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Attorney for *Amici Curiae*
Lawrence Brook Watershed Partnership
Lower Raritan Watershed Partnership

	X
	: SUPERIOR COURT OF NEW JERSEY
IN THE MATTER OF THE TOWNSHIP OF	: APPELLATE DIVISION
EAST BRUNSWICK FOR A JUDGMENT OF	: DOCKET NO. A-3115-19
COMPLIANCE OF ITS THIRD ROUND	: A-3125-19
HOUSING ELEMENT AND FAIR SHARE	:
PLAN.	: On appeal from Final
	X Judgment Entered in
	: Law Division of
HIDDEN OAK WOODS, LLC,	: Middlesex County
	:
Plaintiff/Respondent,	: Docket No. L-4013-15
	: Docket No. L-4282-19
	:
-vs.-	: Sat Below:
	: Hon. Thomas McCloskey,
TOWNSHIP OF EAST BRUNSWICK and.	: J.S.C.
TOWNSHIP OF EAST BRUNSWICK	:
PLANNING BOARD,	: Civil Action
	: (Consolidated)
Defendants/Appellants.	:
	X

NOTICE OF MOTION FOR LEAVE TO APPEAR AS AMICI CURIAE

TO: Joseph H. Orlando
Appellate Division Clerk
Hughes Justice Complex
25 West Market Street
Trenton, New Jersey 08625

ON NOTICE TO:

Michael Baker, Esq.
HOAGLAND, LONGO, MORAN, DUNST
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PLEASE TAKE NOTICE, that the applicants, proposed *amici curiae* Lawrence Brook Watershed Partnership and Lower Raritan Watershed Partnership, hereby move, pursuant to R. 1:13-9, for leave to appear as *amici curiae* in this matter and to submit a brief in support of Appellants' appeal and in opposition to the decision below reversing the Planning Board's decision to deny Respondent's development application for its refusal to secure a recent, valid Wetlands Letter of Interpretation (LOI).

Applicants, two steadfast local environmental nonprofit organizations that are dedicated to restoring, enhancing and conserving the natural resources of their shared "Watershed Management" area in Middlesex County, have a special interest in this litigation. They both participated in the Planning Board


hearings held in this matter, requested the Planning Board to require the developer to secure an updated wetlands delineation of the 42-acre "Hidden Oak Woods" development site, and sought to secure changes to the project that would ensure a safe, healthy environment for future residents as well as cause minimum negative impact on the soils, hydrology and plants of this distinct geographical area. In their brief, the applicants intend to defend their respective participation in the hearing, as well as the comments of other objectors, as relevant, credible and within the jurisdiction of the Planning Board; and ask that the Appellate Division not view the Planning Board's policy of permitting members of the public to speak at each hearing on an application as evidence, in this instance, of anti-affordable housing sentiment in the municipality. They also intend to discuss the reasonableness of the Planning Board's request to require an updated LOI in light of climate change over the past twenty-five years, and will present to the court some of the public health problems that may arise from the proposed development as currently designed.

PLEASE TAKE FURTHER NOTICE that in support of their motion, *amici* will rely upon the Certification of Counsel, Renée Steinhagen, with exhibits, and the brief submitted thereto as Exhibit K.

PLEASE TAKE FURTHER NOTICE that oral argument is not requested.

Respectfully submitted,

NJ APPLESEED PILC

By: 
Renée Steinhagen, Esq.

Dated: December 9, 2020