

CA - South Brunswick

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

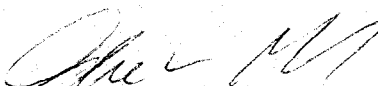
Re: Urban League of Greater New Brunswick v.
The Mayor and Council of the Borough of
Carteret, et al., Docket No. C-4122-73

Dear Judge Furman:

Enclosed herewith please find amended pages 8,9, and 10
of South Brunswick's Brief on Validity of Zoning Ordinance
submitted in the above matter.

Would you please substitute these pages for the
original pages 8,9, and 10 of the brief in you possession.

Respectfully submitted,


Andre Wm. Gruber

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encls.

estimate is needed by the County to be 10,000; 5,000 of which should be located in the twenty communities that are participating in the community development fund. South Brunswick has already provided in its existing ordinance 900 of those estimated 5,000 units which is almost 20% of the estimated new units.

With regard to the amount of the industrial zoning in the Township, the Court had evidence presented from two sources. The first source was the Middlesex County Master Plan adopted in 1970. The County Master Plan indicates by the year 2000 South Brunswick would have consumed approximately 1,800 acres of industrial land. Carl Hintz testified that 550 acres of industrial zoning had been consumed in the last two years. It is proposed by South Brunswick that the amount of industrial land presently zoned in South Brunswick Township necessary to create the jobs needed for its residents in the year 2000 is reasonable.

The South Brunswick Township Master Plan considered all the environmental factors and the present industrial zoning and has projected a population of 100,000 for the year 2000. The majority of the population growth to take place in the PRD areas both in the present zoning ordinance and proposed PRD Zones in the Master Plan. The ultimate population projection

of 100,000 people also assumes a work force of approximately 40,000. There was testimony in the case by Carl Hintz and a survey introduced into evidence to show that the present amount of industrial acreage is necessary to provide for the projected workforce of 40,000. Mr. Hintz further testified that the number of jobs per industrial acre was 3.5 for existing industries. Carl Hintz testified that it would be reasonable to anticipate that since this job ratio has developed under the existing industrial zoning, it would also be reasonable to assume that these ratios would not change very much in the future. If that were the case, under the present zoning for industry, there would be no more than approximately 25,000 jobs to be developed. Therefore, even allowing for a margin of error and almost double to the number of jobs per acre to five, there would be no more than the 40,000 jobs projected under the ultimate population of the Township. Therefore, it is submitted that the industrial zoning is not excessive.

The plaintiffs argue that 60% of the residentially zoned land is located in A-5 and A-3 Zones. The Township of South Brunswick submits that this zoning is necessary for ecological reasons and it has been substantiated by the testimony of Carl Hintz, the State Geologist, and Gene Amron,

the Township Engineer who testified on behalf of South Brunswick that the aquifers and the protection of the aquifers is important, and a real and substantial danger exists if large scale development was allowed upon the land over the aquifers, which would endanger the water supply not only of South Brunswick Township but the surrounding communities as well. Carl Hintz also testified that Pigeon Swamp, a State Park that the State has begun to acquire parcels of land for, is located within the A-5 and A-3 Zones, therefore indicating the environmentally sensitive nature of this area.

A-5 and A-3 Zones are contiguous with the areas of the aquifer and therefore the Township submits the A-3 and A-5 Zoning is valid, has a specific ecological reason behind the designation and is not excessive. Considering the fact that approximately 40% of the Township as shown on page 13 of the Master Plan is in poor drainage areas, it is submitted that the plan, which establishes high density villages surrounded by greenbelts in the areas of the R-1 and R-2, is based upon a justifiable reason. In addition, the greenbelts serve to prevent an asphalt jungle from appearing and this along justifies the reduced densities between the villages.

It was contemplated that these R-1 and R-2 areas would be used for holding zones for future PRD's which would permit the Township to retain the sufficient open spaces to maintain