HOR - U.L. v. Carteret

N. Brunswick

23-Feb-77

Proposed order of Dismissal
with cover letter

pgs = 22

CA0017150

Township of North Brunswick
NEW JERSEY

711 HERMANN ROAD
POST OFFICE BOX 182
NORTH BRUNSWICK, N. J. 08902
TEL. (201) 247-0922

Reply to:
103 Bayard Street
New Brunswick, N. J. 08901

February 23, 1977

The Honorable David D. Furman
Middlesex County Court House
New Brunswick, N. J. 08903

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

Dear Judge Furman:

I have enclosed original and two copies of proposed Order For Dismissal on behalf of defendant Township of North Brunswick in the above matter based upon the amendment of the zoning ordinance by the Township Committee which it submits is in compliance with the Judgment of the Court. Two certified copies of the amended ordinance and zoning map are enclosed.

This Order is being submitted to you pursuant to Rule 4:42-1(b). If this Order meets with your approval, I would appreciate your executing it and returning a copy to me in the enclosed envelope.

I am forwarding a copy of this Order and the ordinance to the attorneys for plaintiffs under the 5 day rule.

Very truly yours,

Joseph H. Burns

JHB:MM
Enclosures

Copy to all attorneys of record

CA001715O

JOSEPH H. BURNS
103 BAYARD STREET
NEW BRUNSWICK, N. J. 08903
(201) 545-6700
ATTORNEY FOR Defendant
Township of North Brunswick

Plaintiff
URBAN LEAGUE OF GREATER NEW BRUNSWICK, et als,

vs.

Defendant
THE MAYOR AND COUNCIL OF THE BOROUGH OF CARTERET, et als.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY

Docket No. C-4122-73

CIVIL ACTION

ORDER OF DISMISSAL AS TO DEFENDANT TOWNSHIP OF NORTH BRUNSWICK

The Court, having entered an Order for Judgment on July 9, 1976, and the said Judgment providing that certain individual municipalities shall submit separate orders of dismissal upon enactment of a zoning ordinance in full compliance with the Judgment of the Court, and Joseph H. Burns, attorney for the defendant Township of North Brunswick, having

presented proof to the Court and to the attorney for the Plaintiffs that the Township of North Brunswick has amended its zoning ordinance so as to comply with the Judgment of this Court;

It is on this _____ day of _____, 1977, ORDERED that all claims against the defendant Township of North Brunswick, based on the Complaint and Pre-Trial Order in the within captioned matter, be and are hereby dismissed.

_____
DAVID D. FURMAN, J.S.C.

C. Prohibited Uses and Buildings.

1. Any use not listed in A and B above.

D. Height Limits.

1. Same as R district.

E. Area and Yard Requirements.

1. Every lot in an R-1 district shall comply with the following requirements:

(a) Residential lots and lots for public utilities uses (I A-8 of Section IV) - minimum lot area 7,500 square feet and minimum width of 75 feet.

(b) All remaining area and yard requirements the same as as R district.

F. Minimum Floor Area of Residential Buildings.

Every new residential building shall have a minimum habitable floor area, exclusive of basement area, of not less than 900 square feet, of which not less than 520 square feet shall be upon the ground floor; provided, however, that of the habitable floor area, not more than 10% thereof may be allocated to the basement area: and provided, further, that such portion of the basement area is so constructed and finished as to be usable for habitation and shall be actually intended for such use; and provided, further, that in case the floor of any residential building, other than of the type commonly designated as ranch or split-level, is so constructed as to have a slab on grade, earth or fill, or under which slab there is a crawl space, other than in the basement area, such floor area having a slab on grade, earth or fill, or over a crawl space, shall not be included in the computation of the aforesaid 900 square feet of habitable floor area. If the floor of a residential building commonly designated as ranch type or split-level is so constructed as to have s slab on grade, earth or fill, or under which slab there is a crawl space, other than in the basement area, only so much of such slab as does not exceed in area 40% of the aforesaid 900 square

SECTION 3: Section IV, R Single Family Residence District is hereby amended as follows:

SECTION 4: Subsection A - Principal Uses and Buildings Permitted, Paragraph 10 denoted Multiple Dwelling Groups, subparagraph 2 is hereby amended to read as follows:

2. A Multiple Dwelling Group or Garden Apartment Development shall be permitted as of right if the requirements and conditions hereinafter set forth shall be met:

(a) The development shall exert no detrimental effect upon surrounding areas because of inadequate parking, traffic danger, inadequate provision for light or circulation of air; and;

(b) The project shall be developed and maintained and operated in an area of not less than two acres; provided, however, that the total number of residential units in such area shall not exceed 15 units per acre.

(c) The project shall be so located that sanitary sewers can be installed and shall be connected to an existing municipal sewage system.

(d) The area of lot coverage by buildings, other than garages, and exclusive of public ways, shall not be greater than 25%.

(e) No structure shall exceed three stories in height.

(f) Provision shall be made for off-street parking on the basis of not less than three parking spaces per two residential units. Parking areas, other than garages, shall be paved.

(g) No structure shall be built closer than 25 feet to any property line, nor 50 feet from the center line of any public way.

(h) Each structure shall be so designed or so located in the project site that the distance from at least one window of every room used for human habitation shall be not less than 60 feet from the wall of any structure on the site, and the distance from all other windows shall be not less than 30

feet from the wall of any structure on the site, such distance to be measured by a line perpendicular to the plane of the surface of said window, except that this distance may be reduced to not less than 30 feet for one exposure where a room is a bathroom. No separate free standing building shall be closer than 10 feet to any other building on the site.

(i) All public ways within the project or on which the project may front shall be not less than 50 feet in width, including the sidewalk area. The paved portion of such public ways shall be not less than 30 feet in width. The pavement, curbs and sidewalks of the public ways shall be installed and constructed in accordance with the specifications set forth in the Land Subdivision Ordinance, and the design therefor shall be approved by the municipal engineer.

(j) All water, sanitary sewers, and storm sewer lines shall be installed and constructed in accordance with the specifications set forth in the Land Subdivision Ordinance, and the design therefor shall be approved by the municipal engineer.

SECTION 5: Subsection A - Principal Uses and Buildings Permitted, subparagraph 3 of Paragraph 10 Multiple Dwelling Group is hereby amended so as to delete entirely the said subparagraph 3.

SECTION 6: Subsection E - Area and Yard Requirements, Paragraph 1 is hereby amended to read as follows:

1. Residential lots and lots for public utilities uses (item A-8) above) - minimum lot area 10,000 square feet and minimum width of 100 feet.

SECTION 7: Subsection F - Minimum Floor Area of Residential Buildings is hereby amended to read as follows:

Every new residential building shall have a minimum habitable floor area, exclusive of basement area, of not less than 1,250.00 square feet, of which not less than 700 square feet shall be upon the ground floor; provided, however, that of the habitable floor area,

not more than 10% thereof may be allocated to the basement area: and provided, further, that such portion of the basement area is so constructed and finished as to be usable for habitation and shall be actually intended for such use; and provided, further, that in case the floor of any residential building, other than of the type commonly designated as ranch or split-level, is so constructed as to have a slab on grade, earth or fill, or under which slab there is a crawl space, other than in the basement area, such floor area having a slab on grade, earth or fill, or over a crawl space, shall not be included in the computation of the aforesaid 1,250 square feet of habitable floor area. If the floor of a residential building commonly designated as ranch type or split-level is so constructed as to have a slab on grade, earth or fill, or under which slab there is a crawl space, other than in the basement area, only so much of such slab as does not exceed in area 40% of the aforesaid 1,250 square feet of habitable floor area, in the case of ranch type buildings, and only so much of such slab as does not exeed in area 30% of the aforesaid 1,250 square feet of habitable floor area, in the case of split-level buildings, shall be computed as part of the aforesaid 1,250 square feet of habitable floor area.

SECTION 8: There is hereby added Section IV A as follows:

SECTION IV A. R-1 SINGLE FAMILY RESIDENCE DISTRICT.

The following regulations shall apply to all R-1 districts.

A. Principal Uses and Buildings Permitted.

1. All uses and buildings permitted in the R district, subject to the restrictions and procedures set forth in Section IV.

B. Accessory Uses and Buildings Permitted.

1. All uses and buildings permitted in the R district, subject to the restrictions and procedures set forth in Section IV.

feet of habitable floor area, in the case of ranch type buildings, and only so much of such slab as does not exceed in area 30% of the aforesaid 900 square feet of habitable floor area, in the case of split-level buildings, shall be computed as part of the aforesaid 900 square feet of habitable floor area.

G. Off-Street Parking Requirements.

1. Same as R district.

H. Signs.

1. Any signs permitted in the R district.

SECTION 9: If any section, paragraph, subdivision clause or provision of this Ordinance shall be judged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 10: All ordinances and parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

SECTION 11: This ordinance shall take effect immediately after final passage and publication as is required by law.

ATTEST:

/s/ _____
WILLIAM A. REICHENBACH, JR.
Borough Clerk

APPROVED:

/s/ _____
CHARLES J. MANNINO,
Mayor

APPROVED AS TO FORM:

/s/ _____
GARY M. SCHWARTZ,
Borough Attorney

(6) Southerly along the Westerly terminus of Mageira Street and Lot 2 Block 258 to the center line of Union Avenue, thence;

(7) Westerly along the center line of Union Avenue to the intersection of Union Avenue and West Street, thence;

(8) Southerly along the center line of West Street to the intersection of the center line of West Street and the Northerly line of Lot 10 Block 258 extended, thence;

(9) Westerly along the Northerly line of Lot 10 Block 258 extended to the center line of Willett Avenue, thence;

(10) Northerly along the center line of Willett Avenue to the center line of the Raritan River Railroad Right-of-Way, thence;

(11) Westerly along the center line of the Raritan River Railroad Right-of-Way to the intersection of said Right-of-Way with the center line of Raritan Avenue, thence;

(12) Along the center line of Raritan Avenue Northerly to the point and place of BEGINNING.

TRACT TWO

BEGINNING at a point said point being the intersection of the center line of Whitehead Avenue and the center line of Robert Street and said point and running, thence;

(1) Westerly along the Southerly line of Lot 7 Block 291 to the center line of Schak Avenue, thence;

(2) Northerly along the center line of Schak Avenue a distance of 6 feet to the Southerly line of Lots fronting Prentice Avenue, thence;

(3) Along the Southerly line of Lots 113 feet from and parallel to the Southerly line of Prentice Avenue to the Easterly line of Foothills Drive, thence;

(4) Northerly along the Easterly line of Foothills Drive to the center line of Prentice Avenue, thence

(5) Northerly along the Easterly line of Lot 16 Block 285 extended to the center line of Linden Avenue, thence;

(6) Easterly along the center line of Linden Avenue to the intersection of Linden Avenue and Jeffrie Avenue, thence;

(7) Northerly along the center line of Jeffrie Avenue to the Northerly lineof Lot 11 Block 283, thence;

(8) Easterly along the Northerly line of Lot 11 Block 283 extended to the center line of Whitehead Avenue, thence;

(9) Southerly along the center line of Whitehead Avenue to a line parallel with and 120 feet Northerly of Levinson Avenue, thence;

(10) Easterly along the rear of lots fronting Levinson Avenue and 120 feet Northerly thereof to the Easterly line of Lot 5 Block 332, thence;

(11) Southerly along the Easterly line of Lot 5 Block 332 to a point in the center line of Levinson Avenue, thence;

(12) Along the center line of Levinson Avenue Easterly to the Easterly line of Lot 7 Block 301, thence;

(13) Southerly along the Easterly line of Lot 7 Block 301 to the center line of a 10 foot alley, thence;

(14) Easterly along the center line of a 10 foot alley to the Easterly line of Lot 6 Block 300, thence;

(15) Southerly along the Easterly line of Lot 6 Block 300 to the center line of Armstrong Avenue, thence;

(16) Along the center line of Armstrong Avenue Easterly to the Easterly line of Lot 16 Block 299, thence;

(17) Southerly along the Easterly line of Lots 16 and 8 Block 299 to the center line of Augusta Street, thence;

(18) Westerly along the center line of Augusta Street to the intersection of the center line of Augusta Street and Whitehead Avenue, thence;

(19) Southeasterly along the center line of Whitehead Avenue to the Easterly line of Lot 7 Block 292, thence;

(20) Southerly along the Easterly line of Lot 7 Block 292 to the Northerly line of Lot 5 Block 292, thence;

(21) Along the several Easterly and Southerly courses Of Lot 5 Block 292 to the Southerly line of Lot 5 Block 292, thence;

(22) Along the Southerly line of Lot 5 Block 292 Westerly to the center line of Robert Street, thence;

(23) Northerly along the center line of Robert Street to the point and place of BEGINNING.

(27) Southwesterly along said Northwesterly side line of Lot 2 Block 93 and its extensions to a point parallel to and 120 feet Southwesterly from the center line of John Street, thence;

(28) Northwesterly across a portion of Lot 1C Block 93 and along the rear lines of Lots 12, 13 and part of 14 Block 397 to a point said point being the Southeasterly corner of Lot 1A Block 397, thence;

(29) Westerly along the Southerly side line of Lot 1A Block 397 and the Right-of-Way line of Grant Street and along a property line of Lot 7 Block 398 said property line being 9.45 feet from the Southerly Right-of-Way line of Grant Street, thence;

(30) Southerly along the Easterly side lines of Lots 7 and 1 Block 398 to a point in the Southeasterly corner of Lot 1 Block 398, thence;

(31) Westerly along the Southerly side line of Lot 1 Block 398 across Pershing Street and along the Southerly side lines of Lots 3 and 2 Block 399 and extended to the intersection of said line and the center line of Old Bridge New Brunswick Turnpike, thence;

(32) Northerly along the center line of Old Bridge New Brunswick Turnpike along its various courses to the intersection of the center line of Old Bridge New Brunswick Turnpike and the Southerly side line of Clare Place extended Westerly, thence;

(33) Easterly along the Southerly side line of Clare Place and its extensions to a point on the Easterly side line of Rubin Street and the Southerly side line of Clare Place extended Easterly, thence;

(34) Southerly along said Easterly side line of Rubin Street so the Northwest corner of Lot 1 Block 67, thence;

(35) Easterly along the various courses along the Northerly side line of Lot 1 Block 67 to the Northeasterly most corner of said Lot 1 Block 67, thence;

(36) Southerly along the Easterly side line of Lot 1 Block 67 and along the Easterly side line of Pettit Avenue to a point on the Southerly side line of Lot 1 Block 83, thence;

(37) Easterly along said Southerly side line of Lot 1 Block 83 to a point on the Westerly side line of Lot 1 Block 77A said point also being the Northeasterly corner of Lot 1 Block 49, thence;

(38) Southeasterly along the Southerly side lines of Lots 1C, 1B and 1A Block 48 along a line extended across William Street to a point on the Easterly side line of William Street, thence;

(39) Along said Easterly line of William Street Northerly to a point on the Northerly side line of Raritan River Railroad property said point also being a Southwest corner of Lot 1 Block 84, thence;

(40) Southeasterly along said Northerly side line of 66 foot wide railroad to a point on the Southerly side line of Lot 2 Block 84 said point also being on the Northerly side line of Lot 6 Block 40, thence;

(41) Along said Northerly side line of Lot 6 Block 40 Easterly to the Easterly side line of Lot 6 Block 40, thence;

(42) Southeasterly along said Easterly side line of Lot 6 Block 40 to the Southeasterly corner of Lot 6 Block 40 said corner also being the Northerly most corner of Lot 1 Block 88, thence;

(43) Southeasterly along the Northerly side line of Lot 1 Block 88 to a point on the Northeasterly side line of Lot 2 Block 86, thence;

(44) Southwesterly along said Northerly side line of Lot 2 Block 86 to the Southwesterly corner of Lot 2 Block 86, thence;

(45) Southeasterly along the Southerly side line of Lot 2 Block 86 to the Southwest corner of Lot 1 Block 86, thence;

(46) Southeasterly along the Southerly side line of Lot 1 Block 86 100 feet to a point said point also being on the Northerly side line of Lot 1 Block 89, thence;

(47) Southwesterly across Lot 1 Block 89 to a point at the Northeast corner of Lot 24 Block 90, thence;

(48) Westerly along the rear lines of Lots 24A, 25A, 12, 11, 31, 9, 8, 8B and 8A Block 90 to a point at the Northweste corner of Lot 8A Block 90, thence;

(49) Southerly along the Westerly side line of Lot 8A Block 90 to a point on the Northerly side line of Reid Street, thence;

(50) Easterly and Southerly along the various courses of said side line of Reid Street to the intersection of the Easterly side line of Reid Street and the Southerly side line of George Street extended Easterly, thence;

(51) Westerly along the Southerly side line of George Street and its extensions to the Northwest corner of Lot 15 Block 147, thence;

(52) Southeasterly along the Southwesterly side lines Of Lots 15 and 32 Block 147 and across Main Street to the Northeast corner of Gordon Street, thence;

(53) Southeasterly along the Northeasterly side line of Gordon Street along its various courses to the intersection of said side line extended Easterly and the center line of Jackson Street, thence;

(54) Easterly along the center line of Jackson Street to the intersection of said centerline with the Easterly side line of Whitehead Avenue extended Northerly, thence;

(55) Southerly along said Easterly side line of Whitehead Avenue to the intersection of said side line of Whitehead Avenue and the Southerly side line of Martin Avenue, thence;

(56) Northeasterly along the Southerly side line of Martin Avenue to the intersection of said side line of Martin Avenue with the Easterly side line of Freeman Street, thence;

(57) Southeasterly along said side line of Freeman Street to a point on the Northerly side line of Lot 1B Block 304, thence;

(58) Westerly along said Northerly side line of Lot 1B Block 304 to the Northeast corner of Lot 24 Block 304, thence;

(59) Southerly along the Easterly side line of Lot 24 Block 304 to the intersection of said line extended Southerly to the side line of Herman Street, thence,

(60) Westerly along said Southerly side line of Herman Street to the Northeast corner of Lot 14 Block 304, thence;

(61) Southerly along the Easterly side line of Lot 14 Block 304 to the Southeasterly corner of said Lot 14 Block 304, thence;

(62) Westerly along the rear lines of Lots 14, 13, 12, 11, 10, 9 and 8 Block 304 to a point on the Easterly side line of Lot 5 Block 304, thence;

(63) Southerly along the rear lines of Lots 5, 6, and 7 Block 304 to a point on the Northerly side line of Lot 1C Block 304, thence;

(64) Easterly along the Northerly side line of Lot 1C Block 304 to the North east corner of said Lot 1C Block 304, thence;

(65) Southerly along the Easterly side line of Lot 1C Block 304 to the Southeast corner of Lot 1C Block 304 to the Southeast corner of Lot 1C Block 304, thence;

(66) Westerly along the Southerly side line of Lot 1C Block 304 to a point on the Easterly side line of Whitehead Avenue, thence;

(67) Southeasterly along said Easterly side line of Whitehead Avenue to the Northwest corner of Lot 2 Block 332, thence;

(68) Easterly along the Southerly side lines of Lot 1 Block 332 and Lot 14 Block 303 extended Easterly across the Raritan River Railroad Right-of-Way to a point on the Easterly side line of said railroad Right-of-Way said point also being the Northwest corner of Lot 9 Block 303, thence;

(69) Southeasterly and Southerly along the Easterly side line of the Raritan River Railroad Right-of-Way to the intersection of said line with the Northerly side line of Bissett Place extended Easterly, thence;

(70) Northwesterly along said Northerly side line of Bissett Place to the intersection of said side line with the Easterly side line of Whitehead Avenue, thence;

(71) Northwesterly along said Easterly side line of Whitehead Avenue to the intersection of said side line with the Easterly extension of the southerly side line of Lot 1 Block 292, thence;

(72) Westerly across Whitehead Avenue along the Southerly side lines of Lots 1, 2, 3, 4 and 5 Block 292 to a point on the Easterly side line of Robert Street, thence;

(73) Easterly across Robert Street and along the Northerly side lines of Lots 2 and 3 Block 352 across Schak Avenue and along the Northerly side lines of Lots 6 and 15B Block 352 and across Olchaskey Avenue and along the Northerly side lines of Lots 7 and 5 Block 352 across Foothills Drive and along the Northerly side lines of Lots 3, 2 and 1 Block 354E to the Easterly side line of Sheldon Avenue, thence;

(74) Along the Easterly side line of Sheldon Avenue and in a Northerly direction to a point 100.8 feet Southerly to the intersection of the Southerly line of Prentice Avenue extended and Sheldon Avenue, thence;

(75) Westerly along the rear line of Lots approximately 100.8 feet Southerly of the Southerly line of Sheldon Avenue to the Easterly line of Willett Avenue, thence;

(76) Along the Easterly line of Willett Avenue in a Southerly direction to the center line of Johnson Place, thence;

(77) Westerly along the center line of Johnson Place to a point approximately 125 feet Easterly to the intersection of Johnson Place and James Street, thence;

(78) Southerly along the back of lots facing James Street approximately 125 feet Southerly of James Street to a point in the center line of Morningside Avenue, thence;

(79) Along the center line of Morningside Avenue to the point and place of BEGINNING.

Excepting therefrom the following two tracts which are intended to retain their present designated Zone.

FIRST TRACT

BEGINNING at a point which point is the center line intersection of Raritan Avenue and Clayton Court from said point running, thence;

(1) Easterly along the center line of Clayton Court to the intersection of Clayton Court and Willett

ORD: 1977-12

1ST: 2-23-77
FINAL: 3-09-77

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, "AN ORDINANCE LIMITING AND RESTRICTING TO SPECIFIED DISTRICTS AND REGULATING THEREIN BUILDINGS AND STRUCTURES ACCORDING TO THEIR CONSTRUCTION AND THE NATURE AND EXTENT OF THEIR USE IN THE BOROUGH OF SOUTH RIVER, IN THE COUNTY OF MIDDLESEX: AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS THEREIN CONTAINED AND FIXING PENALTIES FOR THE VIOLATION THEREOF".

BE IT ORDAINED by the Mayor and Council of the Borough of South River, in the County of Middlesex, State of New Jersey, as follows: that the following shall be an amendment to the various sections of the Zoning Ordinance of the Borough of South River and shall be applicable and effective therein to wit:

SECTION 1: Section IV, R Single Family Residence District is hereby amended as follows:

SECTION 2: Subsection F - Minimum Floor Area of Residential Buildings is hereby amended to read as follows:

> Every new residential building shall have a minimum habitable floor area, exclusive of basement area, of not less than 900 square feet, of which not less than 520 square feet shall be upon the ground floor; provided, however, that of the habitable floor area, not more than 10% thereof may be allocated to the basement area; and provided, further, that such portion of the basement area is so constructed and finished as to be usable for habitation and shall be actually intended for such use.

SECTION 3: Section IV A, R-1 Single Family Residence District is hereby amended as follows:

SECTION 4: Subsection F - Minimum Floor Area of Residential Buildings is hereby amended to read as follows:

> Every new residential building shall have a minimum habitable floor area, exclusive of basement area, of not less than 900 square feet, of which not less than 520 square feet shall be upon the ground floor; provided, however, that of the habitable floor area, not more than 10% thereof may be allocated to the basement area; and provided, further, that such portion of the basement area is so constructed and finished as to be usable for habitation and shall be actually intended for such use.

PETER J. SCHWARTZ
GARY M. SCHWARTZ
COUNSELLORS AT LAW
65 MILLTOWN ROAD
EAST BRUNSWICK, N. J. 08816
(201) 257-9100

IN REPLY REFER TO:

March 11, 1977

Ms. Marilyn Morheuser
ACLU of New Jersey
45 Academy Street
Newark, New Jersey 07102

Re: Urban League of Greater New Brunswick, et al
vs. The Mayor And Council Of The Borough of
Carteret, et al, Docket No. C-4122-73

Dear Ms. Morheuser:

Enclosed herewith please find certified copy of amendment to zoning ordinance, passed on second and final reading, eliminating basement restrictions. Pursuant to our recent conversation, it is my understanding that you will now convey to the Court your client's satisfaction with the Borough's compliance with the Courts conditional dismissal. You have previously received our affidavit regarding the 75 x 100 foot residential zone.

I would appreciate your immediate attention to this matter inasmuch as the Order for conditional dismissal has been pending for some time.

Very truly yours,

GARY M. SCHWARTZ
Borough Attorney
Borough of South River

GMS/ez
Enc.
cc: Hon. David D. Furman, w/enc.

COPY

SECTION 5: If any section, paragraph, subdivision clause or provision of this ordinance shall be judged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION 6: All ordinances and parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

SECTION 7: This ordinance shall take effect immediately after final passage and publication as is required by law.

ATTEST:

/s/
William A. Reichenbach, Jr.,
Borough Clerk

APPROVED:

/s/
Charles J. Mannino, Mayor

APPROVED AS TO FORM:

/s/
Gary M. Schwartz,
Borough Attorney

CERTIFICATION

I, William A. Reichenbach, Jr., the qualified Clerk of the Borough of South River, in the County of Middlesex, the State Of New Jersey, do hereby certify that the above is a true and compared copy of an ordinance duly adopted by the Governing Body of the said Boroughon March 9th, 1977, the same being of record and on file in my Office.

DATED: MARCH 28th, 1977

/s/
William A. Reichenbach, Jr.,
Borough Clerk.

ORD. 197

Final 3-09-77

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, "AN ORDINANCE LIMITING AND RESTRICTING TO SPECIFIED DISTRICTS AND REGULATING THEREIN BUILDINGS AND STRUCTURES ACCORDING TO THEIR CONSTRUCTION AND THE NATURE AND EXTENT OF THEIR USE IN THE BOROUGH OF SOUTH RIVER, IN THE COUNTY OF MIDDLESEX: AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS THEREIN CONTAINED AND FIXING PENALTIES FOR THE VIOLATION THEREOF".

BE IT ORDAINED by the Mayor and Council of the Borough of South River, in the County of Middlesex, State of New Jersey, as follows: that the following shall be an amendment to the various sections of the Zoning Ordinance of the Borough of South River and shall be applicable and effective therein to wit:

SECTION 1: Section IV, R Single Family Residence District is hereby amended as follows:

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> Every new residential building shall have a minimum habitable floor area, exclusive of basement area, of not less than 900 square feet, of which not less than 520 square feet shall be upon the ground floor; provided, however, that of the habitable floor area, not more than 10% thereof may be allocated to the basement area; and provided, further, that such portion of the basement area is so constructed and finished as to be usable for habitation and shall be actually intended for such use.

SECTION 3: Section IV A, R-1 Single Family Residence District is hereby amended as follows:

SECTION 4: Subsection F - Minimum Floor Area of Residential Buildings is hereby amended to read as follows:

> Every new residential building shall have a minimum habitable floor area, exclusive of basement area, of not less than 900 square feet, of which not less than 520 square feet shall be upon the ground floor; provided, however, that of the habitable floor area, not more than 10% thereof may be allocated to the basement area; and provided, further, that such portion of the basement area is so constructed and finished as to be usable for habitation and shall be actually intended for such use.

PETER J. SCHWARTZ
GARY M. SCHWARTZ
COUNSELLORS AT LAW
65 MILLTOWN ROAD
EAST BRUNSWICK, N. J. 08816

ABE S. SCHWARTZ
OF COUNSEL

(201) 257-9100
IN REPLY REFER TO:

March 28, 1977

Hon. David D. Furman
Judge, Superior Court
Middlesex County Court House
New Brunswick, New Jersey

Re: Urban League of Greater New Brunswick, et al
vs. The Mayor And Council Of The Borough Of
Carteret, et al, Docket No. C-4122-73

Dear Judge Furman:

Enclosed please find certified copy of amendment to zoning ordinance as agreed with counsel for plaintiff and in accordance with a letter which I understand plaintiff's counsel is sending to you indicating plaintiff has no objection to your Honor's now entering the Order of Dismissal in this action as to the Borough of South River.

Respectfully yours,

G M Schwartz

GARY M. SCHWARTZ
Borough Attorney
Borough of South River

GMS/ez
Enc.

AMERICAN CIVIL LIBERTIES UNION OF NEW JERSEY
45 ACADEMY STREET, NEWARK, N.J. 07102
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March 23, 1977

Honorable David D. Furman
Judge of the Superior Court
Courthouse
New Brunswick, New Jersey 08903

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

Dear Judge Furman:

Subsequent to our February 11th hearing and conference concerning the amendments in South River's zoning ordinances, Mr. Gary Schwartz has forwarded an Affidavit of the Borough's Planner indicating that the new R-1 Zone contains 37.64 vacant and developable acres, as well as a certified copy of an Amendment to the Zoning Ordinance that was discussed on February 11th. Plaintiffs counsel and expert have reviewed these materials.

Therefore, at this time I wish to indicate that pending your receipt of a certified copy of the recent amendment, plaintiffs are satisfied with the provisions of the zoning ordinances of the Borough of South River.

Respectfully yours,

Marilyn J. Morheuser

Marilyn J. Morheuser
Attorney for Plaintiffs

MJM/lm

cc: Gary M. Schwartz, Esq.
Roger Rosenthal, Esq.
Alan Mallach

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