

ML - Jamesburg

1/5/77

Affidavit of Brigiani

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p.i. 2041

CA001481 ✓

RECORDED
MIDDLESEX COUNTY, N.J.

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BOOK PAGE
FRANK SCHATZMAN
CLERK

FILED

MAR 29 1977

DAVID D. FURMAN, J.S.C.

GUIDO J. BRIGIANI
1 OAKLAND ROAD
JAMESBURG, NEW JERSEY 08831
(201) 521-0369

ATTORNEY FOR Defendant,
Borough of Jamesburg

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY 314, 370
DOCKET NO. C-4122-73 374

URBAN LEAGUE OF GREATER NEW :
BRUNSWICK, ET ALS., :

Plaintiffs, :

- vs - :

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

Defendants. :

Civil Action

AFFIDAVIT

STATE OF NEW JERSEY:

SS:

COUNTY OF MIDDLESEX:

GUIDO J. BRIGIANI, of full age, being duly sworn
according to law, upon his oath, deposes and says:

1. I am the Attorney for the Borough of Jamesburg.
2. Attached hereto and made a part hereof are amend-
ments to the Zoning Ordinance of the Borough of Jamesburg to-
gether with Affidavits of Publication. Said amending ordinance

CA001481V

was finally adopted on April 27, 1976.


3. Also attached hereto and made a part hereof are amendments to the Zoning Ordinance of the Borough of Jamesburg which said amending ordinance was finally adopted on December 28, 1976 and, among other things, removes the maximum average unit floor area of 800 square feet which was objected to by the plaintiff. See Section 4, Paragraph 2 of said amending ordinance.

4. I believe that the said amendments and modifications to the Jamesburg Zoning Ordinance comply in every respect with the suggestions made by the Court at the time that the Conditional Order of Dismissal was entered in the within matter.



GUIDO J. BRIGIANI

Sworn and subscribed to
before me this 5th day
of January, 1977.



ELLEN NUNN
A Notary Public of New Jersey
My Commission Expires June 24, 1980

AN ORDINANCE TO SUPPLEMENT AND AMEND AN ORDINANCE ENTITLED "AN ORDINANCE TO LIMIT AND RESTRICT TO SPECIFIED DISTRICTS OR ZONES AND TO REGULATE THEREIN, BUILDINGS AND OTHER STRUCTURES ACCORDING TO THEIR CONSTRUCTION, LOCATION AND THE NATURE AND EXTENT OF THEIR USE IN THE BOROUGH OF JAMESBURG, IN THE COUNTY OF MIDDLESEX; AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS HEREIN CONTAINED, AND FIXING PENALTIES FOR THE VIOLATION THEREOF" ADOPTED DECEMBER 19th, 1950, AS AMENDED FROM TIME TO TIME.

BE IT ORDAINED by the Mayor and Council of the Borough of Jamesburg, as follows:

SECTION 1 Amend Section V-A, Schedule of Area, Yard and Building Requirements as follows:

<u>Minimum Gross Floor Area in Square Feet</u>		
<u>More than 1 story</u>		
<u>one story building</u>	<u>first story</u>	<u>Total all stories</u>
850	850	1,200
850	750	1,000
<hr/>		
5000	5000	5,000
<hr/>		
5000	5000	10,000
2000*	1000*	2,000*

*includes both residential and non-residential gross floor area. If building is used totally for residential use, R-B zone standards shall apply.

SECTION 2 Amend Article VII (R-B Zone) as follows:

- 1. Add new subsection A.3. multi-family apartment buildings subject to standards as specified in Article XIII.C.
- 2. Delete subsection VII.C.1 multi-family apartment buildings.

SECTION 3 Amend Article XIII.C.2 (g), (h) and (i) as follows:

- 1. Efficiency apartment-minimum 450 square feet/maximum 650 square feet per unit.
 - 2. One-bedroom apartments-minimum 700 square feet/maximum 800 square feet per unit
 - 3. Two or more bedroom apartments-minimum 800 square feet per unit.
- (h) Maximum average unit floor area-800 square feet in order to ensure adequate light, air and off-street space for residents of the site. The maximum average unit floor area shall be calculated by dividing the total number of units contained in the building by the total floor area of the building.
- (i) Minimum number of off-street parking stalls per unit-1.5 stalls per unit.

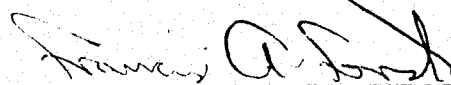
BOROUGH OF JAMESBURG ORDINANCE

APRIL 27, 1976

SECTION 4 Saving Clause. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of the Ordinance shall be deemed valid and effective.

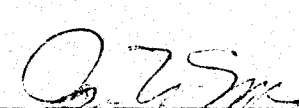
SECTION 5 Effective Date. This ordinance shall take effect upon passage by the Council of the Borough of Jamesburg and publication in accordance with law.

by order of:



Francis A. Forst, Mayor
Borough of Jamesburg

Attest:


James M. Main, Borough Clerk

I, James M. Main, Borough Clerk, hereby certify that the
aforementioned ordinance amendment was adopted by the
Mayor and Council of Jamesburg, N.J. on April 27, 1976

Proposed by: Ludwig
Seconded by: Intravartolo
In favor of: Intravartolo, Ludwig, Naughton, Powers, Tonkery
Opposed: c None
Abstained: None
Absent: Olencki
Dated: April 27, 1976

AFFIDAVIT OF PUBLICATION

State of New Jersey }
County of Middlesex, } ss.

THOMAS C. BROWN, of full age, being duly sworn, on his oath saith that he is the publisher of THE CRANBURY PRESS, a newspaper printed and published in Cranbury, Middlesex County, and State of New Jersey, and that a notice, of which the annexed is a true copy, was published in said paper for the term of 1 weeks, once in each week, successively, commencing on the 16 day of April 1976

Sworn and subscribed before me this

16 day of April A.D., 1976 Thomas C. Brown
Margaret D. Schellinger
Notary Public of New Jersey

MARGARET D. SCHELLINGER
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires October 6, 1980

BOROUGH OF JAMESBURG
AN ORDINANCE TO SUPPLEMENT AND AMEND AN ORDINANCE ENTITLED "AN ORDINANCE TO LIMIT AND RESTRICT TO SPECIFIED DISTRICTS OR ZONES AND TO REGULATE THEREIN, BUILDINGS AND OTHER STRUCTURES ACCORDING TO THEIR CONSTRUCTION, LOCATION AND THE NATURE AND EXTENT OF THEIR USE IN THE BOROUGH OF JAMESBURG, IN THE COUNTY OF MIDDLESEX; AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS HEREIN CONTAINED, AND FIXING PENALTIES FOR THE VIOLATION THEREOF." ADOPTED DECEMBER 19th, 1950, AS AMENDED FROM TIME TO TIME.

Be It ordained by the Mayor and Council of the Borough of Jamesburg that:
SECTION 1 Amend Section V-A, Schedule of Area, Yard and Building Requirements as follows:

MINIMUM GROSS FLOOR AREA IN SQUARE FEET

one story building	More than 1 story	
	first story	Total all stories
850	850	1,200
850	750	1,000
5000	5000	5,000
5000	5000	10,000
2000*	1000*	2,000*

*includes both residential and non-residential gross floor area. If building is used totally for residential use, R-B zone standards shall apply.

SECTION 2 Amend Article VII (R-B Zone) as follows:

1. Add new subsection A.3. multi-family apartment buildings subject to standards as specified in Article XIII.C.

2. Delete subsection VII .C.1 multi-family apartment buildings.

SECTION 3 Amend Article XIII.C.2. (g), (h) and (i) as follows:

1. Efficiency apartment—minimum 450 square feet/maximum 650 square feet per unit.

2. One-bedroom apartments—minimum 700 square feet/maximum 800 square feet per unit.

3. Two or more bedroom apartments—minimum 800 square feet per unit.

(h) Maximum average unit floor area—800 square feet in order to ensure adequate light, air and off-street space for residents of the site. The maximum average unit floor area shall be calculated by dividing the total number of units contained in the building by the total floor area of the building.

(i) Minimum number of off-street parking stalls per unit—1.5 stalls per unit.

SECTION 4 Saving Clause. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 5 Effective Date. This ordinance shall take effect upon passage by the Council of the Borough of Jamesburg and publication in accordance with law.

NOTICE

NOTICE is hereby given that the foregoing amendment to the Jamesburg Zoning Ordinance was introduced on first reading at the regular meeting of the Mayor and Council of the Borough of Jamesburg, County of Middlesex, at their meeting of April 13, 1976. A Public Hearing and final adoption will be held on April 27, 1976, at the regular meeting of the Borough Council, at 8:00 PM, at the Municipal Building, 33 East Railroad Ave., Jamesburg, N.J.

James M. Main
Borough Clerk
Pub. Cran. Press 4-16-76 11; Fee: \$- \$40.98

FFIDAVIT OF PUBLICATION

State of New Jersey } ss.
County of Middlesex,

THOMAS C. BROWN, of full age, being duly sworn, on his oath saith that he is the publisher of THE CRANBURY PRESS, a newspaper printed and published in Cranbury, Middlesex County, and State of New Jersey, and that a notice, of which the annexed is a true copy, was published in said paper for the term of _____ weeks, once in each week, successively, commencing on the _____ day of _____ 19____

Sworn and subscribed before me this

____ day of _____ A.D., 19____

Notary Public of New Jersey

MARSHALL E. COOPER, JUNIOR
NOTARY PUBLIC IN NEW JERSEY
My Commission Expires October 5, 1983

NOTICE
NOTICE is hereby given that the Mayor and Council of the Borough of Jamesburg, County of Middlesex, adopted an ordinance to supplement and amend an ordinance entitled "An ordinance to limit and restrict to specified districts or zones and to regulate therein, buildings and other structures according to their construction, location and the nature and extent of their use in the Borough of Jamesburg, in the County of Middlesex, and providing for the administration and enforcement of the provisions herein contained, and fixing penalties for the violation thereof" adopted December 19th, 1950, as amended from time to time. This amendment was adopted at the meeting of April 27, 1976 upon completion of public hearing and shall become effective as prescribed by law.
James M. Main
Borough Clerk
Pub. Cran Press 5-21-76 11. Fee: \$3.42

5E

AN ORDINANCE TO SUPPLEMENT AND AMEND AN ORDINANCE KNOWN AS THE ZONING ORDINANCE OF THE BOROUGH OF JAMESBURT

Section 1. Amend Article 2 by deleting the following:

This ordinance is adopted pursuant to the Municipal Zoning Enabling Act of the State of New Jersey, Revised Statutes 40:50 - 30 to 40:55 - 51, inclusive and the amendments thereof in supplements thereto. And replacing said phrase with the following:
This zoning ordinance is adapted pursuant to Chapter 29 of the Laws of the State of New Jersey 1975, 40:55D-1 et seq.

Section 2. Amend Article VI, Section C by deleting "other uses permitted upon application to the Board of Adjustment for special permit" and adding "permitted conditional uses."

Section 3. Amend Article VII Section C by deleting "Other uses permitted upon application to the Board of Adjustment for special permit" and adding "permitted conditional uses".

Section 4. Delete Article XIII entitled Permitted Special exception Uses, Section A. 1 and add Article XIII, Permitted Conditional Uses, Section A, Grant of Power.

1. Conditional uses shall be filed with the Borough of Jamesburg pursuant to Chapter 291 of the Laws of the State of New Jersey 1975.

2. Delete Article XIII .C.2.(h)-Maximum average Unit floor area.

Section 5. Delete subsection 2. (b) entitled Special Use Permits in Article XIV and replace with the following:

(b) Conditional Use Permits. Applications for conditional use permits shall be made in accordance with the provisions of Chapter 291 of the Laws of the State of New Jersey and as set

forth in an ordinance of the Borough of Jamesburg establishing a Planning Board of Adjustment pursuant to Chapter 291 of the Laws of the State of New Jersey, 1975 providing for the powers of said boards fixing the procedures governing applications to said boards and appeals therefrom and providing for the continuance of existing ordinances.

Section 6. Delete Article XV entitled Board of Adjustment in its entirety and replace with the following:

Article XV Board of Adjustment

1. The Board of Adjustment of the Borough of Jamesburg is established pursuant to Chapter 291 of the Laws of the State of New Jersey - 1975 and more specifically as said forth in an ordinance of the Borough of Jamesburg establishing a Planning Board and Board of Adjustment pursuant to the provisions of Chapter 291, Laws of New Jersey 1975; providing for the powers of said boards; fixing the procedures governing applications to said boards and appeals therefrom and providing for the continuance of the existing ordinances.

Section 7. All ordinances or parts of ordinances inconsistent herewith are hereby repealed and this ordinance shall take effect immediately upon final passage and publication as provided by law.

Section 8. Notice of publication after adoption of first reading. Notices hereby given that the foregoing ordinance was introduced at the meeting of the Council of the Borough of Jamesburg on Nov. 30, 1976 and passed on first reading and the same was then ordered to be published according to Law and that such ordinance will be further considered for final passage at the meeting of the Council to be held at the Municipal Building on December 1, 1976 at which time and place or any time and place to which such meeting shall from time to time be adjourned. All persons interested will be given an opportunity to be heard concerning such ordinance.

James M. Moir

NOTICE

NOTICE is hereby given that the following ordinances and ordinance amendments were considered and adopted, upon completion of a public hearing, by the Mayor and Council of the Borough of Jamesburg, County of Middlesex, State of New Jersey, at their meeting of December 28, 1976, at 8:00 P.M. prevailing time, at the Municipal Building, 31 East Railroad Ave., Jamesburg, N.J. 08831

These ordinances shall take effect according to law upon final publication of fact.

"An Ordinance to amend "An Ordinance fixing and establishing fees and providing for penalties for violation thereof, for several purposes in the Borough of Jamesburg, in the County of Middlesex, State of New Jersey."

"An Ordinance of the Borough of Jamesburg establishing a Planning Board and a Zoning Board of Adjustment pursuant to the provisions of Chapter 291, Laws of New Jersey, 1975: Providing for the powers of said Boards; fixing the procedures governing applications to said boards and Appeals therefrom, and providing for the continuance of existing ordinances."

"An Ordinance to amend "An Ordinance regulating parking upon the public streets of Jamesburg, New Jersey; regulating the use of streets and highway by designation of through streets; constituting parts of Church Street one way traffic areas; providing for the enforcement thereof; and defining offenses and prescribing penalties."

"An Ordinance to supplement and amend an ordinance known as the Zoning Ordinance of the Borough of Jamesburg."

"An Ordinance authorizing the leasing of certain lands from Stephen Rimar and Helen Rimar, his wife, to be utilized for Municipal purposes as a public parking lot."

James M. Main
Borough Clerk

Borough of Jamesburg

Pub. Cran. Press 1-7-77 1t; Fee: \$10.26