

~~Helmutta (1976)~~

~~Memo~~

U.L v. Carter 1985

7/23

↳ Re: Request for
Restraining Order
against Monroe Twp.

Pgs. 11

CA000364L



PETER P. GARIBALDI
Mayor

MARIO APUZZO
Director of Law

John R.
Township of Monroe
County of Middlesex

DEPARTMENT OF LAW: Municipal Complex
Perrineville Road
Jamesburg, N.J. 08831
(201) 521-4400

July 23, 1985

Barbara J. Williams, Esq.
Constitutional Litigation Clinic
Rutgers Law School
15 Washington Street - Room 338
Newark, N. J. 07102

Re: Urban League v. Carteret
C 4122-73

Dear Ms. Williams:

I received your Motion papers regarding your request for a Restraining Order in connection with the Concordia extension project on July 22, 1985. I have noted from your Moving papers that you are asking Judge Serpentelli to temporarily restrain Monroe Township "from granting final Council approval of the application of Union Valley Corporation for the 2400 unit age-restricted Concordia Planned Retirement Community extension or any part of it or granting any other necessary approvals"

Please be informed that such final Council approval has already been obtained as of July 1, 1985. I am enclosing a copy of a fully executed Resolution Of Memorialization which will show this. Council President, William R. Tipper, signed this resolution in the early afternoon of July 22, 1985. I became aware of your Motion papers at about 6:30 p.m. on July 22, 1985 when I looked through my incoming mail.

Regarding any Council action which may be taken on August 5, 1985, concerning the Concordia extension, the only thing the Council will do on that day is to maybe look at the resolution that I have enclosed herewith which will be contained in their meeting materials, and maybe someone from the Council might comment on that resolution. There is no further official action needed by the Council to approve the Concordia extension project as presently submitted.

CA000364L

W

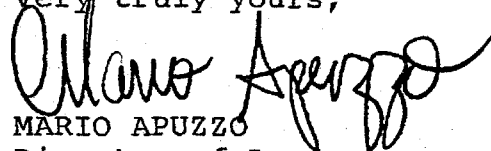
Barbara J. Williams, Esq.

Page 2

July 23, 1985

I bring this to your attention because I believe it has an impact on your Motion papers, and I trust that you will take the necessary steps to bring your thinking in line with this information.

Very truly yours,



MARIO APUZZO
Director of Law

MA:ap

Enclosure

cc: Eric Neisser, Esq. with enclosure
Douglas K. Wolfson, Esq.
Peter P. Garibaldi, Mayor
Joseph R. Scranton, Business Administrator
Mary Carroll for Members of Township Council
Donna Appleby for Members of Planning Board
Irving Verosloff, Esq.

Signed 7/22

RESOLUTION OF THE MONROE TOWNSHIP COUNCIL

RESOLUTION APPROVING SITE DEVELOPMENT PLAN OF UNION VALLEY CORPORATION FOR PROJECT FORMERLY KNOWN AS CONCORDIA NORTH AND NOW KNOWN AS WHITTINGHAM.

WHEREAS, Union Valley Corporation applied to the Monroe Township Planning Board for site development plan approval for development on property at Block 48 on Lot numbers identified on Exhibit A attached hereto; and

WHEREAS, the Planning Board resolved by resolution to approve and grant the application of Union Valley Corporation for site development plan approval, and for a variance to construct two larger swimming pools based on the ordinance requirements of 1.7 sq. ft. per dwelling unit; and

WHEREAS, a Resolution of Memorialization was duly approved at a Regular Meeting of the Monroe Township Planning Board on June 27, 1985, such resolution being attached as Exhibit B and fully incorporated herein by reference; and

WHEREAS, the Planning Board forwarded to the Council the above referenced resolution and the applicant's Site Development Plan for the Council's approval as is required by Chapter 130, Section 27A of the Code of the Township of Monroe (the Code); and

WHEREAS, the Council had a Public Hearing on July 1, 1985 at 8:00 p.m. at the Township's Municipal Complex on the issue of whether the Council should approve the resolution and the Site Development Plan forwarded to it by the Planning Board; and

WHEREAS, the Council heard argument and testimony given by Union Valley Corporation's attorneys regarding whether or not the Council should approve the resolution as submitted by the Planning Board; and

WHEREAS, after a lengthy debate with the attorneys for the Union Valley Corporation, the Council decided by a unanimous vote to modify the Resolution forwarded by the Planning Board as follows:

1. Regarding the need for medical facilities within a planned retirement community as is called for by Article VII, Chapter 130 of the Code, the Council resolved that the Union Valley Corporation shall provide a fully equipped Medical Center, staffed by licensed nurses twenty four (24) hours per day, and that such Medical Center shall be operational after the first 150 units in the development are conveyed;

2. The applicant shall provide his pro-rata share of costs for road improvements and appurtenances together with necessary easements and right-of-way road widening dedications, regardless of jurisdiction, based upon traffic generation in the northwesterly section of the Township adjacent to Forsgate Drive and Turnpike Exit 8A as determined by an overall traffic study which outlines roadway improvements made necessary by traffic generated by development that may be proposed in the aforementioned section. Such study shall be prepared by and at the expense of the developers in the above-mentioned section of the Township which presently includes Guardian Development Corporation, RH Development Corporation, and the Union Valley Corporation, and also their successors and assigns and any future development considered by the Monroe Township Planning Board to have a major effect upon the traffic generated in this section of the Township. The applicant agrees that the payment of its pro-rata share of costs as mentioned above is not limited to off-tract improvements that may be shown on its Site Development Plan, but also includes improvements as may be required by the aforementioned traffic study and any future Monroe Township Ordinance; and

WHEREAS, after a lengthy debate with the attorneys for the Union Valley Corporation, the Council decided by a unanimous vote to modify the Resolution forwarded by the Planning Board as follows:

1. Regarding the need for medical facilities within a planned retirement community as is called for by Article VII, Chapter 130 of the Code, the Council resolved that the Union Valley Corporation shall provide a fully equipped Medical Center, staffed by licensed nurses twenty four (24) hours per day, and that such Medical Center shall be operational after the first 150 units in the development are conveyed;

2. The applicant shall provide his pro-rata share of costs for road improvements and appurtenances together with necessary easements and right-of-way road widening dedications, regardless of jurisdiction, based upon traffic generation in the northwesterly section of the Township adjacent to Forsgate Drive and Turnpike Exit 8A as determined by an overall traffic study which outlines roadway improvements made necessary by traffic generated by development that may be proposed in the aforementioned section. Such study shall be prepared by and at the expense of the developers in the above-mentioned section of the Township which presently includes Guardian Development Corporation, RH Development Corporation, and the Union Valley Corporation, and also their successors and assigns and any future development considered by the Monroe Township Planning Board to have a major effect upon the traffic generated in this section of the Township. The applicant agrees that the payment of its pro-rata share of costs as mentioned above is not limited to off-tract improvements that may be shown on its Site Development Plan, but also includes improvements as may be required by the aforementioned traffic study and any future Monroe Township Ordinance; and

3. The applicant shall make immediate application to the New Jersey Department of Transportation for the installation at its own cost of a traffic signal at the intersection of the North Gate of Concordia and a proposed main gate of Whittingham with Prospect Plains-Hoffman Station Roads, said application to include the revised channelization of the ingress and egress for the respective planned retirement communities; and

WHEREAS, the Council's approval of the applicant's Site Development Plan as presently submitted is conditioned upon the applicant revising the Site Development Plan to show in a Note on the Site Development Plan that such Site Development Plan approval is conditioned upon the applicant complying with every condition contained in this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Monroe as follows:

1. The applicant shall revise the Site Development Plan dated April 22, 1985 and revised May 23, 1985 to show in a Note on such Site Development Plan that the Council's approval of such Site Development Plan is conditioned upon the applicant complying with every condition contained in this Resolution; and

2. The Site Development Plan dated April 22, 1985 and revised May 23, 1985 as prepared by Henderson and Bodwell, Consulting Engineers, is hereby approved.

William R. Tipper
WILLIAM R. TIPPER, PRESIDENT

I hereby certify the above to be a true copy of a resolution adopted by the Monroe Township Council at a meeting held on July 1, 1985.

Mary A. Carroll ^{SD}
MARY A. CARROLL, CLERK

EXHIBIT "A"

LOT NUMBERS

1.01	48.02-28	48.03-40	48.04-37	48.05-34
2	48.02-29	48.03-41	48.04-38	48.05-35
3.01	48.02-30	48.03-42	48.04-39	48.05-36
4.01	48.02-31	48.03-43	48.04-40	48.05-37
4.02	48.02-32	48.03-44	48.04-41	48.05-38
5.01	48.02-33	48.03-45	48.04-42	48.05-39
8	48.03-1	48.03-46	48.04-43	48.05-40
9	48.03-2	48.03-47	48.04-44	48.05-41
15	48.03-3	48.03-48	48.04-45	48.06-1
19	48.03-4	48.04-1	48.04-46	48.06-2
21.01	48.03-5	48.04-2	48.04-47	48.06-3
22.01	48.03-6	48.04-3	48.04-48	48.06-4
23.01	48.03-7	48.04-4	48.05-1	48.06-5
24.01	48.03-8	48.04-5	48.05-2	48.06-6
25.01	48.03-9	48.04-6	48.05-3	48.06-7
26	48.03-10	48.04-7	48.05-4	48.06-26
48.01-1	48.03-11	48.04-8	48.05-5	48.06-27
48.01-2	48.03-12	48.04-9	48.05-6	48.06-28
48.02-1	48.03-13	48.04-10	48.05-7	48.06-29
48.02-2	48.03-14	48.04-11	48.05-8	48.06-30
48.02-3	48.03-15	48.04-12	48.05-9	48.06-31
48.02-4	48.03-16	48.04-13	48.05-10	48.06-32
48.02-5	48.03-34	48.04-14	48.05-11	48.07-1
48.02-6	48.03-35	48.04-15	48.05-12	48.07-2
48.02-24	48.03-36	48.04-16	48.05-13	48.07-3
48.02-25	48.03-37	48.04-34	48.05-31	48.07-4
48.02-26	48.03-38	48.04-35	48.05-32	48.07-5
48.02-27	48.03-39	48.04-36	48.05-33	

'A'

RESOLUTION OF MEMORIALIZATION

Whereas, Union Valley Corporation applied to the Monroe Township Planning Board for site development plan approval of property in Block 48 on lot numbers identified on Exhibit A attached hereto; and

Whereas, it appears from the proofs presented that the premises in question totals approximately 435 acres more or less and that the intended use as a PRC development is permitted under the Monroe Township zoning ordinance for the premises; and

WHEREAS, the applicant proposes to install:

- (1) a nine (9) hole golf course of 75 acres
- (2) a 28,800 square foot clubhouse to be built on a 10.6 acre site in three (3) phases all in accordance with section 130-25A (2) (b) of the Monroe township zoning ordinance (600 square feet of Multi-purpose space for each 50 dwelling units) and in accordance with the following schedule:

Phase I 18,800 square feet (1,567 dwelling units or one (1) year, which ever is less, after Title is transferred to first home in development.

Phase II - 4,000 square feet (1,900 Dwelling units)

Phase III - 6,000 square feet (2,400 Dwelling units)

- (3) a church site of one (1) acre
- (4) a 12.8 acre neighborhood commercial shopping site
- (5) parking facilities
- (6) a guardhouse at the Prospect Plains-Hoffman Station Road
- (7) a fully equipped and fully staffed medical facility, which shall be operational as to the first home in the development

all in support of a proposed development consisting of a proposed total of 2,400 dwelling units; and

WHEREAS, the applicant has produced proof of service of notice upon all property owners within 200 feet; and

WHEREAS, this Board has read and reviewed the reports of the township engineer and the township planner and has heard testimony of the expert witnesses introduced by the applicant and has reviewed the maps and plans submitted by the applicant, including all revisions made through May 23, 1985; and

WHEREAS, this Board has determined that the proposed development is compatible with the general characteristics of the surrounding neighborhood which is residential and agricultural as well as the site of an adjacent PRC community; and

WHEREAS, the evidence produced by the applicant establishes that the traffic and roadway plans have been designed to accommodate the anticipated traffic flows and to minimize existing or potential safety hazards; and

WHEREAS, the evidence produced by the applicant further shows that the proposed development is compatible with the physical development plans of the Monroe Township zoning ordinance and that all proposed water and sewer improvements are adequate and feasible to properly serve the proposed project and will conform to the township master sewer and water plans; and

WHEREAS, it has been established by the applicant that the onsite traffic circulation and access points have been properly designed to accommodate fire and emergency vehicles; and

WHEREAS, the evidence produced by the applicant shows that no outdoor lighting is planned that will be disturbing to any abutting property owner; and

WHEREAS, the evidence produced by the applicant establishes that the bulk of the landscaped space and the community is located within the proposed golf course with the remaining space to be distributed along the perimeter of the development and throughout the residential areas resulting in a benefit to the entire community; and

WHEREAS, the proposed gross density is approximately 5 1/2

dwelling units per gross acre; and

WHEREAS, the permitted use under the zoning code is 7 dwelling units per gross acre, and all the requirements of the Monroe Township zoning ordinance have been met other than the applicant's request to permit two larger swimming pools rather than a series of smaller pools; and

WHEREAS, it appears that Section 130-25A(2)(c) requires one (1) swimming pool for each 600 dwelling units at a ratio of 1.7 square feet of water surface area for each dwelling unit; and

WHEREAS, it appears that the applicant has proposed one "L" shaped swimming pool with dimensions of 45 feet by 75 feet with a 20 feet by 20 feet wing, as well as an additional pool to be located in the clubhouse facility of approximately 800 square feet in water surface area; and

WHEREAS, it appears that the purposes of the municipal land use law would be advanced by the requested deviation from the bulk requirements of the zoning ordinance in terms of the number of pools to be required, as opposed to the total water surface area available for swimming; and

WHEREAS, it appears further that the benefits from the deviation substantially outweigh any detriment, in light of the fact that the water surface area of the proposed swimming pools is in excess of that otherwise required by ordinance; and

WHEREAS, it appears that in light of the fact that the ordinance requirements relating to the total water surface area for the pools provided have been complied with, that the requested variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance; and

WHEREAS, it appears that adequate township police and fire facilities are available to protect the residents and property in the proposed developments; and

WHEREAS, adequate provision has been made for parking facilities; and

WHEREAS, this Board has determined that the proposed PRC is located in one of the growing sections of the township and is adjacent to a presently existing PRC development, and has further determined that the proposed PRC, particularly as it relates to external road improvements, will enhance the physical development of the community, and has further determined that the proposed plan provides for a logical arrangement of facilities and for proper ingress and egress; and

WHEREAS, this Board has determined that the plan, as presented by applicant has considered the natural features of the site and that woodland shall be retained wherever possible; and

WHEREAS, this Board concludes that the golf course has been properly designed and will be adequate for the needs of the PRC community; and

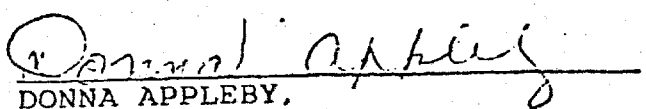
WHEREAS, this Board concludes that the reduction in the number of swimming pools as proposed by applicant shall provide adequate area for the needs of the residents of the proposed community; and

WHEREAS, the applicant has produced evidence of approval by the Monroe Township Utilities Authority; and

WHEREAS, it appears that the Middlesex County Planning Board approval is not required at the site development stage;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of Monroe Township that the application of Union Valley Corporation for site development plan approval, and for the variance to construct two larger swimming pools based on the ordinance requirements of 1.7 square feet per dwelling unit be and is hereby approved and granted.

I CERTIFY that the above Resolution of Memorialization was duly approved at the regular meeting of the Monroe Township Planning Board on June 27, 1985.


DONNA APPLEBY,
Secretary of the Monroe
Township Planning Board