

CA - Old Bridge

3/24/89

certification of allan Mallach, city
planning + housing consultant

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 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 OF |
| Defendants-Petitioners. |] | ALAN MALLACH |

ALAN MALLACH, being of full age, certifies as follows:

1. I am a city planning and housing consultant, and have acted as a consultant to the Civic League of Greater New Brunswick with respect to exclusionary zoning litigation involving the Township of Old Bridge and other municipalities since 1975. I have participated extensively in the proceedings emerging from this litigation. I am a licensed professional planner in the State of New Jersey, and a member of the American Institute of Certified Planners.

2. I am generally familiar with both the development plan prepared by Olympia & York (O&Y) which was the basis for their earlier settlement with Old Bridge, as well as the more recent one approved in 1989 by the Old Bridge Planning Board.

3. On its face, the 1989 approved development plan appears similar in overall concept and direction to earlier plans prepared by O&Y, and to the plan which was the basis for the earlier settlement, except that the overall intensity of development on the site has been substantially reduced. The degree of similarity between the two plans is not clearly set forth, however, and further fact finding would be required to establish this matter with specificity.

4. Such reductions in density, similar to that which has taken place with respect to the O&Y property, are far from unusual in New Jersey development experience. Given the variety of environmental regulations and infrastructure constraints, the need to adapt to changing market conditions, etc., it is common for the density of a project to change substantially from that which is

initially proposed to, and in some cases initially accepted by, the municipality to which application has been made.

5. When a project has been initiated by an experienced developer with substantial resources, such as O&Y, and adverse circumstances arise, such as discovery of extensive wetlands, it is highly unlikely that such circumstances would result in the abandonment of the project. When such circumstances led to the abandonment of the initial settlement between O&Y and Old Bridge, it was unreasonable to assume, in my opinion, that the project would be abandoned; on the contrary, it was likely that it would be modified, but not substantially beyond that extent necessary to address the changed circumstances, and make a viable development possible.

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


Alan Mallach

DATE: March 24, 1989