

CA - South Amboy

2/26/76

Transcript of Proceedings re: Zoning Ordinance revision

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CA001980S

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - MIDDLESEX COUNTY
Docket No. 4122-73

RECEIVED
MIDDLESEX COUNTY
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BOOK 42
FRANK S. SCHULMAN
CLERK

URBAN LEAGUE OF GREATER NEW BRUNSWICK,
et al,
Plaintiffs

-vs-

South Amboy

BOROUGH OF CARTERET, et al
Defendants.

MAR 22 1976
3/4

New Brunswick, New Jersey
February 26, 1976

B E F O R E:

HONORABLE DAVID D. FURMAN, JSC

A P P E A R A N C E S:

DANIEL SEARING, ESQ.,
MARK SLOANE, ESQ.,
Attorneys for the Plaintiffs.

JOHN VAIL, ESQ.,
Attorney for Deft. South Amboy.

Daye F. Fenton,
Official Court Reporter.

1 MR. VAIL: Your Honor, I'd like to indicate,
 2 sir, all that I have received from your Clerk.
 3 P-154, the South Amboy Zoning Ordinance and I
 4 have signed for it, since it's the only copy in
 5 existence to my knowledge and I'll need it to
 6 make some changes.

7 It's proposed, your Honor, that the City of
 8 South Amboy will amend it's zoning ordinance in
 9 so far as multifamily is concerned, in the following
 10 manner. Number one, remove bedroom restrictions
 11 in their entirety. Number two, provide,
 12 instead of a special exception use that applications
 13 for multifamily will be to the Planning Board.
 14 Number three, in so far as open space is concerned,
 15 that will be ten percent of the entirety, plus a
 16 playground for children to be determined by the
 17 market. Number four, remove the two story limit.
 18 Number five, the minimum floor area in the
 19 three or four bedroom will be in accordance
 20 with F.H.A. requirements.

21 We will rezone 55 acres of industrial land
 22 or commercial or whatever for multifamily use.

23 THE COURT: I believe specifically industrial,
 24 Mr. Vail.

25 MR. VAIL: Industrial.

1 THE COURT: Yes.

2 MR. VAIL: Let me make that note, then.

3 With reference to garden apartments, we
4 would change the ordinance in so far as it refers
5 to density and provide for either 15 or 16 per
6 acre.

7 We will eliminate the two story height
8 requirement. Once again on the open areas per
9 unit, there will be ten percent of the ^{site} ~~sight~~ plus
10 a playground for children as required.

11 That is my understanding of the City's
12 proposal. I expect that the City will ratify it
13 and the necessary procedures will be implemented
14 at its business meeting this coming Monday and
15 the public meeting is on the Tuesday immediately
16 following. As your Honor, knows, the procedure
17 is not short, the matter must be referred to the
18 Planning Board, must be studied for 31 days,
19 recommendation made to the governing body at
20 which time the governing body will act.

21 I ask that the Court conditionally dismiss the
22 matter, subject to the governing body acting
23 affirmatively on all of the matters that I have
24 stated in court today.

25 THE COURT: mr. Searing, Mr. Sloane wish to be

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heard?

MR. SLOANE: Your Honor, we are in full agreement with this settlement of the South Amboy aspect of the case.

THE COURT: All right, a dismissal is granted in favor of the City of South Amboy, conditional upon the amendment of the Zoning Ordinance, as stated by Mr. Vail.

MR. VAIL: Thank you, Judge.

* * * *

CERTIFICATE

I, DAYE F. FENTON, do hereby certify that the foregoing is a true and accurate transcript of the proceedings as taken by me stenographically at the time and place hereinbefore set forth.

Daye F. Fenton
DAYE F. FENTON, CSR