

CA - South River

4/16/16  
22

Cover letter

+ certified copy of amendment to  
South River Zoning Ordinance

pi. 3526

pg 6

CA002167T

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

(201) 257-9100

**FILED**

IN REPLY REFER TO:  
File SR-117G

APR 28 1976

DAVID D. FURMAN, J.S.C.

April 22, 1976

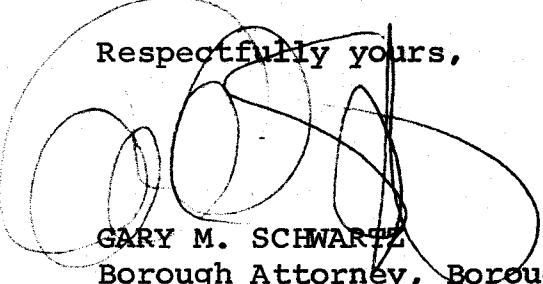
Hon. David D. Furman  
Judge, Superior Court  
Middlesex County Court House  
New Brunswick, New Jersey

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 herewith please find a certified true copy of the amendment to the South River Zoning Ordinance which has been duly published in accordance with final adoption. I enclose also affidavits of publication and herewith inform your Honor that the amendment is now of record and conforms to your Honor's ruling regarding modifications to the Borough's ordinance, as related to the Mayor and Borough Counsel by Robert Rafano, Esq.

Respectfully yours,



GARY M. SCHWARTZ  
Borough Attorney, Borough of South River  
GMS/ez  
Encs.

CA002167T

**BOROUGH OF SOUTH RIVER**

**MIDDLESEX COUNTY**

**NEW JERSEY**



FILED

APR 23 1976

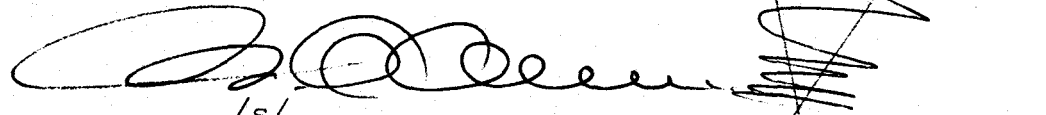
DAVID E. PERMAN, J.S.C.

CERTIFICATION

I, William A. Reichenbach, Jr., the duly qualified Clerk of the Borough of South River, in the County of Middlesex, the State of New Jersey, do hereby certify that the attached ordinance (Ordinance 1976-5) was finally passed by the Governing Body and approved by the Mayor on March 24th, 1976; that the same attached is a true and compared copy thereof; that Affidavits of Publication on it's First Reading and it's Final Passage are here with so attached; that the same is now of record and on file in my Office.

DATED: APRIL 21st, 1976

GIVEN UNDER MY HAND AND THE SEAL  
OF THE BOROUGH OF SOUTH RIVER, IN  
THE COUNTY OF MIDDLESEX, THIS 21ST  
DAY OF APRIL, 1976.

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

# AFFIDAVIT OF PUBLICATION

OF NEW JERSEY, }  
Y OF MIDDLESEX, } SS:

I, the undersigned a Notary Public in and for said County and State,

do hereby appear

Angela Duris

and being duly sworn, says that the annexed notice was published on the fol-

lowing dates, to wit:

.....day of..... March 19 76  
.....day of..... 19.....  
.....day of..... 19.....  
.....day of..... 19.....  
.....day of..... 19.....  
.....day of..... 19.....

in HOME NEWS, a daily newspaper of general circulation printed and published in Middlesex County, New Jersey, of which the said affiant is book-

*Angela Duris*  
13th

scribed and sworn to before me, this ..... day of  
March 19 76

in witness my hand and notarial seal

*Galvesto J. Lanley*  
Notary Public

Middlesex County, New Jersey

My Commission Expires May 4, 1976

## NOTICE OF A PUBLIC HEARING ON AN ORDINANCE

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced at a meeting of the Mayor and Board of Council of the Borough of South River, Middlesex County, New Jersey, and was passed on First Reading by Title only on the 10th day of March, 1976; the same was then ordered to be published as is required by Law. The said Ordinance will be further considered for Final Passage at a Second Reading and Public Hearing at a meeting of the said Mayor and Board of Council in the Borough of South River, in the Borough Office, Main Street, South River, New Jersey, on the 24th day of March, 1976 at 8:30 P. M. O'Clock, prevailing time, at which time and place all interested persons will be given opportunity to be heard on the said proposed Ordinance.

By Order of the Borough Council, Borough of South River, New Jersey  
ATTEST:

WILLIAM A. REICHENBACH, JR.  
Borough Clerk

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 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 poor arrangement, inadequate parking, traffic danger, inadequate provision for light or circulation of air, destruction of neighborhood character and;

(b) The project shall be developed and maintained and operated in an area of not less than three 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) The maximum number of rooms in each unit, other than bathrooms, shall be five; provided, however, that not more than 20% of the total number of units shall exceed four rooms.

(j) 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.

(k) All water, sanitary sewers, and storm sewer lines shall be installed and constructed in accord-

ance with the specifications set forth in the Land Subdivision Ordinance, and the design therefor shall be approved by the municipal engineer.

SECTION 3: 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 4: 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 7,500 square feet and minimum width of 75 feet.

SECTION 5: 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 1,000 square feet, of which not less than 575 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 1,000 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 40% of the aforesaid 1,000 square feet of habitable floor area, in the case of ranch type buildings, and only so much of such slab as does not exceed 30% of the aforesaid 1,000 square feet of habitable floor area, in the case of split-level buildings, shall be computed as part of the aforesaid 1,000 square feet of habitable floor area.

SECTION 6: 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 7: All ordinances and parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

SECTION 8: This ordinance shall take effect immediately after final passage and publication as is required by Law.

By Order of the Borough Council of South River, N.J.

ATTEST:  
WILLIAM A. REICHENBACH  
Borough Clerk  
2519-m.13 67.76



# AFFIDAVIT OF PUBLICATION

STATE OF NEW JERSEY, {  
COUNTY OF MIDDLESEX, { SS:

Before the undersigned a Notary Public in and for said County and State,  
personally appeared

Angela Duris

who being duly sworn, says that the annexed notice was published on the following dates, to wit:

27 ..... day of ..... March ..... 19 76  
..... day of ..... 19 .....  
..... day of ..... 19 .....  
..... day of ..... 19 .....  
..... day of ..... 19 .....

in THE HOME NEWS, a daily newspaper of general circulation printed and published in Middlesex County, New Jersey, of which the said affiant is book-keeper.

*Angela Duris*

Subscribed and sworn to before me, this 27th ..... day of  
March ..... 19 76

Witness my hand and notarial seal

*Collette V. Farley*

Notary Public

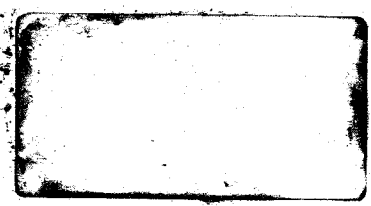
NOTARY PUBLIC OF NEW JERSEY

Middlesex County, New Jersey

My Commission Expires May 4, 1976

FORM NO. AC-8

**NOTICE OF FINAL PASSAGE OF AN ORDINANCE**  
NOTICE IS HEREBY GIVEN that an Ordinance entitled: **AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, "AN ORDINANCE LIMITING AND RESTRICTING TO SPECIFIC 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."** was duly adopted on Final Passage by the Borough Council of the Borough of South River, in the County of Middlesex, the State of New Jersey, at a meeting held on **MARCH 24th, 1976** and was duly approved by the Mayor of the said Borough of South River on the **24th day of March, 1976**, and the said Ordinance was then ordered published as is required by Law.  
**BY ORDER OF THE BOROUGH COUNCIL, BOROUGH OF SOUTH RIVER, MIDDLESEX COUNTY, NEW JERSEY.**  
Attest:  
**WM. A. REICHENBACH, Jr.**  
Borough Clerk  
2691-m.27 12.04



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 CON-  
TAINED 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 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 poor arrangement, inadequate parking, traffic danger, inadequate provision for light or circulation of air, destruction of neighborhood character and;

(b) The project shall be developed and maintained and operated in an area of not less than three 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) The maximum number of rooms in each unit, other than bathrooms, shall be five; provided, however, that not more than 20% of the total number of units shall exceed four rooms.

(j) 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.

(k) 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 3: 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 4: 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 7,500 square feet and minimum width of 75 feet.

SECTION 5: 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 1,000 square feet, of which not less than 575 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 1,000 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 1,000 square 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 1,000 square feet of habitable floor area, in the case of split-level buildings, shall be computed as part of the aforesaid 1,000 square feet of habitable floor area.

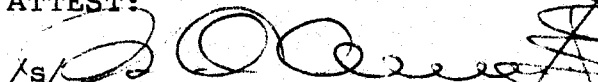


SECTION 6: If any section, paragraph, subdivision clause or provision of this Ordinance shall be judged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

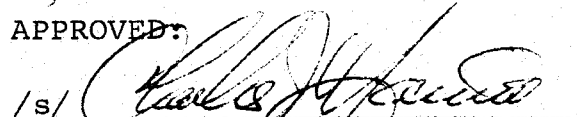
SECTION 7: All ordinances and parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

SECTION 8: This ordinance shall take effect immediately after final passage and publication as is required by law.

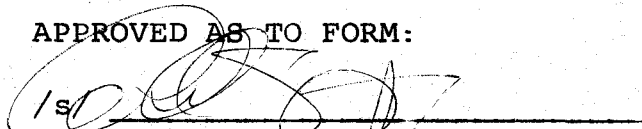
ATTEST:

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

APPROVED:

/s/   
CHARLES J. MANNINO,  
Mayor

APPROVED AS TO FORM:

/s/   
GARY M. SCHWARTZ,  
Borough Attorney