

CA- Old Bridge

~~6/18/84~~

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Affidavit of Ralph Orlando, professional  
Civil Engineer, in support of motion  
for summary judgment declaring Old  
Bridge Twp's Land Development Ordinance  
Constitutionally Invalid

PL

CA 002343A

BRENER, WALLACK & HILL  
 2-4 Chambers Street  
 Princeton, New Jersey 08540  
 (609) 924-0808  
 ATTORNEYS FOR Plaintiff

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Plaintiff	:	SUPERIOR COURT OF
	:	NEW JERSEY
O & Y OLD BRIDGE	:	LAW DIVISION
DEVELOPMENT CORPORATION	:	MIDDLESEX COUNTY/OCEAN COUNTY
A Delaware Corporation	:	( Mount Laurel II)
	:	
vs.	:	Docket No. L- 009837-84 P.W.
	:	
Defendant	:	CIVIL ACTION
	:	
THE TOWNSHIP OF OLD BRIDGE in the	:	Affidavit in Support of
COUNTY OF MIDDLESEX, a municipal	:	Motion for Summary Judgment
corporation of the State of New Jersey,	:	Declaring Old Bridge Township's
THE TOWNSHIP COUNCIL OF THE	:	Land Development Ordinance
TOWNSHIP OF OLD BRIDGE and the	:	Constitutionally Invalid
PLANNING BOARD OF THE TOWNSHIP	:	
OF OLD BRIDGE	:	

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STATE OF NEW JERSEY	)		
	)	SS:	
COUNTY OF MORRIS	)		

Ralph Orlando, P.E., of full age, having been duly sworn according to law upon his oath deposes and says:

1. I am a Professional Engineer, licensed by the State of New Jersey, and specially trained in the science of civil engineering.

2. I am a Vice-President of Garmen Associates, which provides traffic and transportation engineering services on a consulting basis to individuals, companies and municipalities throughout the State of New Jersey and in other jurisdictions.

3. Garmen Associates was retained by O & Y Old Bridge Development Corporation (hereinafter, O&Y) to conduct a study of traffic needs for the development which O & Y proposes to construct in the Township of Old Bridge.

4. Garmen Associates was retained to analyze the Old Bridge Township Land Development Ordinance and related ordinances so as to ascertain whether the standards and procedures set forth in those Ordinances were cost-generative and excessive.

5. We specifically reviewed the standards and details as they pertain to the design and/or construction activity associated with the traffic circulation and parking system for the O&Y project. I personally conducted the review.

6. The documents reviewed included the Township of Old Bridge Land Development Ordinance, effective April 21, 1983; Township of Old Bridge Storm Drainage Guidelines, dated November 19, 1982; and Standard Details for the Township of Old Bridge.

7. My main emphasis in reviewing the documents was to compare them to other standards and details for municipal roadway construction within the State of New Jersey and to compare them to acceptable engineering guidelines for similar types of design throughout the State of New Jersey.

8. My analysis considered the information available to date, my familiarity with the project based upon my observations and review of reports and documents compiled to date, and other resource material available to me as part of my evaluation.

9. Cost generative items are set forth below in summary terms:

A. Land Development Ordinance (abbreviated as LDO): Section 8

Any dollars scheduled for off tract improvements as deemed necessary for site access or imposed by the municipality which are not defined in the Louis Berger Associates Report as off-tract improvements, should have a cost associated with that off-tract improvement and that cost should be deducted from the

pro-rata share of transportation improvement costs as defined in Paragraph 8-2:2 of the LDO.

B. Section 8, paragraph 8-1:2

Sidewalks are not necessarily required on all on-tract roadways from a pedestrian circulation standpoint and should not be implied as a necessary item in the Ordinance to be waived by the Approving Board. The need for sidewalks should be established as the overall plan is developed and the location of sidewalks should be established mutually between the consultants and the Planning Board. The paragraph of the Ordinance should read "curbs and sidewalks shall be installed along all on-tract roadways where deemed necessary".

C. LDO Section II, paragraph II-3 Sidewalks

The requirement for sidewalks on either one side or both sides of various types of streets as defined in the scheduled II-3 does not take into consideration the nature of the pedestrian circulation system.

D. Section II, Section II-2 (plus schedule thereto)

The minimum center line grade of one percent for minor arterial, major arterial and expressway types of roadways may cause excessive filling for the site due to the flat nature of the existing topography. The filling may be necessary in order to create a "rollercoaster effect" in order to achieve the one percent grades. The desired drainage effect can be achieved through other, less costly, means.

E. Section 12, paragraph 12-1:l

The required stall size for 90 degree angular parking spaces is 10 feet by 20 feet. No provision is made for narrower or shorter lane spaces, no provision is made for compact car spaces and no provision is made for curb overhang within the Ordinance. If these provisions were allowed, it would reduce pavement construction and effectively reduce costs.

F. Section 12, paragraph 12-3

The schedule to section 12-3 indicates the need for loading spaces as one for the first 10,000 square-feet plus one for the next 40,000 plus one for next 50,000 square-feet of gross floor area. The need for that many loading spaces is excessive for a commercial or office type development.

G. Section 17, paragraph 17-2:5

The requirement that all lighting pole heights must be between 12 and 15 feet high with a uniform intensity of 1 foot candle throughout the lot will necessitate the construction of many light fixtures. The ordinance should permit the use of higher light fixture units for developments. No public health or safety benefit is available to justify these lower fixtures.

H. Section 17

The "Average Maintained Horizontal Illumination Area Classification" chart indicates that lighting is required on all streets. The need for lighting in particular on local residential streets and alleys should be evaluated on a case by case basis.

I. Standard Details, Township of Old Bridge

The major arterial pavement section of 13 inches is greater than the standard for the county roadways in Middlesex County. The

requirement of four inch macadam base is an item which is additional beyond the standard for a County Road. The requirement for the four inch macadam base should be eliminated.

**J. Standard Details, Township of Old Bridge**

The requirement for seven inches of asphalt for minor and cul-de-sac streets is excessive, since the standard in most municipalities is for six inches of asphalt on such similar types of streets.

**K. Standard Details, Township of Old Bridge**

The typical roadway sections within the design standards do not provide for the construction of roadways without curbing. In areas where no sidewalk is to be constructed with limited access traffic conditions, a design provision for ribbon curb or "flush" curb should be provided. No public health or safety reason aspects for traditional curbing in these conditions.

**L. Standard Details, Township of Old Bridge**

The sidewalk detail requirement for a minimum of four inch of the three-quarter inch broken stone below the four inch concrete sidewalk should be only required in areas where the soil conditions dictate this, rather than being a standard requirement throughout.

**M. Storm Drainage Guidelines, Township of Old Bridge II, C**

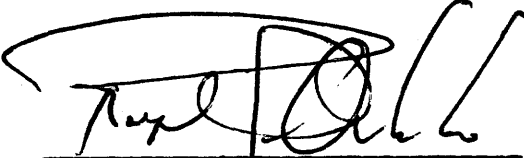
The maximum velocity of ten feet per second limitation in the ordinance for subsurface drainage will increase the number of manholes and also increase the size of conduits.

N. Storm Drainage Guidelines, Township of Old Bridge II, C,  
paragraph 5A

Although it is not specifically stated in the Guidelines, headwalls  
of either concrete, stone, or gabion materials should be  
permitted.

10. Failure of Old Bridge Township to make the above-listed engineering  
modifications to the Standard or Ordinance will increase the costs to a specific  
development depending upon their specific needs on any given project.

11. It is my opinion that the sections of the Old Bridge Township  
Land Development Ordinance and related ordinances cited herein contain cost-  
generative elements not required by public health and safety.



Ralph J. Orlando, P.E.

Sworn and Subscribed to  
before me this 18 day of  
June, 1984.



**AMPARO A. SMITH**  
**NOTARY PUBLIC OF NEW JERSEY**  
**My Commission Expires Apr. 6, 1986**