

Affidavit of Barbara J. Williams,  
CO-counsel for TTS,  
discussing Compliance Program

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CA002631V

RECEIVED

JUL 27 1985

JUDGE SERPENTELLI'S CHAMBERS

ERIC NEISSER, ESQ.  
 JOHN M. PAYNE, ESQ.  
 BARBARA J. WILLIAMS, ESQ.  
 Constitutional Litigation Clinic  
 Rutgers Law School  
 15 Washington Street  
 Newark, New Jersey 07102  
 201/648-5687  
 ATTORNEYS FOR URBAN LEAGUE PLAINTIFFS

SUPERIOR COURT OF NEW JERSEY  
 CHANCERY DIVISION/MIDDLESEX COUNTY

URBAN LEAGUE OF GREATER ]  
 NEW BRUNSWICK, et al., ]  
 ]  
 Plaintiffs, ]  
 ]  
 vs. ]  
 ]  
 THE MAYOR AND COUNCIL OF ]  
 THE BOROUGH OF CARTERET, ]  
 et al., ]  
 ]  
 Defendants. ]

Docket No. C-4122-73

Civil Action

AFFIDAVIT OF BARBARA J. WILLIAMS

STATE OF NEW JERSEY )  
 ) ss. ;  
 COUNTY OF ESSEX )

I, BARBARA J. WILLIAMS, of full age, being duly sworn according to law, on oath, depose and say:

1. I am co-counsel for plaintiffs in the above-referenced matter.

2. After an extensive trial of the issue of fair share, the Court rendered an opinion on July 27, 1984 and entered an Order and Judgment on August 13, 1984 declaring Monroe Township's present zoning ordinance unconstitutional and directing rezoning for Monroe Township's fair share of 774 units of low and moderate income housing.

3. On March 29, 1985, the Monroe Township Council voted to submit the "Mount Laurel II Compliance Program" [hereinafter "Compliance Program"] prepared by Hintz Nelessen Associates, P.C., to the Court. The Compliance Program was subsequently referred by the Court to the Court-appointed Master, Ms. Carla Lerman, P.P., for her review and analysis.

4. The Compliance Program addressed satisfaction of the fair share of Monroe Township in the following manner:

<u>Proposal</u>	<u>Units of Low/Moderate Income Housing</u>	<u>Total New Units of Housing</u>
Rehabilitation of Existing Housing Stock	90	-
New Infill by Housing Authority (as guarantee and vehicle for next compliance in 1990)	70-150*	-
Monroe Development ("Builder's Remedy" Site)	120	600
✓ Concordia Planned Retirement Community Expansion and Others (5% Low/Moderate)	100	**
Balantrae - 396.3 Acres at 5.2 d.u./ac and 46.6 acres at 10 d.u./ac	466	2510
	<hr/> 846-926	<hr/> 3110

\* Provides for a surplus should any program fall short.

\*\* Been processed for approval by Planning Board.

(Compliance Program, Table 4, p. 25)

5. As noted above, included as part of the Compliance Program is a 5% set aside for the Concordia Planned Retirement Community Expansion. One hundred units of the total fair share of 774 units were to be satisfied through the Concordia project. Approximately, thirteen (13) percent of the Compliance Program is thus premised upon implementation of a set aside with respect to the expansion of this planned retirement community.

6. On May 29, 1985, the Cranbury Press reported that the Monroe Township Planning Board had approved an extension of Concordia. (Exhibit A)

7. In an effort to ascertain whether this was the same expansion of Concordia as outlined in the Compliance Program on June 11, 1985, I telephoned Mario Apuzzo, Esq., attorney for Monroe Township, and asked him whether the projects were the same; and, if so, whether a set aside was part of the proposal under consideration. Additionally, I requested copies of the Resolution passed by the Planning Board relative to the site. Mr. Apuzzo stated that he did not know the answers to my questions but he would find out and get back to me by June 14, 1985. The same day I mailed a letter to Mr. Apuzzo reiterating my requests. (Exhibit B)

8. On June 14, 1985, I received a telephone call from Mr. Apuzzo's secretary stating Mr. Apuzzo wanted my requests in writing. I told her I had already done so and asked to speak with Mr. Apuzzo. Mr. Apuzzo acknowledged having received my written request. He said the matter was highly technical and complicated and would require his mastery of the Compliance Program and the

Planning Board materials. I told him that, to the contrary, it was rather simple: either the sites were the same or they were not and the application either had a set aside or it did not. I suggested to him that Carl Hintz might be able to give him the answer. He reiterated how difficult a matter it was but agreed to make a good faith effort to secure the information for me the following week.

9. On June 17, 1985, I telephoned Ms. Carla Lerman and advised her of the possibility that the Concordia expansion could be the same as that contained in the Compliance Program she was reviewing.

10. On July 1, 1985, I received a letter from Mr. Apuzzo dated June 27, 1985, requesting that I address my inquiry to the Mayor of Monroe. (Exhibit C)

11. On July 1, 1985, I wrote to Mr. Apuzzo expressing my dissatisfaction with being referred to his client three weeks after my request and that direct contact with his client would have been inappropriate on my part. (Exhibit D)

12. On July 1, 1985, I also wrote to Ms. Carla Lerman requesting her assistance in securing information as to the Concordia expansion. (Exhibit E)

13. The July 3, 1985 Cranbury Press contained an article indicating that on July 1, 1985 the Monroe Township Council had approved a Concordia expansion with final approval to occur on August 5, 1985. (Exhibit F)

14. On July 8, 1985, I telephoned Mr. Apuzzo and asked him when I was going to get a response to my request. He indicated

he was sending me a letter waiving attorney/client privilege. Upon further inquiry, he indicated attorney/client privilege was being waived only as to the Mayor not as to Council. Mr. Apuzzo said he was at the July 1st Council meeting and indicated that to his knowledge there was no set aside in the proposal which had been approved by Council.

15. On July 8, 1985, I also telephoned Ms. Carla Lerman. She provided me orally with the same information contained in her July 7, 1985 letter (Exhibit G) which I received subsequently. The letter establishes that the Concordia expansion passed by Council without a set aside is the same site as the Compliance Program being reviewed by Ms. Lerman with a 5% set aside.

16. On July 11, 1985, we obtained independently a copy of the minutes of May 23, 1985 meeting of the Monroe Township Planning Board at which the Concordia extension was discussed and the Resolution of Memorialization approved at the June 27, 1985 meeting of the Planning Board. (Exhibits H & I)

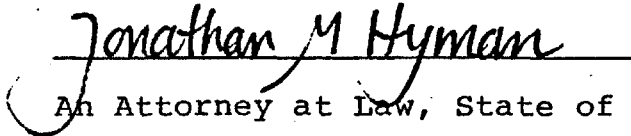
17. Having secured the answer to my questions and never having received the letter waiving attorney/client privilege, I did not contact the Mayor of Monroe.

18. On July 15, 1985, I telephoned Mr. Apuzzo to inquire if further action by Council was contemplated as reflected in the Cranbury Press article. He indicated a Resolution by Council would be passed on August 5, 1985. Mr. Apuzzo categorized this Resolution as a "Memorialization" of the Council's prior action with respect to the site. I asked Mr. Apuzzo whether the minutes of the July 1st

Council meeting were available. He transferred me to the Clerk's Office which indicated the minutes could not be obtained until the Council had approved them.

  
BARBARA J. WILLIAMS

SWORN TO and SUBSCRIBED  
before me this 18 day  
of July, 1985.

  
An Attorney at Law, State of New Jersey

# Planners OK new Concordia

By MIKE FABEY  
Special to The Press

MONROE — The Union Valley Corp.'s proposal for a new planned retirement community received planning board approval last week.

It will be built across the street from the firm's first PRC, Concordia, which is on Prospect Plains Road. The new community would be bounded by Perrineville and Jamesburg-Half-Acre Roads behind the municipal building here.

The plans now go to town council for review.

The board approved the plans despite objections from Councilman David Rothman and the public, who maintained

the development would cause traffic problems.

Mr. Rothman asked the planners to delay their decision until a comprehensive traffic study could be made.

Gary W. Davies, an independent traffic consultant who surveyed the area, said the roads would be able to handle traffic generated by the new development. As further developments were built, however, the roads would have to be widened and traffic signals would have to be constructed.

Concordia residents complained that the entrance to the new community would face Concordia's.

Arthur Rubin speculated, "Fifty percent of our problems would be solved if the entrance was on Half Acre Road."

Robert S. Greenbaum, Union Valley's attorney, said his client will contribute its "fair share" toward traffic improvements.

Other public comment centered on medical facilities at Concordia and the proposed development.

Union Valley agreed to dedicate 10 acres for a hospital and set aside space for other medical facilities for residents.

Some residents asked if the services would be similar to those offered by Rossmoor and Clearbrook, adult communities here that have 24-hour emergency nursing service funded by homeowners.

Mr. Greenbaum said township laws regulating retirement communities require only that medical facilities be provided. They do not require the developer to staff it.



*Jla*

School of Law-Newark • Constitutional Litigation Clinic  
S.I. Newhouse Center For Law and Justice  
15 Washington Street • Newark • New Jersey 07102-3192 • 201/648-5687

June 11, 1985

Mario Apuzzo, Esq.  
East Railroad Avenue  
Jamesburg, N.J. 08831

Re: Urban League v. Carteret

Dear Mr. Apuzzo:

This letter will confirm our telephone conversation of today wherein I requested the following information:

- (1) Is the extension of Concordia reflected in the May 29, 1985 Cranbury Press article (attached) the same extension of Concordia outlined in the Mt. Laurel compliance package?
- (2) Is there any set-aside in this approval? If not, why not?

Additionally, I would like to receive a copy of the Resolution of Approval by the Planning Board.

As we discussed, I would appreciate your providing this information by June 14, 1985.

I thank you for your assistance in this matter.

Very truly yours,

Barbara J. Williams

cc/Messrs. Bisgaier, Hutt, Mytelka

attchmt



# Township of Monroe

County of Middlesex

PETER P. GARIBALDI  
Mayor

MARIO APUZZO  
Director of Law

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

June 27, 1985

Barbara J. Williams, Esq.  
Rutgers School of Law  
Constitutional Litigation Clinic  
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15 Washington Street  
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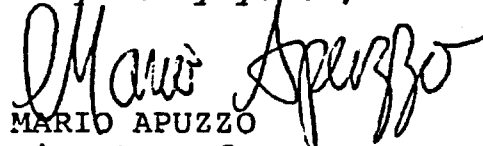
Re: Urban League v. Carteret

Dear Ms. Williams:

This is response to your letter of June 11, 1985 regarding the Concordia project and the Mt. Laurel compliance package.

After reading the content of your letter, I have concluded that it would be best that you address your inquiry to the Mayor of the Township of Monroe.

Very truly yours,

  
MARIO APUZZO  
Director of Law

MA:ap

cc: Peter P. Garibaldi, Mayor  
Joseph Scranton, Business Administrator

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15 Washington Street • Newark • New Jersey 07102-3192 • 201/648-5687

July 1, 1985

Mario Apuzzo, Esq.  
Director of Law  
Township of Monroe  
Municipal Complex  
Perrineville Road  
Jamesburg, N.J. 08831

Re: Urban League v. Carteret, No. C 4122-73

Dear Mr. Apuzzo:

I am in receipt of your letter of June 27, 1985 in response to my letter of June 11, 1985 and our telephone conversation of June 14, 1985.

As I am sure you are aware, it would have been highly inappropriate for me to directly address my request to your client. As a result, it was with you as counsel for the Township of Monroe with whom I communicated and it was you who assured me that you would provide the information.

To be asked now three weeks later to communicate directly with your client is hardly an exhibit of good faith on your part. If indeed there is to be any communication with the Mayor of the Township of Monroe, I would suggest that it remains your duty to convey my request to your client and secure the answers.

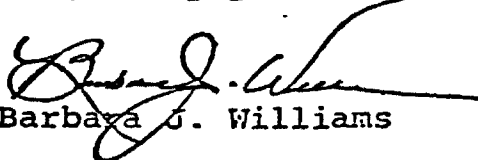
The fact that I am unable to secure very simple information regarding a newspaper article at a point in time the Compliance Plan is in the process of being reviewed makes me suspicious as to what has occurred. My suspicions may have no basis in fact, but absent knowing the facts I am in no position to reach an objective conclusion. I would hate to bring this request for basic information to the attention of the Court but your continued failure to provide me with this information will leave me no alternative.

Accordingly, I reiterate my request set forth in

7/1/85

my letter of June 11, 1985. I will expect to receive an answer no later than July 8, 1985.

Very truly yours,

  
Barbara J. Williams

cc/Peter P. Garibaldi  
Mayor, Township of Monroe  
Messrs. Bisgaier, Hutt, Mytelka  
Ms. Carla Lerman

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15 Washington Street • Newark • New Jersey 07102-3192 • 201/648-5687

July 1, 1985

Ms. Carla Lerman  
413 West Englewood Avenue  
Teaneck, New Jersey 07666

Re: Urban League v. Carteret, No. C 4122-73

Dear Ms. Lerman:

I still have been unable to ascertain whether the extension of Concordia reflected the Cranbury Press article is in fact part of the Compliance Package for Monroe. (See my letter to Mr. Apuzzo of June 11, 1985 enclosed and his response to me of June 27, 1985.)

As a result, I would appreciate any additional assistance which you may be able to provide with respect to ascertaining the information requested. Since the answers may very well impact upon the Compliance Plan presently under review, I believe it is important that all counsel be aware of the actions of the Township with respect to Concordia as soon as possible.

Thank you for your help.

Very truly yours,

  
Barbara J. Williams

encls

cc/Messrs. Apuzzo, Bisgaier, Hutt, Mytelka

# Mixed-use zone gets preliminary OK

By MIKE FABEY  
Staff Writer

MONROE — An ordinance that would allow RH Development to mix homes, a corporate conference center and a commercial area on Forsgate Drive got preliminary approval this

week from Town Council. Council is creating a new mixed-use zone for developers of sites that are at least 400 acres.

The vote for final approval is scheduled for Monday, Aug. 5.

The name of the ordinance, originally PCD — planned commercial de-

velopment, — has been changed to PDO — planned development option — to make it clear that a developer is not bound to a commercial development.

Council voted to change the housing density for RH's proposal to 700 units from 800. The developer was permitted

to keep three-story homes with a 35-foot height limit.

The ordinance requires the developer to pay for maintenance of all streets within the development. The township would pick up the cost of some streets if it accepted for public use.

Randall Hack, president of RH, the largest landowner here, said if the ordinance received final approval in August he expected to appear before the planning board with an overall development plan by September.

CARLA L. LERMAN  
413 W. ENGLEWOOD AVENUE  
TEANECK, NEW JERSEY 07666

July 7, 1985

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

Dear Ms. Williams,

Re: your letter of July 1, 1985, I have spoken to Mr. William Tipper, President of the Monroe Township Council, and have learned from him that the Concordia development referred to in the Cranberry Press article of May 29, 1985 apparently did refer to the Concordia development which was included in the Compliance Program submitted to the Court. Mr. Tipper told me that following Planning Board approval of the Concordia site development plan, the Monroe Township Council had reviewed the plan and had approved it, without requiring the provision for 5 percent low and moderate income housing units.

This development was expected to provide 100 units of Monroe's Fair Share of low and moderate income housing, as spelled out in the Compliance Program which the Township Council submitted to the Court. The specific impact of this Council action on the remainder of the Compliance Program will be addressed in my overall review of that program.

I hope this information will be helpful to you.

Sincerely,



Carla L. Lerman

cc Hon. Eugene D. Serpentelli, A.J.S.C.  
Mario Apuzzo, Esq.  
Carl Bisgaier, Esq.  
Arnold Mytelka, Esq.  
Stewart Hutt, Esq.

Called to order 8PM by Chairman Salvatore Lee, who led Salute to Flag and read Sunshine Law:

In accordance with section 13 of the Open Public Meetings Act, it is hereby announced and shall be entered into the minutes of this meeting that adequate notice of this meeting has been provided by the 1985 schedule of regular Monroe Township meetings, which was:

1. Posted on Jan. 3, 1985 on the bulletin board of the Office of the Township Clerk, Municipal Complex, Perrineville Road, and remains posted at that location;
2. Communicated to The Home News and Cranbury Press on Jan. 9, 1985;
3. Filed on Jan. 3, 1985 with the Deputy Municipal Clerk at the Monroe Township Municipal Complex, and remains on file for public inspection; and
4. Sent to those individuals who have requested personal notice.

Minutes of Regular Meeting held April 25, 1985: Mr. Shustak, should be included in Friedman Site Plan resolution-approved "based on hardship" Motion to approve as amended by Wilson, Rifino. All Ayes. Lee abstained.

Minutes of Special Meeting held April 17, 1985: Delete p.111 "Mr. Shustak suggested code will have to be amended to include keeping pool open 24 hours a day. Approved as amended upon motion of Shustak, Marino and carried upon roll call. Mr. Lee abstained.

MEMBERS PRESENT: Chairman Lee, Rifino, Lawrence, Motta, Marino, Wilson Mayor Garibaldi and Councilman Rothman arrived few minutes late. Alternates Shustak and Tucker present. Mr. Shustak voting for absent member Entmache. Also present for the Board were attorney Irving Verosloff, Engineer Harry Applegate and Planner Peter Tolischus.

Upon motion of Mr. Shustak, seconded by Mr. Marino, the following application deemed incomplete and carry without applicant re-advertising: Bradford, Andersons, Milton Can Co, Concordia Sec.15B & 17. Greene Site Plan denied w/o prejudice & reapply; Buck Bros. accept withdrawal of application per their request. Roll Call: Shustak, Marino, Motta, Wilson, Rothman, Rifino, Lee. All Ayes. Mr. Lawrence abstained.

AGRICULTURAL SUBDIVISION: MARYANN REALTY, Spotswood-Englishtown Rd. Joseph Marianski and Laura Reese sworn in to testify. Application should have been filed as minor subdivision per attorney Verosloff. Applicants no attorney on their behalf (required for corporation/partnership). Parcel of proposed subdivision fronts on Spotswood-Englishtown Road, a County Roadway, and parcel A fronts on Hillside, a gravel roadway not accepted as dedicated right of way by the Township. By Resolution dated 1/4/78 (provided by Engineer Applegate) Township Council authorized minimal maintenance and snow plowing for Hillside Avenue, but in Para. 2 of the Resolution specifically did not recognize the right of way for subdivision purposes. Recommend denial of application for minor subdivision due to Council Resolution of Jan. 1978 put into motion by Mr. Wilson, seconded by Mr. Shustak. Roll Call: Wilson, Shustak, Motta, Lawrence, Mayor, Rifino, Rothman, Marino, All Ayes.

Mr Shustak stated Planning Board voted to retain its attorney and newspaper has indicated another attorney will be providing legal services for the Board. Mayor Garibaldi answered that this is true that the Municipal Department of Law, approved in this year's budget, will be providing the legal services as the constant escalation of legal fees is unacceptable. Board indicated they would discuss the matter further after the hearing of the applications before it.



MINOR SUBDIVISION: B1.51, Lt.2.11. Mr. Siegel sworn in. Proposes to subdivide into 3 parcels. One parcel (2.21 acres) to be combined with lot 2.04, one parcel (2.21) to be combined with -.07, and remaining parcel (4.38 acres). All lots conform with R-30 residential. An 8½ foot wide strip has been previously dedicated for road widening along Spotswood =Gravel Hill. Mr. Dreyling also sworn in to give testimony. Mr. Applegate, "A topographical plan showing proposed grading must be prepared prior to issuance of building permits on this property, along with submission of road grading plan. Maps to be revised to be more clearly defined before signing. Mr. Shustak made motion to approved subject to the two above conditions. Roll Call: Shustak, Rifino, Wilson, Motta, Lawrence, Mayor, Rothman, Marino, Lcc. All Ayes. Resolution next month.

SITE PLAN: MONROE JEWISH CENTER: Dartmouth & Cornell.: Attorney Phil Kaufman-Lots 29thru 32, B1 160.02, Mill Lake Manor Section. Board approved on 5/26/83, Conditional Use for a House and Worship and reverse minor subdivision approval to combine the 4 lots, however, deed has not been filed. Applicant to construct Temple with moveable partitions providing 4 classroom and multi-purpose area in structure containing 3,200 sq.ft. Plan to be revised in accordance with Mr. Applegate's report dated 5/17/83. Mr. Gaspari (architect & Planner); Mr. Epstein (Chairman, their Building Committee), Rabbi Stern and Attorney Kaufman agreed to same. Mr. Tolischus suggested two extra parking spaces and trees should be changed to "lindens". Mr. Shustak recommended paved parking lot. Motion to approve Site Plan and Reverse Minor Subdivision with above modifications made by Mrs. Rifino seconded by Mr. Wilson. ROLL CALL: Rifino, Wilson, Motta, Lawrence, Mayor, Marino, Shustak, Lee. All Ayes. Resolution of Memorialization next month.

OVERALL SITE DEVELOPMENT PLAN: CONCORDIA NORTH (WHITTINGHAM) PRC. Held Over. Attorney Robert Greenbaum. Mr. Ault, Golf Course architect sworn in to give testimony. Mr. Davies gave highlights of the independent traffic study he had submitted concerning this application. He stated additional traffic could be handled by existing roads if improvements such as traffic signals are made. He also noted the increase would put road close to capacity and as other project go in, some widening and improvements should be made at the expense of sharing the costs among the developers. Mr. Greenbaum agreed with this concept and will pay its fair share for widening imposed by the Township or County. Mr. Applegate suggested traffic light should be between the two gates (present Concordia & new 400 acre site). Mayor advised a Transportation Funds Ordinance will be introduced by Council at next meeting. Mr. Bodwell gave testimony with regard to the swimming pool and answered questions from the members. 10 acres set aside for dedication to township for hospital. 20 percent green acre coverage in accordance w/code. Mr. Greenbaum asked that the 10 acre property be given back to developer in reasonable time if Township is unsuccessful or abandons the idea of hospital. Applicant prepared to provide the space and equipment for medical facilities similar to what is provided in Rossmoor and Clearbrook presently, in addition to 10 acre dedication, per Mr. Greenbaum.

From the audience, Mr. Max Berger - petition w/400 signatures to Mayor and Council regarding code 130-25B. "Concordia included medical facilities center in its application for section 10 and to date, no medical facility has been installed." Mr. Nalitt, stated he has letter from Union Valley Corp (developer) stating it plans to eliminate 24 hour nursing service from the Communities of Concordia. He also disagreed with the traffic numbers in Mr. Davies report. Mr. F. Shaw had questions concerning size of the commercial site (12 acres or 3 % of total project, per applicants). He asked that consideration be given to economics and no more need for additional shopping centers.

Mr. Linker referred to code requirements regarding House of Worship. More than one acre will be needed. Also, 160 parking spaces will leave no room for landscaping use and this Board should require set aside for at least three houses of worship. Developer should increase the size of clubhouse by 3,000 sq.ft." Mr. Shaak "I would like to see Planning Board speed up approvals. "He indicated it's improper to ask developers to donate any type of land. Mayor Garibaldi answered this Board will take as long as it has to to hear an application and render a decision and that Monroe is one of the best towns in this State. Paul Glass suggested perhaps the entrance gates should not be opposite one another. Mr. Henry Ney answered they should not in his professional opinion, that its not good to have the driveways off-set. Betty Lerner complained of heavy traffic circumstances and school bus causing additional problems in am. Mr. Rubin suggested main drive should be on Half Acre Road. Marilyn Shustak asked main gate to existing concordia will be modified and in what way. Mr. Ney responded to her question, but no change in the existing gate house.

Mr. Rothman felt Phase II of the traffic report should be completed. Upon motion of Mr. Wilson, seconded by Motta, to recommend to council to approve overall site development plan. Roll Call: Wilson, Motta, Lawrence Rifino, Mayor Garibaldi, Marino, Shustak, Lee. All Ayes. Councilman Rothman voted Nay. Resolution next month with recommendations to Council.

ROSSMOOR MUTUAL 12 RETENTION BASIN: continued. Maps and specifications provided. Attorney Arthur Phillips and Michael Guerriero. Mr. Phillips asked the Board to vote on Mutual 15 tonight. Mayor made reference to complaints he's getting from residents of Mutual 4-C concerning Cedar Brook and the poor shape of the brook. He asked who is going to maintain this Mutual 12 retention pond. Mr. Guerriero said it is Rossmoor property and it's the responsibility of the residents as they, the developer, no longer own the property. Mayor said someone has to come up with the financial answer. Motion made and unanimously pass the the Board move on to the agenda item, Retention basin, and not Mutual 15. Mr. Applegate referred to his report of 5/20/85. He agrees with the Crew report. However, Mr. Flannery felt liner should be Benonite which self seals. Mr. Tolischus read his report dated 5/16/85. He does not recommend a fence surrounding the facility. Mr. Marino suggested the rip-rap should be added and asked if anyone had checked to see if insurance will cover the pond without a fence. He made motion, seconded by Wilson, that plastic liner, rip rap, landscaping and fence be part of the approval. Mr. Tsagos gave his report. He read a letter from D & R Canal and suggested the maintenance of the pond should be the owners.

From the audience, Louis Everett said. BOCA code does not require fencing for detention basin, but local planning board would probably be the regulating body. He read 627.9, swimming pool safety devices - "24" or more of water should maintain adequate enclosure. Mr. Guerrero made suggestion to agree with Harry Applegate concerning the type liner with modifications. Harry will report back regarding feasibility of the modifications. Motion made to table this subject to give Engineer Applegate time to check with Crew and liner manufacturer. ROLL CALL: Rothman, Shustak, Marino, Rifino, Mayor, Lawrence, Motta, Lee. All Ayes.

The following reports were read into the record:

Salvatore Lee, Chairman  
Monroe Township Planning Board  
260 Perrineville Road  
Jamesburg, N. J. 08831

Re: Mutual 12 Storm Water  
Retention Basin

Dear Mr. Lee:

As discussed at the April meeting of the Planning Board, the applicant has submitted construction plans for the Guardian Development Mutual 12 Detention Basin, together with a letter of Mr. Brian Flannery dated May 9, 1985. I have reviewed the plans and the Storm Water Management Studies previously submitted by Alfred Crew Consulting Engineers Inc., and after consideration of the comments on same by the applicant, his engineer, the Planning Board, community representatives and other interested individuals, I make the following recommendations:

1. Depth

Regarding the depth of basin, it has already been stated that had this project been initiated now there would be no reason to exceed an 8 to 10 foot depth. The present depth provides some ecological advantage, additional storage capacity for sediment, and since I can see no engineering advantage to filling the basin with 7 to 9 foot of material, I agree with the Crew report and recommend we base the design on the present depth.

2. Liner

The applicant has proposed Bentonite basin liner, consisting of a polymer treated sodium bentonite soil sealant mixed with the existing soil in accordance with an alternative design option offered in the Alfred Crew report. I would recommend that the basin be constructed with a membrane liner (30 mil thick polyvinyl chloride (PVC)) with 1 foot of soil cover in accordance with the "preferred" type outlined in the report. The installation of 1 foot of soil cover on the liner of a relatively impervious soil is necessary to protect the liner and provide an additional barrier against leakage.

The vinyl liner provides a more positive seal and is more easily monitored compared to the mixing of the Bentonite with in place soil of an assumed uniform gradation and characteristics, and the additional difficulty of a uniform mixing in the slopes which predominate this project.

Alvatore Lee, Chairman  
 Monroe Township Planning Board

May 20, 1985

Although the warranty coverage for the Bentonite material is reportedly 30 years, and the manufacturer's warranty for PVC liner material is 20 years, it should be noted that the divided responsibility between manufacturer and installer, other loop-holes, and the inability to pinpoint the location of any leaks does not offer the protection seemingly provided. The greatest protection against a liner defect will be the natural action of the basin in sealing a leak with sediment from the cover soil or natural sediment deposited in the basin.

### 3. Extent of Liner

I find no reason to extend the PVC liner beyond elevation 121 (1 foot above the normal water level) provided the manufacturer's recommended procedures for anchorage can be achieved. As a side benefit, a small amount of ground water recharge will occur during storm periods, and the stability of the basin's slope will be increased.

### 4. Piping

The outfall piping has been redesigned to provide both a lower and an upper discharge capability as discussed with the Board at its last meeting. Aprons for the new discharges will have to be compatible with the vinyl liner, and both upper and lower discharges must be sealed to the liner in accordance with manufacturer's instructions.

### 5. Fencing

The matter of fencing, which has been widely discussed, while of a safety concern to everyone, is not an engineering decision. A 4 to 1 slope from the elevation of the rear yards of the adjacent dwellings to a point 3 feet from the basin edge, a 3 foot wide level walk area along the edge, a drop to a 6 foot wide shelf 2 foot below the water surface, and a 3 to 1 slope extending into the basin would appear to offer a reasonable and practical design approach for the safety of those individuals who do not intentionally plan to enter the water. The following are recommendations on the design criteria to be applied depending on the outcome of the Board's final decision on the fencing.

No Fencing - Rip rap stone should not be placed, and the landscape architect should recommend a type of vegetative cover consistent with the aesthetics of the surrounding area and maintenance requirements.

Fencing - Rip rap stone should not be placed, access gates should be provided at 2 locations with graded ramps to water's edge. The area should either be mowed or allowed to return to nature dependent on community wishes.

May 20, 1985

Salvatore Lee, Chairman  
Monroe Township Planning Board

The stone rip rap under both cases would be a hazard to both the public and maintenance workers, and should be avoided whenever it is not necessary due to the velocity of storm water flows or stability. This is not the case in this instance.

#### 6. Landscaping

Weeping willow trees have been included in the landscaping plan. This should be revised in the case of the Southwest and Northeast corners of the basin, since their root system invades and clogs storm pipes.

#### 7. Installation

The contractor installing the vinyl liner should have a minimum of 5 years experience in this field, with evidence of having satisfactorily completed a project of similar type and size. The installation should be supervised by a representative of the manufacturer of the PVC liner.

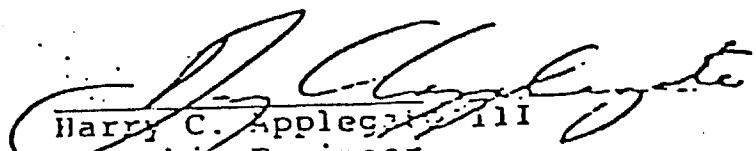
#### 8. Inspection

Inspection regarding P.R.C.'s has, in the past, been required only for those roadway improvements adjacent to P.R.C.'s and in municipal rights of way. Inspection fees were required. The Board should discuss whether municipal inspection will be required on this facility, and the disposition of the cost involved.

#### 9. Maintenance

Also to be discussed by the Board is the future maintenance responsibilities after the Rossmoor development has been completed by Guardian Development Corporation.

Very truly yours,

  
Harry C. Applegate III  
Township Engineer

HCA:bma

cc: Donna Appleby, Secretary  
Irving Verosloff, Attorney  
Peter Tolischus, Planner

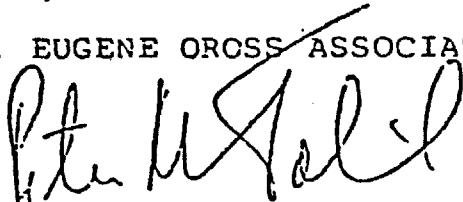


However, the matter of maintenance warrants attention. The most important potential matter of concern in this respect is that of flower, fruit and leaf drop. While deciduous material beautifies the site, will provisions be made to maintain the traps at the ends of the outlet flumes?

Another question is the use of crown vetch along the banks. Its primary value is in its ability to hold the soil and prevent erosion. However, it is rather unattractive during winter months. Moreover, should this basin be intended as a passive recreational facility (i.e. fishing), it is recommended that an alternative type of vegetation be used as crown vetch will not sustain pedestrian traffic.

Respectfully,

E. EUGENE OROSS ASSOCIATES



Peter M. Tolischus, P.P.

cc: Donna Appleby, Secretary  
Irving Verosloff, Esq.  
Harry Applegate, Engineer

Continued review of PCD Ordinance proposed and forwarded by Council was heard. Randall A. Hack present along with attorney Venezia. MTMUA, Board of Education and Environmental Commission gave rather favorable reports. Mr. Crowley, Chairman of Fire District 3 present. He told the Board that his Commissioners have not met since he met with Mr. Hack, however, he personally is in accordance with the overall plan and feels it is to the betterment of the community. He does have problems concerning fire equipment and first aid facilities nearby. He suggested perhaps Satellite First Aid and Fire Stations. Developer has indicated they will provide some land for same. Developer has met with Mr. Shustak, Harry Applegate and Peter Tolischus and some revisions to ordinance made as a result of same. Mr. Rothman also suggested 2 floors instead of 3 floors (residential portion only) and to lower density of the residential units from 7 units per acre to 6 units to the acre & 25 percent residential limit. Motion made by Councilman Rothman, seconded by Mrs. Rifino to recommend approval to Council to consider the matters of gross residential development, height of buildings and contribution. Mr. Verosloff to prepare and forward recommendations to Council for their review and consideration. ROLL CALL: Rothman, Rifino, Wilson, Motta, Mayor Garibaldi, Shustak, Marino, Lee. ALL AYES.

The following Resolutions of Memorialization duly approved:

WHEREAS, RH Development (Abeel Road) had applied to the Monroe Township Planning Board for final sub-division approval of a major sub-division with respect to lot 9.07 and 9.08 in Block 55 on the Monroe Township Zoning map, and;

WHEREAS, the applicant has established proof of real property taxes and assessments being current and paid to date; and

WHEREAS, the Planning Board has made the following findings of fact and of law:

1) Preliminary major subdivision approval was granted by the Planning Board on 12/14/83.

2) The professionals report that all of the requests set forth in the preliminary subdivision have been complied with.

WHEREAS, this matter was approved on motion, by the Planning Board at its regular meeting held on 4/25/85 subject to said approved motion being incorporated into a written resolution.

NOW, THEREFORE, BE IT RESOLVED by the Monroe Township Planning Board at its regular meeting of 5/23/85, that the action of this Board in approving the application of R.H. Development (Abeel Road) is hereby ratified and approved.

I certify that the above resolution of memorialization was duly approved at the regular meeting of the Monroe Township Planning Board on 5/23/85. Donna Appleby, Secy.

FINAL SUBDIVISION #31.

#### RESOLUTION OF MEMORIALIZATION

WHEREAS, Concordia/Lexington Patio has applied to the Monroe Township Planning Board for site plan approval with respect to revised Lexington Patio's in Sections 15A, 16 and 18 on the Monroe Township Zoning Map; and

WHEREAS, the applicant has established proof of real property taxes and assessments being current and paid to date; and

WHEREAS, the Planning Board has made the following findings of fact and of Law:

1) The applicant proposes to extend the patios in sections 15A, 16 and 18 beyond the footprints contained in the original site plans.

2) After the addition, Section 15A would contain 19.91% coverage; Section 16 would contain 19.79% coverage and section 18 would contain 19.96% coverage.

WHEREAS, this matter was approved on motion, by the Planning Board at its regular meeting held on 4/25/85 subject to said approved motion being incorporated into a written resolution.

NOW, THEREFORE, be it Resolved by the Monroe Township Planning Board, at its regular meeting of 5/23/85 that the action of this Board in approving the application of Concordia/Lexington Patio is hereby ratified and approved.

I CERTIFY that the above Resolution of Memorialization was duly approved at the regular meeting of the Monroe Township Planning Board on May 23, 1985. Donna Appleby, Secy.

SITE PLAN #162

#### RESOLUTION OF MEMORIALIZATION

WHEREAS, Guardian Development Corp. had applied to the Monroe Township Planning Board for site plan approval of Mutual #15 and;

WHEREAS, the applicant has established proof of real property taxes and assessments being current and paid to date; and

WHEREAS, the Planning Board has made the following findings of fact and of law: 1) No action can be taken with respect to Mutual #15 until the question of the storm retention pond, affecting Mutuals 12, 14 & 15 has been resolved.

WHEREAS, this matter was determined to be incomplete, until the question of the storm retention pond has been resolved on motion, by the Planning Board at its regular meeting held 4/25/85 subject to said approved motion being incorporated into a written resolution.



the application of Guardian Development Corp. application for site plan approval for Mutual #15 on the grounds that the matter is incomplete, is hereby ratified and affirmed until the issue of storm retention pond is resolved.

I certify that the above Resolution of Memorialization was duly denied at the regular meeting of the Monroe Township Planning Board on 5/23/85. Donna Appleby, Sec.

### RESOLUTION OF MEMORIALIZATION

#### No. 978 Assigned

WHEREAS, DAVID MARKHEIM has applied to the Monroe Township Planning Board for a minor sub-division approval and:

WHEREAS, the applicant has established proof of real property taxes and assessments being current and paid to date; and

WHEREAS, the Planning Board has made the following findings of fact and of law;

- 1) Applicant was previously before the Monroe Township Planning Board for this minor sub-division and it was approved by the Board on 6/28/84.
- 2) The applicant failed to file a map or a deed in the office of the Clerk of Middlesex County within the 190 day period provided by law.
- 3) All other terms and conditions remain the same as of the time of the previous Board approval 6/28/84; and

WHEREAS, this matter was approved on motion, by the Planning Board at its regular meeting held on 4/25/85 subject to said approved motion being incorporated into a written resolution.

NOW THEREFORE, Be It Resolved by the Monroe Township Planning Board, at its regular meeting of 5/23/85, that the action of this board in approving the application of David Markheim is hereby ratified and approved.

I certify that the above Resolution of Memorialization was duly approved at the regular meeting of the Monroe Township Planning Board on 5/23/85. Donna Appleby, Secy.

Planning Board for site plan and variance approval for a Half-Way House on Lot 4 in Block 65 on the Monroe Township Zoning Map, and;

WHEREAS, the applicant has established proof of real property taxes and assessments being current and paid to date; and

WHEREAS, the Planning Board has made the following findings of fact and of law:

1) The applicant proposes to construct a "Half-Way" House between 9th and 10th holes of Forsgate County Club Golf Course.

2) Said "Half-Way" House will be located between 9th and 10th holes of Forsgate County Club Golf Course.

3) The proposed building will be 1,350 square ft. in size and will contain seating areas, a refreshment stand and restrooms.

4) The building is located in the G-C zone which requires a minimum building area of 3,000 sq. ft.

5) The professionals have reviewed the application and determined the proposed facility will be compatible with the existing Golf Course.

6) The Board has determined that the bulk variance, allowing a 1,350 sq. ft. building in an area which requires a minimum of 3,000 sq. ft., can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.

WHEREAS, this matter was approved on motion, by the Planning Board at its regular meeting held on 4/25/85 subject to said approved motion being incorporated into a written resolution.

NOW THEREFORE, Be It Resolved by the Monroe Township Planning Board, at its regular meeting of 5/23/85, that the action of this Board in approving the application of R. H. Development Company (Half-Way House) is hereby ratified and approved.

I certify that the above Resolution of Memorialization was duly approved at the regular meeting of the Monroe Township Planning Board on 5/23/85.

Donna Appleby, Secy.

NO. 161 ASSIGNED

Planning Board for agricultural sub-division.  
Block 2 on the Monroe Township Zoning Map, and;

WHEREAS, the applicant has established proof of real property taxes and assessments being current and paid to date; and

WHEREAS, the Planning Board has made the following findings of fact and of law;

1) The applicant proposes an agricultural sub-division of a 42.50 acre parcel of land into 1 parcel of 7.05 acres and a remainder parcel of 35.45 acres.

2) Lot 11.05, immediately to the South of the parcel here in question received an agricultural sub-division approval on 2/28/85.

3) The property in question is in an R-30 zone. However, because public water and public sanitary sewers are not available to the premises it falls within the provisions of R-60 zone.

4) The property is not located in a flood hazard area

5) The Board determined that an agricultural sub-division was improper and that the proper procedure was for a minor sub-division. The applicant's attorney agreed verbally to amend the application to convert the request from an agricultural sub-division to a minor sub-division.

WHEREAS, this matter was approved on motion, as a minor sub-division by the Planning Board at its regular meeting held on 4/25/85 subject to said approved motion being incorporated into a written resolution.

NOW THEREFORE, Be It Resolved by the Monroe Township Planning Board, at its regular meeting of 5/23/85 that the action of this Board in approving the application of Gary & Christine Markham is hereby ratified and approved.

I certify that the above Resolution of Memorialization was duly approved at the regular meeting of the Monroe Township Planning Board on 5/23/85.  
Donna Appleby, Secy.

Cert. # 977  
AFFIDAVIT NO. 29

#163

WHEREAS, Zack Moros d/b/a/ Monroe Deli has applied to the Monroe Township Planning Board for site plan approval with respect to Lots 17-21 in Block 182 on the Monroe Township Zoning Map, and;

WHEREAS, the applicant has established proof of real property taxes and assessments being current and paid to date; and

WHEREAS, the Planning Board has made the following findings of fact and of law:

1) The applicant seeks site plan approval to add 1 oven, with 4 burners on the top, for the purpose of preparing hot food for off-site consumption only.

2) The property is located in the neighborhood commercial zone and the proposed use is permitted in that zone.

WHEREAS, this matter was approved on motion, by the Planning Board at its regular meeting held on 4/25/85 subject to said approved motion being incorporated into a written resolution.

NOW THEREFORE, Be It Resolved by the Monroe Township Planning Board, at its regular meeting of 5/23/85, that the action of this Board in approving the application of Zack Moros d/b/a/ Monroe Deli is hereby ratified and approved.

I certify that the above Resolution of Memorialization was duly approved at the regular meeting of the Monroe Township Planning Board on 5/23/85.

There being no further business to come before this meeting, Chairman duly adjourned meeting at 2:00 A.M.

Respectfully submitted,

*Donna Appleby*  
DONNA APPLEBY  
SECRETARY

## 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, whichever 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

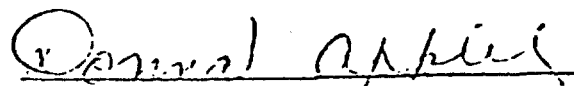
WHEREAS, this Board concludes that the reduction in the number of swimming pools as proposed by applicant shall provide adequate area for the needs of the residents of the proposed community; and

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



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	

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