

CA - Metuchen

6/23/75

letter re: update answers to interrogatories
served upon Metuchen.

pg 6

CAC01506L

MARTIN A. SPRITZER

ATTORNEY AT LAW

RECEIVED

JUN 25 1975

MARTIN E. SLOANE

414 MAIN STREET

METUCHEN, NEW JERSEY 08840

548-6455

AREA CODE 201

June 23, 1975

Baumgart & Ben-Asher, Esqs.
134 Evergreen Place
East Orange, N.J. 07018

Martin E. Sloane
Daniel A. Searing
Arthur Wolf
National Committee Against
Discrimination in Housing, Inc.
1425 H Street, N.W.
Washington, D.C. 20005

Re: Urban League of Greater New Brunswick, et al
v. The Mayor and Council of the Borough of
Carteret, et als
Docket No. C-4122-73

Gentlemen:

I wish to update answers to interrogatories previously served upon the defendant, Borough of Metuchen, as follows:

9. For each zoning use category (and subcategory, if necessary, in the municipality) state the total number of acres contained therein and state how many acres are vacant. (For example, R-1 residential; 130 acres; 23 vacant).

a. Zoning Districts

R-1	444 acres	2
R-2	603 acres	3
R-2A	5 acres	0
R-3	25 acres	0
R-4	30 acres	4
R-5	6 acres	3.5
B-1	55 acres	1
B-1A	13 acres	1
B-2	7 acres	0
M	228 acres	24
	1416 acres total	38.5 acres total

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The above figures are still approximate, but more accurate than the approximation of 15 acres in the manufacturing zone and 15 acres in the residential zones, as set forth in the original answer. The 24 acres set forth in the manufacturing zone includes 20 acres which are practically 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.

10. Interrogatory 10(b) is amended to set forth a zoning amendment adopted June 16, 1975, which decreased the front yard, rear yard and side yard requirements for moderate income senior citizen housing projects only, and increased the height limitation for same from 35 feet and 3 stories respectively, to 48 feet and 4 stories respectively. Copy of amendment is attached.

Very truly yours,


MARTIN A. SPRITZER

MAS/eh

ORDINANCE

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, "AN ORDINANCE TO LIMIT AND RESTRICT TO SPECIFIED DISTRICTS OR ZONES AND TO REGULATE THEREIN BUILDINGS AND STRUCTURES, ACCORDING TO THEIR CONSTRUCTION AND THE NATURE AND EXTENT OF THEIR USE IN THE BOROUGH OF METUCHEN; ESTABLISHING A BOARD OF ADJUSTMENT; AND PROVIDING PENALTIES FOR THE VIOLATION THEROF, ADOPTED APRIL 17, 1962, AMENDED FROM TIME TO TIME".

BE IT ORDAINED, by the Mayor and Council of the Borough of Metuchen, New Jersey, that an ordinance entitled, AN ORDINANCE TO LIMIT AND RESTRICT TO SPECIFIED DISTRICT OR ZONES AND TO REGULATE THEREIN BUILDINGS AND STRUCTURES, ACCORDING TO THEIR CONSTRUCTION AND THE NATURE AND EXTENT OF THEIR USE IN THE BOROUGH OF METUCHEN; ESTABLISHING A BOARD OF ADJUSTMENT; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF, ADOPTED APRIL 17, 1962, AND AMENDED FROM TIME TO TIME", be and the same is hereby amended and supplemented as follows:

(1) Section 5 of Article VII-A. R-5 Residence District (Garden Apartments) is amended to read as follows:

Sec. 5. Minimum yard requirements.

- (a) Front Yard. No building or structure shall be constructed closer than 30 feet to any street line, including side streets except in the case of moderate income senior citizens' housing projects wherein a 25 ft. or more front yard set-back is permissible.
- (b) Rear Yard. No building or structure shall be located closer than 50 feet to any rear lot line except accessory structures, which may be located within 5 feet of the rear lot line, except moderate income senior citizens' housing projects in respect to which no building or structure shall be located closer than 25 feet to any rear lot line except accessory structures which may be located within 5 feet of the rear lot line.
- (c) Side Yards. No building or structure shall be located closer than 25 feet to any side lot line except accessory structures may be located within 10 feet of any side lot line.

(2) Section 8 of Article VII-A is hereby amended to read as follows:

Sec. 8. Maximum building height.

- (a) No principal structure shall be higher than 3 stories. Further, no principal structure shall be higher than 35 feet. This shall not apply to moderate income senior citizens' housing projects in respect to which, no principal structure shall be higher than 4 stories, and no principal structure shall be higher than 48 feet.
- (b) No accessory structure shall be higher than 1 story. Further, no accessory structure shall be higher than 12 feet. Garages shall be permitted under a principal structure, provided that the overall height limitation is not exceeded.

(3) Article XII-A, entitled "Site Plan Review", Section 5, entitled "Procedure by Planning Board and Borough Council", is hereby amended as follows: (Changes are underlined.)

Sec. 5. Procedure by Planning Board and Borough Council.

(a) The Planning Board shall record its findings and so report to the Borough Council within forty five days after the date of the meeting at which the site plan is received, or within such further extended time as may be consented to by the applicant. Such report shall be limited to one of the four following types of actions:

1. Approval
2. Approval with conditions and reasons therefor.
3. Approval subject to favorable action by the Zoning Board of Adjustment where a variance is necessary.
4. Disapproval and reasons therefor.

If such report is not made by the Planning Board within the fortyfive day period above referred to, it shall be deemed recommended for approval.

(b) The Borough Council shall, within fortyfive days after its receipt of the report of the Planning Board, approve with or without modification or reject the proposed site plan. If the determination of the Borough Council is not made within the fortyfive day period referred to herein, or within such further extended time as may be consented to by the applicant, it shall be deemed that the site plan is disapproved. If site plan is disapproved, Borough Council shall give its reasons therefor. Where a variance or special

exception is necessary, it is the intent of this ordinance that the applicant first submit its application for said variance or special exception to the Board of Adjustment, and that no action be taken on any site plan approval by the Planning Board unless and until proof is submitted that final and favorable action on the variance or special exception has been taken by the Board of Adjustment and/or the Mayor and Council in the case of a use variance or special exception.

(c) General

1. Both the Planning Board and the Borough Council shall conduct hearings before approval or disapproval of any site plan applications at public meetings at which the applicant and any objectors have a right to appear and be heard. In respect to action before the Planning Board, the applicant shall provide the same notice as is required to be given to property owners within the 200 feet for Board of Adjustment hearings, pursuant to Section 11 of Article XV of this ordinance. In respect to hearings before the Borough Council, the applicant must give the same notice, with the exception that the personal notice required shall only be given to persons who objected to the application before the Planning Board, either in person or by written communication filed with the Planning Board.

2. No changes shall be made in any site plan approved by the Borough Council without its formal approval. The Borough Council may approve any change or modification of the site plan previously approved by it, or may refer to the Planning Board for its recommendation such proposed change or modification, in which case the Planning Board shall act as hereinabove set forth.

3. Prior to its determination, the Planning Board or the Borough Council may require the formal approvals of the Borough, County, and State agencies as required by applicable laws.

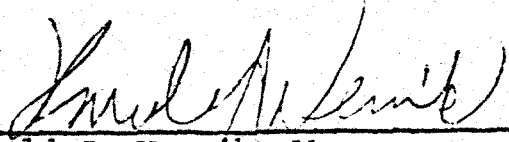
4. The Borough Council may require the applicant to enter into an agreement with the Borough to insure the performance of the conditions of the site plan approval and any off-site improvements required; to furnish and file with the Borough a performance bond of a surety company licensed to do business in the State of New Jersey, and approved by the Borough Council; such bond to be in amount of the estimated cost of the improvements or facilities covered by said bond. This performance bond shall remain in effect until such time as the covered improvements are completed and accepted by the Borough Council and shall then be replaced by a maintenance bond in amount of ten percent (10%) of the performance bond for a period of three years.

5. Failure to comply with any of the conditions of site plan approval, subsequent to the receipt of a building permit, shall be grounds for the revocation of such building permit. A written notice of proposed revocation shall be sent by certified mail to the applicant by the Building Inspector. If the applicant does not comply with the letter and the site plan conditions within five days of the receipt of the written notice, the building permit shall be automatically revoked.

6. Approval of site plan by the Borough Council shall be deemed rescinded unless the applicant has obtained a building permit within six months from the date of the site plan approval.

(4) If any paragraph, subparagraph, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

(5) This ordinance shall take effect immediately after publication in accordance with law.



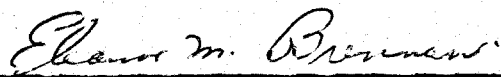
Donald J. Wernik, Mayor

Introduced: June 2, 1975

Adopted: June 16, 1975

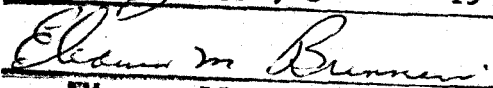
Approved:

Attest:



Eleanor M. Brennan

Certified copy of a Ordinance adopted
at a regular meeting of the Borough
Council of the Borough of Metuchen,
Middlesex County, New Jersey, on

June 16, 1975


Eleanor M. Brennan, Boro. Clerk