

CA - Woodbridge

4/15/76

Cover Letter

- copy of Amendment to ordinance
- affidavit of Richard E. Lapinski
- proposed order

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Woodbridge, New Jersey

JOHN J. CASSIDY, Mayor

Department of Law

1 Main Street
634-4500
Zip Code 07095

April 15, 1976

Honorable David D. Furman
Middlesex County Court House
New Brunswick, New Jersey 08901

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:

In regard to the above referenced matter, I am enclosing herewith the following:

1. Certified copy of the Amendment to the Woodbridge Township Zoning Ordinance, eliminating the purported exclusionary provisions;
2. Affidavit of Richard E. Lapinski, Director of Planning and Development, outlining Woodbridge's participation over the years in various programs designed to improve and rehabilitate substandard housing in the Township of Woodbridge;
3. Proposed Order dismissing the Complaint against the Township of Woodbridge.

The Affidavit is submitted by and for the Township of Woodbridge as a supplement to Point II of the Brief submitted on its behalf by Martin A. Spritzer, Esq. This Affidavit is intended to inform and convince the Court of Woodbridge's ongoing and sincere efforts to improve the condition and habitability of the existing housing in the township.

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If the enclosed Order meets with your Honor's approval and there are no objections to same within five (5) days, please sign said Order and return same to me in the envelope herewith provided. I shall attend to the filing.

Thank you for your time in this matter.

Respectfully yours,

Barry H. Shapiro
BARRY H. SHAPIRO

BHS/ebs

enc.

cc (w/encl): All attorneys of record.

SECOND READING

AN ORDINANCE AMENDING THE WOODBRIDGE TOWNSHIP ZONING ORDINANCE OF 1960, AMENDED THROUGH FEBRUARY 1, 1975.

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WOODBRIDGE that the Woodbridge Township Zoning Ordinance of 1960 amended through February 1, 1975, be amended as follows:

ARTICLE VI - SCHEDULE OF AREA, YARD, AND BUILDING REQUIREMENTS ZONING ORDINANCE OF THE TOWNSHIP OF WOODBRIDGE, NEW JERSEY.

Section 1. Article VI, Schedule of Area, Yard, and Building Requirements Zoning Ordinance of the Township of Woodbridge, New Jersey. This article shall be amended by deleting all reference to footnote No. (1) in the column titled Minimum Gross Floor Area/Family (In Square Feet) for the R-5 Residence Zone.

Section 2. Footnote No. (1) shall be amended to read as follows: For Garden Apartments, the minimum habitable floor area is 650 square feet.

ARTICLE XII - R-6A RESIDENCE ZONE, SECTION 1. PERMITTED USES

Section 1. Article XII, Section 1. Permitted Uses is amended by adding paragraph c. as follows:

c. Garden Apartment Developments

ARTICLE XII - SECTION 3. OTHER USES PERMITTED UPON APPLICATION TO THE ZONING BOARD FOR A SPECIAL PERMIT

Section 1. Article XII, Section 3.a. and b. are amended to read as follows:

- a. Same as specified in the R-5 Residence Zone, except that public and quasi-public swim clubs are prohibited.
- b. Boarding and rooming houses, but not motels, hotels, or tourist homes and cabins, subject to the standards and conditions set forth in Article XX, Section 2. of this Ordinance.

ARTICLE XII - SECTION 4. AREA, YARD, AND BUILDING REQUIREMENTS

Section 1. Article XII, Section 4. paragraph b. is added to read as follows:

b. For garden apartment developments as permitted in this Article:

- Minimum lot size - 2 acres
- Minimum lot width - 200 feet
- Minimum lot depth - 300 feet
- Minimum yard requirements - 25 feet on all sides
- Minimum floor area per dwelling unit - 650 square feet
- Minimum off-street parking spaces per dwelling unit
1 1/2
- Maximum building coverage - 20 per cent
- Maximum building height - 35 feet
- Maximum number of dwelling units per acre - 18

The areas shall be attractively landscaped and seeded.

Adequate recreation area and facilities to serve the needs of the anticipated population shall be provided and shall consist of at least the following: a fenced off play-lot

including play equipment such as swings, seesaws, etc., shall be provided. There shall be fifteen (15) square feet of paly-lot for every dwelling unit with a minimum size area of one thousand (1,000) square feet.

The provisions of this paragraph shall not apply to garden apartments previously constructed or to applications finally approved as of the date of the adoption of this amendment.

ARTICLE XIV - B-1 NEIGHBORHOOD BUSINESS ZONE, SECTION 1.
PERMITTED USES

Section 1. Article XIV B-1 Neighborhood Business Zone, Section 1. Permitted uses is amended by adding paragraph c. to read as follows:

c. Garden Apartment Developments.

ARTICLE XIV - SECTION 4. c. OTHER USES PERMITTED UPON APPLICATION TO THE ZONING BOARD FOR A SPECIAL PERMIT

Section 1. Article XIV, Section 4. c. Other Uses Permitted Upon Application to the Zoning Board for a Special Permit is deleted in its entirety.

ARTICLE XIV - SECTION 5., AREA, YARD, AND BUILDING REQUIREMENTS

Section 1. Article XIV, Section 5., Area, Yard and Building Requirements is amended by adding paragraph c. as follows:

c. As to garden apartment development, as specified in Article XII, Section 4.b., of this Ordinance.

ARTICLE XV - B-2 CENTRAL BUSINESS ZONE, SECTION 1., PERMITTED USES

Section 1. Article XV, B-2 Central Business Zone, Section 1. Permitted Uses is amended by adding paragraph i. to read as follows:

i. Garden Apartment Developments.

ARTICLE XV - B-2 CENTRAL BUSINESS ZONE, SECTION 3. d. OTHER USES PERMITTED UPON APPLICATION TO THE ZONING BOARD FOR A SPECIAL PERMIT.

Section 1. Article XV, B-2 Central Business Zone, Section 3. d. Other Uses Permitted Upon Application to the Zoning Board for a Special Permit is deleted in its entirety.

ARTICLE XV - B-2 CENTRAL BUSINESS ZONE, SECTION 4., AREA, YARD, AND BUILDING REQUIREMENTS.

Section 1. Article XV, B-2 Central Business Zone, Section 4., Area, Yard, and Building Requirements is amended by adding paragraph c. to read as follows:

c. As to garden apartment developments, as specified in Article XII, Section 4.b., of this Ordinance.

ARTICLE XVI - B-3 HIGHWAY BUSINESS ZONE, SECTION 1. c. PERMITTED USES.

Section 1. Article XVI, B-3 Highway Business Zone, Section 1. c. Permitted Uses is amended by adding subsection (8) to read as follows:

(8) Garden Apartment Developments.

ARTICLE XVI - B-3 HIGHWAY BUSINESS ZONE, SECTION 4.,
AREA, YARD, AND BUILDING REQUIREMENTS

Section 1. Article XVI, B-3 Highway Business Zone, Section 4., Area, Yard, and Building Requirements is amended by adding paragraph c. to read as follows:

- c. As to garden apartment developments, as specified in Article XII, Section 4. b., of this Ordinance.

ARTICLE XVII - M-1 LIGHT INDUSTRY ZONE, SECTION 5. e. (3)
OTHER PROVISIONS AND REQUIRMENTS.

Section 1. Article XVII, M-1 Light Industry Zone, Section 5. e. (3) Other Provisions and Requirements is amended to read as follows:

- (3) Residential Dwellings except garden apartments as provided for in this Ordinance.

ARTICLE XX - SECTION 2. e. SPECIAL EXCEPTIONS (GARDEN
APARTMENT DEVELOPMENTS)

Section 1. Article XX, Section 2. e. Special Exceptions (Garden Apartment Developments) is deleted in its entirety and amended to read as follows:

- e. Garden Apartment Developments may be permitted in the M-1 Light Industry Zone provided that the following design standards and application procedures are complied with:

(1) Design Standards:

- Minimum lot size - 2 acres
- Minimum lot width - 200 feet
- Minimum lot depth - 300 feet
- Minimum yard requirements - 25 feet on all sides
- Minimum floor area per dwelling unit - 650 square feet
- Minimum off-street parking spaces per dwelling unit 1 1/2
- Maximum building coverage - 20 per cent
- Maximum building height - 35 feet
- Maximum number of dwelling units per acre - 18

The area shall be attractively landscaped and seeded.

Adequate recreation area and facilities to serve the needs of the anticipated population shall be provided and shall consist of at least the following: a fenced off play-lot including play equipment such as swings, seesaws, etc., shall be provided. There shall be fifteen (15) square feet of play-lot for every dwelling unit with a minimum size area of one thousand (1,000) square feet.

The provisions of this paragraph shall not apply to garden apartments previously constructed or to applications finally approved as of the date of the adoption of this amendment.

(2) Application Procedures:

- (a) Applicant shall conform to the requirements of Article V, General Regulations, Section 23. of this Ordinance.
- (b) Application for a permit together with three (3) copies of the appropriate plans, specifications, and six (6) plot plans shall be made to the Building

Inspector, who shall gather all information on the above requirements and refer the matter to the Zoning Board.

- (c) The Zoning Board shall refer the matter to the Planning Board for report thereon as to its effect on the comprehensive planning of the Township. No action shall be taken until such report shall have been received from the Planning Board, which Board shall make its report thereon within forty-five (45) days. After receipt of such report, the Zoning Board shall hear the application in the same manner and under the same procedure as it is empowered by law and ordinance to hear cases and make exceptions to the provisions of the Zoning Ordinance.
- (d) The Zoning Board shall thereafter refer the application with its recommendation and the recommendation of the Planning Board to the Municipal Council. The Municipal Council shall either deny or grant the application, and shall give the reasons therefore. In approving any such application, the Municipal Council may impose any conditions that it deems necessary to accomplish the reasonable application of the above standards, and to ensure carrying out of the general purposes of the Zoning Ordinance.
- (e) If the application is granted, the Building Inspector shall issue a Building Permit, but only upon the conditions, if any, imposed by the Municipal Council.

ADOPTED: APR 6 1976

I hereby certify that the above is a true and exact copy of the Ordinance adopted by the Municipal Council of the Township of Woodbridge at their Regular Meeting held on APR 6 1976.

Joseph V. Valenti

Joseph V. Valenti
Municipal Clerk

I hereby certify that the within document is a true and exact copy of the Ordinance amendment adopted by the municipal Council on April 6, 1976.

Mary Csete
MARY CSETE
DEPUTY MUNICIPAL CLERK
TOWNSHIP OF WOODBRIDGE

ARTHUR W. BURGESS, ESQ.
DIRECTOR OF LAW
TOWNSHIP OF WOODBRIDGE
1 Main Street
Woodbridge, New Jersey 07095
(201) 634-4500
Attorney for Defendant, Township of Woodbridge

URBAN LEAGUE OF GREATER NEW : SUPERIOR COURT OF NEW JERSEY
BRUNSWICK, et al : CHANCERY DIVISION
 : MIDDLESEX COUNTY
 : DOCKET NO. C-4122-73
 : Plaintiffs

-vs-

 : CIVIL ACTION
THE MAYOR AND COUNCIL OF THE : AFFIDAVIT
BOROUGH OF CARTERET, et al :
 : Defendants

STATE OF NEW JERSEY:
 SS
COUNTY OF MIDDLESEX:

RICHARD E. LAPINSKI, of full age, being duly sworn
on his oath according to law, deposes and says:

1. I am the Director of Planning and Development in
the Township of Woodbridge, and my department is responsible for
the enforcement of the Woodbridge Housing Code as well as the
preparation and submission of applications for State and Federal
grants to improve the housing situation in the Township of
Woodbridge.

2. I am making this Affidavit for the purpose of
informing the Court of the past, present, and future projects re-
lating to housing improvement undertaken by the Township of

Woodbridge.

3. In the early half of the 1950s, the Woodbridge Housing Authority applied for and received a Federal grant enabling it to construct 150 dwelling units for low income families. This housing complex is known as the Bunn's Lane Housing Project.

4. In the early 1960s, the said Housing Authority applied for and received Federal grants which enabled it to erect three Senior Citizen housing projects with a total of 210 dwelling units. These buildings are located in Iselin, Fords, and Woodbridge proper, respectively.

5. In 1968 the same Housing Authority applied for an additional grant to aid in the construction of another Senior Citizen housing complex of 120 dwelling units on Rahway Avenue, Woodbridge. The Township of Woodbridge has already acquired the land for this ediface and is awaiting action on its application with HUD.

6. In September, 1975, the Woodbridge Housing Authority received a grant from HUD of \$354,000 to be applied to its Modernization Program for Public Housing, and will be used to improve the conditions at the Bunn's Lane site.

7. More recently, the said Housing Authority applied for a further grant of \$584,500 for purposes of adding to the

modernization of the Bunn's Lane apartments, as well as those for our Senior Citizens.

8. During the period of approximately 1964 to 1968, Woodbridge implemented the Project Bowtie Urban Renewal Project which involved a total cost of \$3,377,400.00. This project was designed for the purposes of rehabilitating existing housing, acquisition and demolition of dilapidated structures, improvements to streets, and redistribution of properties in accordance with the Urban Renewal Plan.

9. In or about 1966, Woodbridge Township instituted the Local Housing Code Compliance Program for enforcement of the B.O.C.A. Property Maintenance Code existing in the township. This Program continues to this date and is a wholly municipal expense and obligation. Through this Program an average of 60 houses per year are brought into compliance with the said Property Maintenance Code. Additionally, under this Program approximately ten houses per year are demolished as a result of the severity of their deterioration.

10. Through the State and Local Cooperative Housing Inspection Program, Woodbridge has been inspecting and cataloging multi-family housing units of three and more dwelling units per structure. Although Woodbridge receives only a partial reimbursement of the costs of this Program, and although the first such

reimbursement was the result of three contracts between the municipality and the Department of Community Affairs totalling \$20,000 and commencing in 1971, Woodbridge has since 1969 inspected and surveyed over 14,000 dwelling units in anticipation of this program. From 1973 to the present, Woodbridge has inspected 594 structures within which exists 5,051 dwelling units, for which we have been partially reimbursed.

11. Since April, 1975, Woodbridge has been funding the inspection of all rental apartments in buildings of more than ten dwelling units each time a new tenancy is effected. These inspections are calculated to assure that the apartments rented conform to the local housing ordinances. Approximately 1,000 units per year are so inspected.

12. Woodbridge Township is considered an entitlement community under the Housing and Community Development Act of 1974. Based on a formula established by HUD, Woodbridge received a first year Block Grant of \$233,000.00 for the period of June, 1975, to June, 1976. Of this total, Woodbridge has designated \$30,000.00 for the Woodbridge Housing Authority to install new heating pumps in the Bunn's Lane development and for the purchase of refuse dumpsters compatible with the township collection vehicles. There has also been \$23,000.00 earmarked for the rehabilitation of approximately ten private housing units, targets being selected on

basis of extent of violation from the B.O.C.A. Code as well as the financial need of the owner.

13. In its application for a second year Community Development Block Grant, from 1976 to 1977, Woodbridge is delegated \$518,000.00. Of this sum, there is a proposed expenditure of \$85,000.00 for the Woodbridge Housing Authority to further modernize and improve the Bunn's Lane facility. Additionally, \$47,500.00 is proposed for the said Housing Authority to replace the roofs on two of the Township's Senior Citizen complexes. Moreover, \$100,000.00 is designated for the establishment of a Housing Rehabilitation Grant and/or Loan Program for deteriorating, privately owned housing.

14. The above demonstrates the long standing commitment of the Township of Woodbridge to improving the quantity and quality of housing for low and moderate income families in the municipality.

Sworn to and subscribed
before me this 15th day
of April, 1976.

Richard E. Lapinski
RICHARD E. LAPINSKI

Elizabeth B. Szilagyi

ELIZABETH B. SZILAGYI
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires July 1, 1979

ARTHUR W. BURGESS, ESQ.
DIRECTOR OF LAW
TOWNSHIP OF WOODBRIDGE
1 Main Street
Woodbridge, New Jersey 07095
(201) 634-4500
Attorney for Defendant, Township of Woodbridge

URBAN LEAGUE OF GREATER NEW : SUPERIOR COURT OF NEW JERSEY
BRUNSWICK, et al, : CHANCERY DIVISION
 : MIDDLESEX COUNTY
 : DOCKET NO. C-4122-73
 : Plaintiffs

-vs-

 : CIVIL ACTION
THE MAYOR AND COUNCIL OF THE : ORDER
BOROUGH OF CARTERET, et al, :
 : Defendants

The Court having heard testimony and other proof regarding plaintiffs' claims based on the complaint in the above captioned matter, and a Motion for dismissal having been made by Arthur W. Burgess, Esquire, Attorney for the defendant, Township of Woodbridge, in the presence of Daniel A. Searing, Esquire, attorney for plaintiffs, and argument having been made by the respective attorneys, and the Court having determined that the complaint against the Township of Woodbridge could be dismissed upon the elimination of certain prima facie exclusionary provisions of the Woodbridge Township Zoning Ordinance, and the attorney for the said defendant having presented proof to the Court that the Woodbridge Township Zoning Ordinance has been amended to

eliminate the aforesaid provisions, and the attorney for the said defendant having also presented proof to the Court of the active involvement by the Township of Woodbridge in State and Federal programs designed to rehabilitate existing substandard housing;

It is on this day of 1976,

ORDERED that all claims against the defendant, Township of Woodbridge, based on the complaint and pre-trial order in the above captioned matter, be and are hereby dismissed without costs or attorney's fees to either party.

DAVID D. FURMAN, J.S.C.