

~~1002~~ U.L. v. Carter

S. Brunswick

3-Jun-75

Request for Admission ~~submitted~~  
filed by Urban League

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SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION: MIDDLESEX COUNTY  
DOCKET NO. C - 4122-73

URBAN LEAGUE OF GREATER NEW  
BRUNSWICK, et al.

Plaintiffs

vs.

THE MAYOR AND COUNCIL OF THE  
BOROUGH OF CARTERET, et al.,

Defendants.

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:  
:  
:

Civil Action

REQUEST FOR ADMISSION

TO:

Andre W. Gruber, Esq.  
1215 Livingston Avenue  
North Brunswick, New Jersey 08902

Plaintiffs hereby make Request for Admissions  
pursuant to R. 4:22, et seq:

1. Does defendant admit that there are three mobile home parks within the municipality? YES

2. Does defendant admit that its municipal zoning ordinance permits no more than three mobile home parks? YES

3. Does defendant admit that its municipal zoning ordinance provides for a maximum capacity of 280 mobile homes in each park? YES

4. Does defendant admit that its municipal zoning ordinance limits multiple dwellings to its PRD zones? YES

5. Does defendant admit that its PRD-7 zone allows a maximum overall density of seven dwelling units per acre? YES

6. Does defendant admit that its PRD-5 zone allows a maximum overall density of five dwelling units per acre? YES

7. Does defendant admit that in its A-5 zone the following regulations apply:

- a. minimum lot area of five acres? YES
- b. minimum lot widths of 150 ft.? YES
- c. minimum gross floor areas of 1,000 sq. ft.? YES

8. Does defendant admit that in its A-5 zone as of February 1975 there were 719 undeveloped acres? YES, this zone was designated for ecological reasons and included in the State of New Jersey's proposed purchase of Pigeon Swamp for environmental purposes (2,500 acres).

9. Does defendant admit that in its A-3 zone the following regulations apply:

- a. minimum lot areas of three acres? YES
- b. minimum lot widths of 150 ft.? YES
- c. minimum floor areas of 1,000 sq. ft.? YES

10. Does defendant admit that in its A-3 zone as of February 1975 there were 8,237 undeveloped acres?

No, there were 6,828 undeveloped acres. This zone was designated for ecological reasons and is to be partially included in the Pigeon Swamp purchase by the State of New Jersey.

11. Does defendant admit that in its R-1 zone the following regulations apply:

- a. minimum lot areas of from one acre to 30,000 sq. ft.? YES
- b. minimum lot widths of from 120 to 150 ft.? YES
- c. minimum gross floor areas of 1,000 sq. ft.? YES

12. Does defendant admit that in its R-1 zone as of February 1975 there were 2,737 undeveloped acres? No, there were 3,007 undeveloped acres.

13. Does defendant admit that in its R-2 zone the following regulations apply:

- a. minimum lot size from 20,000 to 30,000 sq. ft.? YES
- b. minimum lot widths of from 110 to 150 ft.? YES
- c. minimum gross floor area 1,000 sq. ft.? YES

14. Does defendant admit that in its R-2 zone as of February 1975 there were 2,095 undeveloped acres? No, there were 2,237 undeveloped acres; in addition, 298 of these acra are scheduled for PRD (Green Village) on the Master Plan under timed scheduling.

15. Does defendant admit that in its R-3 zone the following regulations apply:

- a. minimum lot areas of from 15,000 to 20,000 sq. ft.? YES
- b. minimum lot widths of 100 sq. ft.? YES
- c. minimum floor areas of 1,000 sq. ft.? YES

16. Does defendant admit that almost all land in its R-3 zone is developed? No, there are approximately 352 acres undeveloped.

17. Does defendant admit that in its PRD-5 and PRD-7 zones there are 600 undeveloped acres? No, there are 756 undeveloped acres, or acreage. Included in this acreage is a 70 acre tract which has received tentative approval for PRD development (approx. 300 Townhouses). In addition, there are 1,656 additional acres designated as PRD (Green Village) on the Master Plan under timed scheduling. \*

18. Does defendant admit that as of February 1975, of 9,427 acres zoned for industrial use, there were 8,332 undeveloped acres? No, there were 8,418 acres zoned industrial and 7,323 acres undeveloped. Of the developed acreage, approximately 400 acres were consumed for industrial use in 1974 alone.

19. Does defendant admit that the Middlesex County Master Plan projects that total acreage needed by South Brunswick to accommodate existing and projected industrial uses by the year 2000 is 1,055? No, the Middlesex County Planning Board estimates 3,560 acres are needed by the year 2000 in their Interim Master Plan and 3,000 acres needed by the year 2000 in their Plan Alternative.

20. Does defendant admit that it has no public housing authority? YES

21. Does defendant admit that the number of building permits it issued between 1965 and 1973 was as follows: NO

	<u>1965</u>	<u>1966</u>	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>
Single Family	36	25	17	25	32	134	171	203	227
Multi-family	0	100	180	0	0	0	0	0	0
	<u>1974</u>	<u>1975</u>							
Single Family	31	4							
Multi-family	24	46							

22. Does defendant admit that its 1970 minority population was 418 black, 88 Spanish-speaking and 107 other minority? No, 418 black, 6 Indian, 89 other specified, 12 other non specified, available from the 1970 Census data, as published by the Middlesex County Planning Board

23. Does defendant admit that its black population decreased from 470 to 418 from 1960-1970? YES

24. Does defendant admit that its population increased from 10,278 to 14,058 from 1960-1970? YES

25. Does defendant admit that a substantial portion of its developable land is readily amenable to sewer and water utility installation? See Engineer's report attached.

26. Does defendant admit that there are no peculiar circumstances which require maintenance of the provisions of the zoning ordinance and land use practices listed in one to 18 above? If this is denied, list such peculiar circumstances and provide a summary of the facts supporting such circumstances.

This question is improper. However, to expedite this litigation I shall forward to you a copy of our dated factual contentions with regard to this lawsuit which statement is not to be construed as part of this answer.



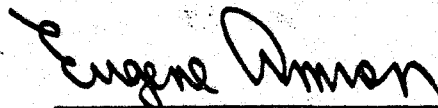
MEMORANDUM

TO: Carl Hintz  
FROM: Eugene Amron, P.E. & L.S., Township Engineer  
RE: Urban League  
DATE: June 2, 1975

As discussed last Friday afternoon, I have investigated and computed the answer to the question regarding "readily amenable" area for water and sewer.

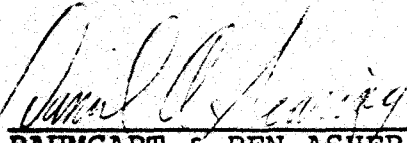
Of course, "developable land" is land which does not have existing structures and or site plan approvals, and is not in the flood plain. The entire westerly and south westerly portion of the Township is under D.E.P. moratorium and would not meet the "readily amenable" criteria, for at least three years. Therefore, the only remaining area of the Township that would meet this criteria is the area on both sides of public roads and easements where the Middlesex County Sewer Authority gravity line interceptor is currently being constructed, and will shortly be completed.

On the basis of the above there is a total of 1,117.33 acres that meet this criteria. However, existing homes and structures and approved site plans occupy 720 acres and low line flood plain areas occupy 96 acres; for a total of 816 "occupied" acres or 73%. The balance of 301.33 acres or 27% meet this criteria. However, more than one-half of this area faces Route 130 on the westerly side and although "readily amenable" for water and sewer certainly is not "readily amenable" for residents construction with air, noise and dust pollution.



Eugene Amron, P.E. & L.S.  
Township Engineer

EA/fk

  
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**CERTIFICATION**

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DATED: 6/3/75

  
CARL HINTZ, Planning Director