

CA - Middlesex

4/2/76

letter re: adopted ordinances

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CACC 1586L

EDWARD J. JOHNSON, JR., P.A.

A PROFESSIONAL CORPORATION

COUNSELLOR AT LAW

1 GREENBROOK ROAD

MIDDLESEX, N. J. 08846

356-0170 AREA CODE 201

April 2, 1976

National Committee Against Discrimination & Housing, Inc.  
1425 H Street Northwest  
Washington, D. C. 20005

Attention: Daniel A. Searing, Esq.

Re: Urban League v. Borough of Carteret, et als.

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Dear Mr. Searing:

Pursuant to Judge Furman's ruling in connection with the above-captioned matter, the Mayor and Council of the Borough of Middlesex has adopted four separate ordinances for the purpose of amending different sections of its Zoning Ordinance, which sections have been ruled to impede the development of low and moderate income housing in the Borough of Middlesex.

Ordinance No. 706 was adopted by the Mayor and Council after public hearing on March 9, 1976 and I am enclosing herein Proof of Publication of the notice of the hearing and of the notice of the passage of said Ordinance. Ordinance No. 706 amends the Zoning Ordinance to delete that portion of the Garden Apartment section of the Ordinance which restricts the number of bedrooms which may be permitted in a Garden Apartment.

I am also enclosing Proof of Publication of Ordinance No. 707 which was also adopted after public hearing by the Mayor and Council on March 9, 1976 which amended that portion of the Zoning Ordinance of the Borough of Middlesex to do away with the restriction on the number of bedrooms in the High-Rise Zone.

Both of these recommended Ordinances were first referred to the Middlesex Borough Planning Board, pursuant to existing New Jersey Law, and the passage of these Ordinances was recommended to the Mayor and Council by the Middlesex Borough Planning Board.

I am also enclosing herein copies of proposed Ordinances, No. 714 and 715, which Ordinances amend the Garden Apartment section of the Zoning Ordinance and High-Rise section of the Zoning Ordinance and which delete the two acre minimum lot requirements and which also delete the requirements that final decisions respecting construction of apartments in either zone must have approval of either the Mayor and

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Council and/or the Zoning Board. Both of these Ordinances were referred to the Middlesex Borough Planning Board and the Borough Planning Board has recommended that they be adopted by the Mayor and Council. Both Ordinances have been introduced, copies of the Proof of Publication of said Ordinances are enclosed herein and a final hearing has been schedule for April 13, 1976, at which time it is anticipated that both of these Ordinances will be adopted.

Upon adoption of both of these Ordinances by the Mayor and Council, I will forward to you the appropriate Proof of Publication so that you will know that the Ordinances have been duly amended in accordance with the provisions of Judge Furman's decision.

It is my belief that the adoption of these amendments to the Middlesex Zoning Ordinance fulfills the terms and conditions as set forth by Judge Furman and that the Borough of Middlesex has, therefore, complied with said conditions which had to be complied with in order for the Borough of Middlesex to be dismissed as a defendant in this litigation.

As a further condition for the Borough of Middlesex being dismissed as a defendant in this action, Judge Furman ruled that the Borough of Middlesex should re-zone a portion of its available vacant land for multiple family use. The Mayor and Council and the Middlesex Borough Planning Board reviewed those areas of vacant land within the Borough of Middlesex, which, as you are aware, constitutes a very small area. Based on this joint review, the Mayor and Council would be willing to re-zone a parcel of land comprising approximately 2.2 acres located on Bound Brook Road in the Borough of Middlesex. The proposed area is known as Lots 5 through 15 inclusive in Block 262, which property measures 275 feet by 145 feet and is located in the General Business Zone and constitutes approximately .92 acres of land and Lots 24 through 38 in Block 262, which measures approximately 375 feet by 150 feet, or approximately 1.29 acres of land, which property is located in the R-60A Zone. The property is contiguous and, together, comprises approximately 2.2 acres of land. As you will note from looking at the copy of the tax map which you have in your possession, this particular parcel of land constitutes almost the entire area of Block 262 and the Mayor and Council would be willing to re-zone this area for Garden Apartments. There is a small shopping center located almost directly across the street from the proposed location and there is also another Garden Apartment complex located on the opposite side of the street adjacent to the shopping complex.

Based on the density provisions in the existing Middlesex Zoning Ordinance, which allows 16 units per acre, a total of 32 Garden Apartment units could be constructed on this area.

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As was pointed out in the testimony in this case, there are presently five (5) Garden Apartment complexes located throughout the Borough of Middlesex and, if a Garden Apartment complex were to be constructed on this site, this would represent the sixth Garden Apartment complex in the Borough of Middlesex.

The Planning Board and the Mayor and Council reviewed the possibility of re-zoning that area in the southeast portion of the Borough which lies north of William Street and west of Sherman Avenue for Garden Apartment purposes but rejected the idea because of the proximity of this area to the railroad tracks and to the industrial development which has already taken place in that area. It is the fear of the Mayor and Council and the Planning Board that a Garden Apartment complex constructed in that area would tend to deteriorate rapidly because of its proximity to the industrial development in the area.

All of the other lots which are vacant in the Borough of Middlesex are basically individual lots which are not large enough to accommodate a Garden Apartment complex since these areas do not comprise the required two acres of land that would be needed to comply with the new minimum standards for lot area which have been adopted by the Borough of Middlesex in conformance with Judge Furman's suggestions.

In view of the very limited land resources available in the Borough of Middlesex, it is my opinion that the Borough's willingness to re-zone the parcel of land on Bound Brook Road represents an honest and bona fide attempt on the part of the Borough to comply with the ruling of Judge Furman that the Borough should attempt to re-zone an additional area of vacant land to allow the construction of additional units of multi-family dwellings.

Very truly yours,

Edward J. Johnson, Jr.

EJJK/mc  
Encls.

cc: Honorable David Furman  
Mayor Martin Matuskiewicz  
Margaret Hanania, Clerk  
All Councilmen