conditions, there shall be set forth in the written resolution the time within which an application for final approval of the plan shall be filed, or, in the case of a plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. The time so established between grant of preliminary approval and an application for final approval shall not be less than three months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than six months, provided nothing herein contained shall be construed to limit a landowner from the presentation of an application for final approval earlier than the time period hereinabove set forth.

In the event that plan is given preliminary approval, with or without conditions and thereafter, but prior to final approval, the landowner shall elect to abandon part or all of the plan and so notify the Planning Board in writing, or in the event the landowner shall fail to file application for final approval within the required period of time or times, as the case may be, preliminary approval shall be deemed to be revoked.

m. Application for Final Approval: (1) application for final approval may be for all the land included in a plan, or, to the extent set forth in the preliminary approval, for a section thereof. Applications shall be made to the Planning Board Secretary within the time specified by the resolution granting preliminary approval. The application shall include such drawings, specifications, covenants, easements, conditions and form of performance bond as set forth by written resolution of the municipal authority at the time of preliminary approval. A public hearing on an application for final approval of the plan, or part thereof, shall not be required, provided the plan, or part thereof, submitted for final approval, is in substantial compliance with the plan theretofore given preliminary approval; (2) a plan submitted for final approval shall be deemed to be in substantial compliance with the plan previously given preliminary approval, provided any modification by the landowner of the plan as preliminarily approved does not: vary the proposed net residential density or intensity of use by more than 5% while still remaining within the number of units permitted under the maximum gross density; substantially relocate the common open space area; increase by more than ten percent (10%) the floor area proposed for non-residential use; increase by more than five percent (5%) the total ground areas covered by buildings; involve a substantial change in the height of buildings. A public hearing shall not be held to consider modifications in the location and design of streets or facilities for water and for disposal of storm water and sanitary sewerage; (3) a public hearing shall not be held on an application for final approval of a plan when the plan is in substantial compliance with the plan as preliminarily approved. The burden shall, nevertheless, be on the landowner to show the Planning Board good cause for any variance between the plan as preliminarily approved and the plan as submitted for final approval. The Planning Board may refer to the conditions referred to above with regard to conditions of preliminary approval only if the applicant satisfies the Planning Board that such deviations were necessitated by a change of conditions beyond the control of the applicant prior to the date of preliminary approval. If such a demonstra-

tion cannot be made by the applicant, he shall be required to submit another application for development for preliminary approval.

n. Final approval shall be granted or denied within forty-five (45) days after submission of a complete application to the Administrative Officer, or within such other time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute final approval in accordance with R.S. 40:55D-50(b).

o. Validity of Final Approval: A plan, or any part thereof, which has been given final approval by the Planning Board, shall be so certified without delay by the Planning Board Chairman (or the Vice Chairman) and one member, and shall be filed of record forthwith in the office of the Town Clerk, by the developer, before any development shall take place in accordance therewith. Pending completion within five years of the planned unit residential development, or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of the plan, or part thereof, as so certified, shall be made, nor shall it be impaired except with the consent of the landowner and the Planning Board.

p. Petition for Review: Following approval of development plans, the issuance of permits and substantial progress in the completion of twenty-five per cent (25%) of the controlled density units thereof, measured as a percentage of the acreage or anticipated population, whichever shall be greater, the developer may petition for review in detail of the previously approved plans or units awaiting development or completion stating his reasons therefor. Reasons shall be based on such considerations as engineering, social or economic conditions, potential improvements in layout or design features, unforeseen difficulties or advantage mutually affecting the interests of the Township and the developer, such as federal projects and installations, and statutory revisions. The Planning Board, on finding such reasons and petition to be reasonable and valid, may consider the design in whole or in part as any Planned Unit Residential Development District and shall follow in full the procedure and conditions herein required for original submittal and review.

Section 23. DEFINITIONS FOR VILLAGE GREEN AND TOWN GREEN ZONE:

1. Atrium House: A single-family dwelling unit which may be structurally joined to at one but not more than two other similar dwelling units, not exceeding one story or twenty feet in height. All major rooms in such a unit open onto a central court or atrium bounded by three or four sides of the unit.
2. Contiguous Acres: The lands that abut each other or are separated only by streets, ways, easements, pipelines, electric power lines, conduits, or rights-of-way owned in fee or less than fee, by third parties.
3. Designated Open Space: A parcel or parcels of land or an area of water, or a combination of land and water within the site designated for a planned unit residential development and designed or intended for the use or enjoyment of residents and owners of the planned unit residential development. Designated open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the planned unit residential development.
4. Gross Density: The number of dwelling units per acre in a planned unit residential development, computed by dividing the total number of dwelling units that is permitted to be built in any given zone by total number of acres in the planned unit residential development, exclusive of planned, proposed or devoted to commercial uses. Gross acreage includes all dwelling units, parking roads, open space and recreation (if any).
5. Multi-family Unit: Dwelling units for rental or ownership not to

exceed 35 feet in height or three stories, whichever is less, and include accessory structures and uses normally auxiliary to the principal use.

6. Net Residential Density: The number of dwelling units per acre within any residential designated use area for a dwelling unit type or types, computed by dividing the number of dwelling units that are proposed for construction within that residential designated use area or portions thereof by the number of acres devoted to that type or types within that designated use area, exclusive of designated open space, but including parking and access drives for that particular area.
7. Patio House Unit: A single-family dwelling unit which has as a major design feature an outdoor living space, contiguous to, and structurally contained by, that dwelling unit, and which is joined to other similar units which have blank walls with no windows facing the patio of the adjoining dwelling unit, and which does not exceed a height of twenty-five feet.
8. Single-family Detached Dwelling Units (refer to Standards now existing in East Brunswick R.G.O.)
9. Single-family Cluster Attached Unit: A single family dwelling unit which is structurally joined to at least one, but not more than two, other similar dwelling units and which does not exceed a height of twenty-five feet.
10. Town House Unit: A single-family dwelling unit attached to three or more similar dwelling units in a single linear plane of not less than four, nor more than twelve, units, but which can be attached to a similar structure on another horizontal plane not to exceed twenty units and which shall not exceed a height of thirty feet.
11. Low or moderate income housing: Wherever this phrase is used, it includes but is not limited to housing at the least or lowest cost possible and feasible, conforming to state and federal definitions for low and moderate income housing, consistent with minimum standards of health and safety.

SECTION 24. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of the ordinance shall be deemed valid and effective.

SECTION 25. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 26. This ordinance shall take effect 20 days after final passage, adoption and publication according to law.

RICHARD SAARI  
Council President

ATTEST:  
DAVID GERMAIN  
Clerk

APPENDIX "A"  
TOWNGREEN

Block 319, Lot 10, 04  
Block 87, Lots 1, 2, 2, 3, 05  
Block 88, Lots 13, 14, 02, 14, 04, 14, 05, 15, 01, 15, 02, 15, 14, 05, 15, 01, 15, 02, 15, 11, 12, 03, 12, 04, 12, 05, 12, 06, 12, 07, 12, 08, 12, 12, 12, 14, 12, 16, 14, 02, 15, 05, 15, 06, 16

Block 322, Lots 8, 14, 8, 17, 8, 22, 10, 01, 11, 01, 27

and additional lands being part of Lot 10 in Block 87 more particularly described as follows:

BEGINNING at a point in the centerline of Cranbury Road said point being the division line between lots 1 and 10 in Block 87; thence

1. In a northeast direction along the centerline of Cranbury Road a distance of 351.99'; thence
2. In a northerly direction along the easterly property line of Lot 10 a distance of 657.79'; thence
3. In a westerly direction along the division line of Lots 10 and 11.02 a distance of 1,113.9' to the southwest corner of Lot 11.02; thence
4. In a westerly direction and in a direct line a distance of 1,170' plus/minus to the northeast corner of lot 5; thence
5. In a southerly direction along the rear property lines of Lots 5 and 20 a distance 390.87'; thence
6. In a southeasterly direction along the division line of Lots 1 and 10 a distance of 2,153.22' to the point of beginning.

VILLAGE GREEN I  
Block 87, Lots 5, 11.03, 13.05, 15.18, 13.16, 20

and additional lands being part of Lots 11.02 and 10 in Block 87, more particularly described as follows:

BEGINNING at a point in the centerline of Dunhams Corner Road, said point being opposite the division line between Lots 11.02 and 13.05 in Block 87 prolonged to the centerline; thence

1. In a southerly direction along the easterly property line of Lot 11.02 a distance of 675' plus/minus to the southwest corner of Lot 13.16; thence
2. In a westerly direction and in a direct line, a distance 1,010' plus/minus to the southeast corner of Lot 5 in Block 87-B as shown on a certain filed map known as "Fieldcrest South Section 1"; thence
3. In a northerly direction along the easterly outline of said filed map a distance of 670' plus/minus to the centerline of Dunhams Corner Road; thence
4. In an easterly direction along the centerline of Dunhams Corner Road a distance of 900' plus/minus to the point of beginning.

BEGINNING at the southeast corner of Lot 5 in Block 87-B as shown on a certain filed map known as "Fieldcrest South Section 1"; thence

1. In a southerly direction along the division line of Lots 10 and 11.02 in Block 87 a distance of 567.87' to the southwest corner of Lot 11.02; thence
2. In a westerly direction and in a direct line, a distance of 1,170' plus/minus to the northeast corner of Lot 5 in Block 87; thence
3. In a westerly direction along the northerly property line of Lot 5 a distance of 351.99'; thence
4. In a northerly direction along the easterly outline of a certain filed map known as "Hillwood Estates" a distance of 244.82' to the southwest corner of Lot 7 in Block 87-E as shown on a certain filed map known as "Fieldcrest South Section 1"; thence
5. In an easterly direction along the southerly outline of the above mentioned filed map, a distance of 1,384.28' to the point of beginning.

VILLAGE GREEN II  
Block 87, Lots 12.01, 12.04, 12.06, 12.07, 12.08, 12.10, 12.11, 12.14, 14.04, 14.06

Block 88, Lots 8.01, 9, 10, 11.03, 11.04, 17.01, 17.03, 18

and additional lands being part of Lot 29.01 in Block 322; Lots 7.08, 7.09 and 8.02 in Block 88; and Lot 11.02 in Block 87, more particularly described as follows:

BEGINNING at a point in the centerline of New Brunswick Avenue, said point being the division line between Lots 18.03, and 19 in Block 322 prolonged to the centerline; thence

1. In a westerly direction along the division line of Lots 18.03 and 19 a distance of 1,000'; thence
2. In a northerly direction parallel to New Brunswick Avenue and across Lots 16, 18.03, and 29.01, a distance of 1,760' plus/minus to a point in the southerly property line of Lot 8 in Block 322; thence
3. In an easterly direction along the southerly property lines of Lots 8.19 and 8.21 a distance of 1,000' to the centerline of New Brunswick Avenue; thence
4. In a southerly direction along the centerline of New Brunswick Avenue a distance of 1,760' plus/minus to the point of beginning.

BEGINNING at a point in the centerline of Rues Lane, said point being distant 500' westerly from the centerline of Summerhill Road; thence

1. In a northerly direction parallel to the centerline of Summerhill Road and across Lots 7.08, 7.09 and 8.02 in Block 88 a distance of 1,240' plus/minus to the southerly property line of Lot 6; thence
2. In a westerly direction along the southerly property line of Lot 6 and crossing thru said Lot a distance of 1,495 plus/minus to the easterly property line of Lot 11.04; thence
3. In a southerly direction along the easterly property lines of Lots 11.03 and 11.04 in Block 88 a distance of 1,120 plus/minus to the southwest corner of lot 08; thence
4. In an easterly direction along the northerly property line of Lot 8.01 in Block 88 a distance of 835.25' to the northwest corner of Lot 8.02; thence
5. In a southerly direction along the westerly line of Lot 8.02, a distance of 1,000' plus/minus to the centerline of Rues Lane; thence
6. In an easterly direction along the centerline of Rues Lane a distance of 650' plus/minus to the point of beginning.

BEGINNING at the southwest corner of Lot 5 in Block 87-B as shown on a certain filed map known as "Fieldcrest South Section 1"; thence

1. On a direct line in an easterly direction across lot 11.02 a distance of 1,101' plus/minus to the southwest corner of Lot 13.16 in Block 87; thence

2. in a southerly direction along the line of Lots 12.07, 12.06 and 12.04 a distance of 710' plus/minus to the southeast corner of Lot 11.02; thence

3. In a westerly direction along the southerly line of Lot 11.02, a distance of 1,113' plus/minus to the southwest corner of said lot; thence
4. In a northerly direction along the westerly line of Lot 11.02 a distance of 568' plus/minus to the point of beginning.

BEING the southerly portion of Lot 11.02 in Block 87 as shown on the official Tax Map of the Township of East Brunswick.

VILLAGE GREEN III  
Block 88, Lots 12.01, 12.06, 12.07, 12.08, 12.10, 12.11

Block 322, Lots 6.01, 8.19

and additional lands being part of Lot 29.01 in Block 322, more particularly described as follows:

BEGINNING at the centerline intersection of Cranbury Road and Lexington Avenue; thence

1. In a southerly direction along the various courses of the centerline of Lexington Avenue a distance of 1,840' plus/minus to a point opposite the division line of Lots 26.01 and 29.01 in Block 322; thence
2. In an easterly direction along the northerly property line of Lot 26.01 a distance of 430' plus/minus to the northeast corner of said lot; thence
3. In a southerly direction along the easterly property line of Lot 26.01, a distance of 278.93' to the northerly line of Lexington Avenue; thence
4. In an easterly direction along the northerly line of Lexington Avenue and its prolongation, a distance of 1,370' plus/minus to a point in the westerly outline of a certain filed map known as "Oak Crest Estates Section 3"; thence
5. In a northerly direction along the westerly outline of the above mentioned filed map, a distance of 370' plus/minus to the northwest corner of Lot 11 in Block 322-G as shown on the above mentioned filed map; thence
6. In an easterly direction along the northerly outline of a certain filed map known as "Oak Crest Estates Section 1" a distance of 710' plus/minus to a point 1,000' from the centerline of New Brunswick Avenue; thence
7. In a northerly direction parallel to New Brunswick Avenue and across Lots 16, 18.03 and 29.01 in Block 322, a distance of 1,760' plus/minus to a point in the southerly property line of Lot 8.19 in Block 322; thence
8. In an easterly direction along the division lines between Lot 29.01 and Lots 8.19 and 8.21 a distance of 270' plus/minus to the southwest corner of Lot 8.21; thence
9. In a northerly direction along the various courses of the rear property lines of Lots 8.21 and 13.04 in Block 322, a distance of 1,152.04' to the northeast corner of Lot 8.19 in Block 322; thence
10. In a northwesterly direction along the division lines between Lot 8.22 and Lots 8.19 and 8.16 in Block 322, a distance of 1,348.93' to the centerline of Cranbury Road; thence
11. In a southwesterly direction along the centerline of Cranbury Road a distance of 2,200 plus/minus to the point of beginning.

531.16  
2990-a-28

## NOTICE

**TOWNSHIP OF EAST BRUNSWICK**  
**TAKE NOTICE** that the following ordinance was passed on first reading by the Township Council of the Township of East Brunswick at a meeting held on April 25, 1977, and that said ordinance will be further considered for final passage at a regular meeting of the Council to be held at 8:00 P.M. May 9, 1977, at the East Brunswick Public Library, 2 Jean Walling Civic Center, in the Township of East Brunswick, at which time and place a public hearing will be held and all persons will be given an opportunity to be heard concerning said ordinance.

**DAVID J. GERMAIN**  
 Municipal Clerk

**ORDINANCE 77-8-MMM**  
**ORDINANCE AMENDING**  
**CHAPTER XXIV, ZONING BY**  
**PROVIDING DISTRICTS FOR**  
**VILLAGE GREEN ONE, VIL-**  
**LAGE GREEN TWO AND TWO-**  
**A, VILLAGE GREEN THREE**  
**AND TOWN GREEN**

WHEREAS, the East Brunswick Planning Board adopted a resolution on March 16, 1977 recommending that the East Brunswick Township Council amend Chapter XXIV, Zoning, of the East Brunswick Revised General Ordinances by providing for districts permitting development as Village Green One, Village Green Two and Two-A, Village Green Three and Town Green;

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of East Brunswick, Middlesex County, New Jersey, as follows:

**SECTION 1.** Chapter XXIV, Zoning, of the Revised General Ordinances of the Township of East Brunswick is hereby amended by the insertion of the following:

**SECTION 2. 24-5.8. Village Green One.** The following regulations shall apply to all uses in Village Green One:

- a. Permitted Uses.
  1. Single family detached residential structures.
  2. Accessory uses and structures customarily auxiliary thereto.
  3. Public buildings including public schools and Township facilities.
  4. Quasi-public buildings and places of worship.
  5. Parks, playgrounds and other public recreation and open space uses.
- b. Prohibited Uses.
  1. All uses and structures not specifically listed above as permitted are hereby prohibited.
- c. Height limits.
  1. See Section 27-8-10, Planned Unit Residential Development.
- d. Area and Yard Requirements.
  1. See Sections 27-8-10, Planned Unit Residential Development.
- e. Off-street Parking Requirements.
  1. See Section 27-8-10, Planned Unit Residential Development.

**SECTION 3. 24-5.9. Village Green Two and Two-A.** The following regulations shall apply to all uses in Village Green Two and Two-A:

- a. Permitted Uses.
  1. Single family detached residential structures.
  2. Single family attached residential structures, including and encouraging a variety of housing types and styles such as single family attached, patio houses, atrium houses, townhouses and other dwelling unit types.
  3. Multi-family residential structures including and encouraging a variety of housing types and styles.
  4. Accessory uses and structures customarily auxiliary thereto.
  5. Public buildings including public schools and Township facilities.
  6. Quasi-public buildings including places of worship.
  7. Parks, playgrounds and other public recreation and open space uses.
- b. Prohibited Uses.
  1. All uses and structures not specifically listed above as permitted are hereby prohibited.

- c. Height limits.
  1. See Section 27-8-10, Planned Unit Residential Development.
- d. Area and Yard Requirements.
  1. See Section 27-8-10, Planned Unit Residential Development.
- e. Off-Street Parking Requirements.
  1. See Section 27-8-10, Planned Unit Residential Development.

**SECTION 4. 24-5.10. Village Green Three.** The following regulations shall apply to all uses in Village Green Three.

- a. Permitted Uses.
  1. Single family detached residential structures.
  2. Single family attached residential structures, including and encouraging a variety of housing types and styles such as single family attached, patio houses, atrium houses, townhouses and other dwelling unit types.
  3. Multi-family residential structures including and encouraging a variety of housing types and styles.
  4. Accessory uses and structures customarily auxiliary thereto.
  5. Public buildings including public schools and Township facilities.
  6. Quasi-public buildings including places of worship.
  7. Parks, playgrounds and other public recreation and open space uses.
- b. Prohibited Uses.
  1. All uses not specifically listed above as permitted uses are hereby prohibited.
- c. Height limits.
  1. See Section 27-8-10, Planned Unit Residential Development.
- d. Area and Yard Requirements.
  1. See Section 27-8-10, Planned Unit Residential Development.
- e. Off-street Parking Requirements.
  1. See Section 27-8-10, Planned Unit Residential Development.

**SECTION 5. 24-5.11. Town Green.** The following regulations shall apply to all uses in Town Green.

- a. Permitted Uses.
  1. Single family detached residential structures.
  2. Single family attached residential structures, including and encouraging a variety of housing types and styles such as single family attached, patio houses, atrium houses, townhouses and other dwelling unit types.
  3. Multi-family residential structures including and encouraging a variety of housing types and styles.
  4. Any retail shopping facility or service establishment which supplies commodities or performs a service primarily for residents of the surrounding neighborhood, such as grocery store, delicatessen, meat market, drug store, confectionery store, bakery, barber shop, beauty parlor, clothes cleaning and laundry pickup establishments, bank, real estate office, business or professional offices; any other uses that are determined by the Planning Board to be of the same character as the above permitted uses.
  5. Accessory uses and structures customarily auxiliary thereto.
  6. Public buildings including public schools and Township facilities.
  7. Quasi-public buildings including medical centers and places of worship.
  8. Parks, playgrounds and other public recreation and open space uses.

- b. Prohibited Uses.
  1. All uses not specifically listed above as permitted are hereby prohibited.
- c. Height limits.
  1. See Section 27-8-10, Planned Unit Residential Development.
- d. Area and Yard Requirements.
  1. See Section 27-8-10, Planned Unit Residential Development.
- e. Off-street Parking Requirements.
  1. See Section 27-8-10, Planned Unit Residential Development.

**SECTION 6.** If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

**SECTION 7.** All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 8.** This ordinance shall take effect 20 days after final passage, adoption and publication according to law.

**RICHARD SAARI**  
 Council President

ATTEST:  
**DAVID J. GERMAIN**  
 Municipal Clerk  
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