

~~AAE - General~~
MM

Hightstown - East Windsor
Rights Council v. Twp. East Windsor

~~3-11-76~~
3-11-76

- Consent Order (Labeled Appendix E)

pg. 11

p.i. 1327

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WITTMAN, ANZALONE, BERNSTEIN & DUNN
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 HACKENSACK, N. J. 07601
 (201) 343-2500
 ATTORNEYS FOR Defendant, Township
 of East Windsor and Planning
 Board of East Windsor

SUPERIOR COURT OF NEW JERSEY
 MERCER COUNTY - LAW DIVISION

Plaintiff

THE HIGHTSTOWN-EAST WINDSOR HUMAN
 RELATIONS COUNCIL, INC., et al

vs.

Defendant

TOWNSHIP OF EAST WINDSOR, New Jersey,
 its officials, employees and agents,
 et al

Docket No. L-24265-71PW

CIVIL ACTION
CONSENT ORDER

THIS MATTER having been brought before this Court by Alice Ashley Costello, Esq., attorney for the named Plaintiffs and the respective classes they represent, in the presence of the Defendants, Township of East Windsor and Planning Board of East Windsor, by their attorneys, Wittman, Anzalone, Bernstein and Dunn, Thomas W. Dunn, Esq. appearing; Defendant, Board of Adjustment of the Township of East Windsor by William von Oehsen, Jr., Esq.; Defendant, Kendall Development Company, by its attorneys Ridolfi & Friedman, Anthony Apicelli, Esq. appearing; and in the presence of Third Party Defendants, by the Attorney General

of the State of New Jersey, Paul G. Levy, Assistant Attorney General appearing; and Defendant, the Township of East Windsor having proposed a plan to encourage and provide opportunity for a fair share of the regional need for a variety of housing types and prices including low and moderate income housing in East Windsor Township; and the Court having considered and approved such plan;

IT IS HEREBY ORDERED on this *14th* day of March, 1976, with the consent of all counsel, that the within matter be dismissed against all Defendants other than the Township of East Windsor, with prejudice and without costs;

IT IS FURTHER ORDERED that the Third Party Complaint be dismissed without prejudice and without costs;

IT IS FURTHER ORDERED, with the consent of counsel for Plaintiffs and Defendant Township of East Windsor, that the within matter be dismissed against Defendant, Township of East Windsor, with prejudice and without costs based upon the implementation by Defendant, Township of East Windsor, of the following plan:

1. Within 180 days of the date hereof the Township shall adopt a zoning ordinance and zoning map substantially in accordance with Exhibits J-1 and J-2 marked in evidence before the Court together with the following additional provisions:

A. Small Lot District:

1. The areas outlined on Schedule "A" annexed hereto shall be designated as a Small Lot District.

2. In such District the following standards shall apply:

a. Use:

In such Small Lot District no structure shall be used, built, extended or altered and no land shall be used for any purpose other than:

(1) A single or two-family dwelling, meeting the New Jersey State Construction Code and FHA minimum standards, and its customarily accessory structures;

(2) A neighborhood park or playground.

b. Minimum Lot Area:

(1) 5,000 square feet for a single-family dwelling, provided that existing lots of record on the date of adoption of such ordinance having a minimum area of 4,000 square feet and a minimum frontage of 40 feet may be used for a single-family dwelling provided such dwelling meets all other requirements of this District. Notwithstanding the foregoing, any dwelling located on the south side of Daniel Street at the date of adoption of this Ordinance may be continued and rebuilt, if necessary, provided that the lot area, frontage and yard areas are not reduced beyond that existing on the date of this Ordinance.

(2) 6,000 square feet for a two-family dwelling.

c. Minimum Lot Frontage:

50 feet except that existing lots of record on the date of adoption of such ordinance having a minimum area of 4,000 square feet and a minimum frontage of 40 feet may be used for a single family dwelling provided such dwelling meets all other requirements of this District.

d. Minimum Yards:

(1) No dwelling shall be located closer than 10 feet to any structure on an adjacent lot.

(2) No dwelling shall be located closer than 20 feet to a street line except that a dwelling existing on the date hereof may be continued and rebuilt, if necessary, provided that no further encroachment on the front yard is created.

e. Maximum Building Height:

2-1/2 stories or 35 feet.

B. R-3 Medium Density Residential District:

The following provision shall be added to Section 20-11.000; Medium Density Residential District:

"20-11.0300 Special Exception Uses. In the R-3, Medium Density Residential District, the following uses shall be permitted as special exceptions:

20-11.0301 A multi-family housing development designed for persons of low and moderate income and subsidized by a government agency of the State of New Jersey or of the United States, provided the following minimum standards are met:

a. Sponsor. The owner or sponsor of such development shall be a bona fide non-profit owner or sponsor of low and moderate income housing.

b. Minimum Development Area. 4 acres in contiguous parcels. .

c. Maximum Development Area. 10 acres for a single development.

d. Maximum Development in District. No more than 20 total acres in the R-3 District may be developed as Special Exceptions.

e. Maximum Permissible Gross Density. Sixteen (16) dwelling units per acre.

f. Common Open Space. Not less than 40% of the lot area of the development shall be designed as and devoted to common open space primarily for residents of the development and shall meet the requirements of Sections 20-11.0203 b, c, and e.

g. Maximum Improvement Coverage. 60% of the lot area of the development.

h. Other Requirements. The development shall meet the requirements of Sections 20-11.0205 and 20-11.0206.

i. Parking. Parking spaces shall be provided at a ratio of 1.5 spaces per dwelling unit.

C. Planned Residential Development:

1. Add the following to Section 20-15.0806(b):

"In the event an applicant satisfies the Planning Board that such units cannot feasibly be built without Federal or State programs of assistance, the applicant shall, with the cooperation, consent and assistance of the Township apply for and diligently prosecute applications for any and all such available programs or otherwise make provision to satisfy such low and moderate income housing requirements."

2. Nothing in this Order shall prohibit the Township from permitting or requiring industrial or commercial uses in the areas presently designated as PRD Districts provided the regulations for such districts require the same percentages of low and moderate income housing and substantially the same number of housing units in each planned development as are required by Exhibit J-1.

D. Planned Unit Development:

Add the following to Section 20-14.0602:

"provided that such extension does not encompass land in any PRD or Agricultural District and provided further that such extension does not encompass any land south of Etra Road. Any such extension must take into account low and moderate income housing needs in the community at the time of such extension."

2. The Township shall aid, encourage and assist low and moderate income persons in the rehabilitation and improvement of the areas described in Schedule "A" in the following manner:

A. Within 90 days, a qualified Township employee shall be designated by the Township, with the assistance of the Township's professional consultants, to aid and assist low and moderate income persons in their applications to Farmers Home and other State and Federal agencies for loans or grants for rehabilitation and new construction.

B. The Township will, pursuant to P.L. 1975 Chapter 283, postpone increased assessments on improvements to dwellings in the said District for a period of five years in accordance with the following Schedule:

100% postponement in the first year

80% postponement in the second year

60% postponement in the third year

40% postponement in the fourth year

20% postponement in the fifth year

C. Within such areas the Township shall dispose of lots owned by it only upon such conditions as will assure that the purchasers thereof will use such lots within a reasonable period of time for low or moderate income housing.

D. Within 90 days from the date of this Order the Township will initiate such surveys and tests as may be necessary to determine the amount of money required to install street paving, curbs, water mains and sewer utilities in Columbia, Evan, Eli and Daniels Streets existing on the date of this Order.

E. Within 180 days from the date of this Order, the Township will apply for and diligently process applications for Federal or State assistance for the purpose of installing such improvements.

F. The Township will utilize all such Federal or State assistance so received for the purpose of making such improvements. The Township will use all of its best efforts to work with the EWMUA or the Borough of Hightstown to provide water and sewer utilities.

G. In the event such Federal or State assistance is not sufficient to pay the entire cost of such improvements, the Township will appropriate, as budgetary requirements permit, funds in its annual capital budget or budgets, in the same manner as funds are appropriated to other purposes, for the purpose of improving or maintaining such streets.

H. In acquiring rights-of-way for any such streets the Township will acquire rights-of-way 25 feet wide for road purposes with an additional 10 feet, if necessary, for water, sewer and sidewalks.

3. In connection with the existing stock of multi-family rental dwellings the Township will:

A. Within 60 days from the date of this Order, request all owners of such dwellings to attend a meeting at which the provisions of Section 8 of the Housing and Community Development Act of 1974 will be discussed.

B. Encourage such owners to enter into agreements with the Township agreeing for a period of two years to seek rent subsidies under Section 8 for up to but no more than 5% of such units.

C. Designate a qualified Township employee to aid and assist owners in making applications for such subsidies.

D. Aid and assist owners in their applications under Section 8 and offer continuing assistance in implementation of the program.

E. Evaluate the program at two year intervals to determine whether owners should be encouraged to expand or reduce their commitments.

F. Cooperate with a Mercer County Housing Authority in any effort to provide up to a total of 100 units of moderate income housing in existing multi-family dwellings in the Township.

G. Take such actions as may be necessary to increase the income eligibility and fair market rental requirements to the maximum permitted by HUD.

4. In connection with any and all applications made by developers or owners for housing for low and moderate income persons which conforms to the land use regulations described in this Order or duly granted variations thereof, the Township agrees that it will enact all necessary resolutions to assist such developers or owners seeking Federal or State aid and

assistance including, without limiting the generality of the foregoing, resolutions approving payment by such developers or owners of sums in lieu of taxes.

GEORGE Y. SCHOCH, A.J.S.C.

We hereby consent to the form and entry of the within Consent Order.

Alice Ashley Costello, Attorney
for Plaintiffs

Wittman, Anzalone, Bernstein & Dunn
Attorneys for Defendants Township
of East Windsor and East Windsor
Planning Board

By Thomas W. Dunn

William von Oehsen, Jr., Attorney
for Defendant Board of Adjustment

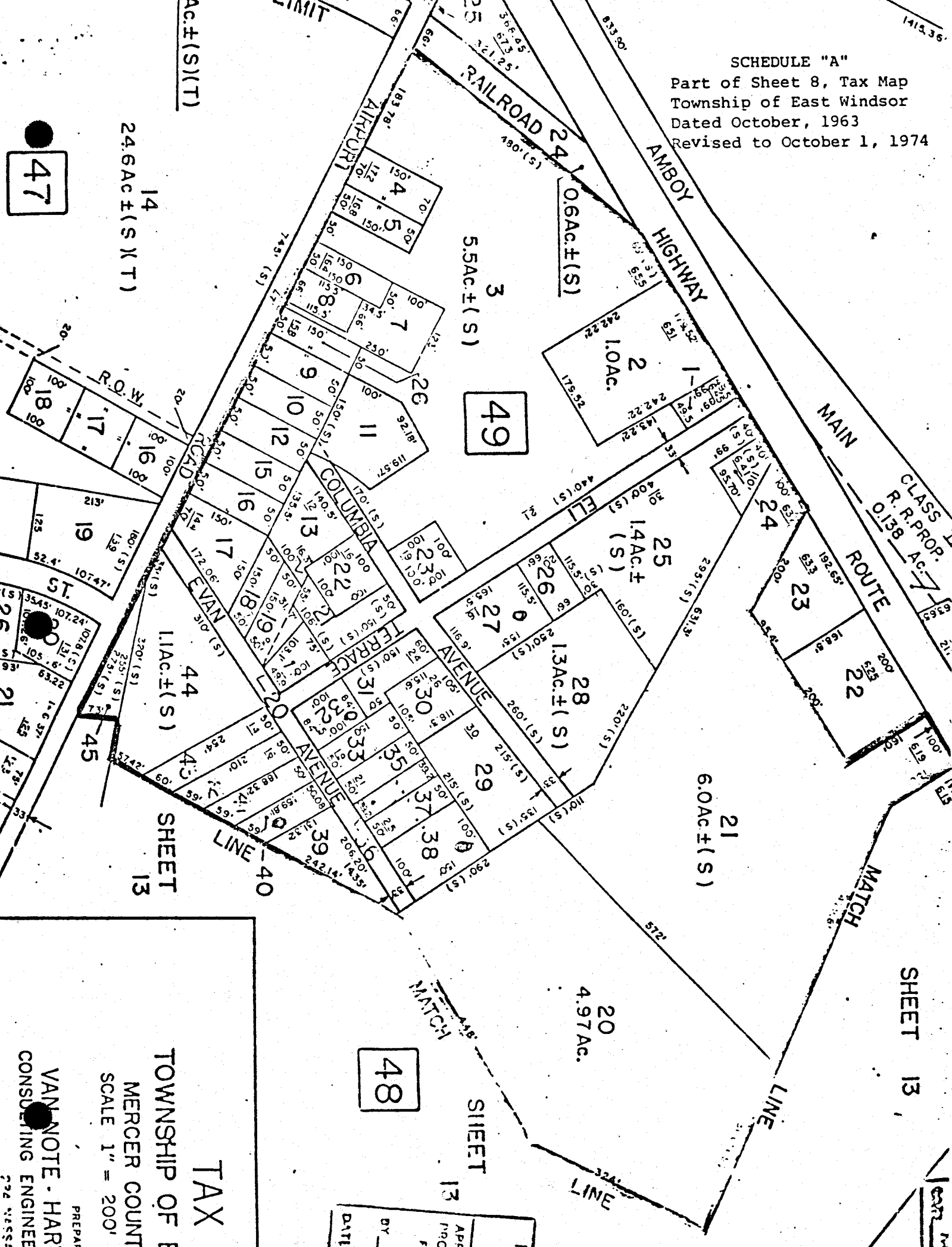
Ridolfi & Friedman, Attorneys for
Kendall Development Company

By Anthony Apicelli

William G. Hyland, Attorney General
of the State of New Jersey, Attorney for
Third Party Defendant

By Paul G. Levy, Assistant Attorney
General

SCHEDULE "A"
Part of Sheet 8, Tax Map
Township of East Windsor
Dated October, 1963
Revised to October 1, 1974



Ac.±(S)(T)

14
24.6Ac±(S)(T)

47

3
5.5Ac±(S)

49

17
16
18
19
20
21

44
1.1Ac±(S)

SHEET 13

48

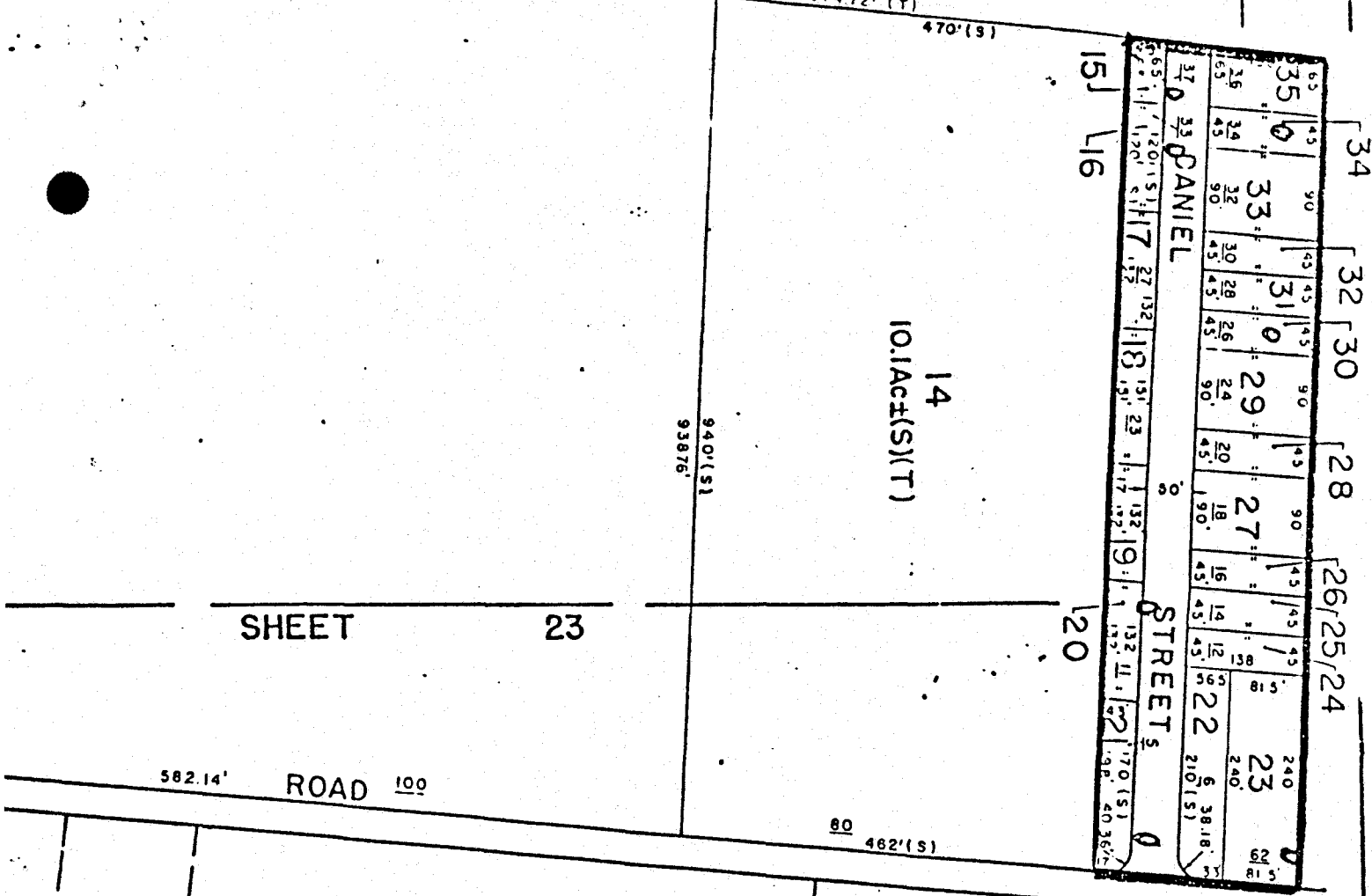
SHEET 13

TAX
TOWNSHIP OF E
MERCER COUNT
SCALE 1" = 200'
VAN NOTE - HARY
CONSULTING ENGINEER
PREPARED BY DATE

N	APPROVED	DATE

SHEET 13

East Windsor



35	33	31	29	27	25	23	21	19	17	15	13	11	9	7	5	3	1
65	45	30	45	45	45	45	45	45	45	45	45	45	45	45	45	45	45
120	120	120	120	120	120	120	120	120	120	120	120	120	120	120	120	120	120
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SCHEDULE "A" (Cont'd.)

Part of Sheet 19, Tax Map
 Township of East Windsor
 Dated October, 1963
 Revised to October 1, 1974