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Middlesex

1976

Proposed Order for dismissal

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Attorney for Defendant - Borough of Middlesex

	:	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION
URBAN LEAGUE OF GREATER NEW BRUNSWICK, et als	:	MIDDLESEX COUNTY
	:	DOCKET NO. C-4122-73
Plaintiff	:	
	:	CIVIL ACTION
vs.	:	
	:	<u>ORDER</u>
THE MAYOR AND COUNCIL OF THE BOROUGH OF CARTERET, et als	:	

The Court having heard testimony and other proof regarding plaintiffs' claims based on the complaint in the above captioned matter, and a motion for dismissal having been made by Edward J. Johnson, Jr., Esq., Attorney for defendant, Borough of Middlesex, in the presence of Daniel A. Searing, Esq., Attorney for plaintiffs, and argument having been made by the respective attorneys, and the Court having determined that the complaint against the Borough of Middlesex could be dismissed upon the elimination of certain prima facie exclusionary provisions of the Middlesex Borough Zoning Ordinance,

And the Court having required that the Middlesex Borough Zoning Ordinance be amended as follows:

1. The acreage requirement for multiple-family dwellings be reduced from 4 acres to 2 acres.
2. The bedroom limitations contained in the Garden Apartment Ordinance and the High-Rise Ordinance be deleted.
3. Provision should be made for some additional land in the Borough to be zoned for multiple-family dwellings.
4. 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.

And the Borough of Middlesex having offered to rezone a tract of land consisting of slightly more than 2 acres located on Bound Brook Road so that same will allow for the erection of Garden Apartments.

IT IS, on this day of , 1976, ORDERED, that all claims against the defendant, Borough of Middlesex, based on the complaint and pre-trial order in the above captioned matter, be and are hereby dismissed without costs or attorney's fees to either party.

DAVID D. FURMAN, J.S.C.

NOTICE TO ALL ATTORNEYS:

PLEASE BE ADVISED, that unless you notify the Honorable David D. Furman of any specific objections to the within Order within five days after service of the copy of this Order upon you, the Order may be signed in the Judge's discretion, pursuant to Rule 4:42-1(b).