

CA - South River

~~NO~~ 11/11/76

letter re: response to zoning ordinance
provisions ~~to~~

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CA 002173L

NATIONAL COMMITTEE AGAINST DISCRIMINATION IN HOUSING, INC.

1425 H Street, N.W., Washington, DC 20005 • (202) 783-8150



November 11, 1976

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Honorable David D. Furman
Middlesex County Courthouse
New Brunswick, New Jersey 08903

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

Dear Judge Furman:

This letter is to respond to the zoning ordinance provisions presented to the Court by letter dated October 1, 1976 from Mr. Schwartz, in which plaintiffs asked for additional time to respond.

Plaintiffs believe that these amendments are responsive to the majority of our points raised at trial. However, two major questions remain.

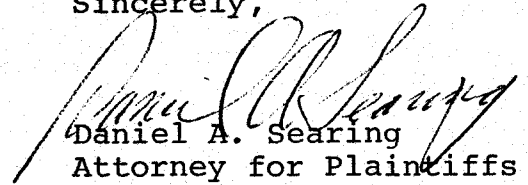
First, the elaborate provisions requiring basements under single family houses have been retained. Indeed, it is retained as well in the new R-1 zone which has been created in response to the requirement that lot sizes and floor area requirements be reduced. Since the objective of this zone is to allow modestly-priced homes to be constructed, the presence of this provision (Section IV A. F.) is clearly inconsistent with these objectives (being an unnecessary and cost-increasing provision) and should be removed.

Second, since plaintiffs were not provided with a land use map or data on the amount of vacant land by zone, the impact of the amendments on the map is not clear. The opinion of the Court clearly states that defendant South River is to rezone from single-family to multi-family residential (p. 12, fn. 12). The amendments do permit multi-family dwellings as of right rather than by special exception, but plaintiffs do

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not understand this as rezoning from single-family to multi-family. Until it is clear that this requirement has been accomplished, and the basement requirements eliminated, plaintiffs must urge that the proffered order not be signed.

Sincerely,



Daniel A. Searing
Attorney for Plaintiffs

cc: Gary M. Schwartz, Esq.
Attorney for South River

DAS:da