

Browning Ferris Industries v. Cranbury
MM

5 - Apr. -84

- Attorney correspondence re enclosed language to be included
in the Consent order

pg. 2

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OF COUNSEL

April 5, 1984

William J. Moran, Esq.
Huff, Moran & Balint, Esqs.
Cranbury South River Road
Cranbury, New Jersey 08512

Re: Browing Ferris Industries of South Jersey, Inc.
et al vs. the Township of Cranbury

Dear Mr. Moran:

As a result of our meeting Monday, April 2, 1984 you advised that the enclosed language must be added to the Consent Order submitted to Court pursuant to a Notice of Motion returnable March 15, 1984. Although I believe we have a binding agreement at this point, unless I receive written confirmation that same is acceptable to the Township of Cranbury by Friday, April 6, 1984, I shall proceed to commence taking the depositions of the Mayor and the two Planners on Saturday Morning, April 7, 1984, at 10:00 A.M. at your offices--other depositions may prove necessary. Regrettably but most assuredly, the plaintiffs shall avail themselves of all other rights to which they are entitled as a matter of law in the event we do not receive written confirmation forthwith.

Very truly yours,



LAWRENCE B. LITWIN

LBL:sbr

Enclosure:

cc: All Counsel of Record.
Richard T. Reilly
Mr. G. Tobish
Harry Wise

ADDITIONAL WHEREAS CLAUSES:

WHEREAS, there is presently pending in the Superior Court, Law Division, Middlesex County, an action entitled Barbara and Robert Dillon v. Mid-State Filigree Systems, Inc. and Township of Cranbury, Docket No. C 2653-83, and

WHEREAS, among other things, that case involves the issue of whether or not Mid-State Filigree is required to file a site plan application to the Cranbury Township Planning Board,

If the Court in Dillon v. Mid-State Filigree et als. enters a final, non-appealed order that:

1. Mid-State Filigree is required to submit to site plan review by the Cranbury Township Planning Board, Mid-State Filigree shall comply with that order.

2. Mid-State Filigree is not required to submit a site plan application to the Cranbury Township Planning Board, Mid-State shall be required to do nothing.

3. Makes any determination other than that set forth in 1 or 2 above, Mid-State shall submit to the Cranbury Township Planning Board within 90 days of the date on which the time for appeal of the judgment ^{EXPIRES} ~~runs out~~, an application for site plan review limited to screening planting on Brick Yard Road and ~~el-15fcingoutddoTTi#1rRrf~~* Nothing contained herein shall be deemed to limit the relief which may be granted by the Court in Dillon v. Mid-State Filigree, et als.