



BOROUGH OF ESSEX FELLS
P.O. BOX 38 ESSEX FELLS, NEW JERSEY 07021
(973) 226-3400 FAX (973) 228-4439

L.B.

035

March 9, 2006

Mr. John K. Sayers
Business Administrator
Township of West Orange
66 Main Street
West Orange, NJ 07052

Dear Mr. Sayers:

It has been reported that at the March 8, 2006 Planning Board Hearing for the Highlands development, the board discussed the possibility of re-opening Oval Road into Essex Fells. Please be advised that the Borough of Essex Fells is steadfast in its resolve that Oval Road will not be re-opened. I cannot emphasize this strongly enough.

Both the Township of West Orange and Borough of Essex Fells passed and recorded respective ordinances vacating the portion of Oval Road between the two municipalities, allowing an easement for emergency access. That action permanently removed the ability of the municipalities to, again, use that area for a municipal road.

The Borough of Essex Fells will not take any action to re-open the portion of Oval Road that was vacated and will vehemently oppose any effort to do so.

I am available to discuss this issue or meet with any West Orange representatives should you feel the need to do so. Please do not hesitate to contact me. As always, we look to work with our municipal neighbors, but opening Oval Road is simply not an option.

Sincerely,

Frank Bastone
Borough Administrator

cc: Mayor & Council
Martin F. Murphy, Borough Attorney

NAGEL RICE & MAZIE, LLP

COUNSELLORS AT LAW

103 EISENHOWER PARKWAY
ROSELAND, NEW JERSEY 07068
(973) 618-0400

FAX: (973) 618-9194

NEW YORK OFFICE
230 PARK AVENUE
SUITE 1000
NEW YORK, NEW YORK 10168
(212) 551-1495

PLEASE REPLY TO
ROSELAND OFFICE

September 12, 2005

BRUCE H. NAGEL*
JAY J. RICE*
DAVID A. MAZIE*
ROBERT H. SOLOMON
ADAM M. SLATER*
ERIC D. KATZ*
DAVID M. FREEMAN*
DIANE E. SAMMONS*

HARRY A. MARGOLIS
1929-2002

* MEMBER OF N.J. & N.Y. BARS
* MEMBER OF A.J. & M. BARS

COUNSEL
HERBERT I. WALDMAN*
WAYNE D. GREENSTONE*
LORI I. MAYLOR*
RANDOLPH M. MATLOFF

BEN-DAVID BELIGMAN*
ANDREW L. O'CONNOR
IRINA S. ELGART*
MORA GIBBONS LOPEZ

* CERTIFIED BY THE SUPREME COURT OF
NEW JERSEY AS A CIVIL TRIAL ATTORNEY
* CERTIFIED AS A CIVIL TRIAL SPECIALIST
BY THE NATIONAL BOARD OF
TRIAL ADVOCACY
* CERTIFIED BY THE SUPREME COURT OF
NEW JERSEY AS A CRIMINAL TRIAL ATTORNEY

Paul L. Tractenberg
11 Luft Lane
West Orange, NJ 07052

In Re: Wilf Property

Dear Paul:

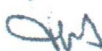
Enclosed is a revised site plan I received from Mark Hoffman which adjusts lot lines to incorporate the 100 foot buffer across the entire border with the West Essex Highlands. I do note, however, that there is an "emergency spillway" immediately adjacent to each detention basin. The "emergency spillway" adjacent to the largest basin, the west basin, is in the 100 foot buffer. Paragraph 2a of the agreement with the developer, provides that "there will be no development within the area that is 100 feet from the common property line" except for the detention basin.

It may be that the "emergency spillway" should be considered part of the detention basin. It may be that the presence of the "emergency spillway" really doesn't matter (I do not know what an "emergency spillway" is). It may be that it cannot be put elsewhere. However, I would like you think about these issues as soon as possible and let me know your thoughts.

This is my only copy of the site plan so please bring it with you to the meeting. If you are not going to attend the meeting, please get it back to me beforehand.

Very truly yours,

NAGEL RICE & MAZIE, LLP


Herbert I. Waldman

HIW:jb
Enclosure