

~~MDM~~ ML General

1-May-1984

Amended Complaint for the Mt. Laurel II
litigation plus Exhibits

pgs = 23

ML CC0480C

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ATTORNEYS FOR PLAINTIFFS

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION-MIDDLESEX COUNTY

URBAN LEAGUE OF GREATER
NEW BRUNSWICK, et al.,

Plaintiffs,

vs.

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

Defendants.

] Docket No. C 4122-73

] Civil Action

] AMENDED COMPLAINT

INTRODUCTION

1. This is a Mount Laurel action, originally commenced against defendant municipalities in 1974. In order to obtain complete and adequate relief against defendant Township Council of Piscataway, the complaint is amended as set forth herein to join the Planning Board of the Township of Piscataway as a necessary party and to state additional Mount Laurel claims against it.

2. The Complaint filed in this action on July 24, 1974, is hereby incorporated and made a part of this Amended Complaint as Count I thereof.

3. The Complaint is amended by adding the following allegations and

prayer for relief.

COUNT II

PARTIES

4. The Planning Board of the Township of Piscataway is empowered by the Municipal Land Use Law to make recommendations concerning zoning ordinances and zoning ordinance amendments to the municipal governing body.

N.J. Stat. Ann. 40:55B-64. The Planning Board is further authorized to approve applications for subdivision approval. N.J. Stat. Ann. 40:55B-37. Once a subdivision application receives preliminary approval, the applicant acquires substantial vested rights to develop the property as specified in the approval. In particular, the Planning Board and the Township Council may not thereafter rezone the property so as to prevent the approved development from proceeding. N.J. Stat. Ann. 40:55B-49.

FACTS

5. On July 9, 1976, this Court issued a judgment holding the zoning ordinance of the Township of Piscataway to be unconstitutional and directing appropriate rezoning.

6. On January 20, 1983, the Supreme Court of New Jersey affirmed this holding of unconstitutionality and remanded to this Court for a determination of region, regional need, and township fair share, and also whether any municipal actions since the time of the first trial placed the defendant in compliance with the obligations of Mount Laurel II. Trial of the remanded action commenced on April 16, 1984.

7. Defendant Township Council currently has zoned 243 vacant acres for multi-family housing. This represents only 2% of the township's acreage of 12,063. This zoning is sufficient to produce no more than approximately 500-600 units

of low and moderate income housing.

8. The Township of Piscataway^f's fair share obligation is in excess of 3,000 units of low and moderate income housing.

9. There is presently insufficient,*vacant developable land in Piscataway Township suitable to meet the Township's full fair share obligation. To meet this fair share number it is therefore necessary that Piscataway rezone all suitable vacant land for high density residential use.

10. From 1976 to 1984, significant vacant acreage suitable for low and moderate income housing was permitted by Piscataway Township to be developed for other residential and commercial uses.

11. On September 27, 1983, plaintiffs informed defendants by letter, a copy of which was filed with the Court, of its conclusion that Piscataway^f's then-existing land use ordinances did not comply with the decision of the Supreme Court in Mount Laurel II, and that plaintiffs would contest any claim of compliance at the retrial of this action.

12. In December 1983, as part of revisions to its Master Plan, and with full knowledge of its ongoing obligation to provide low and moderate income housing opportunities, defendant Planning Board of the Township of Piscataway recommended rezoning , and defendant Township Council of the Township of Piscataway rezoned Block 497, Lot 3 from R-20 Residential to LI-5 Light Industrial.

13. This rezoning occurred at the request of the contract purchaser of the subject property.

14. The subject property consists of approximately 50 acres, and is currently used as a farm.

15. This site is suitable for high density residential development.

16. The action of the Planning Board of the Township of Piscataway recommending rezoning of Block 497, Lot 3, from R-20 to LI-5 in December 1983 was in specific violation of its constitutional obligation to provide realistic opportunities for the construction of low and moderate income housing. The rezoning prevents vacant land, which is suitable for high density residential development and needed to fulfill the township's fair share obligation, from being used for that purpose.

17. In light of Piscataway's substantial fair share obligation, and its limited vacant land, the subject property must be rezoned to residential use if Piscataway is to meet its fair share obligation.

COUNT III

18. Paragraphs 1 through 17 are hereby incorporated and made a part of this Count.

Block 497, Lot 3

19. In March 1984, an application for classification and preliminary subdivision approval was filed with the Piscataway Planning Board to subdivide Block 497, Lot 3 for development of corporate office buildings. The application was ruled complete on March 22, 1984.

20. If the application for Block 497, Lot 3 is approved, it will create for the applicant substantial vested rights in the terms and conditions of the approval, and may preclude rezoning of the tract for residential use as part of a remedy in this case.

21. Therefore, if the Planning Board is permitted to grant preliminary approval, plaintiffs will be unable to obtain the relief they have requested against the Township Council. Plaintiffs will suffer irreparable injury, and will have no adequate remedy at law.

Block 413, Lot 3

22. The tract identified as Block 413, Lot 3 is a vacant, approximately 30 acre tract, located to the east of Possum town Road, north of the Fort Reading Railroad. The tract is currently zoned LI-1 Light Industrial.

23. A substantial portion of this site is suitable for residential development.

24. In February 1984, an application for subdivision approval was filed with respect to Block 413, Lot 3. The application was ruled complete on February 17, 1984.

25. If the application for Block 413, Lot 3 is approved, it will create for the applicant substantial vested rights in the terms and conditions of the approval, and may preclude rezoning of the tract for residential use as part of a remedy in this case.

26. Therefore, if the Planning Board is permitted to grant preliminary approval, plaintiffs will be unable to obtain the relief they have requested against the Township Council. Plaintiffs will suffer irreparable injury, and will have no adequate remedy at law.

Block 560, Lot 5A

27. The tract identified as Block 560, Lot 5A, is a vacant, 4 acre site located on the north side of Hillside Avenue between River Road and Beatty Street. The tract is currently zoned R-10 Residential.

28. This site is suitable for multifamily residential development.

29. In April 1984, a request was filed with the Piscataway Planning Board for classification of an application to subdivide Block 560, Lot 5A into twelve lots to construct single family residences. The application was ruled complete on April 10, 1984.

30. If the application for Block 560, Lot 5A is approved, it will create for the applicant substantial vested rights in the terms and conditions of the approval and may preclude rezoning of the tract to permit multifamily or higher density residential development-as part of a remedy in the case.

31. Therefore, if the Planning Board is permitted to grant preliminary approval, plaintiffs will be unable to obtain the relief they have requested against the Township Council. Plaintiffs will suffer irreparable injury, and will have no adequate remedy at law.

32. Because any action by the defendant Planning Board in granting preliminary or final approval or otherwise considering applications for subdivisions, site plans, or other use of existing vacant land in Piscataway would prevent the defendant Township Council from meeting its ~~Mount Laurel~~ obligations, joinder of the Planning Board is necessary to provide complete relief to the plaintiffs. R. 4:28-1(a).

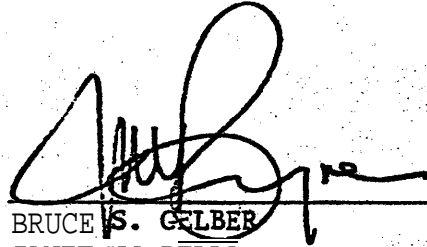
PRAYER FOR RELIEF

1. That this Court enjoin the Planning Board of the Township of Piscataway, from granting preliminary or final approval or taking any other action upon applications to develop any vacant land in the Township of Piscataway, until such time as this Court enters judgment confirming that a zoning ordinance meeting the Township of Piscataway*s Mount Laurel obligation has been enacted.

2. That this Court direct the Planning Board of the Township of Piscataway to make recommendations to the Township Council concerning zoning ordinance amendments, pursuant to N.J.S.A. 40:55D-64 necessary

to meet the Township's Mount Laurel obligations.

Dated: May 1, 1984



A handwritten signature in black ink, appearing to read 'Bruce S. Gelber', is written over a horizontal line. The signature is stylized and cursive.

BRUCE S. GELBER
JANET "LA BELLA
ERIC NEISSER " V
JOHN PAYNE /
15 Washington Street
Newark, New Jersey 07102
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Plaintiffs,

vs.

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

Defendants.

] Docket No. C 4122-73

] Civil Action

] AFFIDAVIT OF BRUCE GELBER
]

STATE OF NEW JERSEY)
 : ss.:
COUNTY OF ESSEX)

BRUCE S. GELBER, of full age, being duly sworn according to law, deposes
and says:

1. I am one of the attorneys representing the Urban League Plaintiffs
in this action.
2. I submit this affidavit in support of the Urban League Plaintiffs*
Motion for Leave to File an Amended Complaint and for a Temporary Restraining

Order and an Interlocutory Injunction.

3. The computer printout, attached hereto as Exhibit A, was obtained from the Township of Piscataway, during the course of discovery, in response to a request for information about vacant parcels in the Township.

4. The tract identified as site 30 on Exhibit A's map index is a vacant, 50.28 acre tract, known as Block 497, Lot 3 and located east of South Randolphville Road in Piscataway Township. (Exhibit A)

5. According to both the Township Planner and plaintiffs' planning expert, site 30 is suitable for high density residential development.

(See excerpts of deposition of Lester Nebenzahl, taken on March 21, 1984 and attached hereto as Exhibit B, p. 111; see also accompanying affidavit of Alan Mallach.)

6. In December 1983, as part of the Master Plan revisions undertaken by the Township, site 30 was rezoned from R-20 Residential to E1-5 Light Industrial. (Exhibit B, pp. 109-110)

7. In March 1984, an application for classification and preliminary subdivision approval was filed with the Piscataway Planning Board by 287 Associates to subdivide site 30 for development of corporate office buildings. (Exhibit B, p. 110) The application was ruled complete on March 22, 1984. (See April 25, 1984 Agenda of Piscataway Planning Board Site Plan/Subdivisions Meeting, items 23-24, attached hereto as Exhibit C.) On information and belief, a public hearing on the application has been scheduled for May 9, 1984, at which time the application may be acted upon.

8. If the application for site 30 is approved, it will create for the applicant substantial vested rights in the terms and conditions of the approval and may preclude rezoning of the tract for residential use as part

of a remedy in this case.

9. Due to the lack of vacant land elsewhere in the Township appropriate to meet the Township's fair share obligation, and in light of the suitability of this tract for that purpose, plaintiffs move for an order enjoining approval of the preliminary subdivision application pending disposition of this

litigation,

10. The tract identified as site 8 on Exhibit A's map index is a vacant, 35.6 acre tract known as Blocks 408-410, various lots, and Block 413, Lots 1 and 3, and is located to the east of Possumtown Road, north of the Port Reading Railroad. The tract is currently zoned LI-1 Light Industrial. (Exhibit A)

11. According to plaintiffs¹ planning expert, a substantial portion of site 8 is suitable for high density residential development. (See accompanying affidavit of Alan Hallach.)

12. In February 1984, an application for subdivision approval was filed by Halocarbon Products Corp. with respect to a substantial portion of site 8, known as Block 413, Lot 3, comprising approximately 30 acres. The application was ruled complete on February 17, 1984. (Exhibit C, item 4) On information and belief, a public hearing on the application has been scheduled for May 9, 1984, at which time the application may be acted upon.

13. If the application for site 8 is approved, it will create for the applicant substantial vested rights in the terms and conditions of the approval, and may preclude rezoning of the tract for residential use as part of a remedy in this case.

14. Due to the lack of vacant land elsewhere in the Township appropriate to meet the Township's fair share obligation, and in light of the suitability of this tract for that purpose, plaintiffs move for an order enjoining approval of the subdivision application pending disposition of this litigation.

15. The tract identified as site 75 on Exhibit A's map index is a vacant, 4-acre tract, known as Block 560, Lot 5A, and is located on the north side of Hillside Avenue between River Road and Beatty Street. Site 75 is currently zoned R-10 Residential. (Exhibit A)

16.. According to plaintiffs' planning expert, site 75 is suitable for multifamily residential development. (See accompanying affidavit of Alan Mallach.)

17. In April 1984, a request was filed with the Piscataway Township Planning Board by Algin, Inc. for classification of an application to subdivide site 75 into twelve lots to construct single family residences. The application was ruled complete on April 10, 1984. (Exhibit C, item 29) On information and belief, the application was classified as a major subdivision on April 25, 1984 and a public hearing on the application for preliminary subdivision approval was scheduled for June 13, 1984, at which time the application may be acted upon.

18. If the application for site 75 is approved, it will create for the applicant substantial vested rights in the terms and conditions of the approval and may preclude rezoning of the tract to permit multifamily or higher density residential development as part of a remedy in the case.

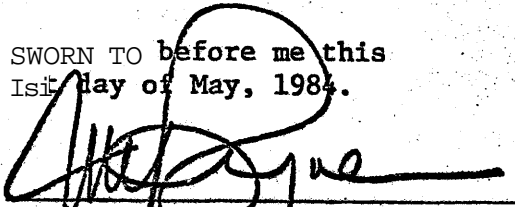
19. Due to the lack of vacant land elsewhere in the Township appropriate to meet the Township's fair share obligation, and in light of the suitability of the site for that purpose, plaintiffs move for an order enjoining approval of the subdivision application pending disposition of this litigation.

20. Because all vacant developable land in Piscataway will be needed for high density residential development to satisfy its fair share obligation, it is essential that the Planning Board take no further action that might limit the availability of such land for these purposes. Plaintiffs at this time

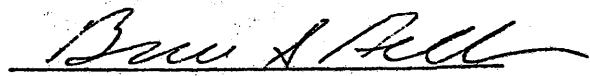
do not know of any other pending applications that would affect availability of land suitable for high density residential development. However, it is crucial that plaintiffs be given adequate notice of any further anticipated Planning Board action so that they can determine whether the proposed action would affect suitable land necessary to satisfy the Township's fair share and thus whether to request further interim relief.

21. Because of Piscataway's large fair share number, the lack of sufficient vacant land suitable for high density residential development, and the substantial vesting of rights that would occur upon preliminary approval of the three applications described herein or of other applications affecting the availability of vacant land for residential development, plaintiffs would suffer irreparable injury if denied injunctive relief and plaintiffs have no adequate remedy at law.

SWORN TO before me this
1st day of May, 1984.



An ~~Attorney~~ ~~at Law~~ ~~for~~ ~~the~~ ~~State~~ of New Jersey



BRUCE S. GELBER

MAP INDEX #	LOCATION BLOCK	LOT <S>	AREA (AC.)	ZONE	REMARKS
1	6B	35-51, 51A	10.70	R-75	JC7. FLOODPLAIN
2	116	1			
	18B	1, 1A, 2	125.10	LI-5	15 ACFTES 1H FLOODPLAIN ADJACENT TO STEEL PLANT
3	228	134	24.90	SC	
4	229A	2 (PART)	10.00	LI-5	ADJ. TO HEAVY INDUSTRY
5	229A	1A, 1E	40.00	R-75	SEVERE ENVIRON. CONSTRAINTS
6	317	6A, B, 9, 9A, 9E, 9C, 11A 11B, 11C			
	319	IA	55762	R-20	TRAFFIC, RAILROAD
7	309, 390, OTHERS		€8.00	R-10A	
8	408, 409 OTHERS		35.60	LI-1	
9	502	1, 2<PART>	55.00	R-10	
10	502	2(PART)			
	502A	2(PART), 6	34.00	R-15	PROPOSED PARK 8 ACRES
n	421	5(PART), 6, a	26.70	BP-1	ADJ. TO CHEMICAL PLANT
12	502	2(PART)	34.00	R-20	
13	42U442B	7A(PART); 1B	26.00	LI-5	ADJ. TO CHEMICAL PLANT
-1*	503	1	66.25	R-20	ADJ. TO INTERSTATE
15	452	8A, 56B	6.50	R-10	FLOOD PLAIN
16	456i457A	151	14.29	M-5	ADJ. TO RAILROAD, INDUSTRY
17	457B	t, 2, 3A	17.21	M-5	ADJ. TO IND., FLOODPLAIN
IB	457A	7A	7.83	tt-5	ADJ. TO INDUSTRY
19	457B	7A	7.79	M-5	ADJ. TO INDUSTRY
20	457B	14A	25.00	M-5	ADJ. TO INDUSTRY
21	461	7, 8, 9	14.54	M-5	ADJ. TO INDUSTRY
22	503E	3A	S.00	LI-5	ADJ. TO INDUSTRY
23	457C	2B	28.79	LI-5	ADJ. TO INDUSTRY, FLOODPLAIN
24	462	BC	10.74	LI-5	ADJ. TO INDUSTRY, INTERSTATE
25	462	4A	B.0C3	LI-5	
26	495	1, 4C, 10, 11, UA, HB	40.98	LI-5	NOT CONTIGUOUS
27	497A	6B, 9B, 10A	31.00	LI-5	INDUSTRIAL PARK, FLOODPLAIN
28	499	2A	6.35	R-15	PARTIAL FLOOD PLAIN
29	499		1.09	R-15	FLOODPLAIN
33	497		50.58	LI-5	
31	497		10.90	R-20	
32	496		43.62	LI-5	POWERLINE EASEMENT (2.75APPROX)
33	496	IA	63.85	R-20	(3.70APPROX)
33	4V6	12	14.30	R-20	(1.72APPROX)
34	495	46	74.65	R-20	
35	495i661A	17, 72A, 73A	2.17	BP-II	PIPELINE EASEMENT, NOT CONTIGUOUS
36	496	27E	7.02	R-10, 6B	
3?	710, 712, OTHERS		48.00	R-10A	PRD
39	730	8(PART)	7.80	GB	
40	734	44L	29.18	SC	POWER LINES
41	734	45, 46, 49, 54A, 55, 59C			
	734A	44, 44G, 44F, OTHERS	55.96	LI-1	INDUSTRIAL PARK
42	735E	27A, 28A	32.40	R-20	HISTORICAL FARM
43	647B	2	14.70	R-20	

AP INDEX #	LOCATION		AREACAC,)	ZONE	REMARKS
	BLOCK	LOT <S>			
1	68	35-51, 51A	10.70	R-75	PC7. FLOODPLAIN
2	116	1			
	tea.	-1, 1A»2	125.10	LI-5	15 ACRES IN FLOODPLAIN ADJACENT TO STEEL PLANT
3	228	134	24.90	SC	
4	229A	2 (PART)	10.00	LI-5	ADJ. TO HEAVY INDUSTRY
5	229A	1A, 1B	42.00	R-75	SEVERE ENVIRON. CONSTRAINTS
6	317	6A, B, 9, 9A, 93, 9C, 11A HE, 11C			
	319	1A	55762	R-20	TRAFFIC, RAILROAD
7	389, 390, OTHERS		88.00	R-10A	PHD
8	408, 409 OTHERS		35.60	LI-1	
9	502	1, 2 (PART)	55.00	R-10	
10	502	2 (PART)			
	502A	2 (PART), 6	34.00	R-15	PROPOSED PARK 8 ACRES
II	421	5 (PART), 6, 8	26.70	BP-1	ADJ. TO CHEMICAL PLANT
12	502	2 (PART)	34.00	R-20	
13	4215442B	7A (PART); 1B	26.00	LI-5	ADJ. TO CHEMICAL PLANT
14	503	1	66.25	R-20	ADJ. TO INTERSTATE
15	452	8A.56B	6.50	R-10	FLOOD PLAIN
16	456S457A	1?1	14.29	M-5	ADJ. TO RAILROAD, INDUSTRY
17	457B	1, 2, 3A	17.21	M-5	ADJ. TO IND., FLOODPLAIN
IB	457A	7A	7.83	M-5	ADJ. TO INDUSTRY
19	457B	14A	7.77	M-5	ADJ. TO INDUSTRY
20	457B	7, 8, 9	25.00	M-5	ADJ. TO INDUSTRY
21	461	3A	1A.5%	M-5	ADJ. TO INDUSTRY
22	503E	2B	5.00	LI-5	ADJ. TO INDUSTRY
23	457C	BC	28.79	LI-5	ADJ. TO INDUSTRY, FLOODPLAIN
24	462	4A	10.74	LI-5	ADJ. TO INDUSTRY, INTERSTATE
25	462	5	8.03	LI-5	
26	495	1«4C, 10, 11, 11A, 11B	40.98	LI-5	NOT CONTIGUOUS
27	497A	6B, 9B, 10A	31.00	LI-5	INDUSTRIAL PARK, FLOODPLAIN
28	499	2A	6.35	R-15	PARTIAL FLOOD PLAIN
29	499	4	1.09	R-15	FLOODPLAIN
33	497	3	50.88	LI-5	
31	497	4	10.90	R-20	
32	496	1A	43.62	LI-5	POWERLINE EASEMENT (2.75APPROX)
33	496	2, 11	63.85	R-20	(3.70APPROX)
34	496	12	141.33	R-20	(1.72APPROX)
35	495	46	74.65	R-20	
36	495J661A	17, 72A, 73A	2.17	BP-1I	PIPELINE EASEMENT, NOT CONTIGUOUS
37	676	27E	7.82	R-10, 6B	
3a	710, 712, OTHERS		48.00	R-10A	PRD
39	730	8 (PART)	7.80	GB	
40	734	44L	29.18	SC	POWER LINES
41	734	45, 46, 49, 54A, 55, 59C			
	734A	44, 44G, 44F, OTHERS	55.96	LI-1	INDUSTRIAL PARK
42	735E	27A, 28A	32.40	R-20	HISTORICAL FARM
43	647B	21	14.70	R-20	
44	745	3, 4, 4C, 4E	20.00	R-15A	PRD
45	744	2A	40.94	R-20	
46	744		55.64	R-20A	PRD
47	743	1	9.40	R-20	
48	737	B-11	6.16	R-20	
49	845	1A, 2, 9B, 10	17.29	R-20	TWO TRACTS
50	593	24	2.88	R-15	
51	829	10			
	834C	1-3	4.30	BP-1	NON-CONTIGUOUS
52	829	1, 2, 6, 11, 12			
	834C	4, 19-24, 28, 29	12.77	R-15	NON-CONTIGUOUS
53	760, 761, 762, 763	ALL	9.40	SCH	SR- CITIZEN HOUSING
54	797	1	6.20	R-15	
55	835	10, 2 (PART)	105.90	E-R	RUTGERS UNIVERSITY
56	835	2 (PART)	16.00	HC	RUTGERS UNIVERSITY
57	872	2, 3 (PART)	40.00	R-20A	PRD
58	495	11D	0.62	G-B	ADJ. COMMERCIAL, INDUSTRY
59	498	1i2Q	29.27	LI-5	BISECTED BY CENTENNIAL, ADJ. TO IND.
60	SEE MAP	BLOWUP MUNICIPAL PRIVATE BD. OF ED	49.70 18.69 13.29	VARIOUS	SEE MAP BLOWUP
61	735A	24	10.42	R-20	DEDICATED OPEN SPACE
62	736	49	6.63	R-20	DEDICATED OPEN SPACE
63	737	4, 5	2.85	R-20	MUNICIPAL
64	39	1, 2	1.65	M-1	ADJ. TO IND, RAILROAD
65	146	6	4.80	M-1	FLOODPLAIN
66	146	4	3.50	R-75	FLOODPLAIN
67	115	25A	3.40	R-75	SUBDIVISION, FLOODPLAIN
68	228	21-32	2.81	R-75	FLOODPLAIN
69	417	1-127, 132-144	6.53	LI-1	VARIOUS OWNERS, ADJ. FIRE TRAINING
70	458	2	9.10	M-5	RAILROAD, HEAVY TRAD.
71	460E	8	5.00	LI-5	ADJ. TO INDUSTRY
72	460D	6	5.10	LI-5	ADJ. TO INDUSTRY
73	497A	1	6.99	LI-5	FLOODPLAIN, ADJ. TO IND.
74	500	9	3.80	BP-1	ADJ. TO INDUSTRY
75	560	5A	4.00	R-10	
76	561	8A-22, 25-36, 39, 40			
	564	18-37	6.54	R-10	NON-CONTIGUOUS, VARIOUS OWNERSHIP
77	647	67A	6.45	R-20	
78	648	16	2.99	R-13	SUBDIVIDED

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

URBAN LEAGUE OF >	*	
GREATER NEW BRUNSWICK,	x	
et al.	:	
	:	
Plaintiffs,	:	CIVIL ACTION
	:	
v.	:	DEPOSITION OF:
	:	
THE MAYOR AND COUNCIL	:	LESTER NE3ENZAHL
OF THE BOROUGH OF	:	
CARTERET, et al./	:	
	:	
Defendants*	:	

"TRANSCRIPT of deposition taken by and before MARY LUKENSOW, a.Certified Shorthand Reporter, and Notary Public of the State of New Jersey, at the offices of PISCATAWAY MUNICIPAL BUILDING, 455 HOES LANE, PISCATAWAY, NEW JERSEY, on WEDNESDAY, MARCH 21, 1984, commencing at 9s30 a.Kw

APPEARANCE

: BRUCE GELBER, ESQ. *
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Attorney for Plaintiffs

; JOHN M. PAYNE, ESQ. " :";
... Constitutional Litigation Clinic
Rutgers Law School -
20 .15 Washington Street " -
Newark, New Jersey 07102
21 • Attorney for Plaintiffs

KIRSTEN, FRIEDMAN & CHERIN, ESQS*
BY* . PHILLIP LEWIS PALEY, ESQ.
17 Academy Street
Newark, New Jersey 07102
24 Attorneys for Defendant Township of
25 Piscataway

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MR. GELBER: * ~Yes, environmental*,

physical^topographical..point^of--Tvie-w»!! .!.. - "!"*...
A..^ Well, I would suggest to-you that if the
land -i« capable of handling office use, that it's
certainly capable of handling residential use.

; Ar" In terms of its environmental ~

Q. - Okay. ; How, in answer to 27B and P, you have
a second "project identified. What is.-the nature of
that project?

V. A. /That is one of the lots in the midst of an
industrial park, which has been under construction for
approximately 10 years.

Q» Have there been any, since 1976 --strike
that.

iSince January of U983, have there been any
rezoninga froa'residential to non-residential use?

V
A. i-.Since January of {'83? One comes to mind,*
the Miele farm, v" V^;^ v\.'X\^X, '!'..-

Q. -Why don't we' identify that with a Roman
numeral six? !m. : *v^A "y ' " " *! -

A." Something like'that.vi* • 1 .

Q. How large a tract is that? *

A. •; Approximately 50 acres^- .. "

Q» -Is it still being, used as a farm?

1 site for higher density residential?

2 t^v ; ^v* . I don't believe serious consideration was
3 given, to that* There was a request by the contract
4 purchaser for rezoning to what^ it is now zoned.

5 .•;-;-.;;9^y^ And who is the contract purchaser? • •"
6 ?v ; A.*; Sudler Construction.

7 y .-9* ^; Proffl a Physical, enviroaental and
8" topographical standpoint, is that tract suitable for
9 high density residential? > ^ . •

10 ; v A, Yes ; \ / ; > W^K. " •

11 Q. -Mhat about from a planning standpoint?

12 y'K. Could be done. *- *

13 Q. Any other rezonings froo residential to non-
14 residential use since January of •• 83?

15 A. :-.. Residential to -• none come to mind.

16 *-Q.* Are' there any other rezanlngs from
17 residential use to' non-residential use involving a
18 vacant parcel since 1976# that you can recall?

19 . A. ; Residential to non -- I ton⁹1...recall of any.

20 Q. How about any down zonings, by that I mean
21 rezoning from-a higher density residential to a lower
22 density residential on a vacant partal^ since 1976?

23 A. .1 think I referred to that-previously. -'From
24 a what to what? You are, using the reverse - reverse
25 term is residence in an area where -\

PISCATAWAY PLANNING BOARD
SITE ^ ^ / SUBDIVISION MEETING
WEDNESDAY, APRIL 25, 1984 — 2:30 P.M.

1. CALL TO ORDER. /

2. OPEN PUBLIC MEETINGS NOTICE /

3. ROLL CALL *

4. 84-PB-21 HALOCARBON PRODUCTS CORP. (CLASSIFICATION/SUBDIVISION)

S. ^ ^, 82 Burlews Courts • • • • • -V-v

Hackensaek, N.J.*

Block 413, Lot 3, Zone MM and U-1 vl;

Subdivide into two lots to sell lots only on

Possumtown Road - V

Ruled complete February 17, 1984. ^v • V

Action to be taken prior to April 2, 1984. *

Extension of time "granted to May 31, 1984. " :-

> Middlesex County Planning Board approval was received. v

See letter dated March 30, 1984.

" Requires report from Environmental Officer. - r ^ V

* At the March 14, 1984 meeting the applicant was advised to submit revised plans showing the correct zoning of the property.

- V Also the application was deferred to the May 9, 1984 meeting,

•• in interim the applicant was advised to meet with the

••• Township Engineer to iron out any discrepancy in the plan.

Attorneyr Michael F. Decapua y

5. 84-PB-34V LACKLAND BROS_n INC. (VARIANCE)

6» 84-PB-35V 400 North Avenue (VARIANCE)

7. -84HPB-3a - DuneHen, NJ. ;' (CLASSIFICATION/SUBDrVISION*)

;; Block 401A, Lots 3A and 3B, Zone R-10 "

Subdivide into two lots on Baltimore Avenue to construct houses for sale.

VARIANCE: H

Lot 3A and 3B have- insufficient width; required is 100\ proposed is .875 • respectively.

Requires affidavit of publication and of service.

Requires proof of tax payment.

Ruled complete pending receipt of completed checklist February 17, 1984.

Action to be taken prior to May 22, 1984. -

•Lots are covered by Birch Run Development bonding.

Attorney: Edwin Kunzman

8. 84-PB-37V LACKLAND BROS, INC. (VARIANCE)
9. 84-PB-38V 400 North Avenue (VARIANCE)
10. 84-PB-39V Dunellen, N.J. (VARIANCE)
11. 84-PB-4Q. Block 401A, Lots 62A, 1A, and IB (CLASSIFICATION)
12. 84-PB-41 Subdivide into three lots to construct (PRELIMINARY)
13. 84-PB-42 houses for sale on Mountain Avenue (FINAL/SUBDIVISION*)

VARIANCES:

Lot 62A - insufficient area and width; required is 10,000 square feet and 100 feet, proposed is 8,532.81 square feet and 86.67 feet. *

Lot 1A - insufficient area and width; required is 10,000 square feet and 100 feet, proposed is 8.666 square feet and 86.66 feet.

Lot IB - Insufficient area and width; required is 10,000 square feet and 100 feet, proposed is 8.667 square feet and 86.67 feet.

Requires affidavits of publication and of service.
Requires proof of tax payment.

Ruled complete pending receipt of completed checklist.
Action to be taken prior to May 22, 1984.

•Lot are covered by Birch Run Development bonding.

Attorney: Edwin Kunzman *

14. 84-PB-43V LACKLAND BROS. INC. (VARIANCE)
15. 84-PB-44V 400 North Avenue (VARIANCE)
16. 84-PB-45V Dunellen, N.J. (VARIANCE)
17. 84-PB-46 Block 400A, Lots 37, 38 & 38A, Zone R-10 (CLASSIFICATION)
18. 84-PB-47 Subdivide into three lots to construct houses (PRELIMINARY)
19. 84-PB-48 for sale on Mountain Avenue: (FINAL/SUBDIVISION*)

VARIANCES:

Insufficient area and insufficient width; required is 10,000 square feet and 100 feet.

Lot 37. - proposed is 9,365 square feet (area).
Lot 38 - proposed is 95 feet (width).
Lot 38A - proposed is 95 feet (width).

SITE PLAN/SUBDIVISION MEETINGS
PISCATAWAY PLANNING BOARD W
WEDNESDAY, APRIL 25, 1984

- Requires affidavits of publication and of service-
Requires proof of tax payment. V *

- * Ruled complete pending receipt of a completed checklist
< February 17, 1984.
Action to be taken prior to May 22, 1984.

• Lots are covered by Birch Run Development bonding.

Attorney: Edwin Kunzman *

20. 84-PB-51 RAYMOND B3SOGNO (CLASSIFICATION/SUBDIVISION) v

21. 84-PB-52V 419 Grove Avenue (VARIANCE)

22. 84-PB-53V Metuehen, N.J. 08840 (VARIANCE) " ' ' • \ - . r ^ r , ' • ' . . y . ^
Block 453, Lots 28A - Lot 33A, Zone R-10 ^

- Subdivide into two lots to construct houses, for sale
on Third Avenue. / >

VARIANCES - Insufficient width on both lots; required is
100 feet, proposed is 75 feet. ;

Ruled Complete March 22, 1984. ' r ' ' ' ^ f ' d ' - ; . ' ' : ' ' ; > . l . ; V

Action to be taken prior to June 25, 1984.

- * Requires affidavits of publication and of service.
Requires Middlesex County Planning Board approval.
Requires proof of contract purchaser.

Attorney: John Wiley, Jr. ^

23- 84-PB-59 2B7 ASSOCIATES, A LIMITED PARTNERSHIP (CLASSIFICATION)

24. 84-PB-60 32 Commerce Street (PRELIMINARY SUBDIVISION)
Newark, N.J. 07102

Block 497, Lot 3^ Zone LI-5

- Subdivide into nine lots to construct additional phase of
Corporate Park 287 on Randolphville Road. ^

" Ruled complete March 22, 1984. ; ;

Action to be taken prior to May 5, 1984. ; ;

Extension of time granted to June 13, 1984. ; ;

Requires affidavits of publication and of service.

- Requires Middlesex County Planning Board review and approval.

Attorney: Harry Bernstein ✓

25. 84-PB-61 HAROLD L. & M. JACQUELYN HESCOCK (CLASS/SUBDIVISION) *

155 Blackford Avenue
Piscataway, N.J. 08854

Block 350A, Lot 9 and 10, Zone R-10
Subdivide into two lots on Blackford Avenue to construct
house for self on Lot 10.

Ruled complete April 2, 1984.

Action to be taken prior to May 17, 1984*

Requires Middlesex County Planning Board approval.

Attorney: Mark L. Stanton *

- 26. 84-PB-62
- 27. / 84-PB-63V
- 28. 84-PB-64V

MARIE PICIRILLI (CLASSIFICATION/SUBDIVISION)

ADMINISTRATRIX (VARIANCE)

10 Curtis Avenue (VARIANCE)

Piscataway, N.J. 08854

Block 125, Lots 10 and 11; 24 and 25, Zone R-7.5

Subdivide into two lots to retain lot on Curtis Avenue with home
and sell lot on Grove Street.

VARIANCES - Lots 24 and 25 - have insufficient area and insufficient
width; required is 7500 square feet and 75 feet, proposed is
5000 square feet and 50 feet.

Lots 10 and 11 have insufficient area; required is 7500 square
feet; proposed is 5000 square feet.

Ruled complete April 3, 1984.

Action to be taken prior to July 7, 1984.

Requires affidavits of publication and of service.

Requires Middlesex County Planning Board approval-

Attorney: Edward Santora

- 29. 84-PB-65

ALGIN^ INC. (CLASSIFICATION ONLY)

223 Park Avenue

Scotch Plains, New Jersey

Block 560, Lot 5-A, Zone R-10

Classification to subdivide into twelve lots on Hillside Avenue and
Beatty Street to construct houses for sale.

Ruled Complete April 10, 1984-

Action to be taken prior to May 25, 1984.

Requires list of stockholders.

Requires proof of tax payment.

**SITE PLAN/SUBDIVISION MEETING,
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Requires variance on proposed lot 1 for insufficient area and insufficient width; required is 10,000 square feet, and 100 feet, proposed is 9000 square feet and 90 feet.

30. . 84-PB-66 AMERICAN PRIORITY ENTERPRISES, INC. (PREL.& FINAL SITE PLAN)
135 Fleming Street (REQUESTING WAIVERS)
Piscataway, New Jersey 08854
v Block 255A, Lot 1 -5, Zone LI-1
; Change of use on property (parking for present use).
On Fleming Street - 1150 square foot building*

Waiver - Applicant is requesting a waiver from the strict requirements of the site plan ordinance.

Requires authorization from the owner of property.
Requires proof of tax payment

Applicant submitted an Environmental Assessment Questionnaire.

Determination of completeness pending Board's action on the requested waivers.

Attorney: toward Gran

31. * 84-PB-67 GEERLING GREENHOUSES INC. (PRELIMINARY AND FINAL SITE PLAN)
496 William Street
* Piscataway, N.J. 08854
Block 349, Lots 3 and 26, Zone R-20
Construct a 43,366 addition to existing building on William Street

Ruled incomplete on April 18, 1984.
Requires Conditional Use permit.
Requires proof of ownership.
Requires stockholders list.
Requires affidavits of publication and of service.

32. 84-PB-68 GEORGIA PACIFIC CORPORATION (PREL AND FINAL SITE PLAN)
P.O. BOX 929
Bound Brook, New Jersey *
Block 442-B, Lot 1-B
Block 436-A* Lot 65
* Zones M-5, U-5, R-10 and M-5

Construction of a 2800 square foot building, boiler and fuel oil tank on Normandy Drive.

Ruled complete April 18, 1984
Action to be taken prior to July 22, 1984.

**SITE PLAN/SUBDIVISION MEETING
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Requires proof of tax payment,

Attorney: Bertram E. Busch

133. " 84-PB-69 THOMAS MERNAGH AND NANCY WEAVER (CLASS/SUBDIVISION)
140 Mountain Avenue and 22 Dunbar Avenue
Piscataway, N. J. 08854
Block 740, Lot 15, Zone R-20
Classification and subdivision approval to subdivide into
• two lots to construct a house for applicant's residence^

Ruled complete April 18, 1984.

Action to be taken prior to June 1, 1984.

- Requires Middlesex County Planning Board Review,
- Requires proof of Tax payment.

Attorney: Peter Lederman

- 34- 84-PB-18 S AND A ASSOCIATES (CLASSIFICATION/SUBDIVISION)
35. 84-PB-19 LIMITED PARTNERSHIP (PRELIMINARY & FINAL SITE PLAN)
100 RING ROAD WEST (REQUESTING WAIVERS)
GARDEN CITY, N.Y. 11530
Block 460C, Lot 5A, Zone M-5
Subdivide into two lots to construct office building
and appurtenant parking on lot with the proposed four
story office building.

SITE PLAN- Construction of a four story, 200,000 square
foot building on the corner of South Randolph Road and
Colonial Drive.

Ruled complete February 17, 1984.

Action to be taken prior to May 22, 1984.

Applicant is requesting waivers of certain parking stall sizes.

Requires affidavits of publication and of service.

At the Site Plan/Subdivision Meeting of February 22, 1984
the applicant was advised that off tract improvements will be
required.

At applicant's request, application was taken off of the April 11,
1984 meeting and rescheduled for May 9, 1984 meeting.

Attorney: - Jerome A, Vogel

36. COMMUNICATIONS.

SITH F\./SUBDIVISION MEETING
PBCATAWAY PLANNING BOARD
WEDSESDAY, APRIL 25, 1984

37. ADJOURNMENT.