

CA- Middlesex

2/26/76

affidavit of publication of Angela Duris

+ notice of ordinance publication

+ amendment published on 3/11/76 and

3/25/76

+  
3/17/76

pgs ~~7~~ 7

CA 001584V

# AFFIDAVIT OF PUBLICATION

NOTICE  
BOROUGH OF MIDDLESEX

Notice of  
final passage of  
ORDINANCE NO. 706  
AN ORDINANCE ENTITLED  
"AN ORDINANCE AMENDING  
PORTION OF THE ZONING  
ORDINANCE OF THE BOR-  
OUGH OF MIDDLESEX TO  
DELETE THE PORTION OF  
THE GARDEN APARTMENT  
SECTION OF SAID ORDINANCE  
DEALING WITH THE RE-  
QUIRED RATIO OF ONE AND  
TWO-BEDROOM APART-  
MENTS"

WHEREAS, THE Mayor and Coun-  
cil of the Borough of Middlesex did  
previously adopt a Zoning Ordinance  
for the Borough of Middlesex on Feb-  
ruary 9, 1955 known as Ordinance  
#220, and

WHEREAS, the Mayor and Council  
of the Borough of Middlesex did  
amend said zoning ordinance on Oc-  
tober 27, 1965 by Ordinance #422 to  
provide for a zone within the Bor-  
ough of Middlesex to be known as the  
"Garden Apartment" zone, which  
zone permits the construction of gar-  
den apartments in accordance with  
the restrictions contained in said or-  
dinance, and

WHEREAS, Section 82-76(A)(7)  
provides that there must be at least  
85% (eighty five per cent) of one-  
bedroom units, 15% (fifteen per cent)  
two-bedroom units and no units with  
more than two bedrooms; and

WHEREAS, the Mayor and Council  
are satisfied that such a provision is  
illegal in view of recent court deci-  
sions and therefore should be deleted  
from the existing zoning ordinances  
of the Borough of Middlesex,

NOW THEREFORE BE IT OR-  
DAINED by the Mayor and Council  
of the Borough of Middlesex that:

1. Section 82-76(A)(7) of the exist-  
ing zoning ordinance of the Borough  
of Middlesex is hereby deleted.
2. This ordinance shall take effect  
upon its final passage and publica-  
tion according to law.

MARTIN S. MATUSKIEWICZ  
Mayor

Attest:  
MARGARET HANANIA  
Clerk

TO ALL CONCERNED  
Take notice that the above ordi-  
nance was passed at a regular meet-  
ing of the Mayor and Council of the  
Borough of Middlesex after public  
hearing on the 9th of March, 1976 and  
was approved by the Mayor.

MARGARET HANANIA  
Borough Clerk  
19.60

2487-m.11

STATE OF NEW JERSEY, {  
COUNTY OF MIDDLESEX, { SS:

Before the undersigned a Notary Public in and for said County and State,  
personally appeared

Angela Duris

who being duly sworn, says that the annexed notice was published on the fol-  
lowing dates, to wit:

26 February 1976  
.....day of.....19.....  
.....day of.....19.....  
.....day of.....19.....  
.....day of.....19.....  
.....day of.....19.....

in THE HOME NEWS, a daily newspaper of general circulation printed and  
published in Middlesex County, New Jersey, of which the said affiant is book-  
keeper.

*Angela Duris*  
26th

Subscribed and sworn to before me, this ..... day of  
February 1976

Witness my hand and notarial seal

*Collette V. Farley*  
Notary Public

NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires May 4, 1976

Middlesex County, New Jersey

# AFFIDAVIT OF PUBLICATION

STATE OF NEW JERSEY, {  
 COUNTY OF MIDDLESEX, { SS:

Before the undersigned a Notary Public in and for said County and State,  
 personally appeared

Angela Duris

who being duly sworn, says that the annexed notice was published on the fol-  
 lowing dates, to wit:

11  
 .....day of..... March 19..... 76  
 .....day of..... 19.....  
 .....day of..... 19.....  
 .....day of..... 19.....  
 .....day of..... 19.....

in THE HOME NEWS, a daily newspaper of general circulation printed and  
 published in Middlesex County, New Jersey, of which the said affiant is book-  
 keeper.

*Angela Duris*

Subscribed and sworn to before me, this 11th  
 March 19 76 day of

Witness my hand and notarial seal

*Calista V. Jenkins*  
 Notary Public

NOTARY PUBLIC OF NEW JERSEY  
 My Commission Expires May 4, 1976

Middlesex County, New Jersey

NOTICE  
 BOROUGH OF MIDDLESEX  
 Notice of  
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 ORDINANCE NO. 706  
 AN ORDINANCE ENTITLED  
 "AN ORDINANCE AMENDING  
 A PORTION OF THE ZONING  
 ORDINANCE OF THE BOR-  
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 of the Borough of Middlesex,  
 NOW THEREFORE BE IT OR-  
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 1. Section 82-76(A)(7) of the exist-  
 ing zoning ordinance of the Borough  
 of Middlesex is hereby deleted.  
 2. This ordinance shall take effect  
 upon its final passage and publica-  
 tion according to law.  
 MARTIN S. MATUSKIEWICZ  
 Mayor

Attest:  
 MARGARET HANANIA  
 Clerk

TO ALL CONCERNED  
 Take notice that the above ordi-  
 nance was passed at a regular meet-  
 ing of the Mayor and Council of the  
 Borough of Middlesex after public  
 hearing on the 9th of March, 1976 and  
 was approved by the Mayor.  
 MARGARET HANANIA  
 Borough Clerk  
 19.60

2487-m.11

**Borough of Middlesex**

**LEGAL NOTICE**

NOTICE IS HEREBY GIVEN that the following proposed ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Middlesex, in the County of Middlesex, New Jersey, held on the 23rd day of March, 1976, and that said ordinance will be taken up for further consideration for final passage at a meeting of said Borough Council to be held at its meeting room in the Municipal Building, 1200 Mountain Avenue, Middlesex, New Jersey, on the 13th day of April, 1976, at 8:00 P.M. at which time and place all persons interested therein may be given an opportunity to be heard concerning same.

MARGARET HANANIA  
Borough Clerk  
ORDINANCE NO. 714

AN ORDINANCE ENTITLED "AN ORDINANCE AMENDING PORTIONS OF THE ZONING ORDINANCE OF THE BOROUGH OF MIDDLESEX DEALING WITH GARDEN APARTMENTS DELETING THOSE SECTIONS WHICH PROVIDE FOR A FINAL DECISION TO BE MADE BY THE MAYOR AND COUNCIL AND AMENDING THAT SECTION WHICH PROVIDES FOR A TWO ACRE MINIMUM LOT SIZE"

WHEREAS, the Mayor and Council of the Borough of Middlesex did previously adopt a Zoning Ordinance of the Borough of Middlesex on February 9, 1955 known as Ordinance #220, and

WHEREAS, the Mayor and Council of the Borough of Middlesex did amend said zoning ordinance on October 27, 1965 by Ordinance #422 to provide for a zone within the Borough of Middlesex to be known as the "garden apartment zone", which zone permits the construction of garden apartments in accordance with restrictions contained in said ordinance, and

WHEREAS, Section 82-75 (C) and (D) provide that the Planning Board of the Borough of Middlesex shall review the application and exhibits and render a report to the Mayor and Council as to its findings and provide further that the Mayor and Council shall review the findings of the Planning Board and either order or deny issuance of a building permit by the Building Inspector, and

WHEREAS, Section 82-76 (A) (2) provides that minimum lot size required to erect a garden apartment shall be four acres; and

WHEREAS, the legality of said sections has been attacked in litigation instituted by the Urban League against the Borough of Middlesex and other municipalities in Middlesex County, and

WHEREAS, as a condition for the Borough being dismissed as a defendant in said litigation, the Court has ruled that said sections of the Middlesex Zoning Ordinance should be amended, and

WHEREAS, the recommendations of the Court that the minimum lot size should be reduced from 4 acres to 2 acres and that the final review should be by the Planning Board rather than by the Mayor and Council have been reviewed by the Middlesex Borough Planning Board and said Planning Board has concurred in said recommendations.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Middlesex as follows:

1. Section 82-75 (C) of the existing zoning ordinance of the Borough of Middlesex is hereby amended to read as follows:

"The Planning Board of the Borough of Middlesex shall review the application and exhibits, pursuant to N.J.S.A. 40:55-1.13 et seq and shall make a determination respecting suitability of the site plan and compliance with provisions and requirements of this ordinance, within ninety days of the receipt of the application and related exhibits. In making its findings, the Planning Board shall obtain and give consideration to the reports and analysis of the Borough Engineer, Chief of Police, Fire Department, Shade Tree Commission, Building Inspector and Borough Planner, with respect to all matters of the applications and exhibits within their respective purviews."

2. Section 82-75 (D) is hereby deleted.

3. Section 82-76 (A) (2) is hereby amended to read as follows:

"Minimum lot size shall be two acres, with sufficient frontage on an existing street for convenient, safe access, but in no case less than two hundred (200) feet.

4. Any provisions of the existing Zoning Ordinance which are inconsistent with the provisions of this ordinance are hereby repealed.

5. This ordinance shall become effective upon final passage and publication according to law.

## Borough of Middlesex

### LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the following proposed ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Middlesex, in the County of Middlesex, New Jersey, held on the 23rd day of March, 1978, and that said ordinance will be taken up for further consideration for final passage at a meeting of said Borough Council to be held at its meeting room in the Municipal Building, 1200 Mountain Avenue, Middlesex, New Jersey, on the 13th day of April, 1978, at 8:00 P.M. at which time and place all persons interested therein may be given an opportunity to be heard concerning same.

MARGARET HANANIA  
Borough Clerk

### ORDINANCE NO. 715

ORDINANCE ENTITLED "AN ORDINANCE AMENDING PORTIONS OF THE ZONING ORDINANCE OF THE BOROUGH OF MIDDLESEX DEALING WITH HIGH-RISE APARTMENTS DELETING THOSE SECTIONS WHICH PROVIDE FOR A FINAL DECISION TO BE MADE BY THE ZONING BOARD OF ADJUSTMENT AND PROVIDING FOR REVIEW BY THE MIDDLESEX BOROUGH PLANNING BOARD RATHER THAN BY THE MIDDLESEX ZONING BOARD OF ADJUSTMENT AND AMENDING THAT SECTION WHICH PROVIDES FOR A TWO-ACRE MINIMUM LOT SIZE"

WHEREAS, the Mayor and Council of the Borough of Middlesex did previously adopt a Zoning Ordinance for the Borough of Middlesex on February 9, 1955 known as Ordinance #220, and

WHEREAS, the Mayor and Council of the Borough of Middlesex did amend said Zoning Ordinance on May 8, 1963 by Ordinance #365 to provide for a zone within the Borough of Middlesex to be known as the "high-rise (R-4) residence zone", which zone permits the construction of garden apartments in accordance with restrictions contained in said ordinance, and

WHEREAS, said "high-rise (R-4) residence zone" was thereafter amended on June 11, 1968 by Ordinance #485 and again was amended on March 11, 1975 by Ordinance #661, and

WHEREAS, Section 82-50.3 (B) and (C) provide that the application and exhibits filed in connection with the application for a high-rise apartment building permit be transmitted to the Secretary of the Zoning Board of Adjustment for its review and findings and provides further that the Zoning Board of

Adjustment of the Borough of Middlesex shall make a final determination as to its findings respecting compliance with provision requirements of this ordinance, and

WHEREAS, Section 82-50.4 (B) (1) provides that there must be a minimum lot size of 4 acres for an apartment building development, and

WHEREAS, the legality of said sections has been attacked in litigation instituted by the Urban League against the Borough of Middlesex and other municipalities in Middlesex County, and

WHEREAS, as a condition for the Borough being dismissed as a defendant in said litigation, the Court has ruled that said Sections of the Middlesex Zoning Ordinance should be amended, and

WHEREAS, the recommendations of the court that the minimum lot size should be reduced from 4 acres to 2 acres and that the final review should be by the Planning Board rather than by the Zoning Board, have been reviewed by the Middlesex Borough Planning Board and said Planning Board has concurred in said recommendations.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Middlesex as follows:

1. Section 82-50.3 (B) of the existing Zoning Ordinance of the Borough of Middlesex is hereby amended to read as follows:

"The Building Inspector shall forthwith, upon receipt of an application for a high-rise apartment building permit, transmit the application and exhibits to the Secretary of the Middlesex Borough Planning Board for its review and findings as hereinafter provided."

2. Section 82-50.3 (C) of the existing Zoning Ordinance of the Borough of Middlesex is hereby amended to read as follows:

"The Middlesex Borough Planning Board shall review the application and the exhibits which are forwarded to it by the Building Inspector and shall make a final determination as to its findings respecting compliance with provisions and requirements of this ordinance."

3. Section 82-50.4 (B) of the existing Zoning Ordinance is hereby amended to substitute "2 acres" for "4 acres" and the remaining portions of said Section shall remain in full force and effect.

4. Any provisions of the existing ordinance which are inconsistent with the provisions of this ordinance are hereby repealed.

5. This ordinance shall become effective upon final passage and publication according to law.

**NOTICE**  
**BOROUGH OF MIDDLESEX**  
Notice of  
final passage of  
**ORDINANCE NO. 707**  
**ORDINANCE ENTITLED**  
**"ORDINANCE AMENDING A**  
**PORTION OF THE ZONING**  
**ORDINANCE OF THE BOR-**  
**OUGH OF MIDDLESEX**  
**DEALING WITH A RESTRI-**  
**CTION ON THE NUMBER OF**  
**BEDROOMS IN THE ZONE**  
**ENTITLED (High-Rise) R-4**  
**RESIDENCE ZONE**

WHEREAS, the Mayor and Council of the Borough of Middlesex previously adopted a zoning ordinance on February 9, 1955 known as Ordinance #220, and

WHEREAS, said ordinance was amended on May 8, 1963 by Ordinance #365 to provide for the creation of a new zone entitled "high-rise" R-4 (residence zone) and was again amended on June 11, 1968 by ordinance #485, and

WHEREAS, Section 82-50.4(B)(6) contains a section prohibiting dwelling units in excess of two-bedrooms, and

WHEREAS, Section 82-50.4(C)(3) provides that eighty-five per cent (85%) of total units shall not be more than one (1) bedroom.

WHEREAS, provisions have been determined by the Courts of New Jersey to be illegal, and

WHEREAS, the Mayor and Council wish to amend the high-rise zoned section of the existing zoning ordinance to delete said illegal restrictions.

**NOW THEREFORE, BE IT OR-**  
**DAINED BY THE MAYOR AND**  
**COUNCIL of the Borough of Middle-**  
**sex as follows:**

1. Section 82-50.4(B)(6) is hereby amended to delete that section which reads as follows:

"Dwelling units in excess of two bedrooms are prohibited."

2. Section 82-50.4(C)(3) which states that "eighty-five per cent (85%) of total units shall not be more than one (2) bedroom" is hereby deleted.

3. This ordinance shall become effective upon the final passage and publication according to law.

**MARTIN S. MATUSKIEWICZ,**  
Mayor

Attest:  
**MARGARET HANANIA,**  
Clerk  
2488-m.11

**TO ALL CONCERNED**

Take notice that the above ordinance was passed at a regular meeting of the Mayor and Council of the Borough of Middlesex after public hearing on the 9th of March, 1976 and was approved by the Mayor.

**MARGARET HANANIA**  
Borough Clerk

2488-m.11

21.00

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the following proposed ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Middlesex, in the County of Middlesex, New Jersey, held on the 23rd day of March, 1976, and that said ordinance will be taken up for further consideration for final passage at a meeting of said Borough Council to be held at its meeting room in the Municipal Building, 1200 Mountain Avenue, Middlesex, New Jersey, on the 13th day of April, 1976, at 8:00 P.M. at which time and place all persons interested therein may be given an opportunity to be heard concerning same.

MARGARET HANANIA  
Borough Clerk  
ORDINANCE NO. 714

AN ORDINANCE ENTITLED "AN ORDINANCE AMENDING PORTIONS OF THE ZONING ORDINANCE OF THE BOROUGH OF MIDDLESEX DEALING WITH GARDEN APARTMENTS DELETING THOSE SECTIONS WHICH PROVIDE FOR A FINAL DECISION TO BE MADE BY THE MAYOR AND COUNCIL AND AMENDING THAT SECTION WHICH PROVIDES FOR A TWO ACRE MINIMUM LOT SIZE"

WHEREAS, the Mayor and Council of the Borough of Middlesex did previously adopt a Zoning Ordinance of the Borough of Middlesex on February 9, 1965 known as Ordinance #220, and

WHEREAS, the Mayor and Council of the Borough of Middlesex did amend said zoning ordinance on October 27, 1965 by Ordinance #422 to provide for a zone within the Borough of Middlesex to be known as the "garden apartment zone", which zone permits the construction of garden apartments in accordance with restrictions contained in said ordinance, and

WHEREAS, Section 82-75 (C) and (D) provide that the Planning Board of the Borough of Middlesex shall review the application and exhibits and render a report to the Mayor and Council as to its findings and provide further that the Mayor and Council shall review the findings of the Planning Board and either order or deny issuance of a building permit by the Building Inspector, and

WHEREAS, Section 82-76 (A) (2) provides that minimum lot size required to erect a garden apartment shall be four acres; and

WHEREAS, the legality of said sections has been attacked in litigation instituted by the Urban League against the Borough of Middlesex and other municipalities in Middlesex County, and

WHEREAS, as a condition for the Borough being dismissed as a defendant in said litigation, the Court has ruled that said sections of the Middlesex Zoning Ordinance should be amended, and

WHEREAS, the recommendations of the Court that the minimum lot size should be reduced from 4 acres to 2 acres and that the final review should be by the Planning Board rather than by the Mayor and Council have been reviewed by the Middlesex Borough Planning Board and said Planning Board has concurred in said recommendations.

NOW THEREFORE BE IT ORDERED by the Mayor and Council of the Borough of Middlesex as follows:

1. Section 82-75 (C) of the existing zoning ordinance of the Borough of Middlesex is hereby amended to read as follows:

"The Planning Board of the Borough of Middlesex shall review the application and exhibits, pursuant to N.J.S.A. 40:55-1.13 et seq and shall make a determination respecting suitability of the site plan and compliance with provisions and requirements of this ordinance, within ninety days of the receipt of the application and related exhibits. In making its findings, the Planning Board shall obtain and give consideration to the reports and analysis of the Borough Engineer, Chief of Police, Fire Department, Shade Tree Commission, Building Inspector and Borough Planner, with respect to all matters of the applications and exhibits within their respective purviews."

2. Section 82-75 (D) is hereby deleted.

3. Section 82-76 (A) (2) is hereby amended to read as follows:

"Minimum lot size shall be two acres, with sufficient frontage on an existing street for convenient, safe access, but in no case less than two hundred (200) feet.

4. Any provisions of the existing Zoning Ordinance which are inconsistent with the provisions of this ordinance are hereby repealed.

5. This ordinance shall become effective upon final passage and publication according to law.

STATE OF NEW JERSEY

MIDDLESEX COUNTY

SS.

I, Joyce Carmen

of full age, being duly sworn upon her oath, saith: That she is connected with THE MIDDLESEX CHRONICLE, a newspaper printed and published in Middlesex, Middlesex County, New Jersey; that a notice of which the annexed is a true copy, was published on the 25th day of March A. D., 19 76

in said newspaper and once a week thereafter successively, in all weeks, viz.: upon

one March 25, 1976

Joyce Carmen

Sworn and subscribed before me this

25th day of March A. D., 19 76

Betty Rosal  
Notary Public of N. J.

# AFFIDAVIT OF PUBLICATION

**NOTICE**  
BOROUGH OF METUCHEN  
AN ORDINANCE TO AMEND AN  
ORDINANCE ENTITLED "AN  
ORDINANCE TO LIMIT AND  
RESTRICT TO SPECIFIED DIS-  
TRICTS OR ZONES AND TO  
REGULATE THEREIN BUILD-  
INGS AND STRUCTURES, AC-  
CORDING TO THEIR  
CONSTRUCTION AND THE  
NATURE AND EXTENT OF  
THEIR USE IN THE BOROUGH  
OF METUCHEN; ESTABLISH-  
ING A BOARD OF ADJUST-  
MENT; AND PROVIDING  
PENALTIES FOR THE VIOLA-  
TION THEREOF" ADOPTED IN  
1982, AND AMENDED FROM  
TIME TO TIME.

AS AT TESTIFIED by the Mayor  
and Council of the Borough of Me-  
tuchen, New Jersey, that an ordi-  
nance entitled "AN ORDINANCE  
TO LIMIT AND RESTRICT TO  
SPECIFIED DISTRICTS OR ZONES  
AND TO REGULATE THEREIN  
BUILDINGS AND STRUCTURES, AC-  
CORDING TO THEIR CONSTRU-  
CTION AND THE NATURE AND  
EXTENT OF THEIR USE IN THE  
BOROUGH OF METUCHEN; ES-  
TABLISHING A BOARD OF AD-  
JUSTMENT; AND PROVIDING  
PENALTIES FOR THE VIOLA-  
TION THEREOF" AND THE SAME IS HERE-  
BY AMENDED AND SUPPLEMENTED AS  
FOLLOWS:

1. Article III, Section 21 of the Me-  
tuchen Zoning Ordinance is hereby  
amended to read as follows:  
"All residential lots which living area  
will be at least 1,000 sq. ft. for R-3  
district, 2,000 sq. ft. for the R-2  
district and 3,000 sq. ft. for the R-1  
district."  
2. Article III, Section 14 of the Me-  
tuchen Zoning Ordinance is changed to  
read:  
"Sec. 14. Minimum living area.  
"Minimum living area (above-  
ground shall be 1,000 square feet."  
3. This ordinance shall take effect  
immediately after publication in ac-  
cordance with law.

DONALD J. WERNIK,  
Mayor

Attest:  
ELEANOR M. BRENNAN,  
Borough Clerk  
Introduced: March 1, 1976  
Adopted: March 15, 1976  
Approved: March 15, 1976

**PUBLIC NOTICE IS HEREBY  
GIVEN** that at a meeting of the Bor-  
ough Council of the Borough of Me-  
tuchen, Middlesex County, New  
Jersey, held on March 15th, 1976, the  
above entitled ordinance was adopt-  
ed on second and final passage.

ELEANOR M. BRENNAN  
Borough Clerk  
2554-m.17 20.44

STATE OF NEW JERSEY, {  
COUNTY OF MIDDLESEX, { SS:

Before the undersigned a Notary Public in and for said County and State,  
personally appeared

Angela Duris

who being duly sworn, says that the annexed notice was published on the fol-  
lowing dates, to wit:

17 ..... day of ..... March ..... 1976  
..... day of ..... 19.....  
..... day of ..... 19.....  
..... day of ..... 19.....  
..... day of ..... 19.....  
..... day of ..... 19.....

in THE HOME NEWS, a daily newspaper of general circulation printed and  
published in Middlesex County, New Jersey, of which the said affiant is book-  
keeper.

*Angela Duris*  
17th

Subscribed and sworn to before me, this ..... day of  
March ..... 1976

Witness my hand and notarial seal

*Collette V. Farley*  
Notary Public

NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires May 4, 1976

Middlesex County, New Jersey