

CA- Old Bridge

3/6/89

motion for extension of time, + m

Support → certification of Barbara Stark

+ exhibits + appendices in support

P 46

CA 002425 M

OHN PAYNE, ESQ.
 BARBARA STARK, ESQ.
 Rutgers Constitutional Litigation Clinic
 15 Washington Street
 Newark, NJ 07102
 201-648-5687
 ATTORNEYS FOR THE CIVIC LEAGUE and
 On Behalf of the American Civil Liberties Union of New Jersey

SUPERIOR COURT OF NEW JERSEY
 APPELLATE DIVISION

URBAN LEAGUE OF GREATER	]	Docket No. A-4335-87T3
NEW BRUNSWICK, et al.,	]	A-4572-87T3
	]	A-4752-87T3
Plaintiffs-Respondents,]	
vs.	]	Civil Action
	]	(Old Bridge)
THE MAYOR AND COUNCIL OF THE]	
BOROUGH OF CARTERET, et al.,]	
	]	MOTION FOR EXTENSION
Defendants-Petitioners.	]	OF TIME

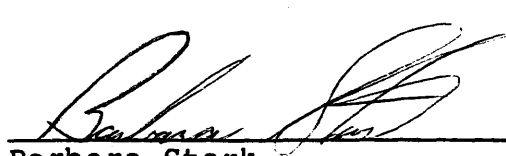
TO: ALL COUNSEL on the Attached Service List

SIRS:

The Civic League of Greater New Brunswick hereby moves for an Extension of Time of thirty (30) days, from March 8, 1989 to April 7, 1989, within which to file its papers in connection with the within appeal.

In support of their motion, plaintiffs shall rely on the Certification of Barbara Stark, Esq. submitted herewith.

Dated: *March 6, 1989*


 Barbara Stark

JOHN PAYNE, ESQ.
BARBARA STARK, ESQ.
Rutgers Constitutional Litigation Clinic
15 Washington Street
Newark, NJ 07102
201-648-5687
ATTORNEYS FOR THE CIVIC LEAGUE and
On Behalf of the American Civil Liberties Union of New Jersey

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION

URBAN LEAGUE OF GREATER	]	Docket No.	A-4335-87T3
NEW BRUNSWICK, et al.,	]		A-4572-87T3
	]		A-4752-87T3
Plaintiffs-Respondents,]		
	]	Civil Action	
vs.	]	(Old Bridge)	
]		
THE MAYOR AND COUNCIL OF THE]		
BOROUGH OF CARTERET, et al.,	]	CERTIFICATION IN SUPPORT	
	]	OF MOTION FOR EXTENSION	
Defendants-Petitioners.	]	OF TIME	

Barbara Stark, of full age, certifies as follows:

1. I am an attorney at law of the State of New Jersey, a staff attorney with the Constitutional Litigation Clinic of Rutgers Law School and attorney of record for the Civic League plaintiffs in the above captioned matter. In this capacity I am fully familiar with the facts and circumstances of this case.

2. On January 11, 1989, I read an article in The Star-Ledger which indicates that a substantial development project is currently being considered in Old Bridge to be constructed by Olympia & York ("O&Y"). A copy of that article is annexed hereto as Exhibit A.

3. As set forth in the letter dated February 6, 1989, annexed as Exhibit B, I requested clarification from the Township

Attorney for Old Bridge, Ronald Reisner, Esq. and the attorney for O&Y, Thomas Hall, Esq. Specifically, I asked them to provide us with any development plans which have been approved and information on the status of the project including: the types and dates of approvals granted, if any; the number of residential units; the commercial component; the rental/sales mix; the number of units reserved for senior citizens; the percentage of units which are to be marketed as low and moderate income units; and any other information pertinent to the subject matter of the pending appeal.

4. By letter dated February 8, 1989, Mr. Reisner referred us to the Attorney for the Township's Planning Board. A copy of that letter is attached as Exhibit C.

5. On February 10, 1989, I wrote to the Township Planning Board's Attorney, James M. Colaprico, Esq., requesting the same information indicated above. A copy of this letter is annexed as Exhibit D. On February 28, 1989, I received a letter dated February 23, 1989 from Mr. Colaprico, a copy of which is annexed as Exhibit E, enclosing a copy of the Resolution of Memorialization adopted by the Planning Board. A copy of the Resolution is annexed as Exhibit F.

6. At the suggestion of Mr. Reisner, Gwen Orlowski, a law student in the Rutgers Constitutional Litigation Clinic, went to the Old Bridge Planning Board office on February 15, 1989 to review the files on the pending application. She has informed

me that she was told that only documents which had been specifically read into the record could be copied and only a very limited number of documents could be duplicated at and by the Planning Board office.

7. By letters dated February 23, 1989, copies of which are annexed as Exhibit G, the aforementioned information was requested of Steven Gray, Esq., attorney for O&Y, in connection with their application before the Old Bridge Planning Board, and Stuart Hutt, Esq., attorney for plaintiff Woodhaven. As of this date, I have received written responses from neither Mr. Hutt nor Mr. Gray.

8. By letter dated February 28, 1989 annexed as Exhibit H, Mr. Hall advised that O&Y was withdrawing from the instant appeal.

9. We have telephoned the attorneys for Old Bridge, O&Y and Woodhaven and none objects to plaintiffs' request for an extension of time.

10. In view of plaintiffs' recent receipt of the Resolution, as well as the information still outstanding, plaintiffs respectfully request that this Court grant a 30-day extension for the filing of plaintiffs' papers in connection with the within appeal.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I may be subject to punishment.

Dated: 3/6/89


Barbara Stark

January 11, 1989

THE STAR-LEDGER

Old Bridge clears giant development

By TOM HAYDON

The Old Bridge Planning Board has approved a conceptual proposal by the O&Y Old Bridge Development Corp. for construction of 1,900 homes and about 2 million square feet of commercial space on a huge tract in the southern portion of the township.

The plan approval, the second received by the developer during the 15 years it has owned the property, came at about 1 a.m. yesterday after a hearing lasting more than five hours.

O&Y has proposed construction of offices, shops and a hotel and a 100,000-car parking lot as part of the estimated \$350 million project expected to be completed in 1995.

Township Administrator Joseph Leo, who added that the

Old Bridge approves proposal for giant housing-office project

Continued from Page One

project would provide \$300,000 for municipal residents, \$2 million in tax revenues within the first two years and an "open" housing development for the township.

Despite the lengthy discussion and a list of 29 conditions that the board required O&Y to meet, two board members, Joan George and Philomena Genatempo, voted against the project. They cited concerns about the road improvements O&Y would be required to make and a waiver the company was granted concerning development of the commercial area in the tract.

"I feel that more was given than was received," Genatempo said.

Six board members, Haney, Chairman James Garland, Township Administrator Joseph Leo, George Koehler, John Gallagher and alternate William Spatzier, voted to approve the plan. A minimum of five votes was necessary to pass the proposal.

The conditions attached to the approval related to design of the project, improvement of roads, timetables for submission of plans for commercial development, and schedules for conveyance of property and funds by O&Y to the township.

Lloyd Brown, vice president for O&Y, said he was pleased to have the approval but added there is still much work for the company to do before construction can begin.

O&Y must obtain preliminary and final subdivision approval before July 1, when new state regulations concerning wetlands take effect. More than half of O&Y's property has been identified as environmentally sensitive wetlands. Both

O&Y and township officials have said the company could get approval for its plan under the new regulations.

O&Y has already filed applications with the Army Corps of Engineers and the state Department of Environmental Protection seeking permits under the existing regulations to fill in about 95 acres of wetlands in the area proposed for commercial development.

Following subdivision approval, the company would seek site plan approval for individual sections of the project.

The meeting that ended yesterday was marked by several disputes between the board members and lawyers for O&Y concerning the conditions attached to the approval. On a few occasions, Garland ended the disputes by indicating that the board was not obligated to negotiate with the company.

The board also granted O&Y a waiver from a zoning regulation concerning the timing of commercial development. The ordinance governing O&Y's project requires a developer to have 25 percent of the commercial construction finished before he completes 40 percent of the residential development in the project. Haney said O&Y is building less than half of the housing units permitted by the ordinance and providing more commercial development than the ordinance requires.

George objected that regulations were put in the ordinance to protect the township.

In 1985, O&Y received approval from Old Bridge to build 10,650 units on its property. However, the Army Corps later determined that more than half of the company's property was environmentally sensitive wetlands which could not be developed. That forced the company to reduce its project.

Exhibit B
THE STATE UNIVERSITY OF NEW JERSEY
RUTGERS
Campus at Newark

School of Law-Newark • Constitutional Litigation Clinic
S.I. Newhouse Center For Law and Justice
15 Washington Street • Newark • New Jersey 07102-3492 • 201/648-5687

VIA LAWYERS SERVICE

February 6, 1989

Ronald Reisner, Esq.
Gagliano Tucci Iandanza & Reisner
1090 Broadway
West Long Branch, NJ 07764

RE: Urban League, et al. v. Carteret, et al. (Old Bridge)

Dear Mr. Reisner:

Congratulations on your recent appointment as Township Attorney for Old Bridge.

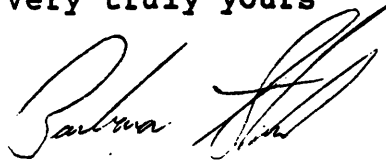
As we discussed in our telephone conversation Friday morning, the appeals from the decision of the Honorable Eugene D. Serpentelli vacating the Consent Judgment dated January 16, 1986 have recently been consolidated and are presently pending before the Appellate Division. The decision below was predicated, in pertinent part, on Judge Serpentelli's finding that the Olympia & York development contemplated in that Judgment was no longer possible. The enclosed newspaper article indicates that a substantial development project is currently being considered in Old Bridge, to be constructed by O & Y.

Please advise immediately as to the status of this project, including: the types and dates of approvals granted, if any; the number of residential units; the commercial component; the rental/sales mix; the number of units reserved for senior citizens; the percentage of units which are to be marketed as low and moderate units; and any other information pertinent to the subject matter of the pending appeal. Copies of any development plans which have been approved would also be appreciated.

Ronald Reisner, Esq.
February 6, 1989
Page 2

By copy of this letter, the above described information is also being requested of Thomas Hall, Esq., attorney for O & Y. It may be more convenient for you and Mr. Hall to respond jointly to this request. In view of the schedule set by the Appellate Division for the filing of briefs in this matter, however, it would be helpful if you could provide the requested information within the next ten days. Please advise promptly if you are unwilling to do so without a formal motion.

Very truly yours

A handwritten signature in cursive script, appearing to read "Barbara Hutt", written in dark ink.

encl

cc/Thomas Hall, Esq.
Stuart Hutt, Esq.

GAGLIANO, TUCCI, IADANZA AND REISNER

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

S. THOMAS GAGLIANO
ALEXIS TUCCI
EUGENE A. IADANZA
RONALD L. REISNER
FRANK J. FISCHER
ANN F. HALTON
MICHAEL F. CHIARELLA

1090 BROADWAY
POST OFFICE BOX 67
WEST LONG BRANCH, N.J. 07764-0067
(201) 229-6700

JOANNE S. NADELL
OF COUNSEL

February 8, 1989

Barbara Stark, Esq.
Rutgers School of Law
Constitutional Litigation Clinic
15 Washington Street
Newark, New Jersey 07102-3192

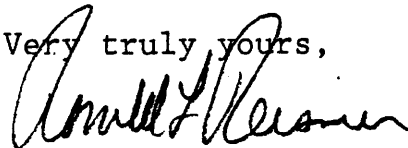
Re: Urban League, et al v. Borough of Carteret, et al (Old Bridge)
Our File No. T7654

Dear Ms. Stark:

We have your letter of February 6, 1989. So far as I can discern, the Township Mayor and Council have taken no official action but rather an application was submitted to the Planning Board, a separate defendant, as I understand it in your suit. Whatever action has been taken by the Planning Board was presumably at hearings pursuant to the Municipal Land Use Act. The records, plans and resolutions, if any, should be all matters of public record in the Planning Board files which should be available to you.

The Planning Board is represented by James M. Colaprico, Esq., Katzenbach, Gildea & Rudner, 997 Lenox Drive, Lawrenceville, New Jersey 08648, (609)-896-3000. Rather than my inartful characterizations of what, if any, action has been taken by the Planning Board, I suggest that you contact Mr. Colaprico and arrange to review the Planning Board records.

Very truly yours,



Ronald L. Reisner
Township Attorney

RLR/pm

cc: James Colaprico, Esq.
Thomas Hall, Esq.
Stewart Hutt, Esq.

Exhibit D
THE STATE UNIVERSITY OF NEW JERSEY
RUTGERS
Campus at Newark

School of Law-Newark • Constitutional Litigation Clinic
S.I. Newhouse Center For Law and Justice
15 Washington Street • Newark • New Jersey 07102-3492 • 201/648-5687

VIA LAWYERS SERVICE

February 10, 1989

James M. Colaprico, Esq.
Katzenbach, Gildea & Rudner
997 Lenox Drive
Lawrenceville, NJ 08648

RE: Urban League, et al. v. Carteret, et al. (Old Bridge)

Dear Mr. Colaprico:

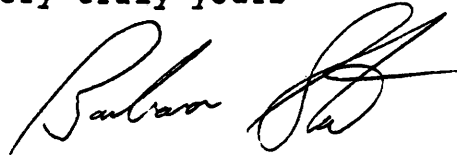
As you probably know, the appeals from the decision of the Honorable Eugene D. Serpentelli vacating the Consent Judgment dated January 16, 1986 have recently been consolidated and are presently pending before the Appellate Division. The decision below was predicated, in pertinent part, on Judge Serpentelli's finding that the Olympia & York development contemplated in that Judgment was no longer possible. A recent article in the Star Ledger indicated that a substantial development project is currently being considered in Old Bridge, to be constructed by O & Y.

Please advise immediately as to the status of this project, including: the types and dates of approvals granted, if any; the number of residential units; the commercial component; the rental/sales mix; the number of units reserved for senior citizens; the percentage of units which are to be marketed as low and moderate units; and any other information pertinent to the subject matter of the pending appeal. Copies of any development plans which have been approved would also be appreciated.

James M. Colaprico, Esq.
February 10, 1989
Page 2

By copy of this letter, the above described information is also being requested of Thomas Hall, Esq., attorney for O & Y. It may be more convenient for you and Mr. Hall to respond jointly to this request. In view of the schedule set by the Appellate Division for the filing of briefs in this matter, however, it would be helpful if you could provide the requested information within the next ten days. Please advise promptly if you are unwilling to do so without a formal motion.

Very truly yours

A handwritten signature in cursive script, appearing to read "Barbara", followed by a large, stylized flourish or initial.

encl

cc/Thomas Hall, Esq.
Stuart Hutt, Esq.

LAW OFFICES

KATZENBACH, GILDEA & RUDNER

PRINCETON PIKE CORPORATE CENTER

997 LENOX DRIVE-BUILDING 3

LAWRENCEVILLE, NEW JERSEY 08648-2311

(609) 896-3600

TELECOPIER (609) 896-1469

SAMUEL RUDNER
VICTOR WALCOFF
RICHARD M. KOHN
PHILLIP E. GRIFFIN
ARNOLD M. MELLK
JAMES F.X. RUDY
EZRA D. ROSENBERG
FRANK P. REICHE
ELAINE C. BRITT
JAMES M. COLAPRICO

JOSELE A. FINNEY
LAWRENCE C. WOHL
H. LEE SCHWARTZBERG, JR.
ALLISON E. ACCURSO
JUNE H. MILLINGTON
HELENE L. EPSTEIN
MITCHELL R. TABAS
FRANCES M. MERRITT
SHARI L. BUNKS
ROBERT A. KNEE

February 23, 1989

Ms. Barbara Stark,
Constitutional Litigation Clinic
Rutgers University School of Law
Campus at Newark
15 Washington Street
Newark, New Jersey 07102-3192

Re: Urban League, et al. v. Carteret, et al.
(Old Bridge)

Dear Ms. Stark:

I returned from vacation this week and found on my desk your February 10, 1989 letter concerning recent Old Bridge Township Planning Board action with respect to the Olympia and York development. I am enclosing with this letter a copy of a Resolution of Memorialization which was adopted by the Old Bridge Township Planning Board relating to the Olympia and York property. The resolution was adopted after the Board took action on an application for general development plan approval which was submitted by Olympia and York pursuant to the applicable provisions of the New Jersey Municipal Land Use Law and the Old Bridge Township Land Development Ordinance.

The other information requested in your letter is a matter of public record and may be reviewed by you at the offices of the Old Bridge Township Planning Board. Alternatively, I suggest you obtain copies of same from the applicant. In this regard, you should note that the applicant's attorney of record at the hearing on the general development plan application was Steven R. Gray, Esquire at Waters, McPhearson, McNeill, and Fitzpatrick, at 40 Plaza Drive, Secaucus, New Jersey 07094.

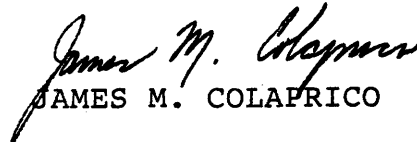
KATZENBACH, GILDEA & RUDNER

Ms. Barbara Stark

February 23, 1989
Page Two

If you have any further questions or comments concerning this matter, please do not hesitate to contact me.

Very truly yours,


JAMES M. COLAPRICO

JMC:dmf

Enclosure

CC: James B. Garland, Jr., Chairman
Old Bridge Township Planning Board

Harvey P. Goldie, Director, Department
of Planning and Engineering
Mayor Arthur Haney
Thomas Hall, Esq.
Stuart Hutt, Esq.
Steven R. Gray, Esq.
Ronald L. Reisner, Esq.

Exhibit F

Be it Resolved, The Planning Board of the Township Old Bridge, County of Middlesex,
New Jersey, that:

WHEREAS, Application No. 45-88P has been submitted to the Old Bridge Township Planning Board (the "Board") by O & Y Old Bridge Development Corp. (the "Applicant") for general development plan approval relating to the properties designated on the Old Bridge Township Tax Map by the lot and block number set forth on Appendix A and located at Routes 9 and 18 adjacent to Texas Road; and

WHEREAS, as part of the application reviewed by the Board, the Applicant has submitted a master report for the General Development Plan for the Olympia & York Planned Development, submitted by Olympia & York and prepared by Sullivan Associates; Elson T. Killam Associates, Inc.; Reilly Land & Environment, Inc.; International Technology Corporation; Richard B. Reading Associates; Geraughty & Miller, Inc.; Amy S. Greene Environmental Consultants; Kevin W. Dougherty, Environmental Scientist; Jennifer Robinson Environmental Scientist/Wildlife Biologist; and Soil & Environment Services, Inc.; dated March 1988 (supplemental reports filed November 18, 1988); a report entitled "Traffic Impact Study, Olympia & York Planned Development," consisting of 34 pages, prepared by Orth-Rodgers, Thompson & Associates, Inc., dated November 1988; and a report entitled "Supplemental Environmental Impact Report for the Olympia & York Development," prepared by International Technology Corporation, dated November 18, 1988; and

WHEREAS, the application was certified complete on April 28, 1988 and a public hearing with respect to the application was held by the Board on November 29, 1988; December 12, 1988; December 29, 1988 and January 9, 1989; all upon proper public and personal notice pursuant to N.J.S.A. 40:55D-12 and Section 2-14:10 of the Old Bridge Township Land Development Ordinance; and

WHEREAS, at the aforesaid public hearing, the following township staff reports were entered into the record:

T & M Associates	November 29, 1988 December 12, 1988 December 29, 1988 January 9, 1989
Traffic & Safety	December 6, 1988 December 12, 1988
Environmental Commission	December 12, 1988

WHEREAS, at the aforesaid public hearing, the following exhibits were entered into the record by the Applicant:

A-1 Land Use Development Application dated March 10, 1988

A-2 Supporting Reports:

- A. Land Use Plan
- B. Traffic and Circulation Plan
- C. Open Space Plan
- D. Utility Plan
- E. Drainage Plan
- F. Environmental Impact Report
- G. Community Facilities Plan
- H. Qualifying Report
- I. Extended Vesting Report
- J. Fiscal Impact Report

A-3 Appendices to Applicant:

- A. Appendix A: Letters Confirming Utility Service
- B. Appendix B: Drainage Calculations
- C. Appendix C: Aquifer Recharge Study
- D. Appendix D: Wetlands Delineation Report

A-4 Plans Accompanying Application:

- A. Title Sheet and Site Location Map
- B. Land Use Plan
- C. Traffic and Circulation Plan
- D. Open Space Plan
- E. Utility Plan
- F. Drainage Plan
- G. Environmental Synthesis
- H. Community Facilities Plan

A-5 Supplementary Reports Supplementing Modified GDP Application:

- A. Land Use Plan Prepared by Sullivan Associates
Dated November 17, 1988
- B. Traffic and Circulation Plan Prepared by
Sullivan Associates Dated November 17, 1988
- C. Open Space Plan Prepared by Sullivan Associates
Dated November 17, 1988
- D. Utility Report Prepared by Killam Associates
Dated November 17, 1988
- E. Drainage Report Prepared by Killam Associates
Dated November 1988

- F. Community Facilities Plan Prepared by Sullivan Associates Dated November 17, 1988
- G. Qualifying Report Prepared by Sullivan Associates Dated November 17, 1988
- H. Extended Vesting Request Report Prepared by Richard B. Reading Associates Dated May 1988, Revised November 1988
- I. Fiscal Impact Report (Summary Evaluation of Economic, Demographic and Fiscal Effects) for Revised Development Plan Dated November 1988

A-6 Plans Accompanying Modifications to GDP Application:

- A. Title Sheet and Site Location Map Dated January 1988, Revised November 15, 1988
- B. Land Use Plan Dated August 29, 1988, Revised November 16, 1988
- C. Traffic and Circulation Plan Dated November 6, 1987, Revised November 15, 1988
- D. Open Space Plan Dated November 15, 1988, Revised November 17, 1988
- E. Utility Plan Dated February 19, 1988, Revised November 16, 1988
- F. Community Facilities Plan (A/K/A General Development Plan) Prepared by Sullivan Associates Dated November 2, 1987, Revised November 15, 1988
- G. Drainage Plan Prepared by Sullivan Associates Dated August 29, 1988, Revised November 11, 1988
- H. Environmental Synthesis Plan Prepared by Sullivan Associates Dated February 19, 1988, Revised November 16, 1988

A-7 A & B - - Illustrative Site Plan Upland Commercial Parcels (COI 1 - 4) (- 2 Sheets Dated November 18, Revised November 23, 1988) Prepared by Sullivan Associates

A-8 Conceptual Site Plan - 200 Acre Park Prepared by Sullivan Associates Dated October 18, 1988, Revised to November 15, 1988

A-9 Illustrative Site Plan Commercial Development (Along Route 9/18) Involving Wetlands

A-10 Conceptual GDP Plan Prepared by Sullivan Associates (Settlement Agreement) (Spring 1986)

- A-11 Traffic Impact Study Prepared by Orth-Rodgers, Thompson Dated November 1988
- A-12 Supplemental Environmental Impact Report Prepared by International Technology Corporation Dated November 18, 1988
- A-13 Typical Architectural Renderings - Residential Units:
 - A. Single Family Detached Luxury Homes
 - B. Single Family Detached Standard
 - C. Patio Homes
- A-14 Memorandum from Sullivan Associates to Harvey Goldie, Dated December 2, 1988 - Response to T & M Initial Comments
- A-15 Drainage Report, November 1988, Addendum 1 Dated November 30, 1988, Prepared by Killam Associates
- A-16 Letter from Orth-Rodgers to Harvey Goldie Dated December 1, 1988
- A-17 Letter to Harvey Goldie from Lloyd Brown Dated December 6, 1988 Regarding Schedule of Phasing and Timing of Development
- A-18 Projected Traffic Improvements Graphic Prepared by Orth-Rodgers with Recommended Roadway Improvements
- A-19
 - A. Revised Utility Plan Prepared by Killam Associates Dated December 1988
 - B. Revised Drainage Plan Prepared by Killam Associates Dated December 1988
- A-20 Fiscal Impact Graphic - Prepared by Richard Reading Associates
- A-21 Memorandum to Harvey Goldie Prepared by Sullivan Associates Re Gross Project Area Dated December 9, 1988
- A-22 Open Space Compliance Schedule
- A-23 Land Use Plan Prepared by Sullivan Associates Dated August 29, 1988, Revised January 9, 1989 (Revision to Add Three "Alternate" Residential Parcels)

A-24 Report of Rutgers Center Urban Policy Research-
Dr. Robert Burchell Dated December 29, 1988;
and

A-25 Amended Phasing and Timing Schedule (Projected)

A-26 Memo to Harvey P. Goldie from Sullivan Associates
dated January 9, 1989 Demonstrating Compliance
with Ordinance Requirements After Inclusion
of the Three "Alternate" Residential Parcels.

WHEREAS, the Board, after carefully considering the evidence presented to it by, or on behalf of the Applicant, by the general public and the advice and recommendations of T & M Associates and the Township Engineer and other advisory municipal personnel and agencies (including without limitation that set forth in the aforesaid reports), makes the following findings of fact:

1. Except as otherwise set forth herein, any factual determination set forth in the aforesaid staff reports are herein incorporated by reference.

2. The Applicant proposed to construct 1,995 residential units and 2,030,000 square feet of commercial development, 930,000 square feet on uplands and 1.1 million square feet requiring the appropriate New Jersey freshwater wetlands fill permits.

3. There will be a positive fiscal impact on the Township with a \$7.7 million projected annual surplus if the residential and commercial construction located on uplands is completed with an additional \$3.4 million annual surplus if the commercial construction in wetlands areas are completed. Additional benefits include the creation of 5,100 construction related jobs which would result in \$114 million in consumer expenditures, and approximately \$24 million in materials purchases. The nonresidential components of the development will generate approximately 1,925 on-site jobs with \$42 million in annual payroll. And approximately 1,425 indirect and induced jobs will be created due to residential development and secondary impact of the on-site employment. According to testimony given by Courtney Powell, the Township Tax Assessor, once the developer files the subdivision plat for the commercial property and installs the water loop servicing the parcel then the Township can tax the property at a value \$25 - \$30 million higher than at present.

4. The Applicant submitted a timing schedule for construction of the development. The Applicant sought the Board's approval of a twenty (20) year extended vesting period during which time the development would be constructed in accordance with said timing schedule. The Board is satisfied that the approval hereby

granted should be effective for a twenty (20) year period from the date hereof given the number of dwelling units and nonresidential floor space proposed, the likelihood of fulfilling the timing schedule, the developer's capability of completing the proposed development and the conditions attached hereto.

5. The Applicant has applied for the necessary wetlands fill permits to construct 1.1 million square feet of commercial space referred to above and has prepared a mitigation plan whereby they would fill some wetlands and develop others in accordance with applicable New Jersey Department of Environmental Protection regulations.

6. As to the residential development, the residential parcels will comply with the density ranges required by the Ordinance, except that no medium high density housing will be developed and the medium density range utilized will be a minimum of 20% and maximum of 35%. These exceptions necessitated waivers from the housing mixture requirements of the ordinance which the Board granted.

7. The Township or private homeowners associations will be responsible for the maintenance and conservation of the open space in this project. The Applicant has satisfied the Board that said open space is both conserved and well maintained.

8. The Board determined that the location and purpose of the open space in this project is adequate. The Applicant has set aside 307 acres of open space out of a 1272 acre project. They are only required to set aside 293 acres. The Applicant has proposed to donate a 200 acre park to the Township and build recreational facilities costing up to \$500,000.00. The Applicant has also agreed to donate a 6-10 acre park to the Township in a centrally located area and to build recreational facilities costing up to \$50,000.00 in 1988 dollars.

9. The Board heard testimony on the physical design of the proposed development, control over vehicular and pedestrian traffic and the amenities of light, air, water, sewer, wildlife, recreation and visual enjoyment and determined that such are adequate. The Applicant has agreed to build a 250 vehicle park and ride lot on seven acres, four of which are located on uplands. The Applicant has proposed to contribute \$400,000.00 to the Township in the event that the lot cannot be built because of wetlands or any other reason. The Applicant has also agreed to commence in the initial stage of its development the building of a water loop line which would go down Pleasant Valley Road to Marlboro Road and down Marlboro Road to Texas Road and from the intersection of Marlboro Road and East Greystone Road over to Englishtown Road. The water loop line will also serve residents outside of the O & Y development.

10. Considering the public improvements included within the development as acted upon by the Board, the proposed development will not have an unreasonably adverse impact upon the area in which it is proposed to be established.

11. The terms and conditions contained herein and intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

12. The Applicant sought a waiver from the affordable housing provisions of the Ordinance requiring a 10% set aside for low and moderate income housing. In lieu thereof, the Applicant has proposed to build a 100 unit senior citizens facility and to donate such facility along with the land upon which it is situated to the Township free and clear of any liens. The Applicant has agreed to pay all costs of construction up to \$6 million and has agreed to lend the Township the remainder if it cannot obtain adequate financing elsewhere. The applicant was granted the waiver.

13. T & M Associates delivered a memo to the Board, a copy of which is attached hereto and identified as Appendix "B" outlining various road improvements which need to be made in order to promote the public safety including upgrading of certain substandard municipal roads, and a proposed phasing and staging schedule attached hereto and identified as Appendix "B" which the Board herein adopts. Certain improvements described in Appendix "C" require waivers of the road design requirements set forth in the Ordinance. The Board granted those waivers.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Old Bridge, County of Middlesex and State of New Jersey that the within application for general development plan approval for a Class II Planned Development consisting of 1,995 residential units; 930,000 square feet of commercial, office and industrial uses requiring no Wetlands Approvals (as hereinafter defined); 1,100,000 square feet of commercial, office and industrial uses subject to obtaining Wetlands Approvals (as hereinafter defined); and waivers (as described above) from the nonresidential staging, road design, housing mix and affordable housing provisions of the Old Bridge Township Land Use Ordinances is hereby granted subject to the following conditions:

1. This approval shall vest the rights of the applicant in the terms of the general development plan approval for a Class II Planned Development for a period of 20 years, provided that the site is developed in accordance with the timing schedules set forth herein and in Appendix C.

2. The 188 acre area designated on the Land Use Plan, dated November 17, 1988, revised through January 9, 1989, (the "Land Use Plan") as "Reserved for Future Office Park" shall, prior to filing the first final subdivision plat pursuant to this General Development Plan approval, be subjected to recorded restrictions limiting its future development to nonretail commercial or office use. Prior to the first final subdivision approval granted pursuant to the General Development Plan, such restriction shall be submitted for the review and approval of the Township Engineer, or his designee, and the Planning Board Attorney.

3. Subject to the review, acceptance and approval of the Old Bridge Township Council, the Applicant will dedicate to the Township of Old Bridge free and clear of all liens, encumbrances, reservations and rights, except as otherwise set forth herein, a 200 acre park site, containing no less than 35 acres of uplands and located along Texas Road as shown on the Land Use Plan, and will either contribute to the Township \$500,000.00 for the construction of improvements thereon, or construct recreational improvements having a construction cost of at least \$500,000.00, the nature of which shall be approved by the Board. In order to satisfy the terms of this condition, the Applicant shall, prior to the filing of the first final subdivision plat pursuant to the General Development Plan, execute and deliver in escrow to the Township Attorney or the Planning Board Attorney a deed of dedication, in recordable form, to the Township of Old Bridge describing said park site by metes and bounds which deed may contain a reservation of a temporary easement through the park site for access to adjoining properties necessitated by development and construction activities on such properties. The location and duration of said easement shall be determined at the time of the preliminary site plan approval described in condition number 3. The deed shall be released from escrow and delivered to the Township upon the Applicant obtaining all permits required pursuant to the Federal Water Pollution Control Act (33 U.S.C. §1344) and the New Jersey Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) for the construction of 1995 residential units on the site, or such lesser number of units as may be agreed to by the Applicant as part of the wetlands permitting process (the "Wetlands Approvals"). Prior to the delivering in escrow of the aforesaid deed and prior to the grant of the first final subdivision approval pursuant to the General Development Plan, the Applicant shall submit said deed of dedication for the review and approval of the Planning Board Attorney and the Township Engineer, or his designee. No later than the earlier of (i) 60 months from the date the Applicant obtains Wetlands Approvals, or (ii) the issuance of the 1,500th construction permit for residential units, the Applicant shall either construct the recreational improvements, or contribute to the Township the aforesaid amount. Nothing con-

tained herein shall preclude the Township from constructing the recreational improvements, at its expense, prior to the aforesaid time period, in which event the Applicant shall reimburse to the Township the amount of \$500,000.00 within the aforesaid time period.

4. Prior to March 31, 1989, the Applicant shall file with the Board applications for preliminary and final site plan approval setting forth the recreational improvements to be made to the park site described in the preceding condition number 2 and the paving and grading of the commuter parking facilities described in condition number 18. In the event that the Applicant does not obtain such approval prior to July 1, 1989, the General Development Plan approval herein granted shall be deemed abandoned, unless an amendment hereto is approved by the Board. The nature of the improvements contained in the aforesaid site plan application relating to the park site shall be consistent with that set forth in Exhibit A.8., entitled "Conceptual Site Plan - 200 acre park"; provided, however, that the site plan shall provide for a two hundred and fifty (250') foot conservation easement along the north boundary line between the park site and the residential parcel designated on the Land Use Plan as LD - 10 & 11. In the event that the development of the park site or commuter parking facilities in accordance with said site plans requires any other governmental approval(s), including without limitation those relating to freshwater wetlands, the Applicant shall be responsible for obtaining and bearing the cost of obtaining such approvals; provided, however, that the Township, subject to obtaining the consent of the Township Council, may be the applicant or co-applicant with respect to such approvals and shall cooperate with the Applicant in applying for such approvals.

5. Prior to the issuance of any construction permits, the Applicant shall establish one or more private homeowners associations responsible for the maintenance of all required PD open space, other than public open space, contained within the section(s) of the development for which the construction permits are sought. Prior to final subdivision approval for said section(s), the documentation legally required or otherwise necessary for the establishment of such associations shall be submitted to the Board for the review and approval of the Township Engineer, or his designee, and the Planning Board Attorney.

6. In lieu of the requirements of Section 9-10 of the Ordinance, entitled "Timing and Balance of Non-residential Development", the Applicant shall, no later than March 31, 1989, file a complete final subdivision application for the parcel designated on the Land Use Plan as Neighborhood Commercial and Commercial/Office/Industrial and intended for 930,000 square feet of commer-

cial, office and industrial use containing 259 acres (183 acres of uplands). If said application is not approved by the Board prior to or on July 1, 1989 and a final subdivision plat therefor filed by October 1, 1989, the General Development Plan shall be deemed to have been abandoned by the Applicant, unless an amendment hereto is approved by the Board. The final subdivision application referred to herein shall provide for, among other things, the lot consolidation of the 259 acres contained therein, or, in lieu of such lot consolidation, may provide for the resubdivision thereof, including without limitation, resubdivision for financing purposes, only if such resubdivision is consistent with the development of the site so as to contain one or more commercial or office uses, with appurtenant common areas, in accordance with a comprehensive plan substantially similar to that set forth in Exhibit A.7. (A and B), entitled "Illustrative Site Plan Upland Commercial Parcels".

7. The Applicant shall obtain the approval of the Old Bridge Township Municipal Utilities Authority to the Utility Plan, as it relates to the provision of water and sewer services. As required by law, any amendment required by Old Bridge Municipal Utilities Authority shall require the Board's approval of an amendment of the General Development Plan. In lieu of Section 9-10 of the Ordinance, entitled "Timing and Balance of Non-residential Development", the Applicant shall install (i) the Water Loop proposed along Pleasant Valley Road, Marlboro Road and East Greystone Road, and (ii) the Iresick Brook Sewer, both as described on Exhibit A.19.A. Installation of the Water Loop and the Iresick Brook Sewer shall commence prior to the issuance of any construction permits for any other development and shall complete such installation prior to the issuance of any certificates of occupancy for residential units.

8. In the event that the Applicant is unable, for reasons relating to the physical conditions of the land to develop the 259 acre (183 acres of uplands) parcel along Marlboro Road, described in condition number 5, in a manner which provides for a minimum of 930,000 square feet of commercial and office use, the Applicant shall amend the General Development Plan in a manner which converts sufficient contiguous developable land to commercial and office uses to provide for said 930,000 square feet. Said uses shall be compatible with the uses originally proposed for the property which the Applicant was so unable to develop. Nothing contained in this condition shall imply any approval of, or obligation on the part of the Board to approve, an increase in the permitted number of dwelling units herein granted or a modification of the individual parcel density designations shown on the Land Use Plan to accommodate the replacement of residential units lost by virtue of such General Development Plan amendment.

9. In the event that the Applicant relies upon the provisions of N.J.S.A. 40:55D-45.6(b) in order to reduce the non-residential floor space set forth in the General Development Plan, such reduction shall not be allocated to the parcel along Marlboro Road, described in condition number 6 and designated for the 930,000 square feet of commercial and office use, or any parcel added thereto pursuant to condition number 8. The Applicant does not hereby waive any other rights granted by N.J.S.A. 40:55D-45.6(b).

10. The Applicant shall obtain all legally required approvals of the Middlesex County Planning Board and make any modifications to its General Development Plan as may be thereby required, including without limitation all improvements to county owned and maintained roads in accordance with such schedule for the timing of such road improvements as may be required by the Middlesex County Planning Board.

11. The Applicant shall revise its General Development Plan in a manner which incorporates the recommendations set forth in a letter, dated December 28, 1988, from T & M Associates to Harvey P. Goldie, P.E., Department of Engineering and Planning as modified by a letter from T & M Associates, dated January 9, 1989. The timing of all road improvements thereby required shall be in accordance with Appendix C which is attached hereto and made a part hereof, as modified by the aforesaid report of T & M Associates, dated January 9, 1989, and the cost of such road improvements shall be credited against the Applicant's off tract pro rata share for such improvements. The construction of said road improvements shall not be considered a waiver of the Applicant's right, thereafter, to seek a reimbursement from the Township so that the Applicant provides only its pro rata share of the cost of construction of any off tract improvements with other property owners, subsequently developing their parcels in a manner which contributes to the public need for said road improvements (the "Benefitted Property Owners"). Such reimbursement shall be effectuated by the Board or Zoning Board of Adjustment, as the case may be and to the extent permitted by law, subjecting any approval granted to such Benefitted Property Owner to a condition requiring such other property owner to pay its pro rata share of such improvements equal to (x) the cost and expense of acquiring the portion of the Benefitted Property Owner's land required for the purpose of road widening plus (y) the cost and expense to the applicant of widening the entire roadway in question multiplied by a fraction; the numerator of which is the lineal footage of the land so acquired and the denominator of which is the lineal footage of land on the roadway in question plus (z) interest on (x) and (y) at the rate of 12% per annum from the date incurred to the date repaid. In the event that such condition is not legally permissible and

cannot be conformed so as to be legally permissible, then the Applicant waives its right to seek such reimbursement. Nothing contained herein shall be interpreted as requiring (i) the Township to reimburse the Applicant hereunder prior to such point in time as such other property owner is legally required to pay such pro rata share pursuant to the applicable ordinance then in effect or the resolution of approval granted to such other property owner, or (ii) the Board or the Zoning Board of Adjustment to approve such other property owner's application for development. In the event that any of the revisions to the General Development Plan required by this condition require any other governmental approval(s), including without limitation those relating to freshwater wetlands, the Applicant shall be responsible for obtaining and bearing the cost of obtaining such approvals; provided, however, that the Township, subject to obtaining the consent of the Township Council, shall be listed as applicant or co-applicant with respect to such approvals and shall cooperate, at no expense to itself, in applying for such approvals. If any permits (such as wetlands permits) cannot be obtained for the required road improvements, or, if the necessity for such permits would subject the residential component of the project to the "buffer area" requirements of the New Jersey Freshwater Wetlands Protection Act, then the Applicant will implement, to the satisfaction of the Township Engineer, such other improvements that may be required in his opinion to insure roadway safety.

12. In the event that the New Jersey Department of Environmental Protection requires the Applicant to increase the amount of upland acreage which it will utilize for wetlands mitigation purposes, the Applicant shall not revise its mitigation system in a manner which decreases the amount of uplands located within the 200 acre park parcel that will be dedicated to the Township pursuant to condition number 2 hereof, nor will the Applicant reduce the amount of upland area dedicated to non-residential use as set forth in its application; provided, however, that the Applicant may use for wetlands mitigation purposes the portion of its General Development Plan designated as being "Reserved For Future Office Park" after consultation with T & M Associates for the purpose of minimizing such use to the extent consistent herewith.

13. In lieu of the provisions of section 4-8 of the Old Bridge Township Land Development Ordinance, concerning the provision of affordable housing, the Applicant shall construct a 100 unit senior citizen housing development, with each unit containing a minimum of six hundred square feet, on property located on a seven acre parcel of uplands in the northwest corner of the site, which is presently designated POS-1, but will be redesignated to a land use other than public open space. Such

construction shall be in accordance with a subdivision and site plan reviewed and approved by the Board and the Township Council, shall commence no later than three years from the date the Applicant obtains Wetlands Approval and shall be completed no later than five years of such date; provided, however, that no such construction and such time periods shall commence until appropriate financing arrangements, consistent with this condition, have been agreed to by all interested parties to provide for the construction and completion of said senior citizen housing development. The Applicant shall contribute to the construction of such units the amount of \$6,000,000.00. Subject to the approval of the Old Bridge Township Council, the Township may pay the balance of such cost in excess of \$6,000,000.00; provided, however, that the Applicant agrees that, if the Township, after agreeing to commit its full faith and credit, cannot obtain financing for its share of such costs, the Applicant shall lend the Township the amount of such costs in excess of \$6,000,000.00, at a reasonable rate of interest, secured by the Township's full faith and credit, and upon such other terms as may be agreed to between the Applicant and the Township. Subject to the acceptance of the Township Council, or such other appropriate public agency, and prior to the filing of the first subdivision plat pursuant to the General Development Plan herein approved, this Applicant shall convey to the Township, or any entity designated by the Township, a fee simple interest in the seven acre parcel upon which the complex will be developed, including all improvements thereon, free and clear of all liens and encumbrances other than any lien associated with the financing of the Township's share of the construction cost and any other encumbrance imposed in connection with this approval.

14. The Applicant shall revise the Schedule For Phasing and Timing of Development contained in its General Development Plan application in a manner which incorporates the revisions attached hereto as Exhibit B and made a part hereof.

15. Upon application for preliminary and/or final site plan and/or subdivision approval granted by the Board pursuant to the General Development Plan the Applicant shall submit a study with recommendations regarding the installation of reasonable energy and water saving devices.

16. The Applicant shall revise its General Development Plan so as to provide land, designated as public open space, for the development of a neighborhood park of approximately six to ten acres of uplands to be centrally located within the residential portion of the site. The location of this park shall be determined at the time of preliminary subdivision approval for the first residential phase. In addition to grading and clearing the land within this park in conjunction with its

drainage plan for the project, the Applicant shall either (i) construct improvements, having a cost of approximately \$50,000.00 (in 1988 dollars) and consisting of a soccer field/ballfield, playground and parking, or (ii) contribute \$50,000.00 (in 1988 dollars) to the Township for the park improvements. The timing of the conveyance of the land and the construction of, or contribution toward, the park improvements shall be in accordance with the time schedule set forth for the 200 acre park in condition #3.

17. The stormwater management plan which is included within the General Development Plan shall be revised so as to provide for on site detention in detention areas 1, 7, 8 and 9. Such revisions shall be made to the satisfaction of the Township Engineer, or his designee.

18. The General Development Plan shall be revised to provide for the location of all regional detention basins, as determined by the Township Engineer, or his designee, to be located within areas designated as public open space.

19. Subject to the review, acceptance and approval of the Old Bridge Township Council, the Applicant shall dedicate a 7 acre site, containing no less than 4 acres of uplands and located at the intersection of Texas Road and State Highway 18 (presently designated POS-4 on the Land Use Plan), to the Township of Old Bridge for the purpose of providing a commuter parking facility. Prior to the filing of the first final subdivision plat pursuant to the General Development Plan, the Applicant shall execute and record a deed of dedication to the Township of Old Bridge describing said site by metes and bounds and conveying said site free and clear of all liens and encumbrances. Prior to the recording thereof and prior to the grant of the first final subdivision approval pursuant to the General Development Plan, the Applicant shall submit said deed of dedication for the review and approval of the Planning Board Attorney and the Township Engineer, or his designee. No later than the earlier of (i) 60 months from the date Applicant obtains all Wetlands approvals, or (ii) the issuance of the 1,500th construction permit for residential units, the Applicant shall either pave and stripe, to the satisfaction of the Township Engineer, or his designee, said parking facility, or, in lieu thereof, contribute to the Township of Old Bridge the amount of \$400,000.00 to be utilized by the Township for the construction of such facility.

20. Wherever relevant, any and all preliminary and/or final site plan and/or subdivision approvals granted pursuant to the General Development Plan hereby granted shall contain conditions requiring the Applicant to prepare and present for

the review and approval of the Township Environmental Commission, the Township Engineer and the Planning Board Attorney, prior to receiving final approval for subdivision, and to execute and record prior to filing the relevant subdivision plat, a written conservation easement agreement describing, by metes and bounds, the area designated on the subdivision plat as "Conservation Easement", which area shall encompass the areas lying within the stream encroachment line, the one hundred year flood plain and the wetlands delineation, all as determined, by appropriate governmental authorities having jurisdiction over such delineations; provided, however, that such easements shall not prohibit such development permitted by Federal and State agencies having jurisdiction over the Wetlands Approvals and flood plain approvals.

21. The Applicant shall obtain such approvals as are otherwise required by law from (i) the U.S. Army Corps of Engineers, under the Federal Water Pollution Control Act (33 U.S.C. §1344), and (ii) the N.J. Department of Environmental Protection under the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq) in order to develop the site in the manner indicated in the General Development Plan. Such approvals must address, among other things, the location of several detention basins within delineated freshwater wetlands.

22. In the event that the Applicant disturbs any of the existing trees on the site, it shall do so only in accordance with a valid township issued land disturbance permit and, prior to the disturbance of any trees, shall meet with the Township Planner for the purpose of ascertaining in a manner consistent with the approval herein granted which of the existing trees on the site shall be preserved and not destroyed during the further development of this project, including without limitation the construction process. The determination of which trees on site shall be preserved shall be in the sole discretion of the Township Planner.

23. The Applicant shall obtain such other governmental approvals as may be legally required in order for it to develop the site in the manner indicated in the application, including without limitation the approval of the Old Bridge Township Municipal Utilities Authority for any connections to the public water and sanitary sewer systems.

24. The final approval(s), if any, granted in connection with this application shall contain appropriate conditions requiring the Applicant to comply with the performance guarantee requirements of sections 8-1 and 8-3 of the Old Bridge Township Land Development Ordinance.

25. The Applicant shall reimburse the Township for all of its expenses for review by professional personnel necessarily incurred by the Board to process the application, in accordance with section 2-8:7.1 et seq of the Ordinance. Such reimbursement shall be made by charging any escrow amount previously posted by the Applicant for such purpose and by the Applicant paying to the Township any deficiency therein prior to submitting any further municipal applications in connection with the General Development; provided, however, that the failure of the Applicant to submit such applications shall not relieve the Applicant of its obligation to so reimburse such deficiency to the Township.

26. Prior to the signing and recording of the first final subdivision plat pursuant to the General Development Plan, the Applicant shall (i) settle with prejudice all pending real estate tax appeals filed by it against the Township; and (ii) withdraw with prejudice all appeals in litigation between the Applicant and the Township currently pending before the New Jersey Superior Court, Appellate Division.

27. In lieu of the requirements of section 9-10 of the Ordinance, entitled "Timing and Balance of Non-Residential Development", the Applicant shall not seek approval of any tax abatement privileges otherwise provided for under the general ordinances of the Township of Old Bridge.

28. Applicant shall construct residential units of substantially the same quality of design, architecture and construction to those depicted on Exhibit A.13.

29. This General Development Approval shall run with the land and may be assigned in whole or in part. The terms and conditions of this Resolution shall be binding upon, and shall inure to the benefit of, the heirs, legal representatives, successors and assigns of the Applicant. For purposes of this Resolution, the term "Applicant" shall mean the then owner of the property, or portion thereof, who shall assume fulfillment of the terms and provisions and this Resolution relative to such owner's property, as determined in the reasonable discretion of the Township Engineer.

30. Whenever an obligation of the Applicant imposed by these conditions is contingent upon the receipt of Wetlands Approvals, the contingency shall not be deemed satisfied until all applicable appeal periods have expired without an appeal having been taken, or if an appeal has been taken, until a final nonappealable judgment is rendered upholding the approval in question, or other settlement in connection with such appeal is reached.

31. Prior to the granting of any preliminary or final site plan or subdivision pursuant to the General Development Plan herein approved, the Applicant shall revise its General Development Plan in a manner which incorporates the recommendations of T & M Associates, set forth as items 1 through 7, inclusive, in its report to the Board, dated January 9, 1989.

(SEAL)

I certify the following to be a true and correct abstract of a resolution regularly passed at a meeting of the Planning Board of the Township of Old Bridge

and in that respect a true and correct copy of its minutes.

Secretary of Planning Board

APPENDIX A

**O & Y OLD BRIDGE DEVELOPMENT CORP.
HOLDINGS IN OLD BRIDGE, NEW JERSEY**

BLOCK	LOT	BLOCK	LOT	BLOCK	LOT
16001	4	19000	17.12	19002	227
		19000	19	19002	228
		19000	22	19002	229
18002	81	19000	23	19002	230
18002	82.11	19000	24	19002	231
18002	82.12	19000	25	19002	232
18002	83.11	19000	26	19002	233
18002	83.12	19000	27	19002	234
18002	84.11	19000	30		
18002	84.12	19000	31		
18002	85.11	19000	32	19003	15
18002	85.12	19000	33	19003	151
18002	86.11	19000	34	19003	152
18002	86.12	19000	36	19003	153
18002	87.11			19003	154
18002	87.12			19003	155
		19001	170	19003	156
		19001	171	19003	157
18003	1	19001	172	19003	158
18003	2	19001	173	19003	159
18003	3	19001	174	19003	205
18003	4	19001	175	19003	206
18003	5	19001	176	19003	207
18003	6	19001	177	19003	208
18003	7	19001	235	19003	209
18003	8	19001	236	19003	210
18003	9			19003	211
18003	75			19003	212
18003	76.11	19002	160	19003	213
18003	76.12	19002	161	19003	214
18003	77.11	19002	162	19003	215
18003	77.12	19002	163	19003	216
18003	78.11	19002	164	19003	217
18003	78.12	19002	165	19003	218
18003	79	19002	166	19003	219
18003	80	19002	167	19003	220
		19002	168		
		19002	169		
19000	1	19002	221	19004	178
19000	2	19002	222	19004	179
19000	3	19002	223	19004	180
19000	7.12	19002	224	19004	181
19000	8	19002	225	19004	182
19000	15	19002	226	19004	183

As of March 3, 1988

**O & Y OLD BRIDGE DEVELOPMENT CORP.
HOLDINGS IN OLD BRIDGE, NEW JERSEY**

BLOCK	LOT	BLOCK	LOT	BLOCK	LOT
19004	184	19006	110	19007	123
19004	237	19006	111	19007	124
		19006	112	19007	125
		19006	113	19007	126
19005	185	19006	114	19007	127
19005	186	19006	115	19007	128
19005	187	19006	116	19007	129
19005	188	19006	117	19007	130
19005	189	19006	118	19007	131
19005	190	19006	119	19007	132
19005	191	19006	120	19007	133
19005	192	19006	121	19007	134
19005	193	19006	195	19007	135
19005	194	19006	196	19007	136
19005	238	19006	197	19007	137
19005	239	19006	198	19007	138
19005	240	19006	199	19007	139
19005	241	19006	200	19007	140
19005	242	19006	201	19007	141
19005	243	19006	202	19007	142
		19006	203	19007	143
		19006	204	19007	144
19006	88	19006	244	19007	145
19006	89	19006	245	19007	146
19006	90	19006	246	19007	147
19006	91	19006	247	19007	148
19006	92	19006	248	19007	149
19006	93	19006	249	19007	257
19006	94	19006	250	19007	258
19006	95	19006	251	19007	259
19006	96	19006	252	19007	260
19006	97	19006	253	19007	261
19006	98	19006	254	19007	262
19006	99	19006	255	19007	263
19006	100	19006	256		
19006	101				
19006	102			19008	10
19006	103	19007	11	19008	11
19006	104	19007	12	19008	12
19006	105	19007	41	19008	13
19006	106	19007	42	19008	14
19006	107	19007	43	19008	15
19006	108	19007	44	19008	16
19006	109	19007	122	19008	17

As of March 3, 1988

**O & Y OLD BRIDGE DEVELOPMENT CORP.
HOLDINGS IN OLD BRIDGE, NEW JERSEY**

BLOCK	LOT	BLOCK	LOT	BLOCK	LOT
19008	18	19008	64	20000	54
19008	19	19008	65	20000	57
19008	20	19008	66	20000	58
19008	21	19008	67	20000	63.11
19008	22	19008	68	20000	63.12
19008	23	19008	69	20000	67
19008	24	19008	70	20000	69
19008	25	19008	71	20000	78
19008	26	19008	72	20000	79
19008	27	19008	73	20000	80
19008	28	19008	74		
19008	29			20001	22.12
19008	30			20001	43
19008	31	19010	135	20001	47
19008	32	19010	136	20001	48
19008	33			20001	49
19008	34			20001	53
19008	35	19011	72.11	20001	55
19008	36	19011	72.12	20001	57
19008	37			20001	58.11
19008	38			20001	59
19008	39	19014	1		
19008	40	19014	2		
19008	45	19014	3	20002	2
19008	46			20002	3
19008	47	19015	19	20002	6
19008	48			20002	7
19008	49	19019	1	20002	8
19008	50			20002	10
19008	51	20000	28	20002	11
19008	52	20000	29	20002	14
19008	53	20000	29.11	20002	15
19008	54	20000	30	20002	16
19008	55	20000	32		
19008	56	20000	33	21000	4.12
19008	57	20000	34	21000	4.13
19008	58	20000	35	21000	5
19008	59	20000	36	21000	6
19008	60	20000	40	21000	7
19008	61	20000	46.12	21000	8
19008	62	20000	48	21000	9
19008	63	20000	49	21000	10
		20000	50	21000	11
		20000	51	21000	12
		20000	52	21000	13
		20000	53		

As of March 3, 1988

**O & Y OLD BRIDGE DEVELOPMENT CORP.
HOLDINGS IN OLD BRIDGE, NEW JERSEY**

BLOCK	LOT	BLOCK	LOT
21000	19	26001	23
		26001	24.11
		26001	24.12
21001	2.12		
21001	3.11		
21001	3.12		
21001	4		

TAX SALE CERTIFICATES

25000	1		
25000	2	19010	147
25000	3	19010	148
25000	6		
25000	7	SEWER EASEMENT	
25000	9		
25000	10.11	19009	132
25000	10.12		
25000	13.12		
25000	17		
25000	19		
25000	20		
25000	21		
25000	24		
25000	25		
25000	26		
25000	27		
25000	28		
25000	29		
25000	30		
25000	34		
25000	83		
25000	84		
25000	85		
25000	86		
25000	87		
25001	4		
25001	5		
25001	24		

As of March 3, 1988



PRINCIPALS OF THE FIRM ARE MEMBERS OF
 National Society of Professional Engineers
 American Society of Civil Engineers
 New Jersey Society of Municipal Engineers
 Institute of Transportation Engineers
 American Public Works Association
 American Planning Association
 American Congress on Surveying and Mapping
 American Society for Testing and Materials
 New Jersey Association of County Engineers
 Urban Land Institute
 National Recreation & Parks Association

Refer To Our File

January 9, 1989

OLDB-0027.00020-ALL

Harvey P. Goldie, P.E.
 Department of Engineering & Planning
 Township of Old Bridge
 1 Old Bridge Plaza
 Old Bridge, New Jersey 08657

Re: Olympia & York - General Development Plan

Dear Mr. Goldie:

Pursuant to meetings held with the applicant, the Planning Board Attorney and yourself on January 5th and January 8th, 1989, the following recommendations are made:

I. ROAD IMPROVEMENTS

- a. East Greystone Road and Pleasant Valley Road (from Marlboro Road to proposed Road A) should be widened to provide 32' of pavement with an additional 10' of right-of-way beyond pavement on each side of roadway. The road should be designed for a speed of 45 mph. Any required vertical and/or horizontal alignment changes to accommodate the 45 mph speed should be performed by the applicant. The construction of driveways directly into this road will not be permitted unless no reasonable alternative is available. At this time, a two foot shoulder and a six foot shoulder with a 24 foot travelled way are anticipated.
- b. Road A - new Road A should be constructed to provide 32' of pavement with a 60' right-of-way. No parking will be allowed on Road A and no direct driveway access to individual residential units will be allowed.
- c. Road B - Road B will be constructed to provide 36' pavement with a 60' right-of-way. No parking will be allowed on Road B and driveway access for individual residences onto Road B will not be permitted.
- d. Marlboro Road - the entire roadway from Route 18 to Texas Road will be reconstructed and widened to three lanes. A total of 40' of pavement width will be provided, with an additional 20' of right-of-way beyond the edge of pavement for properties that Olympia & York controls (an 80' right-of-way). For

properties beyond the direct control of Olympia & York, an additional 10' of right-of-way beyond edge of pavement will be provided. This recommendation is predicated on a planned development of the commercial parcel with limited access to Marlboro Road. All residential development in the vicinity of Marlboro Road should have access from East Greystone Road and Pleasant Valley Road. The intent is to minimize the number of driveways and road intersections along Marlboro Road.

- e. Intersection improvements shall be constructed as setforth on the modified chart prepared by Orth-Rodgers-Thompson & Associates, entitled "Recommended Roadway Improvements", as modified by the T&M letter of December 28, 1988 and subject to County and State requirements. It should be noted that at least one additional traffic signal on Marlboro Road into the proposed commercial development may be required. Also, I recommend that Olympia and York provide for an additional traffic signal on Old Bridge/Englishtown Road, if warranted.

It should be noted that if the Woodhaven Development is built, Marlboro Road will need to be widened to four (4) lanes. Olympia and York will provide the necessary right-of-way to accommodate this fourth lane. In addition, Olympia and York should design and construct all their improvements in anticipation of this fourth lane being built.

The present condition of Marlboro Road between Route 18 and Texas Road is poor. I recommend that Olympia and York be required to maintain Marlboro Road in a reasonable condition (as determined by the Township Engineer and/or Traffic Safety Officer), until such time as their proposed road improvements are completed.

Old Bridge/Englishtown Road & Texas Road - the portions of which are controlled by Middlesex County will be improved per County requirements. On Texas Road, west of Englishtown Road, the proposed intersection at Road B and Texas Road will provide turn lanes and a traffic signal, if warranted. Also, for this stretch of Texas Road, a right-of-way dedication and improvements consistent with the proposed widening required by the County for the balance of Texas Road should be provided by Olympia & York on those properties that they control.

Some of the above roadway improvements are less than the required Township standards. I consider them to be the minimal requirements to provide for safe and efficient passage of traffic on the roads



impacted by the proposed Olympia & York development. In my opinion, any further reductions to the requirements outlined above will result in inadequate and unsafe road conditions.

In response to the Monmouth County Planning Board's letter dated January 4, 1989, (copy enclosed), I contacted Robert W. Clark, Director of County Planning today to discuss this project. I agree with Mr. Clark's request that due to the close proximity of the Olympia and York Development to Monmouth County, the traffic analysis and site plan should be submitted to the Monmouth County Planning Board. I also agree with Mr. Clark's suggestion that these documents be forwarded to the Marlboro, Aberdeen and Manalapan Township Planning Boards for their information.

It is noted that the proposed road improvements on State and County roads are not clearly defined at this time. The Board should be aware that based on a preliminary review meeting with the Middlesex County Planning Board on December 27, 1988, substantial improvements to Texas Road and Old Bridge/Englishtown Road may be requested. The applicant should agree to provide whatever road improvements the New Jersey Department of Transportation may require at the intersection of Marlboro Road and Route 18.

The applicant has requested consideration for future reimbursement of road improvements from potential developers along Greystone Road, Pleasant Valley Road and Marlboro Road. I have no problem with this concept provided that any agreements reached between the Township and the applicant are done in accordance with applicable law and provided that no liability will exist to the Township of Old Bridge should these reimbursements not be forthcoming.

Since the construction of the proposed development will extend over a ten to twenty year period, details such as pavement section, construction materials, shoulder width, etc. should be installed in accordance with the applicable design standards at the time of construction.

II. SCHEDULE

The proposed phasing and staging schedule indicates that no construction will be initiated until all required Governmental permits are secured for the 1995 residential units. This appears reasonable due to the impending change in wetlands law. However, I have the same concerns as Olympia and York in regard to the development of the park, the park & ride lot and the road improvements. Therefore, as Olympia and York proceeds with the submission of the various permits, applications for the park, the

park and ride lot and the road improvements should be submitted concurrently. The common objective of expediting these submittals is receipt of permits prior to the institution of the wetlands buffer requirements.

In addition to the residential parcels, Olympia and York has indicated that they will subdivide the commercial office space east of Marlboro Road prior to April 30, 1989. It is important that these subdivisions be consummated in a manner to preserve a comprehensive planned commercial development site with limited access to Marlboro Road.

The developer has submitted a schedule "B" that indicates the road improvements will proceed concurrently with adjacent residential and commercial development over the next 10 or more years. However, the information provided in exhibit B is too general and must be defined in the near future so there is a specific correspondence between the development and the roadway improvements. General statements pertaining to the roadway improvements, such as "corresponding to progress of construction of the residential units", are not clear and will require further definition. However, I have no problem with the concept of the roadway improvements being concurrently installed along with the adjacent development, as long as the applicant agrees to the following:

1. A detailed schedule must be submitted clearly indicating the relationship between the development of each parcel and road and traffic safety improvements. This should be submitted prior to preliminary approval of any subdivision or site plan for the project.
2. Improvements on County and State roads are to be designed and scheduled in accordance with the standards of the agency having jurisdiction.
3. The developer should coordinate the improvements with the Monmouth County Planning Board and adjacent communities in Monmouth County (see Monmouth County letter attached).
4. When in the opinion of the Township Engineer and the Chief of Police, traffic increases on existing roads so as to adversely effect the neighborhood (i.e. the existing section of Pleasant Valley Way near Old Bridge/Englishtown Road) or result in an unsafe condition (i.e. increased traffic on bad curves or hills with improper sight distance), the developer will

proceed to construct planned bypass roads and/or improve unsafe areas within and adjacent to the project; with the understanding that the improvements are generally those shown on the GDP as modified herein.

5. In the case of intermittent development, road improvements will be completed between subdivision sections and/or improved roadway segments in order to promote the efficient and safe movement of traffic.
6. The improvements described herein are the minimum and the applicant agrees to undertake the mitigation procedures required to obtain wetlands approval of these improvements.
7. Although it has been stated elsewhere in this report, the Planning Board and applicant should clearly understand that the reduction in roadway requirements is predicated on the principal that there will be severely limited access to Marlboro Road, Pleasant Valley Way, East Greystone Road, Road A and Road B. The purpose of limiting access is to minimize the conflict points and improve general safety through the area.

If you have any questions or require additional information, please advise.

Very truly yours,

T&M ASSOCIATES

Edward G. Broberg

EDWARD G. BROBERG, P.E.
MANAGER

EGB:CR:psb

cc: Denise Van Buren
Township Administrator
Lloyd Brown/Olympia & York

MONMOUTH COUNTY PLANNING BOARD

FREENHOLD • NEW JERSEY

JOSEPH RETTAGLIATA
CHAIRMAN



ROBERT W. CLARK, P.P.
DIRECTOR

January
4 December 1989

James Garland, Chairman
Old Bridge Township Planning Board
1 Old Bridge Plaza
Old Bridge, NJ 08857

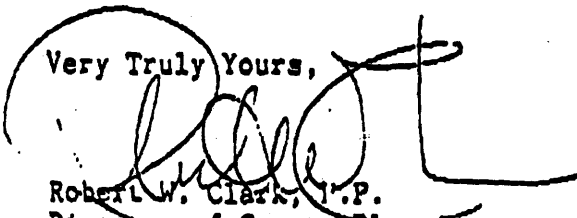
Re: Olympia and York Application

Dear Mr. Garland:

It has come to our attention that Olympia and York are seeking Old Bridge Township Planning Board approval to build 1,995 houses and 2.1 million square feet of office, retail and warehouse space on land which is in close proximity to Monmouth County. We are concerned about traffic impacts from the development on roads and intersections in Monmouth County. We request that the traffic analysis that you require, address our concerns. We further request that the applicant be required to submit a copy of the traffic analysis and site plan to the Monmouth County Planning Board and the Marlboro, Aberdeen and Manalapan Township Planning Boards.

Thank you for your co-operation.

Very Truly Yours,


Robert W. Clark, P.P.
Director of County Planning

RWC:kmb
CC: Marlboro Township Planning Board
Richard Sweet
Bruce Fary
Aberdeen Township Planning Board
Manalapan Township Planning Board

RECEIVED

JAN 06 1990
OLD BRIDGE TOWNSHIP
PLANNING & DEVELOPMENT

APPENDIX C

Projected Phasing Schedule

<u>Date or Event</u>	<u>Activity</u>
Construction of upland commercial space (1990-2000)**	Improvement of Marlboro Road from Rt. 18 to 1st new access road or driveway for O & Y commercial development (completed before occupancy of 1st commercial building)
	Improvement of Marlboro Road from 1st driveway to East Greystone Road, as realigned by O & Y (completed before occupancy of Main Street retail)
	Improvement of Marlboro Road from East Greystone Road to Texas Road (completed upon construction of balance of development)
Construction of residential units along Pleasant Valley Road and Road A (1991-1993)**	Commencement*** of roadway improvements (including intersection improvements****) to Pleasant Valley Road and Road A corresponding to progress of construction of the residential units
(a) Section 1-near Marlboro Road	
(b) Section 2-along Road A progressing from west to east	
(c) Section 3 beginning at the Intersection of Road A and Pleasant Valley Road and progressing east along Pleasant Valley Road	
Construction of residential units along East Greystone Road (progressing east to west) (1993-1995)**	Commencement*** of Roadway Improvements (including intersection improvements****) along East Greystone Road corresponding to progress of construction of residential units
Construction of residential units west of Englishtown Road (progressing north to south) (1995-1997)**	Construction of Road B corresponding to progress of construction of the residential units

**Projected time schedule based upon best case scenario (i.e. strong market conditions). All approvals granted shall be effective for 20 years.

***Subject to receipt of all approvals required.

****Signalization at intersections will be constructed as justified by traffic warrants.



School of Law-Newark • Constitutional Litigation Clinic
S.I. Newhouse Center For Law and Justice
15 Washington Street • Newark • New Jersey 07102-3192 • 201/648-5687

February 23, 1989

VIA LAWYERS SERVICE

Steven Gray, Esq.
400 Plaza Drive
Secaucus, New Jersey 07094

RE: Urban League, et al. v. Carteret, et al.

Dar Mr. Gray:

This shall confirm our recent telephone conversation in which you agreed to forward a copy of the resolution of the Old Bridge Planning Board, regarding Olympia and York's development plan.

As you probably know, the appeals from the decision of the Honorable Eugene D. Serpentelli vacating the Consent Judgment dated January 16, 1986 have recently been consolidated and are presently pending before the Appellate Division. The decision below was predicated, in pertinent part, on Judge Serpentelli's finding that the Olympia & York development contemplated in that Judgment was no longer possible.

Please advise immediately as to the status of O & Y's current project, including: the types and dates of approvals granted, if any; the number of residential units; the commercial component; the rental/sales mix; the number of units reserved for senior citizens; the percentage of units which are to be marketed as low and moderate units; and any other information pertinent to the subject matter of the pending appeal. Copies of any development plans which have been approved would also be appreciated.

In view of the schedule set by the Appellate Division for the filing of briefs in ~~this~~ matter, it would be helpful if you could provide the requested information within the next seven days. Please advise promptly if you are unwilling to do so without a formal motion.

Very truly yours,

THE STATE UNIVERSITY OF NEW JERSEY
RUTGERS
Campus at Newark

School of Law-Newark • Constitutional Litigation Clinic
S.I. Newhouse Center For Law and Justice
15 Washington Street • Newark • New Jersey 07102-3192 • 201/648-5687

February 23, 1989

VIA LAWYERS SERVICE

Stuart Hutt, Esq.
459 Amboy Avenue
Woodbridge, New Jersey 07095

RE: Urban League, et al. v. Carteret, et al.

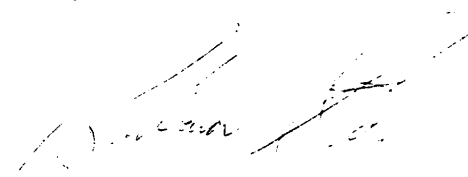
Dear Mr. Hutt:

As you know, the appeals from the decision of the Honorable Eugene D. Serpentelli vacating the Consent Judgment dated January 16, 1986 have recently been consolidated and are presently pending before the Appellate Division. The decision below was predicated, in pertinent part, on Judge Serpentelli's finding that the Woodhaven development contemplated in that Judgment was no longer possible.

Please advise immediately as to the status of any current project planned by Woodhaven for Old Bridge, including: the types and dates of approvals granted, if any; the number of residential units; the commercial component; the rental/sales mix; the number of units reserved for senior citizens; the percentage of units which are to be marketed as low and moderate units; and any other information pertinent to the subject matter of the pending appeal. Copies of any development plans which have been approved would also be appreciated.

In view of the schedule set by the Appellate Division for the filing of briefs in this matter, it would be helpful if you could provide the requested information within the next seven days. Please advise promptly if you are unwilling to do so without a formal motion.

Very truly yours,



BRENER WALLACK & HILL

ATTORNEYS AT LAW

210 CARNEGIE CENTER

PRINCETON, NEW JERSEY 08543-5226

(609) 924-0808

CABLE "BWH" PRINCETON

TELECOPIER: (609) 452-1888

TELEX: 271344

HARRY BRENER
HENRY A. HILL
MICHAEL D. MASANOFF
ALAN M. WALLACK
GERARD H. HANSON
ROBERT W. BACSO, JR.
THOMAS JAY HALL
ROCKY L. PETERSON
SUSAN HOWARD*
MICHAEL S. SIMON
MICHAEL J. FEEHAN
ROBERT P. MARTINEZ

OF COUNSEL
DONALD LINKY

* N. Y. BAR ONLY

MARILYN S. SILVIA
MARY JANE AUGUSTINE
MARTIN J. JENNINGS, JR.
JOHN O. CHANG
JOSEPH A. VALES
MATTHEW H. LUBART
L. STEPHEN PASTOR
RUSSELL U. SCHENKMAN
JOEL D. ROSEN
YVONNE MARCUSE
JEFFREY L. SHANABERGER
GARRY J. ROETTGER
JAMES G. O'DONOHUE
MITCHELL NEWMAN
MICHAEL KAHME
DANIEL M. MURPHY
MARGARET R. VOGT
MITCHELL NEIDER
VALERIE K. BOLLHEIMER
STEVEN H. MERMAN
JACK L. KOLPEN
BRIAN G. FULGINITI
MELANIE A. HUDAK*

February 28, 1989

FILE NO.

Ms. Barbara Stark, Esquire
Rutgers School of Law
Constitutional Litigation Clinic
15 Washington Street
Newark, NJ 07102 3192

Re: Urban League, et al. v. Carteret, et al; O & Y Old Bridge v.
Township of Old Bridge

Dear Barbara:

This letter is in response to both your written and telephonic inquiries concerning the status of the O & Y Old Bridge litigation against the Township of Old Bridge, as well as what arrangements have been made concerning the construction of affordable housing by O & Y Old Bridge within the Township of Old Bridge.

By now, I assume that you have received a copy of the resolution of memorialization adopted by the Old Bridge Township Planning Board concerning the general development plan application by O & Y Old Bridge. You will note, as I noted, that O & Y Old Bridge has agreed to construct 100 units of senior citizen housing in lieu of any affordable housing obligations.

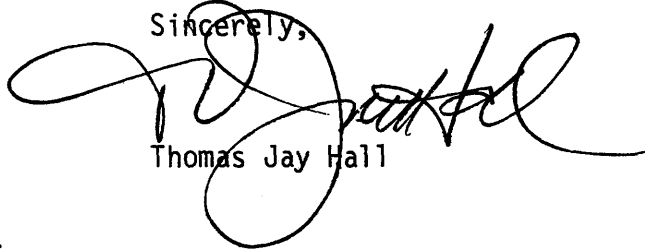
Also, as part of the GDP approval, O & Y Old Bridge has agreed to dismiss its litigation against the Township of Old Bridge; specifically the appeal of Judge Serpentelli's decision setting aside the settlement agreement of January, 1986.

I have now been informed by O & Y Old Bridge that they wish to withdraw that appeal effective immediately, and this letter shall serve as notification to you that O & Y Old Bridge will be withdrawing from that litigation. I will be taking the necessary steps to inform the court, but thought it appropriate to let you know that that decision has been made and that I will not be prosecuting the appeal of O & Y Old Bridge, nor will we be handling any of the local land use matters from hereon in.

Ms. Barbara Stark, Esquire
February 28, 1989
Page 2.

I trust this information is responsive to your question.

Sincerely,

A handwritten signature in black ink, appearing to read 'TJ Hall', written over the word 'Sincerely,'.

Thomas Jay Hall

TJH:slt

cc: Steven R. Gray, Esquire
Dean Gaver, Esquire
Louis N. Rainone, Esquire
James M. Colaprico, Esquire
Ronald L. Reisner, Esquire
Ronald L. Shimanowitz, Esquire

BRENER WALLACK & HILL

ATTORNEYS AT LAW

210 CARNEGIE CENTER

PRINCETON, NEW JERSEY 08543-5226

(609) 924-0808

CABLE "BWH" PRINCETON

TELECOPIER: (609) 452-1888

TELEX: 271344

HARRY BRENER
HENRY A. HILL
MICHAEL D. MASANOFF
ALAN M. WALLACK
GERARD H. HANSON
ROBERT W. BACSO, JR.
THOMAS JAY HALL
ROCKY L. PETERSON
SUSAN HOWARD*
MICHAEL S. SIMON
MICHAEL J. FEEHAN
ROBERT P. MARTINEZ

OF COUNSEL
DONALD LINKY

* N. Y. BAR ONLY

MARILYN S. SILVIA
MARY JANE AUGUSTINE
MARTIN J. JENNINGS, JR.
JOHN O. CHANG
JOSEPH A. VALES
MATTHEW H. LUBART
L. STEPHEN PASTOR
RUSSELL U. SCHENKMAN
JOEL D. ROSEN
YVONNE MARCUSE
JEFFREY L. SHANABERGER
GARRY J. ROETTGER
JAMES G. O'DONOHUE
MITCHELL NEWMAN
MICHAEL KAHME
DANIEL M. MURPHY
MARGARET R. VOGT
MITCHELL NEIDER
VALERIE K. BOLLHEIMER
STEVEN H. MERMAN
JACK L. KOLPEN
BRIAN G. FULGINITI
MELANIE A. HUDAK*

February 28, 1989

FILE NO.

Mr. Edward Constantini, Clerk
Superior Court of New Jersey
Appellate Division
Hughes Justice Complex
CN 006
Trenton, NJ 08625

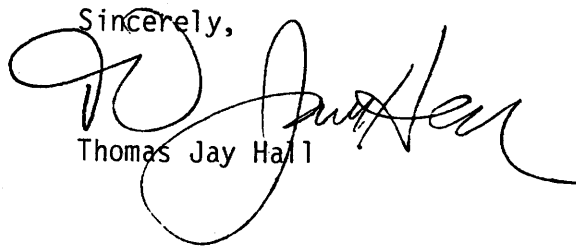
Re: Docket Numbers: C-4122-73; L-009837-84PW; L-036734-84PW
See Attached Caption

Dear Sir:

We serve as counsel of record to the O & Y Old Bridge Development Corporation, which filed a Notice of Appeal in the attached referenced case. Please be advised that my client has notified me that they wish to withdraw from this appeal. No brief will be filed, nor will we participate in any oral argument in the attached captioned case.

Thank you very much for your attention to this matter.

Sincerely,



Thomas Jay Hall

TJH:slt
Attached

cc: Ronald L. Reisner, Esquire
Barbara Stark, Esquire
James M. Colaprico, Esquire
Ronald L. Shimanowitz, Esquire

CAPTION

URBAN LEAGUE OF GREATER NEW
BRUNSWICK, et al.,

Plaintiffs,

v.

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

Defendants,

and

O & Y OLD BRIDGE DEVELOPMENT
CORPORATION, A Delaware
Corporation,

Plaintiff,

and

WOODHAVEN VILLAGE, INC., a
New Jersey corporation,

Plaintiff,

v.

THE TOWNSHIP OF OLD BRIDGE
in the County of Middlesex,
a Municipal Corporation of
the State of New Jersey, THE
TOWNSHIP COUNCIL OF THE
TOWNSHIP OF OLD BRIDGE, THE
MUNICIPAL UTILITIES AUTHORITY
OF THE TOWNSHIP OF OLD BRIDGE,
THE SEWERAGE AUTHORITY OF THE
TOWNSHIP OF OLD BRIDGE and
THE PLANNING BOARD OF THE
TOWNSHIP OF OLD BRIDGE,

Defendants.

JOHN PAYNE, ESQ.
BARBARA STARK, ESQ.
Rutgers Constitutional Litigation Clinic
15 Washington Street
Newark, NJ 07102
201-648-5687
ATTORNEYS FOR THE CIVIC LEAGUE and
On Behalf of the American Civil Liberties Union of New Jersey

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION

URBAN LEAGUE OF GREATER	]	Docket No. A-4335-87T3, A-4572-87T3,
NEW BRUNSWICK, et al.,	]	(Old Bridge) A-4752-87T3
]	
Plaintiffs-Respondents,	]	Civil Action
]	
vs.]	
]	
THE MAYOR AND COUNCIL OF THE]	
BOROUGH OF CARTERET, et al.,]	
]	
Defendants-Petitioners.	]	CERTIFICATE OF SERVICE

Elizabeth Urbanowicz, of full age, certifies as follows:

1. I am the secretary for the Constitutional Litigation Clinic at Rutgers Law School-Newark.

2. On March 7, 1989 I sent by Lawyers Service an original and five copies for filing to the Appellate Division and two copies of plaintiffs' Motion for Extension of Time, Certification of Barbara Stark, Esq. in support thereof and Certificate of Service to the parties appearing on the attached Service List.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I may be subject to punishment.

Dated: 3/7/89

Elizabeth Urbanowicz
Elizabeth Urbanowicz

RE: Motion for Extension of Time
w/ref Urban League v. Carteret

SERVICE LIST

Ronald Reisner, Esq.
Municipal Attorney
Gagliano, Tucci, Iadanza & Reisner
PO Box 67
West Long Branch, NJ 07764

James M. Colaprico, Esq.
Planning Board Attorney
Katzenbach, Gildea & Rudner
Princeton Pike Corporate Center
997 Lenox Drive, Bldg. 2
Lawrenceville, NJ 08648-2311

Frederick Mezey, Esq.
93 Bayard St.,
New Brunswick, NJ 08903

Stuart Hutt, Esq.
459 Amboy Avenue
Woodbridge, NJ 07095 -

Thomas Hall, Esq.
210 Carnegie Center
Princeton, NJ 08543