

CA - Metzchen

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Memorandum - Factual and Legal Contentions of
Defendant - Metzchen

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CA001483D

RIDER

3-4. FACTUAL AND LEGAL CONTENTIONS OF DEFENDANT, BOROUGH OF METUCHEN.

The Borough of Metuchen contains 2.9 square miles, and is wholly surrounded by the Township of Edison. The total acreage of the community is 1,880, which, however, includes parks, playgrounds, streets, railroads, etc., leaving a net acreage for development of approximately 1,416. According to the 1970 census, Metuchen's population was 16,031. In 1960 the population was 14,041. The black population of Metuchen increased from 434 in 1960 to 860 in 1970. This percentage of black population is approximately the same as the percentage throughout Middlesex County. Taking size and population into account, Metuchen is the sixth densest municipality in Middlesex County.

Practically all of the 1416 acres which encompass all the private property in Metuchen are fully developed or built upon. The most accurate estimates obtainable reveal only approximately 40 acres of undeveloped land in the Borough. These include 24 industrial acres in the manufacturing zone, of which 20 are non-developable, because they consist of either old railroad rights-of-way, extremely marshy or hilly land, land in a flood plain or with no access in Metuchen. They also include 8½ acres in multi-family zones, with the balance scattered in small lots in the other residential and business areas.

There are approximately 5,000 housing units in the Borough of Metuchen. Of these, about 3,650 are one family dwellings while the balance are two family and multi-family dwellings. Defining multi-housing as containing three or more families, there are approximately 894 multi-family units in Metuchen, which is almost 20% of the total housing units. Owner occupied units comprise about 3,500 of the 5,000 units, while the balance is renter occupied. The R-1 and R-2 zones in which almost all of these one-family units are located, comprise approximately 1,000 acres of Metuchen, and give the Borough the appearance of being primarily a community of single family dwellings. However, the two family and multi-family zones (R-3, R-4, R-5 and B-1A) either have or permit two family and multi-family structures in at least nine different locations in the community. Few, if any, single family, two family or multi-family units exceed 35 feet or 2½ stories in height.

The Borough is criss-crossed by three railroads: The Penn-Central which runs east to west across the center of town; the Lehigh Valley Railroad, and the Port Reading Railroad. Also crossing in the center of town is a major traffic artery, New Jersey Route 27; Route 287 adjoins the southerly boundary line; while Route 1, the New Jersey Turnpike, and the Garden State Parkway are in very close proximity. The 200 fully developed

industrial acres in town are primarily in the northwest and southwest sections of the community, adjoining either Route 27 or the Lehigh Valley Railroad and Penn-Central Railroad. The industry is small and can be characterized as light industry. The business section of town is primarily in the geographical center of the community, with two neighborhood offshoots on Central Avenue and South Main Street. Like the other sections, it is almost fully developed and is a typical small retail business community. As in the residential sector, there are hardly any buildings that do not conform to the 35 feet or 2½ stories height limitation.

The zoning ordinance provides for garden apartments and has special provisions for senior citizen housing. The ordinance and amendments from 1962 to date as affecting multi-family units can be summarized as follows:

| <u>Year</u> | <u>No. of Zones</u> | <u>Locations</u> | <u>Use or Type</u> |
|-------------|--------------------------|------------------|---|
| 1962 | 1 (R-4) | 3 | Garden Apartments |
| 1963 | 3 (R-4, R-5, B-1A) | 5 | Garden apartments High rise apartments |
| 1975 | 4 (R-2A, R-4, R-5, B-1A) | 8 | Garden apartments Townhouses Moderate income senior citizen housing (4 stories) |

Approximately one-fourth of the 5,000 housing units are renter occupied including 369 two-family units and 894 multi-family units. The values of single family homes can be summarized as follows:

- (a) Single family homes under \$15,000
31
- (b) \$15,000 to \$25,000
286
- (c) \$25,000 to \$35,000
1503
- (d) Over \$35,000
1955

The rental range can be summarized as follows:

| Under \$100 | \$100.00 to \$149.00 | \$150.00 to \$199.00 | \$200.00 to \$299.00 | \$300.00 + |
|-------------|----------------------|----------------------|----------------------|------------|
| 212 | 500 | 521 | 77 | 33 |

According to the 1970 census, the median family income in the Borough of Metuchen was \$13,703.00 for families totaling 4,218. The number of low and moderate income families in the four census tracts comprising Metuchen was estimated to be 1,592, or in excess of one-third of the number of total families. In terms of minority groups, the total number according to the 1970 census was 1,155, which included 860 blacks. The minority population was approximately 7% of the entire community.

In respect to sub-standard or over crowded units, the 1970 census analysis indicates possibly 159 sub-standard units in Metuchen and approximately 205 units which were over crowded. The percentage of black families in such units varied very little with the percentage of blacks to the overall population.

Defendant, Borough of Metuchen, maintains that the principles of Mt. Laurel do not apply to the Borough of Metuchen, as Metuchen has no vacant land for practical purposes, and is a fully developed municipality. Furthermore, any zoning provisions objected to by plaintiffs either do not exclude low, moderate and minority group families, or are legitimate zoning provisions under the criteria of N.J.S.A. 40:55-32, as interpreted by New Jersey courts, since they preserve the character of a fully developed community.

Further, Metuchen meets the Mt. Laurel standards by providing an appropriate variety and choice of housing for all categories of people. The income range of its residents, the value of the dwellings, the rental ranges of its multiple family units, the percentage of renters to owners, the locations provided for townhouses and garden apartments, and its minority group percentage, show that Metuchen is a balanced community.

In accordance with the Order of the Court previously entered after presentation of the facts in respect to Metuchen's

vacant land, the Borough should be removed as a defendant in the case.

REPORT AND RECOMMENDATIONS OF THE COMMISSIONERS OF THE BUREAU OF LAND USE AND PLANNING OF MIDDLESEX

The Borough of Middlesex is bounded on the north and east by the Township of North York, on the south by the Township of Etobicoke, and on the west by the Township of Scarborough. The Borough is a developed municipality wherein 88% of the total land area of the municipality is developed for public or private purposes. In addition, of the 300 acres of land in private ownership and as yet undeveloped, considerable amounts of same are classified as flood hazard areas and, therefore, development is severely restricted.

Approximately 167 plus acres, which is slightly less than 5% of the total land area of the Borough is used for commercial purposes. Eleven per cent of the total land area is used for industrial purposes. (Attached hereto is Exhibit entitled "Table D" showing existing land uses in the Borough of Middlesex as of May 1975.)

With respect to the land in the Borough of Middlesex which has been developed, 42.5% has been developed as residential land, 5.6% has been developed commercially, 19.3% has been developed for industrial purposes, 5.7% has been developed for public and utility purposes and 26% has been developed for streets and railroads.

As set out in more detail in the attached report, the Borough of Middlesex is a highly developed area. The land in the Borough is owned by the Government of Canada, the Province of Ontario, the City of Toronto, and various private owners. The land is used for a wide variety of purposes, including residential, commercial, industrial, and public and utility purposes. The land is also used for streets and railroads.

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