

R.S. GASIOROWSKI, ESQ. - ID#244421968
GASIOROWSKI & HOLOBINKO
54 BROAD STREET
RED BANK, NEW JERSEY 07701
(732) 212-9930
Fax: (732) 212-9980
Attorney for Plaintiff



PARK RIDGE, LLC; PARK RIDGE II,	:	
LLC, PARK RIDGE III, LLC; PARK	:	SUPERIOR COURT OF NEW JERSEY
IV, LLC	:	LAW DIVISION
	:	MONMOUTH COUNTY
Plaintiffs,	:	
	:	Docket No. MON-L-366-20
vs.	:	
	:	<u>Civil Action</u>
PLANNING BOARD OF THE BOROUGH	:	
OF RED BANK and 176 RIVERSIDE,	:	SUMMONS
LLC	:	
	:	
Defendants.	:	

From the State of New Jersey
To the Defendant(s) Named Above: **PLANNING BOARD OF THE BOROUGH
OF RED BANK**

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The Complaint attached to his Summons states the basis for this lawsuit. If you dispute this Complaint, you or your attorney must file a written Answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will

not protect your rights; you must file and serve a written answer or motion (with fee of \$135.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have any attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

s: *Michele M. Smith*

MICHELE M. SMITH, CLERK

Dated: February 4, 2020

Name of Defendant to Be Served: Planning Board of the Borough
Of Red Bank
by its Clerk or Person
Authorized to Accept
Service

Address of Defendant to Be Served: 90 Monmouth Street
Red Bank, NJ 07701

R.S. GASIOROWSKI, ESQ. - ID#244421968
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Attorney for Plaintiff

PARK RIDGE, LLC; PARK RIDGE II,	:	
LLC, PARK RIDGE III, LLC; PARK	:	SUPERIOR COURT OF NEW JERSEY
IV, LLC	:	LAW DIVISION
	:	MONMOUTH COUNTY
Plaintiffs,	:	
	:	Docket No. MON-L-366-20
vs.	:	
	:	<u>Civil Action</u>
PLANNING BOARD OF THE BOROUGH	:	
OF RED BANK and 176 RIVERSIDE,	:	AMENDED COMPLAINT IN LIEU OF
LLC	:	PREROGATIVE WRITS
	:	
Defendants.	:	

PLAINTIFFS, PARK RIDGE, LLC; PARK RIDGE II, LLC; PARK RIDGE III, LLC and PARK RIDGE IV, LLC by way of Complaint against the Defendants, **PLANNING BOARD OF THE BOROUGH OF RED BANK and 176 RIVERSIDE, LLC** say:

IDENTIFICATION OF PARTIES AND ALLEGATIONS COMMON TO ALL COUNTS

1. Plaintiffs, Park Ridge, LLC, Park Ridge II, LLC, Park Ridge III, LLC and Park Ridge IV, LLC ("Plaintiff") are the owners of Block 7, Lot 4 (a/k/a Lots 4 and 4.01R) and Block 3, Lot 7.01 in the Borough of Red Bank.

2. Defendant, 176 Riverside, LLC (hereinafter "Applicant") with a mailing address of 359 Springfield Avenue, Summit, New

Jersey 07901, filed an Application with the Planning Board of the Borough of Red Bank for Preliminary and Final Major Site Plan Approval with Waivers in connection with the property it owns known as Block 3, Lots 2.01, 4.01, 6 and 9.01 on the Tax Map of the Borough of Red Bank (hereinafter "Subject Property").

3. Defendant, Planning Board of the Borough of Red Bank (hereinafter "Planning Board") is an appointed Municipal Body organized and existing pursuant to the laws of the State of New Jersey maintaining its principal office at 90 Monmouth Street, Red Bank, New Jersey.

4. The Subject Property is located in a Redevelopment Area in the Waterfront Development Zone within the BR-1 Zone.

5. On or about May 8, 2019, the Applicant filed an Application (known as Application P13263) with the Planning Board for Preliminary and Major Final Site Plan Approval with Waivers to demolish an existing office building and construct a five (5) story mixed use building consisting of 210 residential units, and approximately 9,000 sq. ft. of commercial space, a retail/food space and related infra-structure/site improvements including 326 parking spaces located in an attached garage on the Subject Property along with multiple design waivers, including what the Applicant alleged was a waiver to permit more than two (2) driveways on Bodman Place.

6. The site is subject to an overlay Redevelopment Plan titled "Redevelopment Plan for Block 3, Lots 2.01, 4.01, 6, 7.01 and 9.01" which Redevelopment Plan was adopted by the Borough of Red Bank Council with Ordinance #2018-40 on or about December 12, 2018. The Council of the Borough of Red Bank had previously adopted a Resolution directing the Planning Board to undertake a preliminary investigation to determine whether the Subject Property met the statutory criteria to be designated as an area in need of rehabilitation pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-3 et seq. ("LRHL").

7. The Borough Council subsequently adopted Resolution #17-174 on July 26, 2007 designating the Study Area/Subject Property as an area in need of rehabilitation in accordance with the Planning Board's recommendation and the LRHL.

8. The Planning Board purportedly reviewed the Plan for inconsistencies with the Borough's Master Plan but recommended adoption of the Redevelopment Plan with certain changes including that the maximum density be set at 80 dwelling units to the acre without any density bonuses and that of the twelve (12) possible density bonuses contained on Page 10 of the Redevelopment Plan the first eight (8) of those be made mandatory requirements.

9. The Borough Council thereafter considered the recommendations of the Planning Board and determined not to set

the maximum density at 80 units per acre because such density is consistent with other projects in the area and the reduction in such a maximum density will undermine the Borough's desire to maximize the number of affordable housing units and limit the Borough's ability to negotiate the maximum benefits for the Borough through the Redevelopment Agreement.

10. The Borough determined to adopt a Revised Redevelopment Plan ("Redevelopment Plan") dated November 26, 2018 with Ordinance 2018-40 in light of the changes to the Redevelopment Plan to address the recommendations of the Planning Board.

11. The Applicant published a Notice of Public Hearing in connection with Application P13263 and public hearings occurred on July 15, 2019, August 5, 2019, September 4, 2019, September 16, 2019, October 7, 2019 and December 2, 2019.

12. The Application as presented to the Planning Board does not propose to utilize any portion of the existing structure but allows for the demolition of the existing office building located on the Subject Property and the construction of a five (5) story, mixed-use building consisting of 210 residential units, 9,000 sq. ft. of co-working space, accessory/retail food space and related parking and infra-structure.

13. The Planning Board adopted Resolution #2019-17 granting Preliminary and Final Major Site Plan Approval with

Waivers in connection with the Subject Property. Resolution 2019-17 was memorialized on December 16, 2019 and a Notice of Decision was published on December 20, 2019. A copy of the Resolution is attached hereto and incorporated herein as **EXHIBIT A**. Plaintiff files this Prerogative Writs challenging the action of the Planning Board in adopting Resolution #2019-17 as the decision of the Planning Board is arbitrary, capricious, unreasonable and/or otherwise void and/or contrary to the LRHL as a matter of law.

FIRST COUNT

1. Plaintiff repeats and reiterates the allegations of the previous Paragraphs of the Complaint as if same were fully set forth herein and at length.

2. The Development Application was presented to the Planning Board as purportedly being within the parameters of the Redevelopment Plan dated November 28, 2018 approved by the Red Bank Governing Body by Ordinance. The Redevelopment Plan is formulated under the Authority of the Local Redevelopment and Housing Law, N.J.S.A. 40a:12A-1 et seq. (LRHL) and is subject to obtaining Planning Board site plan review and approval as defined by the Municipal Land Use Law ("MLUL"). Such site plan review is subject to conforming to the redevelopment criteria established under the Redevelopment Plan pursuant to the LRHL, the redevelopment criteria functioning in essentially the same way as

development standards imposed in the typical zoning ordinance, as per N.J.S.A. 40a:12a-3.

3. The LRHL provides at N.J.S.A. 40A:12A-9 that redevelopers must covenant to construct only those uses established as permitted in the Redevelopment Plan. Otherwise, a request to the Governing Body to amend and re-adopt an Amended Plan, allowing for such use, must be done rather than an application for a use variance.

4. The LRHL provides at N.J.S.A. 40A:12A-9 that redevelopers must covenant to construct only those uses established as permitted in the Redevelopment Plan.

5. The issue and extent of the jurisdiction of the Planning Board to consider and/or grant variances from the specifics and requirements that are defined in the Redevelopment Plan is established and defined in the Plan itself; the "Land Use Plan" itself is within the overall Redevelopment Plan, at Page 6 through Page 15. The "Land Use Plan" in those pages sets forth a number of use standards, bulk standards, parking and circulation standards, building/density standards, and general design standards.

6. The "Land Use Plan" provides in its "Off-street Parking, Loading and Circulation Requirements" at Page 9 that:

4. Vehicles access shall be provided from Bodman Place.
A maximum of two (2) access driveways shall be

permitted along the roadway. Vehicle entrances to internal parking garages shall not front upon Riverside Avenue or State Route 35.

7. This access requirement or limitation applies to the entire Redevelopment Plan area (being Lot 2.01, 4.01, 6, 7.01 and 9.01). Lot 7.01 is owned by Plaintiff and used for vehicle parking for the Colony House, an apartment building on the east side of Bodman Place on Lot 4, also owned by Plaintiffs as Tenants in Common. Lot 7.01 already has one (1) of the two (2) access driveways specified by the Plan to be allowed and permitted from the Redevelopment Area onto Bodman Place.

8. The Redevelopment Plan intended and requires that the Plan Area be planned and developed as an integrated whole in accord with the Plan and its requirements.

9. The Applicant, and the Planning Board, ignored that intent and limitation in the Plan, and the Applicant simply proposed its own development with two (2) additional driveways so that there will be three (3) driveways on Bodman Place rather than the permitted limit of two (2) driveways. This proposal requires an Amendment of the Redevelopment Plan, and is not a variance or waiver that might be addressed by the Planning Board.

10. The Redevelopment Plan provides at Page 19 for the requirement of "Amending the Redevelopment Plan," stating:

Upon compliance with the requirements of applicable law, the Borough Council may amend, revise or modify the

Redevelopment Plan in general or for specific properties within the Redevelopment Area as circumstances may make such changes appropriate . The review and approval of any proposed amendments shall be undertaken in accordance with the procedures set forth in the LRHL. Any proposed changes in permitted uses, the land use plan, building height, or other core design concepts of this Plan shall require notice and public hearings in a manner similar to the adoption of the original Plan. (emphasis added)

11. Proposed changes to specifications and limitations upon driveway access to the Redevelopment Plan area --- as specified in the Paragraph 4 "Off-Set Parking, Loading, and Circulation Requirements" of the Land Use Plan --- are within the changes requiring a formal Amendment where those limitations are within the "Land Use Plan" itself, identified as Pages 6 through 11 of the overall Plan documents. Changes to the "Land Use Plan" itself, which this application proposes, are required to go to the Governing Body to be addressed by Amendment.

12. The limitations and specifications as to access to and from the entire Redevelopment Plan area is a "core design concept of the entire Redevelopment Plan." Paragraph 4 (Page 9) of the Plan directs and precludes any accessways to either Riverside Avenue and/or Route 35. This limitation or preclusion is a "core design concept" of the Plan, and such could not be overlooked or changed as a mere variance or waiver. The same Paragraph mandatorily states that all "Vehicular access shall be provided from Bodman Place", and that all such traffic for the entire

Redevelopment Area shall be funneled and limited to a "maximum of two (2) access driveways" along Bodman Place.

13. A "core design concept" of the Redevelopment Plan is that there be no accessways to Riverdale Avenue and Route 35 and that accessways to the entire Redevelopment Area be limited to a "maximum of two (2) access driveways" off Bodman Place; the Applicant's proposal is clearly a "core design concept" of limited and directed accessways providing access to all the integrated parcels and uses in the entire Redevelopment Plan area.

14. The Applicant's plan is contrary to the basic intent of a Redevelopment Zone and the Redevelopment Plan. The purpose of the Zone, and the "core design concept" of the Plan is that the entire Plan Area be planned and developed as an integrated whole. The clear "core design concept" is the preclusion of access to and from the entire Plan Area onto Riverside Drive and Route 35, and the funneling and limitation of access only onto Bodman Place through a "maximum of two (2) access driveways."

15. The Applicant's plan locates an accessway on Route 35 and the Applicant asserted that the Planning Board had the authority to grant such change as a variance, or even as a waiver. Because such access preclusion is clearly a "core design concept" of the entire Redevelopment Plan and Area, the Planning Board had

no authority to grant the change. The Applicant elected to proceed under the benefits and umbrella of the Redevelopment Plan and must adhere to the "core design concept" in the Plan as to the accessways to the entire Redevelopment Area. That "core design concept" as to accessways, and their location and limitations, is set forth in the "Land Use Plan" at Paragraph 4 on Page 9.

16. In its Resolution, the Planning Board found the number of driveways is not a "core design requirement of the Redevelopment Plan" and adopted the position of the Applicant further that delineation of the access points to the entire Redevelopment Area as specified in the Plan is a detail that can be addressed or modified by the Planning Board as a design "waiver" under the variance authority within the Redevelopment Plan at Page 23. The Planning Board voted to approve the application as such; however, in the Resolution the Zoning Board thereafter at paragraph 29 of the Resolution provided the alternate position that a "c" variance under N.J.S.A. 40:55D-70(c) is justified on the record presented, though no vote was taken as to that, nor was the Application presented with competent proofs to support a variance.

17. A Redevelopment Plan may allow and provide for authority to the Planning Board as part of its Site Plan review

authority to consider and approve minor variances and waivers from zoning bulk standards and the like. The instant Redevelopment Plan also provides that authority, but that authority does not extend to allow or authorize the Planning Board to make substantive changes to the core access plan and concept of limited access to the entire Redevelopment Area and the Planning Board's Decision to do so was arbitrary, capricious and unreasonable and/or void contrary to the LRHL as a matter of law.

18. The control of traffic on adjacent streets is an essential responsibility of the local Governing Body, and not the Planning Board and it is for the Governing Body to determine in its Redevelopment Plan the limitations of adjacent streets to handle direct access from a Redevelopment Area, and the number of such access points that can be established. A property owner has no protected right to unlimited access to a highway or street, or access at multiple points or locations; the property owner's right is to "reasonable access" consistent with public safety and the jurisdiction's assessment of traffic on those abutting streets.

19. Normally, it is not the function of the Planning Board to make determination based upon off-site traffic conditions; however, in a unique situation where the condition is inherently

dangerous they can. This area where the Subject Property is located is uniquely situated, and uniquely dangerous. The testimony --- and common experience from any area resident --- supports that the Redevelopment Plan strictly limit and channel the access points to and from the Redevelopment Area. The Governing Body addressed those issues in the streets around the Redevelopment Area by precluding access to and from the Redevelopment Area off Riverside Drive and Route 35, and by limiting access points to no more than two (2) from Bodman Place. The requirements and specifications are specific and mandatory such that the Planning Board was without authority to change those directives and limitations, under the guise of a variance or waiver.

20. The action of the Planning Board was arbitrary, capricious, unreasonable and/or without authority and void, contrary to the LRHL and the Redevelopment Plan.

WHEREFORE, Plaintiff demands judgment against the Defendants as follows:

- (a) For an Order vacating and setting aside Resolution 2019-17 adopted by the Planning Board in the matter of the Application No. 132663.
- (b) For an Order vacating and setting aside any and all relief granted by the Defendant Planning Board to the Applicant as memorialized in Resolution 2019-17.
- (c) Granting such other and further relief as this Court may deem proper.

SECOND COUNT

1. Plaintiff repeats and reiterates the allegations of the previous Paragraphs of the Complaint as if same were more fully set forth herein and at length.

2. The Application failed to comply with the core design concept of the Redevelopment Plan and Area as to the vehicle access to the Plan Area --- and its specific limitation to two driveways/access points on Bodman Place --- requires a referral back to the Governing Body and cannot be modified or ignored by the Planning Board.

3. The Public Notice published by the Applicant failed to identify and notice as to this critical non-compliance with the Land Use Plan in the Redevelopment Plan, rendering it fatally defective.

4. The Applicant's Notice of Public Hearing for this Application essentially describes it as an Application for Preliminary and Final Site Plan Approval for a 5 story mixed use building of 210 residential units, 9,000 square feet of "co-work spaces with accessory retail/food space" along with 326 parking spaces in an attached garage structure, located on a 2.44 acre site in the described Redevelopment Plan/Area as per Ordinance 2018-40. The Notice goes on to state:

At the same time, Applicant will request that the Board grant design waivers to allow the following: parking in the front yard between the proposed building and Bodman Place, loading areas in the front yard on Bodman Place and an exception from the Residential Site Improvement Standards (RSIS) to permit 326 parking stalls (10 more than requested by the Redevelopment Plan); 398 spaces are required under RSIS. At the same time the Applicant also seeks any and all other approvals, variances, de minimus exceptions, submission waivers, design waivers, Ordinance interpretation and/or such other relief necessary to allow for Applicant's proposed development.

5. Even though the Applicant was, or should have been, aware that the Application/Plan did not comply with the critical and specific access requirements and limitations in Paragraph 4 Page 9 of the "Land Use Plan", the Applicant's Notice failed to alert the public of that critical non-compliance.

6. An adequate and properly detailed Notice is jurisdictional, and if the Notice is deficient the Board has no jurisdiction to hear or act on the Application.

7. The basic requirement under the MLUL and the case law of New Jersey is that the Notice must provide sufficient information of the nature of the proposed uses and structures in a common sense manner, and of the relief requested, such that the ordinary layperson could intelligently determine whether to object or to seek further information. It is important that all required variances should be mentioned in the notice.

8. This failure of Notice as to the non-compliance with the specific access requirements and limitations for the Plan Area is

critical the access specified and mandated in Paragraph 4 is critical to the development of the Plan/Area as an integrated parcel.

9. This access non-compliance is a major, critical element of the Redevelopment Plan itself, and was known (or should have been known and identified) at the inception of the process and identified in the Public Notice. This failure, deliberate or otherwise, to provide Notice is a fatal defect to the jurisdiction of the Board.

WHEREFORE, Plaintiff demands judgment against the Defendants as follows:

- (a) For an Order vacating and setting aside the Resolution.
- (b) For an Order vacating and setting aside any and all relief granted by the Defendant Planning Board to the Applicant as memorialized in the Resolution.
- (c) Granting such other and further relief as this Court may deem proper.

THIRD COUNT

1. Plaintiff repeats and reiterates the allegations of the previous Paragraphs of the Complaint as if same were fully set forth herein and at length.

2. The subject property was designated an area in need of rehabilitation pursuant to the Local Redevelopment Housing Law ("LRHL") N.J.S.A. 48:12A-1 et seq.

3. The Borough Governing Body determined that this was not an area in need of redevelopment but was an area in need of rehabilitation. Under N.J.S.A. 40A:12A-3 of the LRHL, the definition of rehabilitation means "...an undertaking by means of extensive repair, reconstruction or renovation of existing structures, with or without the introduction of new construction or the enlargement of existing structures, in any area that has been determined to be in need of rehabilitation..."

4. Contrary to the above, the site plan before the Planning Board did not include any rehabilitation.

5. The approved Site Plan does not rehabilitate anything on the property and is therefore not authorized under the LRHL or the Redevelopment Plan because this is an area in need of rehabilitation, not an area in need of redevelopment. This Application did not include any rehabilitation and consequently its consideration and approval is outside the powers conferred to the Planning Board under the designation of an area in need of rehabilitation and therefore ultra vires.

6. The decision of the Planning Board including but not limited to in this regard is arbitrary, unreasonable and/or void and contrary to the LRHL. The site plan does not rehabilitate anything on the property and therefore is not authorized under the LRHL.

7. The action of the Planning Board was without authority under the LRHL.

WHEREFORE, Plaintiff demands judgment against the Defendants as follows:

- (a) For an Order vacating and setting aside the Resolution.
- (b) For an Order vacating and setting aside any and all relief granted by the Defendant Planning Board to the Applicant as memorialized in the Resolution.
- (c) Granting such other and further relief as this Court may deem proper.

FOURTH COUNT

1. Plaintiff repeats and reiterates the allegations of the previous Paragraphs of the Complaint as though the same were fully set forth herein and at length.

2. At the conclusion of the public hearing the Planning Board members were set to vote and some votes were "yes" --- with reservation. The Resolution does not accurately reflect the actual vote. There was not the required amount of necessary affirmative votes. Accordingly, the vote was invalid.

WHEREFORE, Plaintiff demands judgment against the Defendants as follows:

- (a) For an Order vacating and setting aside the Resolution 2019-17 adopted by the Planning Board in the matter of the Application No. P13263.
- (b) For an Order vacating and setting aside any and all relief granted by the Defendant Planning Board to the Applicant as memorialized in Resolution 2019-17.

- (c) Granting such other and further relief as this Court may deem proper.

FIFTH COUNT

1. Plaintiff repeats and reiterates the allegations of the previous Paragraphs of the Complaint as though the same were fully set forth herein and at length.

2. Throughout the hearing in question, it was apparent to all parties, that the intersection leading into Bodman Place was inherently dangerous and desperately in need of traffic signalization.

3. The position of the Board was that this was solely within the jurisdiction of the County/State; therefore, although the Board could recommend that such signalization be installed, they did not have jurisdiction to require this as a condition of approval.

4. The signalization in question was of such inherent value and without signalization there was an inherent danger, that contrary to the action taken by the Board, they had jurisdiction to specifically make the securing of signalization from an outside authority, gave them the ability to deny this Application if in fact that condition was not satisfied.

WHEREFORE, Plaintiff demands judgment against the Defendants as follows:

- (a) For an Order vacating and setting aside the Resolution 2019-17 adopted by the Planning Board in the matter of the Application No. P13263.
- (b) For an Order vacating and setting aside any and all relief granted by the Defendant Planning Board to the Applicant as memorialized in Resolution 2019-17.
- (c) Granting such other and further relief as this Court may deem proper.

GASIOROWSKI & HOLOBINKO
Attorneys for Plaintiffs

BY:

R.S. GASIOROWSKI, ESQ.

Dated: February 3, 2020

TRIAL DESIGNATION

Pursuant to Rule 4:25-4, R.S. Gasiorowski, Esq., is designated as Trial Counsel.

GASIOROWSKI & HOLOBINKO
Attorneys for Plaintiffs

BY:

R.S. GASIOROWSKI, ESQ.

Dated: February 3, 2020

CERTIFICATION PURSUANT TO R. 4:5-1

R.S. Gasiorowski, hereby certifies as follows:

1. I am an attorney at law in the State of New Jersey and attorney for the Plaintiff herein.

2. To the best of my knowledge, information and belief, the matter in controversy is not the subject of any action pending in any other court, or of a pending arbitration proceeding, nor is it the subject of any other action or proceeding contemplated by the Plaintiff.

3. To the best of my knowledge, information and belief there are no other parties who should be joined herein.

I certify that the foregoing statements made by me are true to the best of my knowledge and belief. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

GASIOROWSKI & HOLOBINKO
Attorneys for Plaintiffs

BY:

R.S. GASIOROWSKI, ESQ.

Dated: February 3, 2020

CERTIFICATION PURSUANT TO R.4:69-4

R.S. Gasiorowski, an attorney-at-law of the State of New Jersey, hereby certifies:

1. I am counsel for the plaintiff herein.
2. I have caused to be ordered all necessary transcripts of local agency proceedings relative to the above matter.

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 am subject to punishment.

GASIOROWSKI & HOLOBINKO
Attorneys for Plaintiffs

BY:



R.S. GASIOROWSKI, ESQ.

Dated: February 3, 2020

EXHIBIT A

Resolution No. 2019-17

RESOLUTION OF THE PLANNING BOARD
OF THE BOROUGH OF RED BANK
COUNTY OF MONMOUTH, STATE OF NEW JERSEY

(Granting Preliminary and Final Major Site Plan Approval with Waivers)

Block 3, Lots 2.01, 4.01, 6 & 9.01

176 Riverside Avenue

Application Number P 13263

176 Riverside, LLC

WHEREAS, the Planning Board of the Borough of Red Bank is empowered, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1. et seq., to hear and determine applications for development and variances under certain specific conditions; and

WHEREAS, the applicant 176 Riverside, LLC, has filed with the Planning Board Secretary an application for preliminary and final major site plan approval with waivers to demolish an existing office building and construct a five story mixed use building consisting of 210 residential units, and approximately 9,000 square feet of commercial space with related site improvements on premises commonly known as 176 Riverside Avenue, Red Bank, New Jersey, also known as Block 3, Lots 2.01, 4.01, 6 & 9.01 on the official tax map of the Borough of Red Bank; and

WHEREAS, the applicant has provided due notice to the public and all surrounding property owners as required by law and has caused publication in a newspaper in general circulation in the Red Bank area in accordance with the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq., this Board gaining jurisdiction thereunder; and

WHEREAS, the within matter was heard at regularly scheduled public hearings of the Planning Board and all interested parties wishing to be heard were given an opportunity to be heard; and

WHEREAS, the Planning Board, having considered the application, testimony of the applicant, exhibits submitted and the opinions of the Borough Engineer, makes the following findings of facts and conclusions:

1. The subject property is in a redevelopment zone and subject to a redevelopment plan. The proposed development is permitted on the overlay zoning plan and therefore is a permitted use.
2. The Applicant appeared before the Red Bank Planning Board (the "Board") on July 15, 2019, August 5, 2019, September 4, 2019, September 16, 2019, October 7, 2019 and December 2, 2019, at which time it was represented by Chad Warnken, Esq. The Applicant provided testimony of the following witnesses in support of its application:

- a. Robert Freud, P.E., P.P. who was qualified and accepted by the

- Board as a licensed professional engineer and professional planner;
- b. John McCormack, P.E. who was qualified and accepted by the Board as a licensed professional traffic engineer;
- c. Frank J. Minervini, A.I.A. who was qualified and accepted by the Board as a licensed architect; and
- d. David Lustberg, C.I.A. who was qualified and accepted by the Board as a licensed landscape architect.

Ronald Gasiorowski, Esq. appeared on behalf of a neighboring property owner the Colony House, objecting to the Project. Mr. Gasiorowski had the opportunity to question the Applicant's witnesses as well as present the testimony of Al Litwornia, a Professional Engineer and Planner, in support of his client's objections. Members of the public also had the opportunity to question the Applicant's witnesses and make comments regarding the Project during the course of the hearings.

4. The Applicant provided appropriate notice of the application and public hearing in accordance with the Municipal Land Use Law ("MLUL") N.J.S.A. 40:55D-12 prior to the first hearing. Announcements were made at each hearing advising the public of the date, time and place of the subsequent hearings. Notice was, however again provided in accordance with Municipal Land Use Law N.J.S.A. 40:55D-12 prior to the December 2, 2019 meeting, as the meeting scheduled for November 4, 2019 was cancelled for lack of a quorum. The Board acknowledges an objection to the notice was made by Mr. Gasiorowski, Esq. but finds that the notice provided by the Applicant was adequate and provided a common sense description of the nature of the application, such that an ordinary layperson could understand its potential impact upon him or her so that they could make an informed decision whether or not to participate in the hearings and application. The notice also contained "catch all" language indicating that in addition to the specific actions being sought, the Applicant was seeking any and all other variances, exceptions or design waivers that may be required to permit the Project to be developed. The Board further notes that a large number of the public came out and participated in the hearings.
5. The Property is approximately 2.44 Acres (106,467 SF) in size. It is located in an area in need of rehabilitation and is subject to the Redevelopment Plan for 176 Riverside Ave, et. al. adopted by the Borough of Red Bank on December 12, 2018 in Ordinance 2018-40, (the "Redevelopment Plan"), which serves as an optional overlay zone for the Property. The Applicant has entered into a Redevelopment Agreement with the Borough to be the redeveloper of the Property.
6. Lot 6 of the Property currently contains an existing residential structure used as an office with one driveway, and Lots 2.01, 4.01 and 9.01 of the Property contain the existing former Visiting Nurses Association ("VNA") building with two driveways and parking lots. The Property has frontages on three roadways: Bodman Place, Riverside Avenue (Rt. 35) and Bridge Avenue (Rt. 35). The fourth property line is on an access easement which the Borough uses to access its pump station. All proposed vehicular access to the Project is from Bodman Place as required by the Redevelopment Plan.

7. The Applicant proposes to demolish the 13,499 SF (footprint) VNA office building and additional structures and seeks Preliminary and Final Site Plan Approval to construct a 210 unit apartment complex with 9,000 SF of co-working office space, 2,350 SF of retail food space, 326 total vehicle parking stalls, 70 bike parking locations (322 vehicle and all bike parking to be located in a parking garage structure) and related infrastructure (the "Project"), all of which are permitted under the Redevelopment Plan.
8. The 210 apartments shall be broken down as follows: 113 one-bedroom units, 91 two-bedroom units and 6 three-bedroom units. Of the 210 total units, 32 shall be affordable units, which shall be broken down as follows: 6 one-bedroom units, 20 two-bedroom units and 6 three-bedroom units. As testified all apartment sizes will meet or exceed the minimum area requirements of the Redevelopment Plan.
9. The 9,000 SF of Co-Work Space/Professional and Administrative Offices shall be operated, leased and managed in accordance with the Permitted Principal Uses of the Redevelopment
10. The 2,350 SF of retail food space as proposed serves as an accessory use to the residential use and complies with the conditions of the Redevelopment Plan (a maximum of 2,500 SF is permitted). It shall be operated in accordance with the Permitted Conditional Uses of the Redevelopment Plan.
11. The Redevelopment Plan provides for a base permitted residential density of 70 units per acre, but allows up to an additional 20 units per acre of density bonus upon the project incorporating certain sustainable measures with the bonus being calculated based upon 5 units per acre per measure. The Board finds that based upon the testimony of the Applicant's witnesses, the Project incorporates the following sustainable goals outlined in the Redevelopment Plan which justify the requested residential density for the Project:
 - a) The proposed building meeting a LEED Silver equivalent;
 - b) Providing bike parking at a ratio of 1 spot for every 3 units;
 - c) Providing car sharing services spots (5 spots);
 - d) The incorporation of rain gardens into the storm water design; and
 - e) Providing of a shuttle service for the Project's residents to the train station during peak commuter hours.
12. The Project as designed and proposed is in substantial conformance with the Redevelopment Plan, does not require any variances and its provision of 32 affordable units is a benefit to the community and helps the Borough meet its affordable housing obligations. As such, the Board finds it is appropriate to grant the Preliminary and Final Site Plan Approval for the Project.
13. The proposed site layout provides for consolidation of the three existing driveways on the Property into what functions as two driveways. Although, each of the two driveways are made up of two separate curb cuts, for a total of four curb cuts. The proposed driveway geometry is sufficient to accommodate fire truck and delivery vehicles, which provides for better life safety for the surrounding neighborhood, and promotes goals of the MIAJL,

specifically "to secure safety from fire, flood, panic, and other natural and man-made disasters" as well as "to encourage the location and design of transportation routes, which promotes the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight" as set forth in N.J.S.A. 40:55D-3(b) and (h), as such movements are difficult under the current conditions. Additionally, the proposed loading area and parking spaces on the Bodman Place frontage are in an appropriate location and serve to keep the parking and loading activity for the Project off of the public street and on site, which will help minimize any impact on the neighboring properties.

14. The Applicant's proposed method to handle trash removal, specifically its representation that it will contract with a private local hauler on an as needed basis and that the proposed building will contain two trash rooms near the loading areas which will allow for portable totes to be rolled for pickup from the loading areas (off street), and restricting the hours for trash pick up to prior to 10 am, will address neighbor concerns regarding same.
15. Although neighborhood residents questioned the amount of parking being proposed by the Applicant, the Board finds that the parking proposed for the Project, which is all self-contained on site, exceeds what is required under the Redevelopment Plan, is consistent with industry standard ITE parking demand projections for similar sites as well as with other recently approved and constructed apartment projects in the Borough and is appropriate for the Project.
16. With respect to traffic, the Board finds that the traffic being operated by the project is not entirely "new" traffic and that it is substantially similar to the traffic previously generated by the VNA building particularly during the pm peak hour exiting Bodman Place, which is the critical traffic movement. The Board further finds that while the VNA building is currently vacant the Applicant may by right continue the previous office use which would generate substantially similar traffic exiting Bodman Place during the pm peak hour.
17. Additionally, while the Board recognizes the neighbor's concerns regarding traffic in the area, it finds that many of the traffic issues raised by the neighbors are an off-site condition outside of the Applicant's control and those conditions will exist with or without the Project. Furthermore, the number of proposed residential units and the square footage of proposed commercial space are permitted under the Redevelopment Plan as adopted by the Borough Council.
18. The Board finds the Applicant is proposing a significant landscaping package, which includes a publicly accessible outdoor plaza of at least 1,000 square feet as required in the Redevelopment Plan. The outdoor plaza was relocated by the Applicant from the frontage along Riverside Avenue (Rt. 35) to Bodman Place in response to comments by the public and the Board. The Board finds that the new location on Bodman Place is an appropriate placement and results in the added benefit of permitting the Applicant to expand the proposed rain gardens.
19. In response to comments from the Board, the Applicant also agreed to provide an extra year of maintenance guarantee on the proposed landscaping, for a total of three years.

20. With respect to the architectural features of the proposed building, the façade of the structure is a combination of brick, glass and cement board panels. Based upon the exhibits and testimony by the Applicant's witnesses, the Board finds that the Project and proposed building meets the architectural design standards of the Redevelopment Plan. Furthermore, in response to questions by the public questioning the façade of the building facing Bodman Place, the Applicant provided a rendering of the building as viewed from Bodman Place, which the Board finds evidences compliance with the Redevelopment Plan requirement for consistency in quality and finish material on all elevations visible from the public street.
21. The Project will provide an 18,000 SF outdoor amenity space on the third level which will include a pool, wellness space, spaces for relaxing and socializing, barbequing areas and spaces for outdoor recreation. Additionally, there will be a rooftop dog run on the north and south ends of the Project. Storm water runoff from the dog runs will be collected in either the sanitary or storm sewer drains in the discretion of the Board engineer and the Borough construction department. The Board finds these features appropriate and in conformance with the Redevelopment Plan.

In addition, as identified in the engineering review letter dated July 5, 2019, provided by T&M Associates on behalf of the Board, the following design waivers are required for the Project, which the Board finds it is permitted to grant pursuant to the Redevelopment Plan and which are justified for the reasons set forth below:

- a. Permitting unscreened loading areas within the front yard on Bodman Place;
 - b. Permitting parking within the front yard on Bodman Place;
 - c. Providing a 1'-3' wide pavers strip between the curb and sidewalk whereby 4' is required;
 - d. Permitting light levels in excess of 0.5 foot candles at the property line;
 - e. Exception from the Residential Site Improvement Standards ("RSIS") 10 permit 326 parking stalls (of which 290 are residential spaces) which is in excess of what is required under the Redevelopment Plan (RSIS requires 398 parking stalls): and Permitting more than 2 driveways on Bodman Place (which although they function as two driveways containing four curb cuts).
23. With respect to permitting unscreened loading areas within the front yard on Bodman Place, the Board finds that it would be a hardship for the Applicant to comply with this requirement as the Property has three frontages and the fourth property line is an access easement. Board further finds and agrees with the Applicant's witnesses that the proposed unscreened loading area on Bodman Place is not a substantial detriment to the public good and that it is reasonable given the circumstances. It is the best design alternative as it keeps any loading activity on site and off the street, which will minimize impact on the neighboring properties.
24. With respect to permitting parking within the front yard on Bodman Place, the Board finds that it would be a hardship for the Applicant to comply with this requirement as the Property has three frontages and the fourth frontage is an access easement. The Board further finds and agrees with the Applicant's witnesses that the proposed parking on Bodman Place is not a substantial detriment to the public good and is reasonable given the circumstances. The amount of parking in the front yard is minimal and will be used primarily for short term and

guest parking. As such, it is the best design alternative as it keeps such activity on site and off the street which will minimize impact on the neighboring properties.

25. With respect to providing a 1'-3' wide pavers strip between the curb and sidewalk whereby 4' is required, the Board finds that in the area in question the sidewalk is curvilinear in nature so what is proposed meets the existing sidewalk and also aligns with the curved right-of-way that currently exists, accordingly, while this curvilinear design does not meet the 4' buffer set forth in the Redevelopment Plan, the Board finds this curvilinear design creates a more interesting streetscape and properly aligns with the existing right-of-way while meeting the design intent of the Redevelopment Plan. As such, the granting of this waiver will not result in a substantial detriment to the public good, is reasonable given the circumstances and is justified.
26. With respect to permitting light levels in excess of 0.5 foot candles at the property line, the Board finds that the exceedance is due to the proposed street lights within the Bodman Place right-of-way as required by the Redevelopment Plan. This exceedance only occurs at the common property line with adjacent Lot 3 near the street frontage and the proposed design is a safer design alternative and will not negatively impact the neighboring property owners. As such, the granting of this waiver will not result in a substantial detriment to the public good, is reasonable given the circumstances and is justified.
27. With respect to the exception from the RSIS Parking standards, the Board finds that the RSIS recognizes that a municipal approving authority may develop and recommend to the Board supplementary and/or alternative parking standards. In this case, the Redevelopment Plan proposed such an alternate standard, with which the Applicant complies. As such, the granting of this waiver will not result in a substantial detriment to the public good, is reasonable given the circumstances and is justified.
28. With respect to permitting more than two driveways on Bodman Place. Mr. Gasiorowski. has argued that the Board is not permitted to grant any relief from (his requirement as it is a core design concept which requires the Redevelopment Plan be amended.) The Board disagrees with this argument. The Redevelopment Plan expressly states that the Board is authorized to grant both "C" variances and designer waivers. It states:

The Planning Board may grant "C" variances, exceptions or waivers from design standards from the requirements for site plan or subdivision approval. Any exceptions or waivers granted shall be reasonable within the general purposes and intent of the provisions for site plan review and/or subdivision approval within this Redevelopment Plan. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of this Redevelopment Plan or the Borough Master Plan. Plan at page 23-24.

The number of driveways is not a core design requirement of the Redevelopment Plan. Redevelopment Plan is clear it only requires the Plan be amended if a "D" variance under N.J.S.A. 40:55D-70d is being sought. It states:

No deviations may be granted which will result in permitting a use that is not a permitted use within this Redevelopment Plan. Any deviation from standards of this Redevelopment Plan that results in a "D" variance, pursuant to N.J.S.A. 40:55D-70d, may only be addressed as an amendment to the Redevelopment Plan by the Borough Council rather than via variance relief through the Borough Zoning Board of Adjustment. All development must be approved by the Planning Board and shall be submitted through the normal site plan and subdivision procedures as identified by N.J.S.A. 40:55D, et seq. Plan at page 24.

As such, the Board finds it has authority to act on this request.

29. Additionally, Colony House, through its attorney Mr. Gasiorowski, argues that the deviation from this standard would require a C variance. The Board disagrees with this argument and finds that the number of driveways is a design standard, as determined by the Board Engineer, which the Board may grant relief from by way of a design waiver. Nevertheless, the Board finds the Applicant has justified relief from this standard whether or not it is treated as a design standard or a C variance under N.J.S.A. 40:55D-70(c). The Board finds that although the Applicant's proposed driveways contains four curb cuts, it essentially functions as two driveways (which was acknowledged by the objector's attorney and his expert witness). The Board further agrees with the testimony of the Applicant's witnesses and finds that the proposed driveway design is a better design alternative than simply two curb cuts as it provides for better and safer traffic circulation and allows for both fire trucks and school buses to safely turn around on Bodman Place, which currently is not possible and would be difficult if each driveway contained a single curb cut. Thus, the proposed driveway design provides for better life safety for the surrounding neighborhood and advances goals of the specifically "to secure safety from fire, flood, panic, and other natural and man-made disasters" as well as "to encourage the location and design of transportation routes, which promotes the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight." N.J.S.A. 40:55D-3(b) and (h). Furthermore, the Board agrees with the Applicant's witnesses and finds a deviation from the design criteria would not result in a substantial negative impact to the public good and will not substantially impair the intent and purpose of this Redevelopment Plan, as the driveway design does not result in a larger or more intensive Project. In fact, the design helps alleviate conflicting movements as the Property which is the subject of this application currently has three driveways (two at the existing VNA building and one at the house/office), while the proposed design functions as two driveways. Thus, the proposed design helps consolidate the number of driveways on Bodman Place. Accordingly, the benefits of granting the technical deviation from the design standards outweigh any potential negative impact to the neighboring properties or zone plan in general. Accordingly, the Board finds the Applicant has provided testimony sufficient to satisfy either the granting of a design waiver or a C variance under N.J.S.A. 40:55D-70(c).
30. The Board further finds that the Colony House's argument that approving the Project will deny them the opportunity to develop their property as that will result in more than three driveways on Bodman Place is without merit. The limitation on the number of driveways on Bodman Place is a design standard contained in the Redevelopment Plan which is part of an optional overlay zone. Colony House retains all rights it has to develop its property pursuant to the underlying zoning, which does not contain any such limitation. Furthermore, that design standard only applies to properties which are part of an "Application for Development" under the optional overlay zone contained in the Redevelopment Plan. The Colony House

property was not part of the Application for Development for the Project, and as such, is not subject to the design standards applied to the Project. In the event Colony House desires to make an Application for Development pursuant to the Redevelopment Plan overlay zone, they will be permitted to seek the appropriate number of driveways on their property.

31. Accordingly, the Board finds it is appropriate to grant Preliminary and Final Site Plan Approval for the Project and the requested design waivers noted above for the reasons set forth herein.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Red Bank in accordance with the findings of fact and conclusions set forth herein that the preliminary and final major site plan approval along with design waivers be granted for 176 Riverside, LLC for premises located at 176 Riverside Avenue, Red Bank, New Jersey, subject to the following conditions:

1. The maintenance guarantee for Landscaping shall be extended from 2 to 3 years.
2. Although the Project does not require Department of Transportation ("DOT") approval for the installation of a traffic signal at the intersection of Bodman Place and Riverside Avenue/Route 35 (or any other DOT approval), and although the Board is not conditioning its approval of the Project on the installation of a traffic signal at the intersection of Bodman Place and Riverside Avenue/Route 35 (or any other location), the Board conditions its approval upon the Applicant coordinating, preparing and paying for an application to the DOT, on the Borough's behalf, requesting a traffic signal at the intersection of Bodman Place and Riverside Avenue/Route 35. If such application is approved, the Applicant will be required to pay its fair share for the traffic signal as determined by Applicable Law but not less than eighty percent (80%) of the cost thereof.
3. The Applicant will be required to coordinate the phasing of construction and other construction issues, such as access to the site, with the Borough Construction Office, the Borough Engineer and the Borough Police Department. The Applicant shall enter into or modify any existing development agreement with the Borough of Red Bank to incorporate this condition.
4. Trash pick-up shall be before 10am.
5. The Applicant will allow school buses and emergency vehicles to use its drive ways to turn around on Bodman Place.
6. Stormwater runoff from the dog runs will be collected in either the sanitary or storm sewer drains in the discretion of the Board Engineer and the Borough Construction Department.
7. The Applicant will comply with the technical conditions contained in the T&M review letter dated July 5, 2019 except to the extent testified to at the hearings.

8. That this variance will be deemed to be void by abandonment if a permit is not issued within one year from the date hereof.
9. The action of the Planning Board in approving this application shall not relieve the applicant of responsibility for any damage caused by this project, nor does the Planning Board of Red Bank or its reviewing professionals and agencies accept any responsibility for the structural design of the proposed improvements or for any damage that may be caused by the development.
10. All representations made under oath by the applicant or his agents shall be deemed conditions of this approval, and any misrepresentations or actions by the applicant contrary to the representations made before the Board shall be deemed a violation of this approval.
11. This application is granted only in conjunction with the conditions noted herein and but for the existence of the same, the within application would not be approved.
12. The applicant shall comply with the Planning and Development Regulations of the Borough of Red Bank, to the extent that it is consistent with this Resolution. and shall comply with the requirements of the Construction Code and the Fire and Health Code Officials.
13. Subject to any and all other Municipal, County, State or Federal regulations as they may apply.
14. Subject to the approval of the Monmouth County Planning Board, Fire Official, Building Department. Historic Commission Committee and the Visual Improvement Committee.
15. Subject to the payment of any and all taxes and professional fees.
16. The applicant must publish adequate notice of this Resolution in the official newspaper of the Borough of Red Bank at its sole cost, within thirty days of this Resolution and provide proof of publication.

The foregoing was Moved by Barbara Boas

Seconded by: Dave Cassidy and on Roll Call, the


following vote was recorded:

Affirmative: Dan Mancuso, Barbara Boas, Dave Cassidy, Fred Stone

Negative: None

Abstentions: None

I, Maria Graziano, Secretary to the Planning Board of the Borough of Red Bank, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Board of Borough of Red Bank at its regular meeting held on December 16, 2019.



Maria Graziano, Secretary
Planning Board

MONMOUTH COUNTY
SUPERIOR COURT
PO BOX 1269
FREEHOLD NJ 07728

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (732) 358-8700
COURT HOURS 8:30 AM - 4:30 PM

DATE: JANUARY 30, 2020
RE: PARK RIDGE, LLC VS PL. BD. OF THE BOR O F RED B
DOCKET: MON L -000366 20

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 4.

DISCOVERY IS PRESUMPTIVELY 450 DAYS BUT MAY BE ENLARGED OR SHORTENED BY THE
JUDGE AND RUNS FROM THE FIRST ANSWER OR 90 DAYS FROM SERVICE ON THE FIRST
DEFENDANT, WHICHEVER COMES FIRST.
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE MANAGING JUDGE ASSIGNED IS: HON LISA P. THORNTON

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002
AT: (732) 358-8700.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: RONALD S. GASIOROWSKI
GASIOROWSKI & HOLOBINKO
54 BROAD STREET
RED BANK NJ 07701

ECOURTS

Civil Case Information Statement

Case Details: MONMOUTH | Civil Part Docket# L-000366-20

Case Caption: PARK RIDGE, LLC VS PL. BD. OF THE
BOR O F RED B

Case Initiation Date: 01/30/2020

Attorney Name: RONALD S GASIOROWSKI

Firm Name: GASIOROWSKI & HOLOBINKO

Address: 54 BROAD STREET

RED BANK NJ 077010000

Phone: 7322129930

Name of Party: PLAINTIFF : Park Ridge, LLC

Name of Defendant's Primary Insurance Company

(if known): None

Case Type: ACTIONS IN LIEU OF PREROGATIVE WRITS

Document Type: Complaint

Jury Demand: NONE

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

**Do you anticipate adding any parties (arising out of same
transaction or occurrence)?** NO

Are sexual abuse claims alleged? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

**Use this space to alert the court to any special case characteristics that may warrant individual
management or accelerated disposition:**

Action in lieu of prerogative writs

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO **Title 59?** NO **Consumer Fraud?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

01/30/2020

Dated

/s/ RONALD S GASIOROWSKI

Signed