

***MASTER PLAN***  
***REVISION TO THE***  
***HOUSING PLAN ELEMENT AND***  
***FAIR SHARE PLAN AMENDMENT***

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**MANALAPAN TOWNSHIP**  
**MONMOUTH COUNTY, NEW JERSEY**

NOVEMBER 24, 2008  
REVISED APRIL 9, 2010

PREPARED FOR:  
**MANALAPAN TOWNSHIP PLANNING BOARD**

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Adopted December 11, 2008 by the Manalapan Township Planning Board  
Revision Adopted \_\_\_\_\_ by the Manalapan Township Planning Board

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***NOTE ON THE PLAN CHANGES***

The changes made by this April 9, 2010 revision to the Manalapan Township Master Plan Housing Plan Element and Fair Share Plan, as previously adopted on December 11, 2008, are shown with the new text underlined and highlighted.

Text to be deleted from the plan adopted on December 11, 2008 are ~~struck through and highlighted~~.

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## **INTRODUCTION**

The Township of Manalapan has prepared this amendment to the Township's Master Plan Housing Element and Fair Share Plan in accordance with the requirements of the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et. seq.), and the State Fair Housing Act (N.J.S.A. 52:27D-301 et. seq.).

The Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., requires that a municipal master plan include a Housing Plan Element in order for the municipality to exercise the power to zone and regulate land use. The Housing Plan Element and Fair Share Plan are adopted by the Township Planning Board and endorsed by the Township Committee prior to the submission of a Township petition to the New Jersey Council on Affordable Housing (COAH) for substantive certification of the Housing Element and Fair Share Plan pursuant to N.J.A.C. 5:95-3. The Housing Element and Fair Share Plan are drawn to achieve the goal of meeting the Township obligation to provide for a fair share of the regional need for affordable housing.

This amendment supersedes and replaces the Township's previously adopted 2005 Master Plan Housing Element and Fair Share Plan Amendment, which was adopted by the Township Planning Board on November 18, 2005, and was endorsed by the Governing Body on November 30, 2008. The 2005 plan was submitted to the New Jersey Council on Affordable Housing (COAH) as part of the Township's petition for substantive certification of its Third Round Fair Share Plan under COAH's previously approved third round rules (N.J.A.C. 5:94).

COAH adopted a revised set of substantive rules (N.J.A.C. 5:97-1 et seq.) that became effective in May 2008 and were further amended in October 2008. In addition, in July 2008 the Governor signed into law Assembly Bill A-500 (P.L.2008, c.46) that made further changes to COAH's regulations and requirements. Therefore, the Township is required to revise its previously adopted 2005 Housing Plan element and Fair Share Plan to conform to the new regulatory and statutory requirements. This plan represents the Township's response to COAH's new Third Round regulations.

## **BACKGROUND TO THIS AMENDMENT OF THE TOWNSHIP HOUSING ELEMENT**

The Township of Manalapan has prepared this amendment to the Township Housing Element and Fair Share Plan to achieve the goal of providing affordable housing to meet the Township's total 1987-2018 affordable housing need. The Township need is comprised of the remaining balance of the Township's 1987-1999 affordable housing fair share (the first and second round fair share), an estimated growth share based upon the growth that is projected to occur in Manalapan from 2004 to 2018 (the third round fair share), and a rehabilitation share of existing housing in substandard condition based on COAH estimates.

### ***Manalapan Township 1987 to 1999 Housing Element and Fair Share Plan***

The Manalapan Township Housing Element and Fair Share Plan were adopted by the Township Planning Board on February 23, 1995. The plan addressed the Township affordable housing obligation for the period 1987 to 1999. The Township 1987 to 1999 obligation was to address a need for 765 units of housing affordable to low and moderate income households. The obligation consisted of a 59 unit rehabilitation component for existing substandard housing units and a 706 new construction component.

The Township subsequently petitioned COAH to review and certify the 1995 plan. COAH granted substantive certification to the Township on October 23, 1996 for a period of six years. Prior to the expiration of certification, the Township sought and, on November 6, 2002 COAH granted, an extension of the Township's substantive certification under COAH's interim rule procedures (N.J.A.C. 5:91-14.3). The term of substantive certification was extended to one year after COAH adopted its rule for addressing future affordable housing needs.

On March 13, 2003, the Township amended the 1995 plan and petitioned COAH to review and certify the amendment. COAH approved the change in plan and granted amended substantive certification to the Township on February 9, 2005.

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On December 10, 2004, Manalapan filed a motion with COAH seeking extended substantive certification in accordance with N.J.A.C. 5:95-12. In requesting the extension, Manalapan committed to continue to implement its certified plan for addressing the 1987 to 1999 obligation. The Township also committed to prepare and file a plan addressing the Township's third round fair share by December 20, 2005.

On May 11, 2005, COAH extended Township certification to December 20, 2005 subject to the following conditions:

1. Manalapan Township shall file or petition for third round substantive certification by December 20, 2005.
2. Manalapan Township shall submit a report on the expenditures of the balance remaining in Manalapan Township's Affordable Housing Trust Fund with the Township petition for third round certification.
3. Manalapan Township shall submit a revised spending plan with its petition for third round substantive certification which details anticipated expenditures and a timetable to expend development fee revenues and provide detail on administrative expenditures.
4. Manalapan Township shall begin expending at least 30% of the balance of revenues collected on an annual basis that are not used for a new construction project, on RCA or rehabilitation activities to make units in the COAH certified Housing Element and Fair Share Plan more affordable.

On December 20, 2005, Manalapan submitted a third round plan. That plan continued to implement its certified first and second round plan; addressed its third round fair share obligation and the May 11, 2005 resolution, with a newly adopted Housing Element and Fair Share Plan.

Subsequently COAH adopted a revised set of substantive rules (N.J.A.C. 5:97-1 et seq.) that became



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effective in May 2008 and were further amended in October 2008. In addition, in July 2008 the Governor signed into law Assembly Bill A-500 (P.L.2008, c.46) that made further changes to COAH's regulations and requirements. Therefore, the Township is required to revise its previously adopted 2005 Housing Plan element and Fair Share Plan to conform to the new regulatory and statutory requirements. This plan represents the Township's response to COAH's new Cycle III regulations.

~~The Township will continue to implement its certified first and second round plan; address its third round fair share obligation with this newly adopted Housing Element and Fair Share Plan; and petition COAH for certification of its amended third round plan by December 31, 2008.~~

The Township has continued to implement its certified first and second round plan. The Township addressed its third round fair share obligation with the Planning Board adoption of an amended Housing Element and Fair Share Plan on December 11, 2008. The plan was endorsed by the Manalapan Township Committee on December 17, 2008. The Township subsequently petitioned COAH for substantive certification of the plan on December 29, 2008. On February 25, 2009, COAH determined that the Township petition was complete.

Objections to the Township plan were filed with COAH by Triplet Square, LLC, Four Seasons at Manalapan Homeowners Association, Inc., Boulder at Manalapan, L.L.C., Mr. John Ploskonka and Fair Share Housing Center. The Four Seasons at Manalapan Homeowners Association was issued an incomplete letter by COAH and was given 14 days to cure its objection pursuant to N.J.A.C. 5:96-4.2(b). The Association chose not to cure the objection. The Township subsequently entered into the COAH mediation process with the remaining four objectors.

Fair Share Housing Center subsequently withdrew its objection on September 25, 2009. Mediation between the Township and representatives for Mr. John Ploskonka concluded with a mediation agreement on January 13, 2010. The mediation agreement provides that the Township will purchase the Lewis Street site from Mr. Ploskonka for the development of affordable housing in exchange for Mr. Ploskonka withdrawing his objection. Mediation between the Township and Triplet Square and Boulder did not result in an agreement between the parties.

COAH concluded mediation and issued its Mediation Report and its recommendation for certification of the Township plan on January 21, 2010.

On March 11, 2010, COAH notified that the Township that if the Township intended to rely on 80 units of affordable rental housing for families that the Township had proposed in mediation to be constructed on Block 47, Lot 17 on Wood Avenue then the Township must amend its adopted plan. In addition, COAH advised the Township that it would have to amend the plan to address the mediation agreement for the Ploskonka Lewis Street site by which the Township would purchase the Lewis Street to make it available for the development of ten affordable for-sale family townhouse units on the site.

## **CONTENTS OF THE MANALAPAN TOWNSHIP HOUSING ELEMENT**

The New Jersey Council on Affordable Housing adopted substantive rules (N.J.A.C. 5:97 et seq.) that became effective on June 2, 2008. The rules govern the Township obligation to plan and provide affordable housing for the third round period from January 1, 2004 to December 31, 2018. This substantive rule, also known as the third round rule, implements a “growth share” method to calculate the future obligation of the Township based upon the actual Township growth over the fourteen year period. The third round growth share methodology has three components. These are the rehabilitation share, which is a measure of old, overcrowded, deficient housing that is occupied by low and moderate income households; any remaining first and second round obligation for the period from 1987-1999; and the “growth share” for 2004 to 2018 which links the actual production of affordable housing with municipal development and growth.

COAH calculates that the Township rehabilitation share is thirty-six (36) units. COAH identifies the remaining Township first and second round new construction (1987 to 1999) obligation as seven hundred and six (706) affordable units. The Township accepts COAH’s initial net growth share projection for new construction in the period January 1, 2004 to December 31, 2018, which after taking the exclusions permitted by COAH rule, projects the need for an additional two hundred

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seventy seven (277) affordable dwelling units. (See COAH Workbook in Appendix A to this plan.)

This Housing Element and Fair Share Plan presents the required demographic, housing and employment data, the analysis that the Township undertook to project the Township 2004 to 2018 growth share obligation and the proposed implementation measures.

Pursuant to the Fair Share Housing Act at N.J.S.A. 52:27D-310, the essential components of a local housing element are as follows:

- *An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated.*
- *A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the next six years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands.*
- *An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level, and age.*
- *An analysis of the existing and probable future employment characteristics of the municipality.*
- *A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity accommodate its present and prospective housing needs, including its fair share for low and moderate income housing.*
- *A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.*

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In addition, COAH's substantive rules (NJAC 5:97) for the period from January 1, 2004 through December 31, 2018 require the following:

- *The household projection for the municipality as provided in Appendix F of N.J.A.C. 5:97;*
- *The employment projection for the municipality as provided in Appendix F of N.J.A.C. 5:97;*
- *The municipality's prior round obligation as provided in Appendix C of N.J.A.C. 5:97;*
- *The municipality's rehabilitation share as provided in Appendix B of N.J.A.C. 5:97; and,*
- *The projected growth share in accordance with the procedures in N.J.A.C. 5:97-2.4.*

## **ANALYSIS OF DEMOGRAPHIC, HOUSING AND EMPLOYMENT CHARACTERISTICS**

As required by N.J.S.A.52:27D-310, all housing elements must contain a discussion of the community’s demographic, housing, and economic characteristics. In fulfillment of this requirement, the following sections profile the Township of Manalapan with information obtained from the U.S. Census Bureau, the Monmouth County Planning Board, and the New Jersey Department of Labor and Workforce Development.

### ***Manalapan’s Demographics***

At the time of the 2000 U.S. Census, the Township of Manalapan had a population of 33,423 residents (Table 1). This figure represents a 25.1 percent increase from the population of 26,716 that was reported in 1990. In comparison, the population of Monmouth County grew by 11.2 percent during the same time period. As indicated by the Monmouth County Planning Board’s population projections, the Township and the County will continue to grow, reaching respective populations of 40,923 and 694,189, by the year 2025. Based on these projections, the Township can expect to increase its population.

**Table 1: Population Trends, 1990-2025**

|                                  | <b>1990</b> | <b>2000</b> | <b>2005</b> | <b>2025</b> | <b>%<br/>Change<br/>1990-2000</b> | <b>%<br/>Change<br/>2000-2005</b> | <b>%<br/>Change<br/>2000-2025</b> |
|----------------------------------|-------------|-------------|-------------|-------------|-----------------------------------|-----------------------------------|-----------------------------------|
| <b>Township of<br/>Manalapan</b> | 26,716      | 33,423      | 37,393      | 40,923      | 25.1                              | 11.9                              | 22.4                              |
| <b>Monmouth County</b>           | 553,124     | 615,301     | 645,349     | 694,189     | 11.2                              | 5.1                               | 12.8                              |

Source: US Census Bureau, Monmouth County Planning Board

According to the 2000 U.S. Census, the Township’s population is composed of 10,781 households, with an average household size of 3.09 members (Table 2). The average household size is smaller than Monmouth County’s average of 3.24 persons per household, but larger than the State of New Jersey’s average of 2.68 persons per household. The Township’s percentage of population over 65 years of age, 11.6 percent, is lower than the County and State. The median household income in Manalapan is higher than the County and State median.

**Table 2: Demographic Indicators, 2000**

|                              | Number of Households | Average Household Size | Median Age | % of Population ≥ 65 years | Median Household Income |
|------------------------------|----------------------|------------------------|------------|----------------------------|-------------------------|
| <b>Township of Manalapan</b> | 10,781               | 3.09                   | 38.2       | 11.6%                      | \$83,575                |
| <b>Monmouth County</b>       | 224,236              | 2.70                   | 37.7       | 12.5%                      | \$64,271                |
| <b>New Jersey</b>            | 3,064,645            | 2.68                   | 36.7       | 13.2%                      | \$55,146                |

Source: US Census Bureau

According to the 2000 U.S. Census, the Township’s median age of 38.2 is higher than both the statewide median age of 36.7 years and the County’s median age of 37.7 years (Table 2). As shown in Table 3, there were 2,220 pre-school aged residents in 2000, or 6.6 percent of the Township’s population. According to the 2000 Census, school age children accounted for 8,606 residents, or 25.7 percent of the total population. Working age persons accounted for 56 percent of the Township’s population, with 18,714 individuals. Seniors aged 65 years and older accounted for 11.6 percent of Manalapan’s population.

**Table 3: Population by Age, 2000**

|                       | Number | % of Total |
|-----------------------|--------|------------|
| <b>Pre-School Age</b> |        |            |
| Under 5 Years         | 2,220  | 6.6        |
| <b>School Age</b>     |        |            |
| 5 to 9 Years          | 2,974  | 8.9        |
| 10 to 14 Years        | 3,257  | 9.7        |
| 15 to 19 Years        | 2,375  | 7.1        |
| <b>Working Age</b>    |        |            |
| 20 to 24 Years        | 1,262  | 3.8        |
| 25 to 34 Years        | 2,852  | 8.5        |
| 35 to 44 Years        | 6,395  | 19.1       |
| 45 to 54 Years        | 5,509  | 16.5       |
| 55 to 59 Years        | 1,605  | 4.8        |
| 60 to 64 Years        | 1,091  | 3.3        |
| <b>Senior Age</b>     |        |            |
| 65 Years and Older    | 3,883  | 11.6       |

Source: US Census Bureau

***Manalapan’s Housing Stock***

According to the 2000 U.S. Census, Manalapan had a total of 11,066 housing units (Table 4). This was an increase of 2,037 units since the 1990 U.S. Census. Of this total, 10,781 units (97.4 percent) were listed as occupied in 2000; owners occupied 94.3 percent of these units and renters occupied

5.7 percent. This is less than a quarter of the rate of renter-occupied units in Monmouth County, which reported that 25.4 percent of all occupied housing units were occupied by renters.

Of the total 10,781 households, the average household size was 3.09 persons and the average family size was 3.45 persons. These figures are larger than the County and State figures. Of the total number of households, family households accounted for 9,001 (83.5 percent) and non-family households<sup>1</sup> for 1,780 (16.5 percent). Householders 65 years of age or older were present in 1,124 (10.4 percent) of households.

A total of 6.5 percent of the Township’s housing stock was constructed before 1960. The median year of construction, 1981, is newer than the County’s median of 1967 and the State median year of 1962. The Township’s housing stock increased by approximately 22.6 percent from 1990 to 2000.

**Table 4: Housing Characteristics, 2000**

|  | Number | % of Total |
|--|--------|------------|
| <b>I. Housing Units</b>                        |        |            |
| Number of units                                | 11,066 | 100.0      |
| Occupied Housing Units                         | 10,781 | 97.4       |
| Vacant Housing Units                           | 285    | 2.6        |
| Number of units (1990)                         | 9,029  | 100.0      |
| <b>II. Occupancy/Household Characteristics</b> |        |            |
| Number of Households                           | 10,781 | 100.0      |
| Persons Per Household                          | 3.09   | N/A        |
| Family Households                              | 9,001  | 83.5       |
| Non-Family Households                          | 1,780  | 16.5       |
| Householders 65 and over                       | 1,124  | 10.4       |
| <b>III. Year Structure Built</b>               |        |            |
| 1999 to March 2000                             | 209    | 1.9        |
| 1995 to 1998                                   | 829    | 7.5        |
| 1990 to 1994                                   | 1,618  | 14.6       |
| 1980 to 1989                                   | 3,043  | 27.5       |
| 1970 to 1979                                   | 2,672  | 24.1       |
| 1960 to 1969                                   | 1,979  | 17.9       |
| 1940 to 1959                                   | 474    | 4.3        |
| 1939 or earlier                                | 242    | 2.2        |

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<sup>1</sup> A non-family household consists of a householder living alone or where the household shares the home exclusively with people to whom he or she is not related.

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| <b>IV. Condition of Units</b>                         |           |      |
| Lacking complete plumbing facilities                  | 39        | 0.4  |
| Lacking complete kitchen facilities                   | 10        | 0.1  |
| <b>V. Home Value (Owner Occupied Units)</b>           |           |      |
| \$500,000 and up                                      | 376       | 4.3  |
| \$300,000 - \$499,000                                 | 2,631     | 30.6 |
| \$200,000 - \$299,999                                 | 3,294     | 38.4 |
| \$150,000 - \$199,000                                 | 1,311     | 15.3 |
| \$100,000 - \$149,000                                 | 798       | 9.3  |
| \$50,000 - \$99,999                                   | 137       | 1.6  |
| \$0 - \$50,000  | 38        | 0.4  |
| <b>Median Value</b>                                   | \$257,100 | N/A  |
| <b>VI. Gross Rental Value (Renter Occupied Units)</b> |           |      |
| \$1,500 and up  | 149       | 23.5 |
| \$1,000 - \$1,499                                     | 161       | 25.4 |
| \$750 - \$999   | 115       | 18.1 |
| \$500 - \$749   | 77        | 12.1 |
| \$200 - \$499   | 16        | 2.5  |
| Less Than \$200                                       | 0         | 0.0  |
| No cash rent  | 116       | 18.3 |
| <b>Median Gross Rent</b>                              | \$1,124   | N/A  |

Source: US Census Bureau

The housing stock in Manalapan had only a limited number of substandard units at the time of the 2000 U.S. Census, which indicates that the Township had thirty nine (39) units lacking complete plumbing facilities and ten (10) units lacking complete kitchen facilities. In addition, only 71 of the Township's housing units (0.7 percent) exhibited overcrowded conditions (1.01 persons or more per room).

The 2000 median value of the owner occupied housing units in Manalapan was \$257,100. This is higher than both the County and State median values of \$203,100 and \$170,800, respectively. Manalapan's median gross rent of \$1,124 is also higher than the County and State median gross rents of \$759 and \$751, respectively.

Housing units that have a monthly cost of less than 30 percent of gross household income are considered affordable. In Manalapan, 6,017 specified<sup>2</sup> owner-occupied (70.1 percent of all owner-

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<sup>2</sup> Specified owner-occupied units do not include residences where a business activity (i.e., professional offices as an accessory use) takes place.



occupied units) and 240 renter-occupied units (37.8 percent of all rental units) are considered affordable (Table 5).

**Table 5: Housing Affordability as a Percentage of 1999 Household Income**

|                                     | Number | % of Total |
|-------------------------------------|--------|------------|
| <b>Selected Monthly Owner Costs</b> |        |            |
| < 15%                               | 1,957  | 22.8       |
| 15% to 19%                          | 1,517  | 17.7       |
| 20% to 24%                          | 1,506  | 17.5       |
| 25% to 29%                          | 1,037  | 12.1       |
| 30% or more                         | 2,544  | 29.7       |
| Not Computed                        | 24     | 0.3        |
| <b>Gross Rent</b>                   |        |            |
| < 15%                               | 88     | 13.9       |
| 15% to 19%                          | 47     | 7.4        |
| 20% to 24%                          | 82     | 12.9       |
| 25% to 29%                          | 23     | 3.6        |
| 30% or more                         | 274    | 43.2       |
| Not Computed                        | 120    | 18.9       |

Source: US Census Bureau

***Manalapan’s Employment Characteristics***

At the time of the 2000 U.S. Census, 15,892 of Manalapan’s residents (65.3 percent) aged 16 years and over were employed in the civilian labor force (Table 6). Slightly less than half of the civilian labor force was involved in management, professional, and related occupations, while approximately 31.9 percent of those employed in the civilian labor force were employed in sales and office-related occupations. Service occupations employed 8.2 percent of Manalapan residents that were employed in the civilian labor force. Construction, extraction, and maintenance-related occupations employed 6.8 percent of the Township’s residents, whereas production, transportation, and material-moving occupations employed 6.0 percent of the Townships residents that were employed in the civilian labor force. Only 0.1 percent of the civilian labor force in Manalapan was employed in farming, fishing, and forestry-related occupations.

**Table 6: Occupation of Employed Civilian Population Aged 16 and Over, 2000**

|   | <b>Number</b> | <b>% of Total</b> |
|---|---------------|-------------------|
| Management, Professional, and Related           | 7,206         | 46.9%             |
| Service   | 1,264         | 8.2%              |
| Sales and Office                                | 4,897         | 31.9%             |
| Farming, Fishing, and Forestry                  | 23            | 0.1%              |
| Construction, Extraction, and Maintenance       | 1,047         | 6.8%              |
| Production, Transportation, and Material Moving | 922           | 6.0%              |

Source: US Census Bureau

In 1999, the median household income in Manalapan was \$83,575, up \$25,547 over the 1989 household income of \$58,028 (Table 7). After adjusting for inflation, however, this represents an increase in household income of just 7.2 percent. In 2000, per capita income was \$32,142, which places the Township at 172 out of 566 municipalities (New Jersey Department of Labor and Workforce Development).

**Table 7: Household Income, 1999**

|                                   | <b>Number</b> | <b>% of Total</b> |
|-----------------------------------|---------------|-------------------|
| Less than \$10,000                | 383           | 3.6%              |
| \$10,000 to \$14,999              | 348           | 3.2%              |
| \$15,000 to \$24,999              | 739           | 6.9%              |
| \$25,000 to \$34,999              | 596           | 5.5%              |
| \$35,000 to \$49,999              | 979           | 9.1%              |
| \$50,000 to \$74,999              | 1,704         | 15.8%             |
| \$75,000 to \$99,999              | 1,644         | 15.3%             |
| \$100,000 to \$149,999            | 2,420         | 22.5%             |
| \$150,000 to \$199,999            | 972           | 9.0%              |
| \$200,000 or More                 | 975           | 9.1%              |
| Median Household Income (Dollars) | \$83,575      | N/A               |

Source: US Census Bureau

With regard to the number of jobs that are located within the Township, the New Jersey Department of Labor indicates that there was an average of 9,870 jobs located within the municipality in 2006, which is the latest available data. This is up 279 jobs (2.9 percent) over the 2004 average of 9,591 jobs. The Department of Labor’s basis for this information is the number of jobs that are covered by public unemployment and disability insurance.

## **MUNICIPAL AFFORDABLE HOUSING OBLIGATION**

COAH’s substantive rules indicate that a municipality’s affordable housing obligation consists of three components. These include: the rehabilitation share, which is a measure of overcrowded and deficient housing that is occupied by low and moderate income households; the prior round obligation for the period from 1987 to 1999; and, the municipal “growth share” need for the period from 2004 through 2018. The growth share links the actual production of affordable housing to municipal development and growth.

### ***Rehabilitation Obligation***

Appendix B of N.J.A.C. 5:97 indicates that Manalapan’s rehabilitation obligation is thirty six (36) units. The Township’s rehabilitation obligation will be addressed in its Fair Share Plan.

### ***Total Remaining Obligation 1987-1999***

Appendix C of N.J.A.C. 5:97 indicates that the Township’s total remaining obligation is 706 units. The Township’s remaining obligation for the Period of 1987 to 1999 will be also be addressed in its Fair Share Plan

### ***Growth Share 2004-2018***

COAH calculates a municipality’s growth share based upon the household and employment projections of Appendix F of NJAC 5:97. This is a measure of both actual growth that has occurred in the Township since 2004 and estimated growth that is anticipated to occur between 2008 and 2018. COAH’s projections for housing and employment growth in the Township and corresponding affordable housing obligations are set forth in Table 8.

**Table 8: COAH Household and Employment Projections**

|                                     | <b>COAH<br/>Projection</b> |
|-------------------------------------|----------------------------|
| <b>Household Growth Projection</b>  | 1,531                      |
| <b>Employment Growth Projection</b> | 2,089                      |

Source: Appendix F of NJAC 5:97

Appendix F of N.J.A.C. 5:97 indicates that the Township’s residential growth projection of 1,531 units. However, the Township has applied Residential Exclusions to the Residential Projections located in Appendix F, pursuant to N.J.A.C. 5:97-2.4(a) to account for market and affordable units built after January 2004 in inclusionary developments. After applying these exclusions, the total new net residential projection for the Township is 734 residential units. A copy of Manalapan’s Workbook A, is located in Appendix A for reference.

COAH’s substantive rules specify that municipalities shall have an obligation of one affordable housing unit for every four market rate residential units constructed from January 1, 2004 through December 31, 2018. Additionally, COAH specifies that one affordable housing unit shall be provided for every sixteen jobs created in the same period. Thus, the residential growth share obligation is calculated by applying the relationship of one affordable housing unit among every five housing units to the housing net growth projection of 734 units. Similarly, the non-residential growth share obligation is calculated by applying the relationship of one affordable housing unit for every 16 new jobs created to the adjusted employment growth projection of 2,089 new jobs. The resulting growth share obligation is shown in Table 9.

**Table 9: Growth Share Obligation**

|   | <b>COAH<br/>Net Growth<br/>Projection</b> | <b>→</b> | <b>Growth Share<br/>Obligation</b> |
|---|---|----------|------------------------------------|
| <b>Household Growth Share Obligation</b>  | 734                                       | ÷ 5 =    | 146.80                             |
| <b>Employment Growth Share Obligation</b> | 2,089                                     | ÷ 16 =   | 130.56                             |
| <b>Total Growth Share Obligation:</b>     |   |          | <b>277.36 → 277 units</b>          |

The Township’s net growth share obligation of 277 units, after applying the residential exclusions, will be addressed in its Fair Share Plan.

## **MUNICIPAL ABILITY TO ACCOMMODATE AFFORDABLE HOUSING OBLIGATION**

The plan includes a determination of the municipality's present and prospective fair share for low and moderate income housing and an analysis of how existing or proposed zoning will provide adequate capacity to accommodate residential and non-residential growth projections.

### ***Anticipated Land Use Patterns***

In 2005, the Township prepared a vacant land analysis and build out projection that was accepted by Monmouth County as part of the State Plan cross-acceptance project. According to this analysis the Township has approximately 2,004 acres of vacant developable lands or unpreserved farmlands, of which 718 acres is zoned for non-residential uses and 1,286 acres is zoned for residential and agricultural uses. The Township is located in State Planning Area 2, Suburban, and Planning Area 4B, Rural Environmentally Sensitive Planning Area. Most of the existing and anticipated residential and non-residential development is in Planning Area 2. Planning Area 4B is a conservation planning area, which, in general, the Township has regulated to limit development to a maximum density of 0.22 units per acre. A significant portion of this land is environmentally constrained by wetlands, floodplains, stream corridors, historic sites, threatened and endangered species habitats and areas that rely on septic systems and wells outside of the planned sewer service area. The anticipated land use pattern in Manalapan is projected to be the adopted land use and zone plan of the Township, which is compatible with the State Planning Area designations.

### ***Anticipated Demand for Types of Uses Permitted by Zoning Based on Present and Anticipated Future Demographic Characteristics***

As noted above, the Township of Manalapan is quickly approaching its residential build-out and there has been a demonstrable slow down since 2004 in the new development approvals. This slow down began even prior to the current slow housing market and economic instability. Between 2004 and 2006 the Manalapan Planning Board identified only three new preliminary major subdivision approval for a total of nineteen new residential units. There are also eight units projected for a duplex development which was approved by the Zoning Board of Adjustment in 2006.

The largest residential developments in Manalapan are the Four Seasons and Meadow Creek, which received preliminary approval in 2004. These two developments account for 1091 of the 1531 units which the Township projects will obtain new certificates of occupancy between 2007 and 2018. There are no other large-scale residential developments planned or anticipated in Manalapan with the exception of the two hundred eight (208) unit municipally sponsored affordable housing project proposed as part of the Fair Share Plan.

As of 2007, if all of the remaining vacant land and farmland that is zoned to permit residential uses is developed according to the Township's zone plan, approximately 455 additional residential units could be built. This is in addition to the 1,839 residential units for approved and actual development applications. It is unlikely that all 455 units will be built since approximately 60% of the 455 additional units are located in the Planning Area 4B, where the Township and the State are proactive in preserving farmland and open space.

With respect to the vacant land which is currently zoned for non-residential uses, most is located within the Planning Area 2. According to non-residential certificates of occupancy issued by the Township an annual average of 207 jobs were created between 1996 and 2003. According to the COAH projection, 2089 additional jobs are projected between 2004 and 2018 or approximately 150 jobs per year, which is consistent given the recent economic climate and the anticipated build out of the Township.

Since 2000, the Township, in conjunction with the State and the County, has secured Planning Incentive Grants for the reservation of open space and farmland and successfully preserved farms and open space not only in Planning Area 4B but also in Planning Area 2. The Township, State and County farmland and open space preservation efforts are ongoing.

Given the Township's limited future growth potential and open space preservation efforts, it is anticipated that the future development characteristics will be similar to the existing demographic characteristics. This is reflected in the Township current zone plan, which

recognizes and supports the community's existing suburban-rural character.

### ***Availability of Existing and Planned Infrastructure***

The Township has an existing developed infrastructure within the Planning Area 2. Although some improvement and upgrades may be required, the water and sewer system in this area is believed to have adequate capacity to handle the anticipated growth. The portion of the Township within the Planning Area 4B is generally located outside of the Townships sewer service area. This lack of developed infrastructure is consistent with the rural character of the area and there are no current plans to extend infrastructure into this area.

### ***Economic Development Policies***

The Township plan is to provide a balance between conserving desirable community features and rural qualities and continued suburban development. This is done by recognizing the locations in the township, which have been committed to or approved for development. These are arranged into an area of suburban development in the north and an area of planned development along the Route 33 corridor. Most of the residential and commercial growth will occur in these locations. Commercial, office and other non-residential development is planned along the Route 9 corridor and the Route 33 corridor. Outside the suburban and corridor areas, rural patterns should be maintained. The rural areas emphasize maintaining extended areas of farmland, open space and natural features with low residential densities.

### ***Constraints on Development***

The Township is located in State Planning Area 2, Suburban, and State Planning Area 4B, Rural Environmentally Sensitive. The constraints on development within the Township include floodplains, wetlands, stream corridors, historic sites, threatened and endangered species habitats and areas that rely on on-site septic systems and wells, outside of the planned sewer service area. The portion of the Township within Planning Area 2 is located within the existing sewer service area and generally has existing water service. These lands are also located within close proximity to roads and services. This area is the location of the Township's existing and proposed affordable housing developments.

The land located in the State Planning Area 4B, Rural Environmentally Sensitive Planning Area is a conservation planning area, which generally, is regulated by a maximum density of 0.22 units per acre. These lands do not have existing water and/or sewer service and as such are located in very-low density areas and are unsuitable for high density and intense development.

***Identification of Potential Affordable Housing Sites***

The Township's plan includes a consideration of lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing. The affordable housing sites for the prior rounds are maintained by this plan.

***Block 66.21, Lot 1 (Millhurst Road)***

The Township will make Block 66.21, Lot 1 available as a site for the construction of a municipally sponsored affordable housing development to meet the third round growth share. This 16.03 acre site was acquired by the Township in 2006 from K. Hovnanian at Manalapan II, L.L.C. This site fronts on Millhurst Road and is close to State Highway 33.

This tract is devoid of wetlands and/or floodplain areas. It is within a sewer service area and has access to sewer and water. The absence of wetlands was verified by the N.J.D.E.P., in Letter of Interpretation No. 1326-02-0003.1. Additionally, although the site contains some slopes greater than 10 percent in the southern portion of the site at its periphery, 79% of the site is unconstrained by steep slopes. Documentation as to the site's suitability is included as Appendix B to this plan.

The land uses that adjoin the potential site are compatible with affordable housing developments. Block 66.21 Lot 1 adjoins open space, recreation and residential uses. To the east is a golf course and planned residential community known as the Grande at Battleground and Battleground County Club, consisting of a golf course, open space and single family detached dwellings and town houses. To the north is a stream corridor tributary of Manalapan Brook, which is protected by a conservation easement and will be developed with a stream corridor trail



as part of the Four Seasons and Meadow Creek planned residential developments. This trail will link to a path system through the Grande at Battleground and Battleground Country Club into Monmouth Battleground State Park. To the west of the potential affordable housing site is the Four Seasons residential development of age restricted single family detached dwellings with a prior round affordable housing component. Finally the Village at Manalapan is located to the south of the site. The Village of Manalapan is an approved development of retail, office and recreation uses. The subject site will abut an outdoor recreational area that will be dedicated to Manalapan by the Village of Manalapan for open space and farm uses.

Copies of the recorded Final Plat, Environmental Constraints Map, and aerial map showing the subject site and the adjacent land uses have been provided in Appendix B.

*Block 47, Lot 17 (Wood Avenue)*

Manalapan will make Block 47, Lot 17 located on Wood Avenue available for an 80-unit municipally sponsored 100 percent affordable family rental development. The site is located in the western part of the Township at Wood Avenue. The site was rezoned by the Township as the Affordable Housing Overlay Zone-1 on December 16, 2009, to permit its development as a 100 percent affordable housing development. The site will be served by public water and sewer. The site is within the sewer service area of the Western Monmouth Utilities Authority. The site is also located within the public water service area of the Gordons Corner Water Company. A proposed affordable housing developer (MBI Development Company which is part of the Ingerman Group of companies) has submitted a financing study and a rental income analysis for the project based on the 80 units. Ten (10) of the units will be available to very-low income families. In addition, MBI has submitted a development schedule. The construction schedule indicates that building permits are anticipated to be issued in March 2011. The site, which is reported to have some residual contamination from its prior use, will be remediated to meet NJDEP standards for residential use.

A site suitability analysis report determining that the site is suitable for affordable housing development is included as Appendix D.

*Block 48 Lot 8.04 (Lewis Street)*

Manalapan Township's previously certified Housing Element and Fair Share plan for the prior round included a proposed development known as Lewis Street. The site (Block 48/Lot 8.04), located off of Wood Avenue consists of one acre and was to produce two affordable family for sale units. The development received its preliminary approval from the Planning Board on January 1, 1991, and its final approval on January 28, 1993. The development was never constructed. As a result of COAH mediation between the Township and the owner of the site, John Ploskonka, a mediation agreement was reached that provides that the Township will purchase the site from Mr. Ploskonka for the development of affordable housing in exchange for Mr. Ploskonka withdrawing his objection to the Township plan. Manalapan, in conjunction with an affordable housing developer, proposes to construct 10 affordable for-sale townhouse units on the site. Two of the units will provide credit to the Township prior round obligation. The remaining eight units will provide credit toward the Township growth share obligation.

***Analysis of Properties Whose Developers Have Sought Consideration for Inclusion in the Housing Element and Fair Share Plan***

The Township has also received a rezone request from the Developer of Block 67, Lots 22, 25, 32, a copy of which is located in Appendix C. In this request, the Developer is proposing to construct 350 residential condominiums with a 20% set aside of 70 affordable units. This site is located in State Planning Area 4B, Rural Environmentally Sensitive, and is zoned R-AG/4 at a maximum density of one dwelling unit per four acres. This site is outside of the planned sewer service area of the Township. The inclusion of the site for affordable housing would require a substantial increase in density that is inconsistent with the Township Plan. It would also require a change to the sewer service plan. The development proposal would increase the growth share obligation of the Township and provide only the minimum number of units required to off-set the increased growth share. The site is not needed to meet either the prior round obligation or the third round growth share projected for the Township based upon COAH's rule. Consequently, the Township Planning Board determined not to include this site as a part of the

compliance plan and recommends that no change be made to the current zone plan as applied to the property.

## **FAIR SHARE PLAN**

### ***Components of the Fair Share***

Pursuant to COAH's third round regulations, a municipality's fair share responsibility is based upon three components: (1) rehabilitation obligation; (2) total remaining obligation from prior round; and, (3) growth share obligation.

COAH's methodology defines the rehabilitation share of a municipality's affordable housing obligation as the number of substandard or deteriorated units that are occupied by low or moderate households based on 2000 Census data. As previously noted, COAH has assigned Manalapan a rehabilitation obligation of 36 units, as indicated in Appendix B of N.J.A.C. 5:97.

The Township's new construction obligation from prior rounds is seven hundred six (706) units, as indicated in Appendix C of N.J.A.C. 5:97.

The Township's growth share component accounts for new residential and nonresidential growth projected to be constructed in Manalapan from January 1, 2004 through December 31, 2018. As described in the Growth Share Projection section of the Housing Element, Manalapan has a net growth share obligation of 277 housing units, after taking permitted exclusions, in accordance with Appendix F of N.J.A.C. 5:97.

### ***Fulfillment of the Rehabilitation Obligation***

With respect to rehabilitation obligation, N.J.A.C. 5:97 established a new thirty-six (36) unit rehabilitation component for Manalapan. The Township has satisfied its rehabilitation component by entering into an interlocal services agreement with Monmouth County to rehabilitate housing through the County Housing Improvement Program. Since 2000, the Township had completed fifty eight (58) rehabilitations; therefore, the Township has satisfied its rehabilitation obligation.

***Fulfillment of Prior Round Obligation***

With regard to the fulfillment of the Township’s 706-unit new construction obligation from prior rounds, the Township will maintain and implement all compliance measures in the Township Housing Plan Element and Fair Share Plan as amended and certified by COAH on February 9, 2005. The compliance measures are summarized in Table FS-1. The Township has completed 572 units of the 706-unit prior round new construction obligation.

**Table FS 1: Summary of Manalapan Township  
 Compliance and  
 Remaining Obligation from for 1987 to 1999**

|                                     | <i>NEW CONSTRUCTION COMPONENT ~ 706 UNITS</i> |                        |
|-------------------------------------|---|------------------------|
| <i>Compliance Plan</i>              | <i>Proposed Units</i>                         | <i>Completed Units</i> |
| Alexandria Drive Group Home         | 6   | 6                      |
| Church Lane Group Home              | 6   | 6                      |
| Knox Lane Group Home                | 4   | 4                      |
| Sandpiper Drive Group Home          | 3   | 3                      |
| Samaritan Center                    | 67  | 67                     |
| Knob Hill                           | 100   | 100                    |
| Tracy Station                       | 28  | 28                     |
| Lewis Street                        | 2   | 0                      |
| Four Seasons                        | 100   | 100                    |
| Meadows                             | 26  | 8                      |
| Rental Bonus Credits (Group Homes)  | 13  | 13                     |
| Rental Bonus Credits (Four Seasons) | 29  | 29                     |
| Hightstown RCA                      | 41  | 41                     |
| Lawrence Township RCA               | 62  | 62                     |
| Red Bank RCA                        | 100   | 57                     |
| Trenton RCA                         | 119   | 48                     |
| <b>TOTAL</b>                        | <b>706</b>                                    | <b>572</b>             |
| <b><i>REMAINING</i></b>             |   | <b><i>134</i></b>      |

***Fulfillment of Growth Share Obligation***

As noted, the Township has projected a growth share responsibility of 277 affordable units. Pursuant to applicable COAH regulations, the following additional requirements or limitations apply to the Township’s growth share obligation:

- Minimum Rental Obligation: At least 25 percent or seventy (70) units must be rental units in accordance with N.J.A.C. 5:97-3.4, of which at least thirty-five (35) units must be non-age restricted rental units;
- Low and Moderate Income Split: At least 50 percent or one hundred thirty nine (139) units must be designated for low-income households as per N.J.A.C. 5:97-3.3
- Minimum Very Low Income Units: 13 percent or thirty seven (37) units must be designated for very-low income households; and;
- Maximum Bonus Credits: No more than 25 percent or sixty nine (69) units of the Township’s obligation may be satisfied by eligible bonus credits; and
- Maximum Age-restricted Units: No more than 25 percent or sixty nine (69) units may be age-restricted units.

The Township’s strategy to meet the projected obligation ~~will be satisfied by a new~~ is through the implementation of a Township sponsored 100 percent affordable program for the construction of 208 affordable units as described below ~~municipally sponsored rental construction project.~~

**Township Sponsored 100 Percent Affordable Program**

The main component of the Township’s plan is ~~the proposed 208-unit~~ the implementation of a Township sponsored 100 percent affordable program for the construction of 208 affordable units ~~project of 208 affordable units~~ which will be built on one or more sites within the Township. The affordable units will meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability.

affirmative marketing, pricing, low/moderate income split, and bedroom distribution. Funding to support the municipal program will be made available through the Township Affordable Housing Trust Fund for the following sites in accordance with a Spending Plan approved by COAH.

The Township 100 Percent Affordable Program will consist of the following sites:

*Block 47, Lot 17 (Wood Avenue)*

Manalapan will allow the development of Block 47, Lot 17 located on Wood Avenue as an 80-unit municipally sponsored 100 percent affordable family rental development. The Township has rezoned the site to permit its development as a 100 percent affordable housing development and the Planning Board has granted preliminary site plan approval to the application of the proposed affordable housing developer of the site (MBI Development Company which is part of the Ingerman Group of companies). The affordable housing developer has submitted a financing study and a rental income analysis for the project based on the 80 units. Ten (10) of the units will be available to very-low income families. In addition, MBI has submitted a development schedule. The construction schedule indicates that building permits are anticipated to be issued in March 2011.

*Block 48 Lot 8.04 (Lewis Street)*

As a result of an agreement that was reached through the COAH mediation process between the Township and the owner of Block 48 Lot 8.04 Lewis Street), the Township will purchase Block 48 Lot 8.04 and, in conjunction with an affordable housing developer, the Township will permit the construction of 10 affordable for-sale townhouse units on the site. Two of the units will provide credit to the Township prior round obligation. The remaining eight units will provide credit toward the Township growth share obligation.

*Block 66.21, Lot 1 (Millhurst Road)*

The Township will make Block 66.21, Lot 1 available for a future municipally sponsored 100 percent affordable project(s) for the Township's remaining 120-unit projected growth share

obligation. The Township, however, reserves the right to substitute for this site a different site(s) for all or part of the remaining municipal obligation, should a more suitable site or sites be identified at a later date, and that site is better suited to meet the Township's affordable housing needs, as determined by the Township.

The Township will partner with a non-profit or other affordable housing provider for the development of Block 66.21, Lot 1. The development(s) will contain 35 family rentals, 50 age-restricted rentals and 35 special needs units for the developmentally disabled, for a total of 120 units. The project(s) will also contain four very-low income family units. Township anticipates that it will issue request for proposals by March 2012, that building permits will be issued by November 2014, and that occupancy will be ready by 2016.

~~The Township proposes to initially utilize Block 66.21, Lot 1 in Manalapan for the construction of a Township sponsored 100 % affordable rental housing development with age-restricted housing, family housing, and special needs housing. As noted above, this 16.03 acre municipally owned property is devoid of wetlands and/or floodplain areas and 79% of the site is unconstrained by steep slopes. The Township, however, reserves the right to substitute for this site a different site(s) for all or part of the municipally sponsored construction project, should a more suitable site or sites be identified at a later date and that site is better suited to meet the Township's affordable housing needs, as determined by the Township.~~

~~The Township will partner with and make the land available to a non-profit organization or other affordable housing provider to provide a 100 percent affordable project. The development will have 104 units that are non-age restricted family rental units, 69 units that are age restricted senior rental units, and 35 special needs units for the developmentally disabled. Of these units, 104 units would be available to moderate income households and 104 units available to low-income households to ensure that the Township's overall housing plan will achieve the 50 percent low and moderate income unit split required pursuant to N.J.A.C. 5:97-3.4. In addition, 37 of the units will be available to very low income households (less than 30 percent of the median income in the region) satisfying the requirement that at least 13 percent of the~~

~~Township's affordable units be available for very low income households as per P.L.2008, c.46.~~

~~The Township anticipates entering into appropriate agreements with housing providers within two years of the grant of substantive certification. The Township will address all relevant requirements for municipally sponsored construction as per N.J.A.C. 5:97-6.7.~~

~~The development project will be phased by the Township to meet the actual obligation as determined by the biennial review and the Township will work with the selected developer as to the phasing plan.~~

### **Rental Bonus Credits**

The inclusion of the municipally-sponsored construction project(s) within the Township's Fair Share Plan provides the Township with ~~104~~ 105 family affordable rental units, or ~~69~~ 70 more than the Township's 35 family unit rental obligation. As a result, the Township may claim, according to N.J.A.C. 5:97-3.6, up to sixty nine (69) units of bonus credit for those rental units in excess of the Township's rental obligation.<sup>3</sup>

Combined, the affordable units resulting from the construction of Township sponsored 100 Percent Affordable Program combined with the rental bonus credits fulfill the Township's growth share obligation of 277 units, rental obligation of seventy (70) units pursuant to N.J.A.C. 5:97-3.4, the minimum very-low income requirement as per P.L.2008, c.46, and the required 50 percent low income/50 percent moderate income split of the growth share obligation required by N.J.A.C. 5:97-3.3.

### **Inclusionary Zoning Ordinance for Growth Share**

The Township reserves the right to at any time enact an ordinance for inclusionary development (pursuant to N.J.A.C.5:97-6.4) requiring that future developments address the development's growth share obligation by constructing affordable units. The ordinance would provide the

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<sup>3</sup> The maximum number of bonus credits permitted is 25 percent of the Township's growth share obligation or 69 units.



presumptive maximum affordable housing set aside as may be permitted by COAH regulations. The units shall be affordable to households of low- and moderate-income consistent with COAH requirements.

**Additional Measures**

Given the limited vacant land available and the current economic climate, the Township does not anticipate that the actual growth will exceed the growth share projected by COAH. However, in the event that the actual growth exceeds expectations, the Township reserves the right to amend its Fair Share Plan to implement an accessory apartment program and/or a market to affordable program pursuant to N.J.A.C. 5:97-6.9. The Township will evaluate the need for these additional programs within two years of the grant of substantive certification.

**Development Fee Ordinance**

The Township has an existing affordable housing development fee ordinance, which will be amended in accordance with COAH regulations and the Statewide Mandatory Development Fee Act. The Township will continue to collect fees and administer its Affordable Housing Trust Fund in accordance with all applicable COAH regulations.

**Summary of Round Three Plan Components**

The following tables summarize the manner in which the Township will address its Cycle III growth share obligation:

| <b>Table FS 2: Summary of Cycle III Fair Share Plan</b>                           |            |
|---|------------|
| <b>Growth Share Obligation</b>  | <b>277</b> |
| <b>Compliance Mechanisms</b>  |            |
| Township Sponsored 100 Percent Affordable Program                                 |            |
| (Affordable Rental Units; Non Age Restricted)                                     | 104        |
| (Affordable Rental Units; Age Restricted)   | 69         |
| (Special Needs Units)   | 35         |
| Rental Bonus Credits for Family Units in Excess of Minimum Unit Rental Obligation | 69         |
| <b>Total Affordable Units Provided</b>  | <b>208</b> |
| <b>Bonus Credits</b>  | <b>69</b>  |
| <b>Total Units Credited to Growth Share</b>                                       | <b>277</b> |

**Revision to the Housing Plan Element and Fair Share Plan Amendment**  
*Township of Manalapan Master Plan – April 2010*

**Table FS-2**  
**Proposed Affordable Housing Mechanisms**

| <u>Type/Name of Affordable Housing Mechanism</u>  | <u>Type of Affordable Unit</u> | <u># Units/Bedrooms</u> | <u>Bonus Type</u> | <u># Bonuses</u> | <u>Total Units/Bedrooms + Bonuses</u> |
|---|--------------------------------|-------------------------|-------------------|------------------|---------------------------------------|
| Block 48, Lot 8.04<br>(Lewis Street)<br>Municipally Sponsored<br>100% Affordable<br>Project | Family For-sale                | 8                       | -                 | -                | 8                                     |
| Block 47, Lot 17<br>(Wood Avenue)<br>Municipally Sponsored<br>100% Affordable<br>Project    | Family Rental                  | 80                      | Rental            | 69               | 149                                   |
| Block 66.21, Lot 1<br>(Millhurst Road)<br>Sponsored 100%<br>Affordable Project              | Family Rental                  | 35                      | -                 | -                | 35                                    |
| Block 66.21, Lot 1<br>(Millhurst Road)<br>Sponsored 100%<br>Affordable Project              | Age-restricted<br>Rental       | 50                      | -                 | -                | 50                                    |
| Block 66.21, Lot 1<br>(Millhurst Road)<br>Sponsored 100%<br>Affordable Project              | Supportive/<br>Special Needs   | 35                      | -                 | -                | 35                                    |
| <b>TOTALS</b>   |                                | <b>208</b>              | <b>-</b>          | <b>69</b>        | <b>277</b>                            |

**Table FS-3**  
**Growth Share Rental Obligation: 70 Units**

| <u>Development/Project Name</u>   | <u>Type of Affordable Units</u> | <u># Units</u> |
|---|---------------------------------|----------------|
| Block 66.21, Lot 1<br>(Millhurst Road)<br>Future Municipally Sponsored<br>100% Affordable Project | Family Rental                   | 35             |
| Block 66.21, Lot 1<br>(Millhurst Road)<br>Future Municipally Sponsored<br>100% Affordable Project | Supportive/Special Needs        | 35             |
| <b>TOTAL</b>  |                                 | <b>70</b>      |

**Table FS-4**  
**Growth Share Rental Requirement: 35 Units**

| <b>Development/Project Name</b>   | <b>Type of Affordable Units</b> | <b># Units</b> |
|---|---------------------------------|----------------|
| Block 47, Lot 17<br>(Wood Avenue)<br>Municipally Sponsored<br>100% Affordable Project             | Family Rental                   | 80             |
| Block 66.21, Lot 1<br>(Millhurst Road)<br>Future Municipally Sponsored<br>100% Affordable Project | Family Rental                   | 35             |
| <b>TOTAL</b>  |                                 | <b>115</b>     |

**Table FS-5**  
**Growth Share Minimum Family Requirement: 104 Units**

| <b>Development/Project Name</b>   | <b>Type of Affordable Units</b> | <b># Units</b> |
|---|---------------------------------|----------------|
| Block 47, Lot 17<br>(Wood Avenue)<br>Municipally Sponsored<br>100% Affordable Project             | Family Rental                   | 80             |
| Block 48, Lot 8.04<br>(Lewis Street)<br>Municipally Sponsored<br>100% Affordable Project          | Family For-sale                 | 8              |
| Block 66.21, Lot 1<br>(Millhurst Road)<br>Future Municipally Sponsored<br>100% Affordable Project | Family Rental                   | 35             |
| <b>TOTAL</b>  |                                 | <b>123</b>     |

**Table FS-6**  
**Very Low Income Minimum Requirement: 27 Units**

| <b>Development/Project Name</b>   | <b>Type of Affordable Units</b> | <b># Units</b> |
|---|---------------------------------|----------------|
| Block 66.21, Lot 1<br>(Millhurst Road)<br>Future Municipally Sponsored<br>100% Affordable Project | Supportive/ Special Needs       | 35             |
| Block 66.21, Lot 1<br>(Millhurst Road)<br>Future Municipally Sponsored<br>100% Affordable Project | Family Rental                   | 10             |
| Block 66.21, Lot 1<br>(Millhurst Road)<br>Future Municipally Sponsored<br>100% Affordable Project | Family Rental                   | 4              |
| <b>TOTAL</b>  |                                 | <b>49</b>      |

**Table FS-7**  
**Age-Restricted Maximum: 69 Units**

| <b>Development/Project Name</b>   | <b>Type of Affordable Units</b> | <b># Units</b> |
|---|---------------------------------|----------------|
| Block 66.21, Lot 1<br>(Millhurst Road)<br>Future Municipally Sponsored<br>100% Affordable Project | Age-restricted Rental           | 50             |
| <b>TOTAL</b>  |                                 | <b>50</b>      |

**Table FS-8**  
**Bonus Maximum: 69 Bonuses**

| <b>Development/Project Name</b>   | <b>Type of Affordable Units</b> | <b># Units</b> |
|---|---------------------------------|----------------|
| Block 47, Lot 17<br>(Wood Avenue)<br>Municipally Sponsored<br>100% Affordable Project | Family Rental                   | 69             |
| <b>TOTAL</b>  |                                 | <b>69</b>      |

As noted above, if at some point in time, the Township or COAH determines that Manalapan has a growth share greater than 277 units, the Township reserves the right to use any appropriate and applicable technique permitted under COAH’s regulations to address its additional growth share

## Revision to the Housing Plan Element and Fair Share Plan Amendment

*Township of Manalapan Master Plan – April 2010*

either through the measures specified in this plan and/or other measures. In addition, if COAH revises its current regulations relating to residential demolitions and certificates of occupancy, the Township reserves its right to adjust its residential growth projections and corresponding growth share obligation.

### ***Accessible and Adaptable Affordable Units***

The first floor of all new townhouse dwelling units and all other new multi-story dwellings that are attached to at least one other dwelling unit shall be accessible in accordance with N.J.A.C. 5:97-3.14.

**APPENDIX A**

**WORKBOOK A:**

**Growth Share Determination**

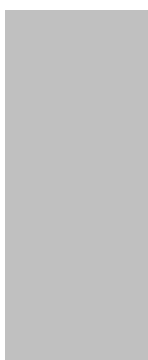
**Using Published Data**

**Workbook A: Growth Share Determination Using Published Data**  
 (Using Appendix F(2), *Allocating Growth To Municipalities*)

**COAH Growth Projections**  
**Must be used in all submissions**

**Municipality Name:** Township of Manalapan

Enter the COAH generated growth projections from Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. on Line 1 of this worksheet. Use the Tab at the bottom of this page to toggle to the exclusions portion of this worksheet. After entering all relevant exclusions, toggle back to this page to view the growth share obligation that has been calculated. Use these figures in the Application for Substantive Certification.

|   | Residential  | Non-Residential  |
|---|--|--|
| 1 <b>Enter Growth Projections From Appendix F(2) *</b>  | 1,531  | 2,089  |
| 2 <b>Subtract the following Residential Exclusions pursuant to 5:97-2.4(a) from "Exclusions" tab</b><br>COs for prior round affordable units built or projected to be built post 1/1/04<br>Inclusionary Development<br>Supportive/Special Needs Housing<br>Accessory Apartments<br>Municipally Sponsored or 100% Affordable<br>Assisted Living<br>Other | <a href="#">Click Here to enter Prior Round Exclusions</a><br><br>126<br>0<br>0<br>0<br>0<br>0 |  |
| 3 <b>Subtract the following Non-Residential Exclusions (5:97-2.4(b))</b><br>Affordable units<br>Associated Jobs   | 671<br><br>0   | 0  |
| 4 <b>Net Growth Projection</b>  | 734  | 2,089  |
| 5 <b>Projected Growth Share</b> (Conversion to Affordable Units Dividing Households by 5 and Jobs by 16)  | 146.80 <b>Affordable Units</b>   | 130.56 <b>Affordable Units</b>   |
| 6 <b>Total Projected Growth Share Obligation</b>  |  | 277 <b>Affordable Units</b>  |

\* For residential growth, see Appendix F(2), Figure A.1, Housing Units by Municipality. For non-residential growth, see Appendix F(2), Figure A.2, Employment by Municipality.



**Affordable and Market-Rate Units Excluded from Growth**  
**Municipality Name: Township of Manalapan**

**Prior Round Affordable Units NOT included in Inclusionary Developments Built post 1/1/04**

| Development Type                          | Number of COs<br>Issued and/or Projected |
|---|--|
| Supportive/Special Needs Housing          | 0  |
| Accessory Apartments                      | 0  |
| Municipally Sponsored and 100% Affordable | 0  |
| Assisted Living                           | 0  |
| Other                                     | 0  |
| <b>Total</b>                              | <b>0</b>                                 |

**Market and Affordable Units in Prior Round Inclusionary Development**  
**Built post 1/1/04**

**N.J.A.C. 5:97-2.4(a)**

(Enter Y for yes in Rental column if rental units resulted from N.J.A.C. 5:93-5.15(c)5 incentives)

| Development Name              | Rentals?<br>(Y/N) | Total<br>Units | Market<br>Units | Affordable<br>Units | Market Units<br>Excluded |
|-------------------------------|-------------------|----------------|-----------------|---------------------|--------------------------|
| Meadow Creek (a.k.a. Meadows) | N                 | 546            | 520             | 26                  | 104                      |
| Four Seasons                  | Y                 | 792            | 692             | 100                 | 567                      |
|                               |                   | 0              |                 |                     | 0                        |
|                               |                   | 0              |                 |                     | 0                        |
|                               |                   | 0              |                 |                     | 0                        |
| <b>Total</b>                  |                   | <b>1,338</b>   | <b>1,212</b>    | <b>126</b>          | <b>671</b>               |

**Jobs and Affordable Units Built as a result of post 1/1/04 Non-Residential Development**  
**N.J.A.C. 5:97-2.4(b)**

| Development Name | Affordable<br>Units<br>Provided | Permitted<br>Jobs<br>Exclusion |
|------------------|---------------------------------|--------------------------------|
|                  | 0                               | 0                              |
|                  | 0                               | 0                              |
|                  | 0                               | 0                              |
|                  | 0                               | 0                              |
| <b>Total</b>     | <b>0</b>                        | <b>0</b>                       |

[Return To Workbook A Summary](#)

# **APPENDIX B**

## **BLOCK 66.21, LOT 1 SITE SUITABILITY DOCUMENTATION**

- **FINAL PLAT – MAJOR SUBDIVISION  
FOUR SEASONS AT MANALAPAN - PHASE I & II.**
- **MONMOUTH COUNTY CLERKS OFFICE  
MAP FILING NOTIFICATION**
- **ENVIRONMENTAL CONSTRAINTS MAP**
- **AERIAL MAP SHOWING ADJACENT LAND USES**



# THE OFFICE OF THE COUNTY CLERK COUNTY OF MONMOUTH

M. CLAIRE FRENCH  
COUNTY CLERK



MARKET YARD  
P. O. BOX 1251  
FREEHOLD, N.J. 07728-1251  
732-431-7324

March 30, 2006

## MEMORANDUM

Manalapan Township, Municipality

Planning Board Chairman: Ronald Wishert

Assessor : Sharon Hartman

FROM: M. Claire French  
County Clerk

Pursuant to R.S. 40:55D-54C and 54:1, you are hereby notified that the following map has been filed in the County Clerk's office:

MAP NAME: FOUR SEASONS AT MANALAPAN - PHASE 142 FINAL  
PLAT MAJOR SUBD.

LOCATION: LOT 7.01, 9, 13 & 14 BLK 66

DATE APPROVED 3-23-2006

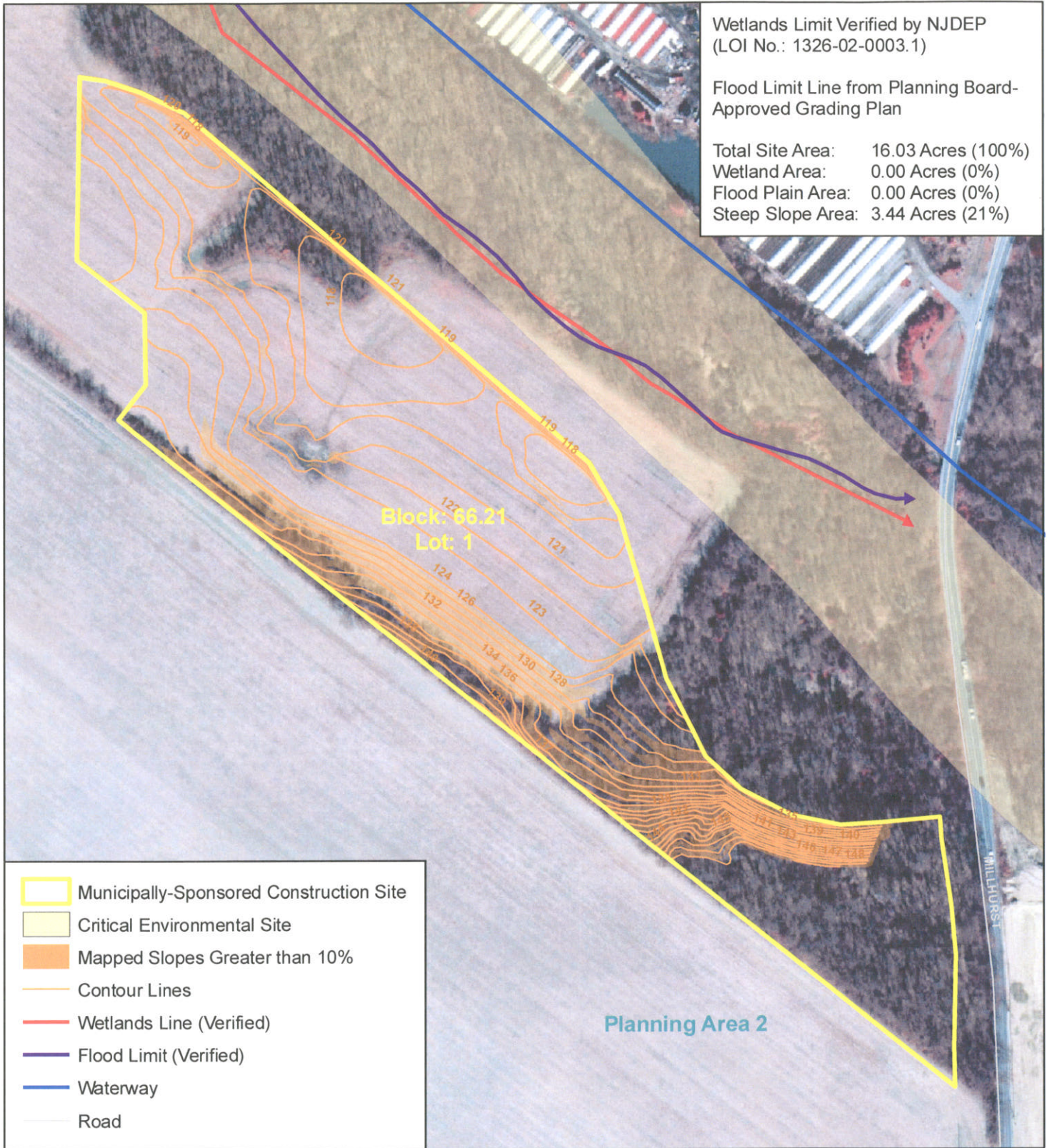
MAP PREPARED BY: HARRY WIDDIS

FILING DATE 3-29-2006

CASE & SHEET NO: 301.8

|                   |                |         |               |            |   |
|-------------------|----------------|---------|---------------|------------|---|
| Post-It® Fax Note | 7671           | Date    | 8-28          | # of pages | 1 |
| To                | <i>John W.</i> | From    | <i>Calvin</i> |            |   |
| Co./Dept          |                | Co.     |               |            |   |
| Phone #           |                | Phone # |               |            |   |
| Fax #             |                | Fax #   |               |            |   |

APR - 4 2006



**T&M** ASSOCIATES  
 11 Tindall Road  
 Middletown, NJ 07748-2792  
 Phone: 732-671-6400  
 Fax: 732-671-7365

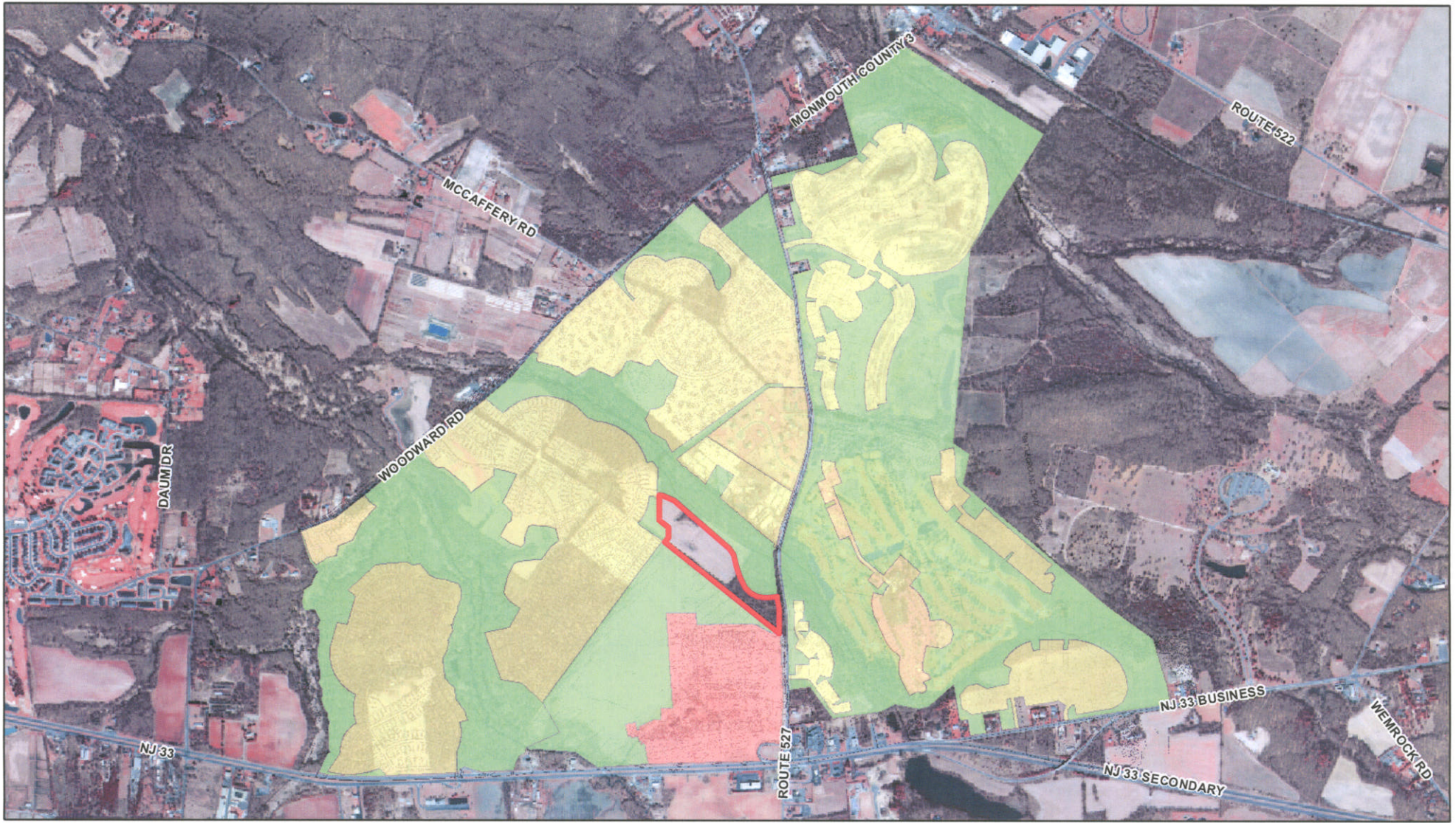
## Environmental Constraints Manalapan Township Monmouth County, New Jersey

0 112.5 225 450  
 Feet

Prepared by: RED, January 10, 2007  
 Source: NJDEP, NJOSG, Approved Grading Plan for B 66.21, L 1  
 File Path: H:\MNL\00270\GIS\Projects\L66.21\_Enviro\_A.mxd




NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.







11 Tindall Road  
 Middletown, NJ 07748-2792  
 Phone: 732-671-6400  
 Fax: 732-671-7365



Prepared by: RED, December 19, 2006  
 Source: NJDEP; NJDOT; Approved Site Plans  
 File Path: H:\MNLp\00270\GIS\Projects\mnlp270\_landclass\_Letter.mxd

 Municipally-Sponsored Construction Site

**Schematic Land Use**

-  Residential
-  Commercial
-  Open Space/Recreation
-  Geometry Plan

**Surrounding Land Uses  
 Manalapan Township  
 Monmouth County, New Jersey**



NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.

# **APPENDIX C**

## **DEVELOPER REZONE REQUESTS**

# STERNS & WEINROTH

A PROFESSIONAL CORPORATION

COUNSELORS AT LAW

50 WEST STATE STREET

SUITE 1400

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Writer's Direct Line: (609) 989-5029

e-mail: [fpetrino@sternslaw.com](mailto:fpetrino@sternslaw.com)

File No.: 53296-00001

April 29, 2008

## **Via Email & Regular Mail**

Mayor and Township Committee

Manalapan Township

120 Route 522

Manalapan, NJ 07726

## **RE: Inclusion of Woodward Estates Block 67, Lots 22, 25 and 32 In the Township of Manalapan's Updated Fair Share Plan**

Dear Mayor Roth and Committee Members:

We represent Woodward Estates, Inc. ("**Woodward**"), an affiliate of the developer of Tracy Woods, an inclusionary condominium development in Manalapan Township. On January 22, 2008 COAH published its latest iteration of its proposed Third Round Rules. In these Rules, COAH calculated a Third Round obligation that begins in 1999 and extends through 2018. The statewide obligation was found to be 115,666 units. Using COAH's methodology, the calculated total affordable housing obligation for Manalapan Township is approximately 1,300 units.

Woodward would like to assist the Township in meeting its Third Round COAH obligations. Please accept this letter as Woodward's renewed request to include Block 67, Lots 22, 25 and 32, a 150-acre parcel near the intersection of Millhurst Road and Woodward Road, in the Township's Updated Fair Share Plan. Woodward proposes to construct 350 residential units on the site with a 20% affordable housing set aside. This will contribute an additional 70 units towards satisfying Manalapan's Third Round affordable housing obligation.

The topography and lay out of the property itself affords Woodward great flexibility to develop the site, as the Township deems appropriate. It can be developed as one overall development, or as several smaller developments. The site can accommodate one overall age-restricted development, or portions with both age-restricted and non age-restricted housing. The site is also located in close proximity to The Villages and Knob Hill.



Infrastructure is in place to serve development of this site. Both water and sewer lines are adjacent to the property. Lot 25 is located across Woodward Road from a portion of the WMUA sewer service area where there is an existing 12-inch force main. Lot 22 has frontage on Millhurst Road and is located within 1,000 feet of sewer service where there is an existing 18-inch gravity line. It would be appropriate to include this site in a sewer service area when the WMUA updates its Wastewater Management Plan as it will be required to do pursuant to the soon to be adopted amendments to NJDEP's Water Quality Management Planning Rules. This area also has both adequate water capacity and water pressure.

In addition to Tracy Woods, Woodward and its principals have been involved in the construction of residential real estate for well over 30 years with a long history of development within Manalapan Township. Specifically, Woodward's principals have been involved in the projects known as Oak Leaf Estates, Manalapan Oaks, Country Oaks, Crosswoods, Kingswood, Union Hill Estates, Elton Point, Battleground and Roxbury Woods. They are proud of their long history of quality development in the Township, as well as their history of working with the Township and its officials. In short, Woodward's principals are not land speculators who have used the current market to turn a quick profit but rather have had a long involvement with the Township in prior projects.

In summary, the development of inclusionary housing on the Woodward site is "win-win" for Manalapan and Woodward. We look forward to meeting with the Township to discuss Woodward's proposal. I will contact Mr. Kennedy within the week to schedule a date when all the parties are available. In the interim, if

Mayor and Township Committee  
April 29, 2008  
Page 3

you have any questions with respect to this matter, please do not hesitate to contact me or Mr. Schmelzer (732-750-1111).

Very truly yours,

A handwritten signature in black ink, appearing to read 'F. Petrino', with a long horizontal flourish extending to the right.

Frank J. Petrino

FJP:amp

Encl.

cc: Susan Cohen, Deputy Mayor  
Andrew Lucas, Committeeman  
Anthony Gennaro, Committeeman  
Rick Klauber, Committeeman  
Tara Lovrich, Township Administrator  
Rose Ann Weeden, Township Clerk  
Kevin Kennedy, Esq., Township Attorney (Via Regular Mail & Email)  
Richard Cohen, Planning Board Chairman  
Donald Holland, Planning Board Vice Chairman  
Stephen Pine, Planning Board Secretary  
Herbert Lazar, Planning Board Member  
Herb Barrack, Planning Board Member  
Richard Hogan, Planning Board Member  
Richard Farrell, Planning Board Member  
John McNaboe, Alt. Planning Board Member  
Anthony Musich, Alt. Planning Board Member  
Eleanor Ruggiero, Planning Board Secretary  
Daniel J. McCarthy, Esq., Planning Board Attorney (Via Regular Mail & Email)  
Gregory R. Valesi, PE, Planning Board Engineer (Via Regular Mail & Email)  
Richard Cramer, P.P., Planning Board Planner (Via Regular Mail & Email)  
Michael Dimino, Exec. Director WMUA (Via Regular Mail & Email)  
Eric Abraham, Commissioner, WMUA  
Steve Toubin, Commissioner, WMUA  
Jeff Hymowitz, Commissioner, WMUA  
Cathy Zulferino, Commissioner, WMUA  
John Wisniewski, Esq., WMUA Attorney (Via Regular Mail & Email)  
Kevin F. Toolan, P.E., T&M Associates, WMUA Engineer  
Chris Rehmann, P.E., Adams, Rehmann & Heggan, WMUA Engineer  
Marvin Schmelzer, Vice President of Woodward Estates, Inc.

**APPENDIX D**

**BLOCK 47, LOT 17**

**SITE SUITABILITY ANALYSIS**

# **Site Suitability Analysis Report**

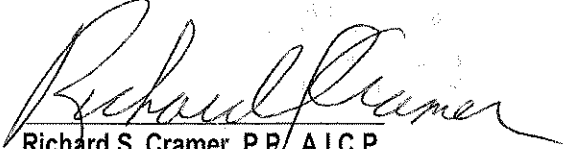
## **Proposed Affordable Housing on Block 47, Lot 17**

**Prepared for:**

**Township of Manalapan  
Monmouth County, New Jersey**

**Prepared: July 29, 2009 by:**

**T&M**  
ASSOCIATES  
11 Tindall Road  
Middletown, NJ 07748

  
Richard S. Cramer, P.P., A.I.C.P.  
New Jersey Professional Planner  
License No.: 02207

H:\MNLPI\00271\Calculations & Reports\Site Suitability Report\_Block 47\_Lot 17.doc

The original of this document has been signed and sealed in accordance with New Jersey Law

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## APPENDICES

- A: N.J.A.C. 5:97-3.13 (SITE SUITABILITY CRITERIA AND CONSISTENCY WITH THE STATE DEVELOPMENT AND REDEVELOPMENT PLAN)
- B: SITE SUITABILITY MAP: BLOCK 47, LOT 17
- C: TITLE REPORT: BLOCK 47, LOT 17
- D: CONCEPTUAL PLAN, AFFORDABLE HOUSING DEVELOPMENT: BLOCK 47, LOT 17

## INTRODUCTION

The Township of Manalapan is reviewing Block 47, Lot 17, which contains a total of 26.32 acres and is mapped in Appendix B, as a potential site for the development of a municipally-sponsored, 100-percent affordable housing development. The New Jersey Council on Affordable Housing (COAH) requires that sites designated to produce affordable housing conform to the criteria of N.J.A.C. 5:97-3.13 (Site Suitability Criteria and Consistency with the State Development and Redevelopment Plan). COAH requires that sites designated to produce affordable housing shall be available, approvable, developable and suitable according to the following criteria:

1. The site has a clear title and is free of encumbrances which preclude development of affordable housing;
2. The site is adjacent to compatible land uses and has access to appropriate streets;
3. Adequate sewer and water capacity, as defined under N.J.A.C. 5:97-1.4, shall be available to the site or the site is subject to a durational adjustment pursuant to N.J.A.C. 5:97-5.4; and
4. The site can be developed consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21, where applicable. Deviations from those standards are to be done in accordance with N.J.A.C. 5:21-3.

COAH regulations require an examination of a Site's location on the policy map of the *New Jersey State Development and Redevelopment Plan* (State Plan), and a review of the presence of wetlands, Category 1 waterways, flood hazard areas, and steep slope constraints. Consideration to the presence of sites and districts listed on the New Jersey or National Register of Historic Places must also be given, in addition to the availability of the infrastructure needed for development.

On behalf of the Township, T&M Associates has reviewed Block 47, Lot 17 for conformance to COAH's site suitability criteria. Based on its review, T&M has concluded that Block 47, Lot 17 is a suitable site.

## SITE SUITABILITY ANALYSIS

The following sections apply the regulations of N.J.A.C. 5:97-3.13 to Block 47, Lot 17, which the Township is reviewing for the development of affordable housing.

**1. Location on the State Plan Policy Map:** The site is located entirely within Planning Area 2 (PA 2; Suburban Planning Area). As indicated by N.J.A.C. 5:97-3.13(b)1, the areas contained by Planning Area 2 are the preferred location for a municipality to address its fair share obligation. An unnamed tributary of the Matchaponix Brook is identified by the State Plan as a Critical Environmental Site which traverses the wetlands in the northern portion of the subject property. The area of the Critical Environmental Site can be maintained as open space as part of an affordable residential development consistent with the State Plan.

**2. Special Planning Areas:** The proposed site is not located within an area that is regulated by the Pinelands Commission, Highlands Water Protection and Planning Council, Division of Coastal Resources of the New Jersey Department of Environmental Protection (NJDEP), or the New Jersey Meadowlands Commission.

**3. Wetlands:** There are an estimated 16.80 acres of wetlands located onsite based on the State NJDEP GIS information layers. The wetlands are concentrated in the northern sections of the site and leave the area along Route 522/Wood Avenue unencumbered and open for residential development. The actual extent of wetlands and the associated transition areas is subject to delineation and verification by the NJDEP.

**4. Flood Hazards:** A total of 0.61 acres of the site are located within a mapped flood hazard area that is associated with Matchaponix Brook. The flood hazard area is located in the northern section of the site, and is within the wetlands area. All residential construction can be located outside the flood hazard area.

**5. Category 1 Waterways:** NJDEP mapping indicates that there are no mapped Category 1 waterways located onsite.

**6. Steep Slopes:** Section 95-8.3 (Environmental Design Requirements) of the Code of the Township of Manalapan regulates development on steep slopes of ten (10) percent or greater, which is more stringent

than the fifteen (15) percent standard that is provided in N.J.A.C. 5:97-3.13(b) 4. As a result, the Township has considered steep slopes in its analysis of Block 47, Lot 17.

There is a cluster of four isolated areas with steep slopes in the cleared, southern portion of the site. However, these areas appear to be the result of prior site disturbance, are not wooded, and do not appear within any other environmentally sensitive areas on-site. Therefore, these areas can be excavated to allow for residential development of the site.

**7. Sites or Districts Listed on the New Jersey or National Registers of Historic Places:** Block 47, Lot 17 contains no sites or districts that are listed on the New Jersey or National Registers of Historic Places, or in the surrounding areas that are mapped in Appendix B.

In addition to the above, mapping from the Office of Smart Growth indicates that there are no State Plan-identified critical historic sites located onsite, or in the surrounding areas that are mapped in Appendix B.

**8. Availability of Infrastructure:** The proposed site has frontage on Route 522/Wood Avenue, which is a public and improved County roadway. In addition, the site is located within the public water service area of the Gordons Corner Water Company and the planned sewer service area of the Western Monmouth Utilities Authority (WMUA). Sewer and water lines can be extended to service the site.

**9. Presence of Known Contaminated Sites:** Though not required by N.J.A.C. 5:97-3.13, this analysis has considered that the presence of a known contaminated site may affect site suitability. While the GIS-based 2005 Known Contaminated Sites List of the NJDEP indicates that there are no known contaminated sites located on Block 47, Lot 17 or the surrounding areas, the site was previously used by Monmouth Petroleum. The Township is aware of an oil spill that occurred onsite while the subject property was operated by Monmouth Petroleum. This condition can be remediated prior to the development of the property for residential purposes in accordance with NJDEP requirements.

**10. Clear Title:** A title report for Block 47, Lot 17 has been issued by Surety Abstract Ventures on July 21, 2009 to the Ingerman Group, a developer of affordable housing. The referenced title report indicates that the subject property has a clear title and there are no evident encumbrances that would prevent the development of the property for affordable housing. The title report is appended to this site suitability report.



**11. Access to Appropriate Streets:** The proposed site has frontage and direct access to Route 522/Wood Avenue, which is a public and improved County roadway.

**12. Residential Site Improvement Standards:** The site can be developed consistent with the applicable requirements of the Residential Site Improvement Standards, N.J.A.C. 5:21, and any deviations from those standards can be done in accordance with N.J.A.C. 5:21-3.

**13. Site Availability:** The site is available for acquisition for affordable housing development. An affordable housing developer, the Ingerman Group, is negotiating with the property owner for acquisition of the site to develop it as a 100% affordable multi-family affordable housing development in accordance with the 2008 Manalapan Township Housing Plan Element and Fair Share Plan.

**14. Approvable Site:** The site can be designed and approved for affordable housing development in accordance with the requirements of the applicable governmental agencies with jurisdiction over the site. A conceptual development plan for the development of the site as 100% affordable multi-family housing development in accordance with the 2008 Manalapan Township Housing Plan Element and Fair Share Plan has been provided by an affordable housing developer, the Ingerman Group.

## ZONING AND LAND USE

The site is located within the R-40/20 zone district and is adjacent to compatible land uses. A small portion of the site is within the Flood Hazard Overlay zone area. Residential development is a permitted use in the R-40/20 zone district. In order for the site to be developed for affordable housing, the Township will need to amend the Township Master Plan land use element and the Township zone plan to provide for the development of the site as a 100% affordable multi-family housing development. The Flood Hazard Overlay zone area will remain unchanged.

## SUMMARY AND CONCLUSION

Block 47, Lot 17 is located within State Planning Area 2 and contains approximately 9.52 acres of uplands. The site is available, approvable, developable and suitable for affordable housing development. No Category 1 waterways, or sites or districts that are listed on the State or National Registers of Historic Places, are located onsite. Further, the site is located within a public water and sewer service area, and

sewer and water lines can be extended to service the site. Finally, Block 47, Lot 17 has frontage and access on a public and improved County roadway.

Based on the above, Block 47, Lot 17 meets the site suitability planning criteria of N.J.A.C. 5:97-3.13 for the development of affordable housing.

## **APPENDIX A:**

# **N.J.A.C. 5:97-3.13 (Site Suitability Criteria and Consistency with the State Development and Redevelopment Plan)**

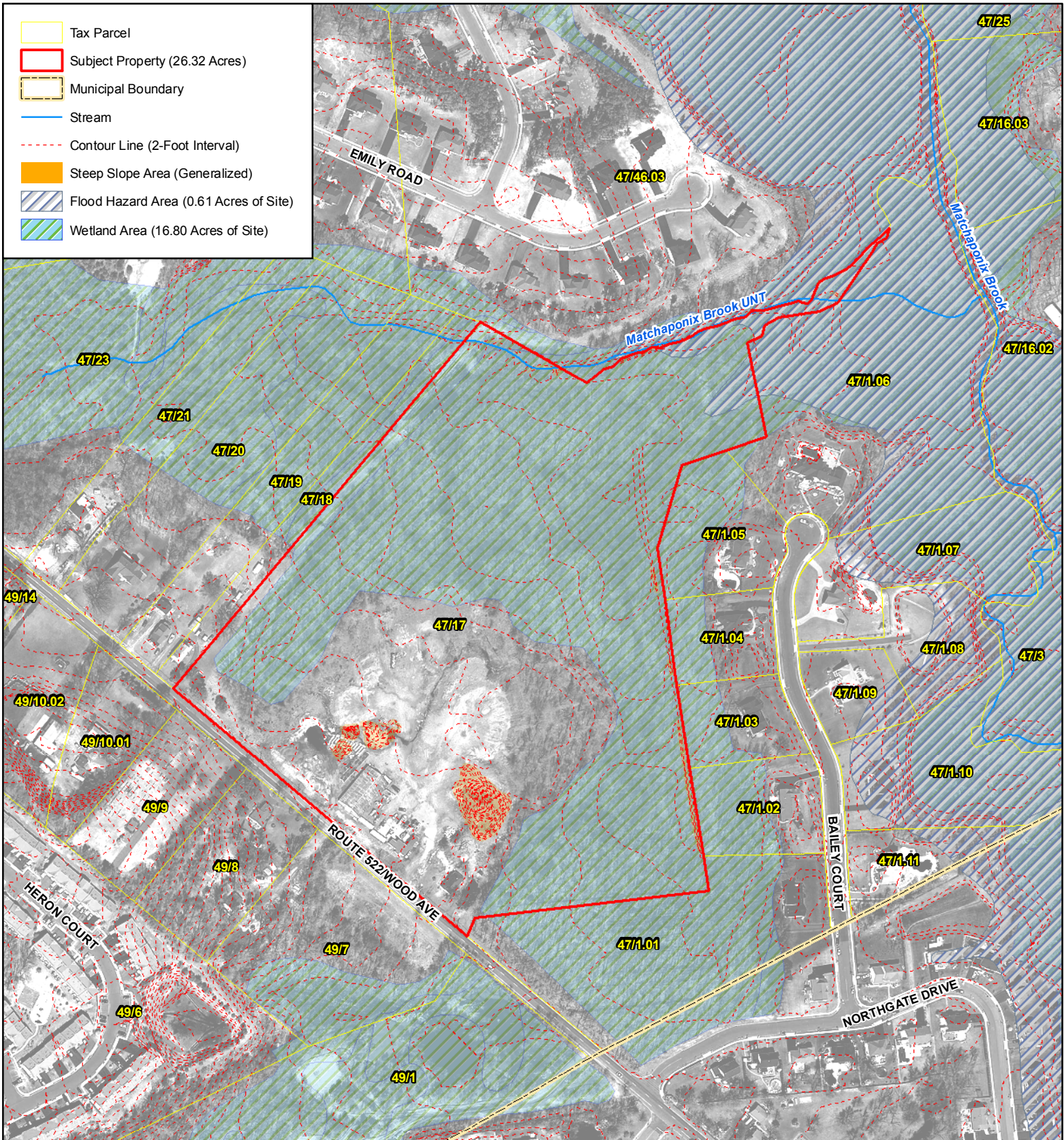
## 5:97-3.13 SITE SUITABILITY CRITERIA AND CONSISTENCY WITH THE STATE DEVELOPMENT AND REDEVELOPMENT PLAN

- b) Sites designated to produce affordable housing shall be available, approvable, developable and suitable, according to the following criteria:
1. The site has a clear title and is free of encumbrances which preclude development of affordable housing;
  2. The site is adjacent to compatible land uses and has access to appropriate streets;
  3. Adequate sewer and water capacity, as defined under N.J.A.C. 5:97-1.4, shall be available to the site or the site is subject to a durational adjustment pursuant to N.J.A.C. 5:97-5.4; and
  4. The site can be developed consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21, where applicable. Deviations from those standards are to be done in accordance with N.J.A.C. 5:21-3.
- c) Sites designated to produce affordable housing shall be consistent with the State Development and Redevelopment Plan and shall be in compliance with the rules and regulations of all agencies with jurisdiction over the site, including, but not limited to:
1. Sites that are located in Planning Areas 1 or 2 or located within a designated center or located in an existing sewer service area are the preferred location for municipalities to address their fair share obligation.
  2. Municipalities or developers proposing sites located in Planning Areas 3, 4, 4B, 5 or 5B that are not within a designated center or an existing sewer service area shall demonstrate to the Council that the site is consistent with sound planning principles and the goals, policies and objectives of the State Development and Redevelopment Plan. The Council may seek a recommendation from the Executive Director of the Office of Smart Growth on the consistency of the site with sound planning principles and the goals, policies and objectives of the State Development and Redevelopment Plan.
  3. Sites within the areas of the State regulated by the Pinelands Commission, Highlands Water Protection and Planning Council, Land Use Regulation Division of DEP and the New Jersey Meadowlands Commission, shall adhere to the land use policies delineated in The Pinelands Comprehensive Management Plan, N.J.A.C. 7:50; The Highlands Water Protection and Planning Act rules, N.J.A.C. 7:38; the Coastal Permit Program Rules, N.J.A.C. 7:7; the Coastal Zone Management Rules, N.J.A.C. 7:7E; and the Zoning

Regulations of the New Jersey Meadowlands Commission, N.J.A.C. 19:3, where applicable.

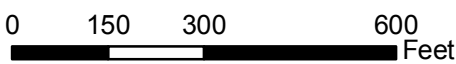
4. The portions of sites designated for construction shall adhere to wetland constraints as delineated on the New Jersey DEP Freshwater Wetlands Maps; or as delineated on-site by the U.S. Army Corps of Engineers or DEP, whichever agency has jurisdiction as regulated pursuant to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) or Section 404 of the Federal Clean Water Act (33 U.S.C. §§ 1251 through 1375); Category One waterway constraints pursuant to N.J.A.C. 7:9B, 7:8, 7:13 and 7:15; flood hazard constraints as defined in N.J.A.C. 7:13; and steep slope constraints in excess of 15 percent if the municipality has an ordinance in place that uniformly regulates steep slope development throughout the municipality.
  5. Historic and architecturally important sites and districts listed on the State or National Register of Historic Places shall be reviewed by the New Jersey State Historic Preservation Office for a recommendation pertaining to the appropriateness and size of buffer areas that will protect the integrity of the site. The review and written recommendation by the New Jersey Historic Preservation Office shall be included in the Housing Element and Fair Share Plan that is the subject of any petition before the Council. Within historic districts, a municipality may regulate low- and moderate-income housing to the same extent it regulates all other development.
- d) The Council may seek a recommendation from the appropriate regulating agency on the suitability of a proposed site. In taking such action, the Council may require the municipality to submit all necessary documentation to the agency so that a review and decision regarding the suitability of any site may be completed.

**APPENDIX B:**  
**Site Suitability Map:**  
**Block 47, Lot 17**



- Tax Parcel
- Subject Property (26.32 Acres)
- Municipal Boundary
- Stream
- Contour Line (2-Foot Interval)
- Steep Slope Area (Generalized)
- Flood Hazard Area (0.61 Acres of Site)
- Wetland Area (16.80 Acres of Site)

**T&M** 11 Tindall Road  
 Middletown, NJ 07748-2792  
 Phone: 732-671-6400  
 ASSOCIATES Fax: 732-671-7365



## Site Suitability (Block 47, Lot 17) Manalapan Township Monmouth County, New Jersey

Prepared by: RED, July 28, 2009  
 Source: NJDEP; Monmouth County GIS  
 File Path: H:\MNLP\00271\GIS\Projects\B 47, L 17 (Site Suitability).mxd

NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.

**APPENDIX C:**  
**Title Report:**  
**Block 47, Lot 17**





1601 Market Street, Suite 2650, Philadelphia, PA 19103 Tel: 215-496-9111 Fax: 215-496-9224

July 21, 2009

Ingerman Group  
725 Buthbert Boulevard  
Cherry Hill, NJ 08002  
James Reynolds

RE: **File Number: 1016AV-01**  
**48 Wood Avenue, Manalapan Township, Monmouth County, NJ**  
**Purchaser/Borrower: MBI Development Company, Inc.**

Enclosed please find the following with reference to the above matter:

- Commitment for Title Insurance
- Title Insurance Invoice
- Fee Sheet/Preliminary HUD
- Superior Court and/or U.S. Patriot Searches
- Tax Search
- Child Support/Domestic Relations Liens
- Survey and/or Survey Endorsement
- Wiring Instructions (Mortgage Co. Only)
- Closing Service Letter (Mortgage Co. Only)
- Notice of Settlement
- Affidavit of Title
- Tideland Search
- County Recording Fees
- Other \_\_\_\_\_

If you require any further assistance regarding the above matter, please do not hesitate to contact the undersigned.

Very truly yours,

*Anne Warchol*

Transaction Coordinator

cc:



1601 Market Street, Suite 2650, Philadelphia, PA 19103 Tel: 215-496-9111 Fax: 215-496-9224

**INVOICE**

**Invoice Date: 7/21/2009**  
**File Number: 1016AV-01**

**To:**

Ingerman Group  
725 Buthbert Boulevard  
Cherry Hill, NJ 08002

**Purchase Price:** \$1,600,000.00  
**1st Mortgage:** TBA  
**2nd Mortgage:** \$0.00  
**Owner/Seller:** 522 Enterprises Inc.  
**Purchaser/Borrower:** MBI Development Company, Inc.  
**Property Address:** 48 Wood Avenue  
Manalapan, NJ

| Description                   | Amount     | Qty | Total             |
|-------------------------------|------------|-----|-------------------|
| Basic Owner                   | \$4,995.00 | 1   | \$4,995.00        |
| Simultaneous Loan             | \$25.00    | 1   | \$25.00           |
| Simultaneous Issue            | \$25.00    | 1   | \$25.00           |
| ALTA Endorsements 8.1 & 9     | \$50.00    | 1   | \$50.00           |
| Survey Endorsement            | \$25.00    | 1   | \$25.00           |
| Closing Service Letter        | \$25.00    | 1   | \$25.00           |
| Record Notice of Settlement-P | \$40.00    | 1   | \$40.00           |
| Purchaser Search              | \$25.00    | 1   | \$25.00           |
| Tax Search                    | \$36.50    | 1   | \$36.50           |
| Upper Crt / US Patriot Search | \$21.00    | 1   | \$21.00           |
| Recording Service Fee - Mtg.  | \$50.00    | 1   | \$50.00           |
| Photocopies                   | \$47.00    | 1   | \$47.00           |
| <b>Total</b>                  |            |     | <b>\$5,364.50</b> |

This invoice supercedes any/all prior invoices.

NOTE: THIS INVOICE IS SUBJECT TO CHANGE. FINAL TOTAL INVOICE MUST BE VERIFIED AT CLOSING.

THIS INVOICE IS SUBJECT TO CANCELLATION CHARGES.

The Insurance Commissioner has directed that a statement detailing each pass-through search charge must be supplied to the Purchaser/Borrower/Lessee in each insurance transaction.

*Thank you!*



**First American Title Insurance Company**

**COMMITMENT FOR TITLE INSURANCE**

**SCHEDULE A**

LD/KFJ

1. **Effective Date: July 13, 2009** **File No: 1016AV-01**
2. **Policy (or Policies) to be issued:** **POLICY AMOUNT**

(a) **ALTA OWNER'S POLICY (6/17/06)** **\$1,600,000.00**  
Proposed Insured: MBI Development Company, Inc.

(b) **ALTA LOAN POLICY**  
Proposed Insured: To Be Advised  
its successors and or assigns as their interest may appear

Proposed Borrower: MBI Development Company, Inc.

3. **Fee Simple interest in the land described in this Commitment is owned, at the Commitment Date, by 522 Enterprises, Inc., by deed from Monmouth Petroleum Co., Inc., dated 12/3/2002, recorded 4/4/2003, in the Monmouth County Clerk/Register's Office.**

4. **The land referred to in this Commitment is described as follows:**

**See attached Exhibit A**

**NOTE FOR INFORMATION:**

48 Wood Avenue, Block 47, Lot 17, Manalapan Township, in Monmouth County, NJ  
Wood Avenue, Block 49, Lot 7, Manalapan Township, in Monmouth County, NJ

**NOTE - Mailing Address:**

48 Wood Avenue, Manalapan, NJ  
Wood Avenue, Manalapan, NJ

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**File No: 1016AV-01**

**ALL THAT CERTAIN tract or parcel of land and premises lying, being and situate in Manalapan Township, Monmouth County, and State of New Jersey being more particularly described as follows:**

**First Tract**

**BEGINNING at an iron bolt driven in the middle of the road leading from Englishtown to Gunson's Corner at a point distant 108.08 feet from the Southeast corner of the porch foundation of the dwelling on the property hereby conveyed on a course of South 2 degrees 5 minutes East as the magnetic needle pointed in November, 1921; thence**

- 1. as the magnetic needle formerly pointed along the middle of the said road, North 44 degrees 45 minutes West, 13 chains and 18 links to the Garret Minton lot, formerly Benjamin V. Day's; thence**
- 2. along the said lot, North 45 degrees East 16 chains and 68 links to a corner of the said formerly Benjamin V. Day's lot; thence**
- 3. South 60 degrees 52 minutes East 42 links to a stone in formerly Charles H. Merrill's land, now Thomas West's; thence**
- 4. South 9 degrees 51 minutes East 63 links to a ditch, and the dividing line between the adjoining properties; thence from the beginning corner as above located**
- 1. North 28 degrees 58 minutes East 1 chain and 9 links to a stone set at the West end of a ditch; thence**
- 2. South 85 degrees 15 minutes East 8 chains and 24 links along the middle of the ditch to the middle of another ditch; thence**
- 3. along the last named ditch North 45 degrees East 11 chains and 70 links to a stake and bend in the ditch; thence**
- 4. North 26 degrees East 3 chains and 10 links to a stake on the South bank of the ditch; thence**
- 5. still following the general direction of the ditch North 65 degrees 30 minutes East 3 chains and 27 links to a stake in the South bank at the West end of the bridge over the ditch; thence**
- 6. North 7 degrees 45 minutes West 3 chains and 41 links to a stake in the North bank of the aforesaid ditch dividing the adjoining properties as heretofore mentioned; thence**
- 7. Westerly along the said ditch, which is the dividing line, the several courses thereof to the end of the fourth course in the first part of this description.**

**Second Tract**

**LOCATED on the Westerly side of the road leading from Englishtown to Gunson's corner, and particularly described as follows:**

**BEGINNING in the middle of the said road and the most Easterly corner of one acre lot conveyed by one, Elizabeth E. Marcellus, widow, to Joseph Mergaugey, said point being distant 21 feet from a stake driven in the Westerly side of the road and in the Southeasterly line of the said one acre lot; thence**

- 1. along the said lot South 49 degrees, 15 minutes West 415 feet to a stake the most Southerly corner of the said 1 acre lot; thence**

2. South 40 degrees 30 minutes East 290.05 feet to a stake on the North bank of a ditch; thence
3. along the said ditch bank, North 80 degrees 23 minutes East, 307 feet to a stake; thence
4. North 41 degrees East 153 feet to the middle of the aforesaid road; thence
5. along the same, North 40 degrees 30 minutes West, 424 feet to the BEGINNING.

ALSO known as Lot 17 in Block 47 and Lot 7 in Block 49 on the Township of Manalapan tax map.



First American Title Insurance Company

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B - SECTION I  
REQUIREMENTS

File No: 1016AV-01

The following requirements must be met:

1. Pay the agreed amounts for the interest in the land and/or according to the mortgage to be insured.
2. Pay us the premium, fees and charges for the Policy.
3. The following documents creating the interest(s) in the land to be insured must be approved, executed, delivered, recorded and properly indexed in the land records:

**Production and record of a Deed from 522 Enterprises Inc. to MBI Development Company, Inc..**

**NOTE: The State of New Jersey requires certain nonresident sellers (individuals, estates and trusts) to make an estimated gross income tax payment pursuant to Chapter 55 P.L. 2004 as a condition to the recording of the deed of conveyance.**

**Production and record of a Mortgage from MBI Development Company, Inc. to To Be Advised.**

4. You must tell us in writing the name of anyone not referred to in this Commitment who has or will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions upon disclosure of said information.
5. Proof of identity, legal age, competency and marital or civil union status of all parties to this transaction.
6. Payment of all taxes, charges and assessments levied against the subject premises, which are due and payable.
7. Possible liability for municipal improvements such as curbing, paving, sidewalks, sewers, etc., constructed or being constructed, but not yet assessed.
8. Results from a search of the New Jersey Superior Court, United States District Court for the District of New Jersey and the United States Bankruptcy Court:

Shown hereon or attached

Supplemental Report will follow

9. Affidavit of Title in standard form must be properly executed by the present owners.



First American Title Insurance Company

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B - SECTION I  
REQUIREMENTS

File No: 1016AV-01

10. The company requires that a Notice of Settlement be filed pursuant to N.J.S.A. 46:16A-1 et. Seq. prior to closing. The notice should be filed as nearly as possible to, but not more than 45 days prior to, the anticipated closing date. Should the anticipated closing not close within 45 days of the filing of the Notice of Settlement another notice must be filed. If both a deed and mortgage are to be insured, two Notices of Settlement must be filed, one for the deed and one for the mortgage
11. **MORTGAGE: 522 Enterprises, Inc. to Salvatore Guargenti, dated 12/20/2002, recorded 4/4/2003, Mortgage Book 8212, Page 3495, and/or Instrument # showing an original principal amount of \$150,000.00.**
12. State Franchise Tax and Corporate Status of 522 Enterprises, Inc.. (Report ordered, but not yet received.) NOTE: Due to delays in receiving Corporate Franchise and Corporate Status reports from Trenton, it may be necessary to hold an escrow pending receipt of said reports if no proof of payment can be provided at settlement.
13. Corporate Resolution of 522 Enterprises, Inc. authorizing and its execution and delivery by proper officer/s.
14. NJ Superior Court, US District & US Bankruptcy Court Judgments vs. 522 Enterprises, Inc. show clear.
15. US Patriot Search vs. 522 Enterprises, Inc. shows clear.
16. NJ Superior Court, US District & US Bankruptcy Court Judgments vs. MBI Development Company, Inc. show clear.
17. US Patriot Search vs. MBI Development Company, Inc. shows clear.
18. State Franchise Tax and Corporate Status of MBI Development Company, Inc.. (Report ordered, but not yet received.) NOTE: Due to delays in receiving Corporate Franchise and Corporate Status reports from Trenton, it may be necessary to hold an escrow pending receipt of said reports if no proof of payment can be provided at settlement.
19. Corporate Resolution of MBI Development Company, Inc. authorizing and its execution and delivery by proper officer/s.

NOTE: Subject to the results of Upper Court Judgment searches vs. purchaser(s) if same are required by the Insured Mortgagee.

NOTE: In the event that the proceeds of the loan to be secured by the mortgage to be insured are not to be fully disbursed at closing, the Company must be notified and this Commitment will then be modified accordingly.



First American Title Insurance Company

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B - SECTION II
EXCEPTIONS

File No: 1016AV-01

The policy or policies we issue will contain the following exceptions unless they are disposed of to our satisfaction:

- 1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof, but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Rights or claims of parties in possession not shown by the public records.
3. Easements, or claims of easement, not shown by the public records.
4. Notwithstanding any provision of the policy to the contrary, the following matters are expressly excluded from the coverage of the policy, and the Company will not pay loss or damage, costs, attorney's fees or expenses that arise by reason of any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land.
5. Any lien or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

6. Taxes, assessments and government utility liens as follows:

Taxes paid thru \_\_\_\_\_; Sewer paid thru \_\_\_\_\_;
Water paid thru \_\_\_\_\_; MUA paid thru \_\_\_\_\_;
Dues paid thru \_\_\_\_\_; OTHER \_\_\_\_\_;

NOTE: NJ Real Estate Tax Schedule: 1st Quarter Covers 01/01 - 03/31 Due 02/01
2nd Quarter Covers 04/01 - 06/30 Due 05/01
3rd Quarter Covers 07/01 - 09/30 Due 08/01
4th Quarter Covers 10/01 - 12/31 Due 11/01

- 7. Subject to subsurface conditions and/or encroachments not disclosed by an instrument of record. (Owners Policy only)
8. Rights in any road, street, highway or lane bounding or affecting subject premises.
9. Flooding and drainage rights in any stream, water course, drain or ditch.
10. Boundary Line Agreement as contained in Book 4882, page 670.





**First American Title Insurance Company**  
**COMMITMENT FOR TITLE INSURANCE**

**SCHEDULE B - SECTION II**  
**EXCEPTIONS**

**File No: 1016AV-01**

NOTE: Upon removal of the required exceptions and recordation of the proper documents, the policy to be issued will insure that the mortgage set forth is a valid first lien on the property.

NOTE: The following endorsements will be issued based on closing instructions submitted by the Mortgagee at the time of settlement and attached to the final policy when applicable:

- Condominium Endorsement - ALTA 4-06
- Planned Unit Development Endorsement - ALTA 5.1-06
- Variable Rate Mortgage Endorsement - ALTA 6-06, 6.1, 6.2-06
- FNMA Balloon Endorsement
- Environmental Protection Lien Endorsement - ALTA 8.1-06
- Restrictions, Encroachments, Minerals Endorsement - ALTA 9-06
- Street Assessment Endorsement-ALTA 1-06
- Survey Endorsement       "Non-Survey" Endorsement
- Other Endorsement(s) \_\_\_\_\_

Prepared By:

*Isadora L. Zlotkin*  
Isadora L. Zlotkin, Esq.

BOUNDARY LINE AGREEMENT

This Agreement made this 29<sup>th</sup> day of August, 1988 between  
MONMOUTH PETROLEUM COMPANY, INC., with offices at P.O. Box 469, 48 Wood Avenue,  
Englishtown, N.J., hereinafter called the Party of the First Part, and  
FREDERICK ROSEN AND RACHEL ROSEN, his wife and ISAAC SILBER and ADELE SILBER,  
his wife, residing at 31 Dogwood Lane, Freehold Township, N.J., hereinafter  
called the Party of the Second Part.

W I T N E S S E T H

WHEREAS, the Party of the First Part is the owner of lands known as Lot  
17 Block 47 on the Manalapan Township Tax Map, Monmouth County, N.J. and  
described in Deed Book 3410 page 49 in the Monmouth County Clerk's Office; and

WHEREAS, the Party of the Second Part are owners of lands known as Lot 1  
Block 47 on the Manalapan Township Tax Map, Monmouth County, N.J. and  
other lands described in Deed Book 4228 page 641 in the Monmouth County Clerk's  
Office, and

WHEREAS, a question has arisen as to the boundary line between the lands  
or property of the Party of the First Part and lands of the Party of the Second  
Part, and

WHEREAS, the parties have agreed to establish the boundary line and  
eliminate questions as to its location,

NOW, THEREFORE, in consideration of the above presents and in the further  
consideration of the sum of \$1.00 paid by each Party to the other, the Party  
of the First Part does hereby grant and convey unto the Party of the  
Second Part all lands lying southerly and easterly of the line described in  
Schedule A attached hereto and made a part hereof and the Party of the Second

- 1 -

670  
DB4882-0870

Ne 9-23-88

Part does hereby grant and convey to the Party of the First Part all lands lying northerly and westerly of the line described in Schedule A attached hereto and made a part hereof.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals or caused these presents to be signed by its proper officers, and its seal placed hereon.

WITNESS OR ATTEST:



Carl Brownell  
Secretary

MONMOUTH PETROLEUM COMPANY, INC.

By Carl H. Gussack  
President

Frederick Rosen  
FREDERICK ROSEN

Rachel Rosen (u.s.)  
RACHAEL ROSEN

Isaac Silber (u.s.)  
ISAAC SILBER

Abel Silber (u.s.)  
ABEL SILBER

062246

RECORDED  
MONMOUTH COUNTY  
CLERKS OFFICE

73 SEP 23 1968  
JAY BLAYTON  
CLERK  
ZLOTKIN and SENI  
ATTORNEYS AT LAW  
18 COURT STREET  
FREEHOLD, N.J. 07725

#932

DB4882-0674

SCHEDULE A

8635-41270

Boundary line description between Lot 1 Block 47 and Lot 17 Block 47  
Township of Manalapan.

BEGINNING at a point on the northeasterly side of Wood Avenue,  
said point being in the dividing line of Lot 17 Block 47 (lands of  
Monmouth Petroleum Company INC. by Deed Book 3410 page 49) and Lot  
1 Block 47 (lands of Isaac Silber, et als by Deed Book 4228 page  
641) as shown on a survey made by Thomas P. Santry P.A. dated  
December 1, 1987 and running thence

- (1) North 23 degrees 50 minutes East 55.30 feet to a point;  
thence.
- (2) South 66 degrees 52 minutes 51 seconds East 47.16 feet to  
a point in the end of an existing ditch; thence
- (3) South 88 degrees 58 minutes 43 seconds East 509.96 feet  
along said ditch to the middle of another ditch; thence
- (4) Along said last mentioned ditch North 03 degrees 16 minutes  
19 seconds West 779.04 feet to a point; thence
- (5) Still along the ditch North 20 degrees 16 minutes 17 seconds  
East 196.96 feet to a point; thence
- (6) Still along the ditch North 75 degrees 15 minutes 43 seconds East  
210.34 feet to a point; thence
- (7) Still along the ditch North 07 degrees 45 minutes West 225.06  
feet to a point in another ditch and the southerly line of Lot 24.

DB4882-0672

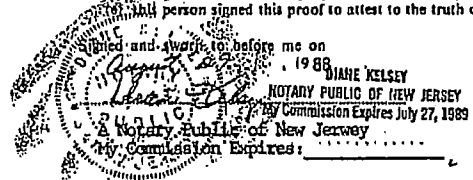
STATE OF NEW JERSEY, COUNTY OF MONMOUTH

SS.:

I CERTIFY that on August 29, 1988  
Earl Brousell

personally came before me and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the Earl Brousell Secretary of Monmouth Petroleum Company, Inc., the corporation named in the attached document;
- (b) this person is the attesting witness to the signing of this document by the proper corporate officer who is Adolph Brousell the President of the corporation;
- (c) this document was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors;
- (d) this person knows the proper seal of the corporation which was affixed to this document; and
- (e) this person signed this proof to attest to the truth of these facts.



*Earl Brousell*  
 \_\_\_\_\_  
 (Print name of attesting witness below signature)  
 Secretary

Prepared by: \_\_\_\_\_  
 N.J.S.A. 46:15-13 (Print signer's name below signature)

STATE OF NEW JERSEY, COUNTY OF MONMOUTH

SS.:

I CERTIFY that on August 31, 1988

Frederick Rosen and Rachael Rosen, his wife

personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) is named in and personally signed the attached document; and
- (b) signed, sealed and delivered this document as his or her act and deed.

*Leahora T. Zlotkin*  
 \_\_\_\_\_  
 (Print name and title below signature)

Prepared by: Leahora T. Zlotkin  
 An Attorney at Law of N.J.

\_\_\_\_\_  
 N.J.S.A. 46:15-13 (Print signer's name below signature)

DB4882-0679

CALIFORNIA  
STATE OF ~~NEW JERSEY~~, COUNTY OF LOS ANGELES SS.:

I CERTIFY that on September 3, 1988

Issac Silber and Adele Silber, his wife

personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) is named in and personally signed the attached document; and
- (b) signed, sealed and delivered this document as his or her act and deed.

*Ruby L. Johnson*  
(Print name of Notary below signature)

Prepared by:

A Notary Public of Los Angeles County  
My Commission Expires: 6-23-92

N.J.S.A. 46:15-11 (Print signer's name below signature)



DB4882-0874

END OF DOCUMENT

FEB 3 - 2003

4

Deed - Bargain & Sale - Gov. v. Grantor  
Ind. Grantor - Plain Language

|                    |            |
|--------------------|------------|
| COUNTY OF MONMOUTH |            |
| CONSIDERATION      | \$ 510,000 |
| RTF                | 2325       |
| DATE               | 4/4/03     |
| BY                 | m e        |



|                      |                       |
|----------------------|-----------------------|
| Prepared by:         | <i>W. Peter Ragan</i> |
| W. PETER RAGAN, ESQ. |                       |

### DEED

This Deed is made on *December 3, 2002*

**BETWEEN:**

MONMOUTH PETROLEUM CO., INC., whose address is P. O. Box 3128, Long Branch, NJ 07740, referred to as the Grantor,

**AND:**

522 ENTERPRISES, INC., whose address is c/o Antonio & Flynn, P.C., 18 Throckmorton Lane, Suite 209, Old Bridge, NJ 08857, referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

**Transfer of Ownership.** The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of \$510,000.00. The Grantor acknowledges receipt of this money.

**Tax Map Reference.** (N.J.S.A. 46:15-1.1) Township of Manalapan, Block No. 49, Lot 7 and Block No. 47, Lot 17.

No property tax identification number is available on the date of this deed. (check box if applicable)

**Property.** The property consists of the land and all the buildings and structures on the land in the Township of Manalapan, County of Monmouth and State of New Jersey. The legal description is: See Exhibit "A" attached hereto

Being the premises conveyed to the Grantor by Deed from Moe Brousell dated May 25, 1965, recorded on June 3, 1965 in the Monmouth County Clerk's Office in Deed Book 3410, Page 49.

**Covenant as to Grantor's Acts.** Grantor covenants that it has done no act to encumber the said lands. (N.J.S.A. 46:4-6)

D 8212-3490  
rec 4-4-03

SCHEDULE A

ALL that certain tract, lot and parcel of land lying and being in the Township of Manalapan, County of Monmouth and State of New Jersey, being more particularly described as follows:

FIRST TRACT

BEGINNING at an iron bolt driven in the middle of the road leading from Englishtown to Gunson's Corner at a point distant 108.08 feet from the Southeast corner of the porch foundation of the dwelling on the property hereby conveyed on a course of South 2 degrees 5 minutes East as the magnetic needle pointed in November, 1921; thence

- 1. as the magnetic needle formerly pointed along the middle of the said road, North 44 degrees 45 minutes west, 13 chains and 18 links to the Garret Minton lot, formerly Benjamin V. Dey's; thence
- 2. along the said lot, North 45 degrees East 16 chains and 68 links to a corner of the said formerly Benjamin V. Dey's lot; thence
- 3. South 60 degrees 52 minutes East 42 links to a stone in formerly Charles H. Merrill's land, now Thomas West's; thence
- 4. South 9 degrees 51 minutes East 63 links to a ditch, and the dividing line between the adjoining properties; thence from the beginning corner as above located
- 1. North 28 degrees 58 minutes East 1 chain and 9 links to a stone set at the West end of a ditch; thence
- 2. South 85 degrees 15 minutes East 8 chains and 24 links along the middle of the ditch to the middle of another ditch; thence
- 3. along the last named ditch North 45 degrees East 11 chains and 70 links to a stake and bend in the ditch; thence
- 4. North 26 degrees East 3 chains and 10 links to a stake on the South bank of the ditch; thence
- 5. still following the general direction of the ditch North 65 degrees 30 minutes East 3 chains and 27 links to a stake in the South bank at the West end of the bridge over the ditch; thence
- 6. North 7 degrees 45 minutes West 3 chains and 41 links to a stake in the North bank of the aforesaid ditch dividing the adjoining properties as heretofore mentioned; thence
- 7. Westerly along the said ditch, which is the dividing line, the several courses thereof to the end of the fourth course in the first part of this description.

✓ 17 B47

469.88

1100

27.72

41.58

71.94

543.84

772.30

704.00

215.22

225.00

continued



SECOND TRACT

LOCATED on the Westerly side of the road leading from Englishtown to Gunson's corner, and particularly described as follows:

BEGINNING in the middle of the said road and the most Easterly corner of a one acre lot conveyed by one, Elizabeth E. Marcellus, widow, to Joseph Mergaugey, said point being distant 21 feet from a stake driven in the Westerly side of the road and in the Southeasterly line of the said one acre lot; thence

1. along the said lot South 49 degrees, 15 minutes West 415 feet to a stake; the most Southerly corner of the said 1 acre lot; thence
2. South 40 degrees 30 minutes East 290.05 feet to a stake on the North bank of a ditch; thence
3. along the said ditch bank, North 80 degrees 23 minutes East, 307 feet to a stake; thence
4. North 41 degrees East 153 feet to the middle of the aforesaid road; thence
5. along the same, North 40 degrees 30 minutes West, 424 feet to the BEGINNING.

ALSO known as Lot 17 in Block 47 and Lot 7 in Block 49 on the Township of Manalapan tax Map. (For information only)

L 7B  
B49

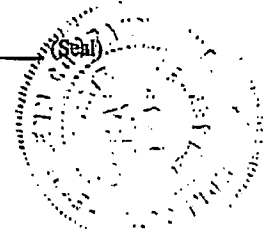
Signatures. The Grantor signs this Deed as of the date at the top of the first page. If the Grantor is a corporation, this Deed is signed and attested to by its proper corporate officers and its corporate seal is affixed.

Witnessed By:

*[Signature]*

MONMOUTH PETROLEUM CO., INC.

*[Signature]*  
JEFF BROUSELL  
President and Sole Officer



STATE OF NEW JERSEY :  
SS.:  
COUNTY OF MONMOUTH:

I CERTIFY that on *Dec. 3<sup>rd</sup>*, 2002, JEFF BROUSELL personally came before me and this person acknowledged under oath, to my satisfaction, that:

- (a) this person signed, sealed and delivered the attached Deed as President and Sole Corporate Officer of Monmouth Petroleum Co., Inc., the corporation named in this Deed;
- (b) the proper corporate seal was affixed;
- (c) this Deed was signed and made by the corporation as its voluntary act and deed by virtue of authority from its Board of Directors; and
- (d) the full and actual consideration paid or to be paid for the transfer of title is \$ 510,000.00 (Such consideration is defined by N.J.S.A. 46:15-5.)

*[Signature]*  
Notary Public of the State of New Jersey  
*An attorney at law of N.J.*

*PSL*  
*#016*

Record and return to:  
Antonio & Flynn, P.C.  
18 Throckmorton Lane, Suite 209  
Old Bridge, NJ 08857

CL. CLAIRE FRENCH  
COUNTY CLERK  
MONMOUTH COUNTY  
NEW JERSEY  
INSTRUMENT NUMBER  
2003082548  
RECORDED ON  
APR 04, 2003  
10:20:24 AM  
BOOK:OR-8212  
PAGE:3490  
Total Pages: 4

|                                 |            |
|---------------------------------|------------|
| COUNTY RECORDING FEES           | \$43.00    |
| DEDICATED TRUST FUND COMMISSION | \$2.00     |
| COUNTY REALTY TRANSFER FEES     | \$510.51   |
| STATE REALTY TRANSFER FEES      | \$1,274.49 |
| REALTY TRANSFER FEES - MPH      | \$540.00   |
| TOTAL                           | \$2,370.00 |

FEB 3, - 2003

8

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.



104512

THIS MORTGAGE, made the 20<sup>th</sup> of December 2002

BETWEEN 522 Enterprises, Inc. with offices at 3278 Bedford Avenue, Brooklyn, New York 11214

, the mortgagor,

and Salvatore Guargenti, residing at 161 Concord Drive, Freehold, New Jersey 07728

, the mortgagee,

WITNESSETH, that to secure the payment of an indebtedness in the sum of ONE HUNDRED FIFTY THOUSAND AND NO/100----- (\$150,000.00) dollars,

lawful money of the United States, to be paid

according to a certain bond, note or obligation bearing even date herewith, the mortgagor hereby mortgages to the mortgagee (Parcel A)

ATTACHED SCHEDULE "A"

COUNTY CLERK  
 MONMOUTH COUNTY  
 NEW JERSEY  
 INSTRUMENT NUMBER  
 2003082549  
 RECORDED ON  
 APR 04, 2003  
 10:20:25 AM  
 BOOK:OR-8212  
 PAGE:3495  
 Total Pages: 8  
 COUNTY RECORDING \$58.00  
 DEDICATED TRUST FUND \$2.00  
 COMMISSION  
 TOTAL \$60.00

MA 8212-3495

ME 4-4-03

SCHEDULE A

ALL that certain tract, lot and parcel of land lying and being in the Township of Manalapan, County of Monmouth and State of New Jersey, being more particularly described as follows:

FIRST TRACT

BEGINNING at an iron bolt driven in the middle of the road leading from Englishtown to Gunson's Corner at a point distant 108.08 feet from the Southeast corner of the porch foundation of the dwelling on the property hereby conveyed on a course of South 2 degrees 5 minutes East as the magnetic needle pointed in November, 1921; thence

1. as the magnetic needle formerly pointed along the middle of the said road, North 44 degrees 45 minutes west, 13 chains and 18 links to the Garret Minton lot, formerly Benjamin V. Dey's; thence
2. along the said lot, North 45 degrees East 16 chains and 68 links to a corner of the said formerly Benjamin V. Dey's lot; thence
3. South 60 degrees 52 minutes East 42 links to a stone in formerly Charles H. Merrill's land, now Thomas West's; thence
4. South 9 degrees 51 minutes East 63 links to a ditch, and the dividing line between the adjoining properties; thence from the beginning corner as above located
  1. North 28 degrees 58 minutes East 1 chain and 9 links to a stone set at the West end of a ditch; thence
  2. South 85 degrees 15 minutes East 8 chains and 24 links along the middle of the ditch to the middle of another ditch; thence
  3. along the last named ditch North 45 degrees East 11 chains and 70 links to a stake and bend in the ditch; thence
  4. North 26 degrees East 3 chains and 10 links to a stake on the South bank of the ditch; thence
  5. still following the general direction of the ditch North 65 degrees 30 minutes East 3 chains and 27 links to a stake in the South bank at the West end of the bridge over the ditch; thence
  6. North 7 degrees 45 minutes West 3 chains and 41 links to a stake in the North bank of the aforesaid ditch dividing the adjoining properties as heretofore mentioned; thence
  7. Westerly along the said ditch, which is the dividing line, the several courses thereof to the end of the fourth course in the first part of this description.

SECOND TRACT

ORIGINAL DOCUMENT - POOR QUALITY

LOCATED on the Westerly side of the road leading from Englishtown to Gunson's corner, and particularly described as follows:

BEGINNING in the middle of the said road and the most Easterly corner of a one acre lot conveyed by one, Elizabeth E. Marcellus, widow, to Joseph Mergaugey, said point being distant 21 feet from a stake driven in the Westerly side of the road and in the Southeasterly line of the said one acre lot; thence

1. along the said lot South 49 degrees, 15 minutes West 415 feet to a stake; the most Southerly corner of the said 1 acre lot; thence
2. South 40 degrees 30 minutes East 290.05 feet to a stake on the North bank of a ditch; thence
3. along the said ditch bank, North 80 degrees 23 minutes East, 307 feet to a stake; thence
4. North 41 degrees East 153 feet to the middle of the aforesaid road; thence
5. along the same, North 40 degrees 30 minutes West, 424 feet to the BEGINNING.

ALSO known as Lot 17 in Block 47 and Lot 7 in Block 49 on the Township of Manalapan tax Map. (For information only)

This mortgage is given as collateral security for any and all indebtedness of mortgagor herein, by note or notes, extensions, renewals, substitutions therefor, regardless of change in interest rate. This security is limited to the amount shown herein.

**TOGETHER** with any and all rights of mortgagor in and to any sewage treatment plant and/or pumping station, and to any rights of connection thereto. This shall include, but not be limited to, deposits made for such connections, and for any additional connections beyond those to be used for premises mortgaged herein.

**TOGETHER** with all right, title and interest of the mortgagor in and to the land lying in the streets and roads in front of and adjoining said premises;

**TOGETHER** with all fixtures, chattels and articles of personal property now or hereafter attached to or used in connection with said premises, including but not limited to furnaces, boilers, oil burners, radiators and piping, coal stokers, plumbing and bathroom fixtures, refrigeration, air conditioning and sprinkler systems, wash-tubs, sinks, gas and electric fixtures, stoves, ranges, awnings, screens, window shades, elevators, motors, dynamos, refrigerators, kitchen cabinets, incinerators, plants and shrubbery and all other equipment and machinery, appliances, fittings, and fixtures of every kind in or used in the operation of the buildings standing on said premises, together with any and all replacements thereof and additions thereto;

**TOGETHER** with all awards heretofore and hereafter made to the mortgagor for taking by eminent domain the whole or any part of said premises or any easement therein, including any awards for changes of grade of streets, which said awards are hereby assigned to the mortgagee, who is hereby authorized to collect and receive the proceeds of such awards and to give proper receipts and acquittances therefor, and to apply the same toward the payment of the mortgage debt, notwithstanding the fact that the amount owing thereon may not then be due and payable; and the said mortgagor hereby agrees, upon request, to make, execute and deliver any and all assignments and other instruments sufficient for the purpose of assigning said awards to the mortgagee, free, clear and discharged of any encumbrances of any kind or nature whatsoever.

**AND** the mortgagor covenants with the mortgagee as follows:

1. That the mortgagor will pay the indebtedness as hereinbefore provided.
2. That the mortgagor will keep the buildings on the premises insured against loss by fire for the benefit of the mortgagee; that he will assign and deliver the policies to the mortgagee; and that he will reimburse the mortgagee for any premiums paid for insurance made by the mortgagor on the mortgagor's default in so insuring the buildings or in so assigning and delivering the policies.
3. That no building on the premises shall be altered, removed or demolished without the consent of the mortgagee.
4. That the whole of said principal sum and interest shall become due at the option of the mortgagee: after default in the payment of any instalment of principal or of interest or of tax escrow as hereinafter defined for fifteen days; or after default in the payment of any tax, water rate, sewer rent or assessment for thirty days after notice and demand; or after default after notice and demand either in assigning and delivering the policies insuring the buildings against loss by fire or in reimbursing the mortgagee for premiums paid on such insurance, as hereinbefore provided; or after default upon request in furnishing a statement of the amount due on the mortgage and whether any offsets or defenses exist against the mortgage debt, as hereinafter provided. An assessment which has been made payable in instalments at the application of the mortgagor or lessee of the premises shall nevertheless, for the purpose of this paragraph, be deemed due and payable in its entirety on the day the first instalment becomes due or payable or a lien.
5. That the holder of this mortgage, in any action to foreclose it, shall be entitled to the appointment of a receiver.
6. That the mortgagor will pay all taxes, assessments, sewer rents or water rates, and in default thereof, the mortgagee may pay the same. Notwithstanding the foregoing, mortgagor will pay to mortgagee,

together with required monthly payments, 1/12th of the annual real estate taxes and water and sewer assessments, if applicable ("tax escrow") as billed by mortgagee.

7. That the mortgagor within five days upon request in person or within ten days upon request by mail will furnish a written statement duly acknowledged of the amount due on this mortgage and whether any offsets or defenses exist against the mortgage debt.

8. That notice and demand or request may be in writing and may be served in person or by mail.

9. That the mortgagor warrants the title to the premises.

10. That the fire insurance policies required by paragraph No. 2 above shall contain the usual extended coverage endorsement; that in addition thereto the mortgagor, within thirty days after notice and demand, will keep the premises insured against war risk and any other hazard that may reasonably be required by the mortgagee. All of the provisions of paragraphs No. 2 and No. 4 above relating to fire insurance and the provisions of Section 254 of the Real Property Law construing the same shall apply to the additional insurance required by this paragraph.

11. That in case of a foreclosure sale, said premises, or so much thereof as may be affected by this mortgage, may be sold in one parcel.

12. That if any action or proceeding be commenced (except an action to foreclose this mortgage or to collect the debt secured thereby), to which action or proceeding the mortgagee is made a party, or in which it becomes necessary to defend or uphold the lien of this mortgage, all sums paid by the mortgagee for the expense of any litigation to prosecute or defend the rights and lien created by this mortgage (including reasonable counsel fees), shall be paid by the mortgagor, together with interest thereon at the rate of six per cent. per annum, and any such sum and the interest thereon shall be a lien on said premises, prior to any right, or title to, interest in or claim upon said premises attaching or accruing subsequent to the lien of this mortgage, and shall be deemed to be secured by this mortgage. In any action or proceeding to foreclose this mortgage, or to recover or collect the debt secured thereby, the provisions of law respecting the recovering of costs, disbursements and allowances shall prevail unaffected by this covenant.

13. That the mortgagor hereby assigns to the mortgagee the rents, issues and profits of the premises as further security for the payment of said indebtedness, and the mortgagor grants to the mortgagee the right to enter upon and to take possession of the premises for the purpose of collecting the same and to let the premises or any part thereof, and to apply the rents, issues and profits, after payment of all necessary charges and expenses, on account of said indebtedness. This assignment and grant shall continue in effect until this mortgage is paid. The mortgagee hereby waives the right to enter upon and to take possession of said premises for the purpose of collecting said rents, issues and profits, and the mortgagor shall be entitled to collect and receive said rents, issues and profits until default under any of the covenants, conditions or agreements contained in this mortgage, and agrees to use such rents, issues and profits in payment of principal and interest becoming due on this mortgage and in payment of taxes, assessments, sewer rents, water rates and carrying charges becoming due against said premises, but such right of the mortgagor may be revoked by the mortgagee upon any default, on five days' written notice. The mortgagor will not, without the written consent of the mortgagee, receive or collect rent from any tenant of said premises or any part thereof for a period of more than one month in advance, and in the event of any default under this mortgage will pay monthly in advance to the mortgagee, or to any receiver appointed to collect said rents, issues and profits, the fair and reasonable rental value for the use and occupation of said premises or of such part thereof as may be in the possession of the mortgagor, and upon default in any such payment will vacate and surrender the possession of said premises to the mortgagee or to such receiver, and in default thereof may be evicted by summary proceedings.

14. That the whole of said principal sum and the interest shall become due at the option of the mortgagee: (a) after failure to exhibit to the mortgagee, within ten days after demand, receipts showing payment of all taxes, water rates, sewer rents and assessments; or (b) after the actual or threatened alteration, demolition or removal of any building on the premises without the written consent of the mortgagee; or (c) after the assignment of the rents or leases of the premises or any part thereof without the written consent of the mortgagee; or (d) if the buildings on said premises are not maintained in reasonably good repair; or (e) after failure to comply with any requirement or order or notice of violation of law or ordinance issued by any governmental department claiming jurisdiction over the premises within three months from the issuance thereof; or (f) if on application of the mortgagee two or more fire insurance companies lawfully doing business in the State of New York refuse to issue policies insuring the buildings on the premises; or (g) in the event of the removal, demolition or destruction in whole or in part of any of the fixtures, chattels or articles of personal property covered hereby, unless the same are promptly replaced by similar fixtures, chattels and articles of personal property at least equal in quality and condition to those replaced, free from chattel mortgages or other encumbrances thereon and free from any reservation of title thereto; or (h) after thirty days' notice to the mortgagor, in the event of the passage of any law deducting from the value of land for the purposes of taxation any lien thereon, or changing in any way the taxation of mortgages or debts secured thereby for state or local purposes; or (i) if the mortgagor or any obligor fails to keep, observe and perform any of the other covenants, conditions or agreements contained in this mortgage, or in the mortgage note; or (j) transfer or sale of property or any interest in property.

15. That the mortgagor will, in compliance with Section 13 of the Lien Law, receive the advances secured hereby and will hold the right to receive such advances as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

16. That the execution of this mortgage has been duly authorized by the board of directors of the mortgagor.

18. In the event of default, Lender shall have the right to have the mortgaged property appraised and the cost of such appraisal shall become additional indebtedness of the Borrower to be secured by this instrument with interest at rate provided for herein.

19. In the event that Lender at its sole discretion determines that an appraisal of the mortgaged property is necessary subsequent to this closing, the Borrower shall reimburse the Lender for such appraisal costs within 10 days of receipt of a copy of the bill therefor.

This mortgage may not be changed or terminated orally. The covenants contained in this mortgage shall run with the land and bind the mortgagor, the heirs, personal representatives, successors and assigns of the mortgagor and all subsequent owners, encumbrancers, tenants and subtenants of the premises, and shall enure to the benefit of the mortgagee, the personal representatives, successors and assigns of the mortgagee and all subsequent holders of this mortgage. The word "mortgagor" shall be construed as if it read "mortgagors" and the word "mortgagee" shall be construed as if it read "mortgagees" whenever the sense of this mortgage so requires.

IN WITNESS WHEREOF, this mortgage has been duly executed by the mortgagor.

IN PRESENCE OF:

522 Enterprises, Inc.

BY:

Salvatore Marra  
SALVATORE MARRA, SECRETARY

BY:

Gaspard Grecco  
GASPARE GRECCO, PRESIDENT

RIDER TO MORTGAGE

MORTGAGOR a/k/a Borrower: 522 Enterprises, Inc.

MORTGAGEE a/k/a Lender: SALVATORE GUARGENTI

PREMISES:

R.1 (a) Regardless of the types of, or amounts of insurance required and approved by the Mortgagee, the Mortgagor will assign and deliver to the Mortgagee all policies of insurance acquired by the Mortgagor to insure against any loss or damage to the premises, as additional security for the indebtedness, to the extent of said indebtedness;

(b) Not less than fifteen days prior to the expiration date of each policy furnished by the Mortgagor pursuant to this Article, the Mortgagor will deliver to the Mortgagee a renewal policy or policies marked "premium paid" or accompanied by other evidence of payment satisfactory to the Mortgagee; and

(c) In the event of a foreclosure of this Mortgage, the Purchaser of the premises shall succeed to all the rights of the Mortgagor, including any rights to the proceeds of insurance and to unearned premiums, in and to all policies of insurance assigned and delivered to the Mortgagee pursuant to this Article.

R.2 In the event of any default in the performance of any of the Mortgagor's covenants and agreements herein, the Mortgagee may, at the option of the Mortgagee, perform the same, and the cost thereof, with interest at a rate at two percent per month (but not in excess of the maximum rate allowed by law to be charged to the Mortgagor), shall immediately be due from the Mortgagor to the Mortgagee and secured by this Mortgage. If the principal sum of the Note shall not be paid at its maturity, or on its acceleration pursuant hereto, interest thereon shall thereafter be computed and paid at the said interest rate specified in this Article.

R.3 In the event the Mortgagee is required to employ counsel to collect the debt secured hereby, or to foreclose this Mortgage, or to defend the lien of this Mortgage, or to protect the interests of the Mortgagee with respect to a default by the Mortgagor hereunder, the Mortgagor hereby agrees to pay to the Mortgagee reasonable attorney's fees of the attorney for the Mortgagee, but in no event less than Five Hundred Dollars, which sum shall be included in any resulting judgment of foreclosure or otherwise and shall be in addition to the recovery of costs, disbursements and allowances in such action pursuant to the applicable provisions of law.

R.4 The Mortgagor agrees that the Mortgagee, its agents, employees, or other duly authorized representative, shall have the right to enter into and upon the Mortgaged Premises, or any portion thereof, at reasonable times during business hours on five days' notice for the purpose of making physical inspection of the Premises to determine if the exterior, interior or any part of the structure requires repairs or alterations, or if the security value of the Mortgaged Premises has been depleted.

R.5 The Mortgagor hereby assigns to the Mortgagee, as further security for the payment of the indebtedness secured hereby, the rents, issues and profits of the Premises, together with all leases and other documents evidencing such rents, issues and profits now or hereafter in effect and any and all deposits held as security under said leases, and shall, upon demand, deliver to the Mortgagee an executed counterpart of each such lease or other documents.

R.6 The time of the repayment, accelerated or otherwise, of the indebtedness when due is of unique and specific importance and a financial necessity to the Mortgagee, and is hereby made of the essence. Should all sums due or payable under the mortgage, or under any written extension, postponement of the due date, or renewal thereof, not be promptly paid in full on or before the due date, stated or accelerated as a result of default, the Mortgagor shall pay and hereby agrees to pay to the Mortgagee or other holder of said mortgage, interest thereunder at the rate of two percent per month on the unpaid balance for each and every month, or any fraction thereof, computed from said date of maturity to the date of actual repayment; said interest shall become due and payable at the same time that interest payments are due under said mortgage and shall be secured by and collected thereunder. It is hereby understood that this provision does not constitute a consent or agreement on the part of the Mortgagee, to extend or postpone the time of such payment beyond the present date of maturity thereof.

Acceptance of one or more payments after the loan indebtedness has matured shall not be deemed a waiver of maturity and shall not be construed as an estoppel, amendment or modification of the loan.



documents. Mortgagee reserves the right to reject any post maturity payment, increase the rate of computation of interest after the maturity date as aforesaid and to demand payment in full of the loan balance. Acceptance of post maturity payments shall not be deemed or construed as an agreement by the Mortgagee to extend the term of the loan indebtedness nor shall it waive, alter or invalidate the Mortgagee's rights and remedies pursuant to the loan documents. Furthermore acceptance of post maturity payments shall not be deemed to be an agreement by the Mortgagee to postpone or refrain from exercising any of its remedies pursuant to the loan documents. Notwithstanding the acceptance of any post maturity payments, the failure to pay balance in full upon demand will result in legal action, accrual of attorneys' fees and calculation of interest at the default rate, if applicable.

R.7 Alterations to the premises may be made by the Mortgagor, provided that before any work is commenced:

- (a) the Mortgagor shall deliver to the Mortgagee a copy of plans prepared by a New York State Registered Architect or Licensed Professional Engineer, fully showing the work to be performed;
- (b) such plans are approved by the governmental agencies having jurisdiction, and copies of such approvals are delivered to the Mortgagee;
- (c) such work is at all times performed in accordance with all applicable laws, rules and regulations by properly licensed tradesmen; and
- (d) Mortgagor obtains the written consent of the Mortgagee, which consent shall not be unreasonably withheld or delayed.

Strict compliance with the provisions of this paragraph is of the essence of this mortgage, and any breach hereof or default hereunder shall be deemed material.

R.8 In the event of any payment hereunder which is in excess of the maximum amount of interest permitted by law, such excess shall be deemed to have been paid on account of principal, and shall reduce principal as of the date of such excess payment, notwithstanding any delay in computation of such excess amount or delay in applying same to principal.

R.9 Neither the mortgagor nor any subsequent owner of the premises shall enter into any agreement by which the terms of payment of any principal or interest under any prior mortgage is waived, modified, deferred or delayed or increased or reduced in rate or amount, (except as may be specifically set forth herein, if at all, in connection with refinancing thereof) without the written consent of the holder of this mortgage. And if any such action be taken, by written agreement, oral understanding or by sufferance, the holder of this mortgage, at his option, may declare the entire unpaid balance secured hereunder forthwith due and payable with the same force and effect as though the maturity date hereof coincided with the date upon which any such waiver, modification, deferrer, delay, or increase or reduction takes effect. Further (and without waiving the right to declare the principal due hereunder, and in addition to said right) the holder of this mortgage, in such event, shall have the right to demand and receive (in addition to the periodic payments of principal and interest herein elsewhere provided; and in further reduction of the principal of the indebtedness, and without reducing the amount of period payment) a sum equal to the amount by which payments of principal and/or interest on any prior mortgage be reduced, deferred or waived. The said amount shall be payable hereunder, without notice or demand and the failure to make such payments to the holder hereof (within ten days after the date upon which the said payments would be payable to the prior mortgagee were it not for such reduction, deferrer or waiver) shall, at the option of the holder of this mortgage, constitute a default hereunder which shall be enforceable with the same force and effect, and with the same remedies, as though default had been made in the payment of the regular installments of principal and/or interest as herein elsewhere provided.

R.10 In the event of default, Lender shall have the right to have the mortgaged property appraised and the cost of such appraisal shall become additional indebtedness of the Borrower to be secured by this instrument with interest at rate provided for herein.

R.11 In the event that Lender at its sole discretion determines that an appraisal of the mortgaged property is necessary subsequent to this closing, the Borrower shall reimburse the Lender for such appraisal costs within 10 days of receipt of a copy of the bill therefor.

522 Enterprises, Inc.  
BY: Salvatore Marra  
SALVATORE MARRA, SECRETARY  
Gaspard Grecco  
GASPARO GRECCO, PRESIDENT

NEW JERSEY MIDDLESEX  
State of New Jersey, County of MIDDLESEX ss:

ATTORNEY

On the 20th day of ~~December~~ <sup>February</sup>, 2002, before me, the undersigned, a Notary Public in and for said State personally appeared Salvatore Marra and Gaspare Greco personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity and that by their signature on the instrument, the individuals, or the persons upon behalf of which the individuals acted, executed the instrument.

  
~~NOTARY PUBLIC~~ WILLIAM E. FLYNN  
ATTORNEY AT LAW OF NEW JERSEY

MORTGAGE

522 ENTERPRISES, INC.

TO

SALVATORE GUARGENTI

Township of Englishtown  
Monmouth County

Block 47  
Lot 17  
Block 49  
Lot 7  
Premises

RETURN BY MAIL TO:

*p.l.k.*  
*018*

~~MENICUCCI VILLA & ASSOCIATES  
26 Dumont Avenue  
Staten Island, New York~~

*Antonio E. FLYNN  
18 Throckmorton Lane  
Old Bridge, NJ 08857*

CHARLES JONES  
JUDGMENT SEARCH  
CERTIFIED TO:

NEW JERSEY SUPERIOR COURT,  
UNITED STATES DISTRICT COURT AND  
UNITED STATES BANKRUPTCY COURT

988-8900-10

RE: 1016AV-01

SURETY TITLE CORPORATION  
3 E STOW RD STE 100  
MARLTON NJ 08053-

SIGNATURE INFORMATION SOLUTIONS LLC HEREBY CERTIFIES THAT IT HAS SEARCHED THE INDEX OF THE CIVIL JUDGMENT AND ORDER DOCKET OF THE SUPERIOR COURT OF NEW JERSEY, THE INDEX OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY, AND THE INDEX OF THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEW JERSEY AND DOES NOT FIND REMAINING UNSATISFIED OF RECORD IN ANY OF THESE COURTS A JUDGMENT OR OTHER DOCKETED RECORD REFERRED TO BY THE RESPECTIVE INDICES WHICH CONSTITUTES A GENERAL LIEN ON REAL PROPERTY IN NEW JERSEY, NOR ANY CERCLA LIEN ON SPECIFIC REAL PROPERTY WITHIN NEW JERSEY NOR ANY PETITION COMMENCING PROCEEDINGS IN BANKRUPTCY EXCEPT AS BELOW SET FORTH AGAINST:

|                      | FROM       | TO         |
|----------------------|------------|------------|
| 522 ENTERPRISES INC. | 07-15-1989 | 07-15-2009 |

\*\*\*\*\*

CLEAR

\*\*\*\*\*

DATED 07-15-2009  
TIME 08:45 AM

FEES: \$ 10.50  
TAX: \$ 0.00  
TOTAL: \$ 10.50

RN09-198-02096 198 0640198 02

CHARLES JONES SEARCH  
PROVIDED BY  
SIGNATURE INFORMATION SOLUTIONS  
P.O. BOX 8488  
TRENTON, NJ 08650

CHARLES JONES SEARCH  
CERTIFIED TO:

\*\*\*\*\*  
\*\*\* UNITED STATES PATRIOT NAME SEARCH \*\*\*  
\*\*\*\*\*

988-8900-10

RE: 1016AV-01

SURETY TITLE CORPORATION  
3 E STOW RD STE 100  
MARLTON NJ 08053-

SIGNATURE INFORMATION SOLUTIONS LLC HEREBY CERTIFIES THAT IT HAS SEARCHED THE LIST OF SPECIALLY DESIGNATED NATIONALS AND BLOCKED PERSONS MAINTAINED BY THE OFFICE OF FOREIGN ASSETS CONTROL, U.S. DEPARTMENT OF THE TREASURY, PURSUANT TO EXECUTIVE ORDER 13224 AS AMENDED BY EXECUTIVE ORDER 13268, AND REPORTS THE FOLLOWING FINDINGS WITH RESPECT TO THE NAME(S) LISTED BELOW:

522 ENTERPRISES INC. (Entity) THROUGH  
07-15-2009

\*\*\*\*\*  
\*\*\*\*\* CLEAR PATRIOT NAME SEARCH \*\*\*\*\*  
\*\*\*\*\*

NOTE: According to the U.S. Department of Treasury, no U.S. person may deal with any Libyan or Iraqi government official whether their name appears on the list or not.

DATE ISSUED: 07-17-2009

FEES: PACKAGE

PA09-198-02097 198 0635198 02

CHARLES JONES SEARCH  
PROVIDED BY  
SIGNATURE INFORMATION SOLUTIONS  
P.O. BOX 8488  
TRENTON, NJ 08650

CHARLES JONES  
JUDGMENT SEARCH  
CERTIFIED TO:

NEW JERSEY SUPERIOR COURT,  
UNITED STATES DISTRICT COURT AND  
UNITED STATES BANKRUPTCY COURT

988-8900-10

RE: 1016AV-01

SURETY TITLE CORPORATION  
3 E STOW RD STE 100  
MARLTON NJ 08053-

SIGNATURE INFORMATION SOLUTIONS LLC HEREBY CERTIFIES THAT IT HAS SEARCHED THE INDEX OF THE CIVIL JUDGMENT AND ORDER DOCKET OF THE SUPERIOR COURT OF NEW JERSEY, THE INDEX OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY, AND THE INDEX OF THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEW JERSEY AND DOES NOT FIND REMAINING UNSATISFIED OF RECORD IN ANY OF THESE COURTS A JUDGMENT OR OTHER DOCKETED RECORD REFERRED TO BY THE RESPECTIVE INDICES WHICH CONSTITUTES A GENERAL LIEN ON REAL PROPERTY IN NEW JERSEY, NOR ANY CERCLA LIEN ON SPECIFIC REAL PROPERTY WITHIN NEW JERSEY NOR ANY PETITION COMMENCING PROCEEDINGS IN BANKRUPTCY EXCEPT AS BELOW SET FORTH AGAINST:

|                               | FROM       | TO         |
|-------------------------------|------------|------------|
| MBI DEVELOPMENT COMPANY, INC. | 07-15-1989 | 07-15-2009 |

\*\*\*\*\*

CLEAR

\*\*\*\*\*

DATED 07-15-2009  
TIME 08:45 AM

FEES: \$ 10.50  
TAX: \$ 0.00  
TOTAL: \$ 10.50

RN09-198-02099 198 0638198 02

CHARLES JONES SEARCH  
PROVIDED BY  
SIGNATURE INFORMATION SOLUTIONS  
P.O. BOX 8488  
TRENTON, NJ 08650





**NEW JERSEY TAX & ASSESSMENT SEARCH**

For: Surety Title Corporation  
 Customer ID: 988890010  
 Reference #: 1016AV-01  
 Order #: 1372438/MT-198-1214  
 Completed Date: 07/17/2009

**CERTIFICATE OF CURRENT PROPERTY TAX AND ASSESSMENT STATUS FOR:**

Municipality: Manalapan Township(Monmouth) 120 Rt. 522  
 (732) 446-8359 MANALAPAN, NJ 07726  
 For additional Sewer information please call:(732)446-9300; Address: 103 Pension Rd, Manalapan, NJ 07726

---

Block: 47 Owner: 522 ENTERPRISES C/O GASPARE GRECO  
 Lot: 17 Property Location: 48 WOOD AVENUE  
 Also: Mailing: 10 POLONIA COURT MONROE NJ 08831  
 Lot Size: 25.94 ACRES Valuation: Assessed Values:  
 Prop. Code: 4A-COMMERCIAL Tax Rate: 1.738 per \$100 of Assessed Value Land: \$575,000.00  
 Tax Ratio: 43.09 Improvement: \$411,600.00  
 Total: \$986,600.00

*\*Not to be used to determine the "residential use" for the purposes of P.L. 2004, c. 66 section 8.*

Deduction: None  
 Cert. Of Occup.: New Construction, Resales & Rentals  
 Smoke detector: Required as per NJAC 5:70-4.19  
 Call (732) 446-8319 for inspection Inspection Fee: \$20.00 for inspection  
 Information: Board of Health Well water test required: (732)446-8346 (\$20 Fee)

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|             |               |             |              |
|-------------|---------------|-------------|--------------|
| 2008 Taxes: |               | \$17,147.10 | Paid in full |
| 2009 Qtr 1  | Due: 02/01/09 | \$4,286.78  | Paid         |
| 2009 Qtr 2  | Due: 05/01/09 | \$4,286.77  | Paid         |
| 2009 Qtr 3  | Due: 08/01/09 | \$0.00      | Pending      |
| 2009 Qtr 4  | Due: 11/01/09 | \$0.00      | Pending      |
| 2010 Qtr 1  | Due: 02/01/10 | \$0.00      | Pending      |
| 2010 Qtr 2  | Due: 05/01/10 | \$0.00      | Pending      |

Added Assessments: None

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Water Account: PRIVATE  
 Sewer Account: NO ACCOUNT LISTED FOR ABOVE OWNER OR PROPERTY LOCATION. IF PREMISES IS RENTED/LEASED; POSSIBLE CHARGES MAY BE PENDING UNDER TENANT/LESSEE'S NAME. PLEASE HAVE SELLER PROVIDE EVIDENCE OF SERVICE AT CLOSING.

Confirmed Assessments: None

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Past Due Balances: None

Liens: None

Comments: None

**UNCONFIRMED ASSESSMENTS:**

Ordinance #: None Adopted On: None Improvement Type: None

Signature Information Solutions LLC guarantees that the above information accurately reflects the contents of the public record as of the completed date.

**APPENDIX D:**

**Conceptual Plan**

**Affordable Housing Development:**

**Block 47, Lot 17**





**Ingerman**  
AFFORDABLE  
HOUSING, INC.

W O O D A V E N U E

MANALAPAN NJ  
07.21.2009

haley.donovan  
ARCHITECTURE SITE PLANNING  
www.haleydonovan.com





### SITE PLAN

- 25.9 ACRES TOTAL
- 8.9 ACRES BUILDABLE
- 110 APARTMENTS
  - 10 BUILDINGS
  - 21 ONE BEDROOM APARTMENTS (19%)
  - 56 TWO BEDROOM APARTMENTS (51%)
  - 33 THREE BEDROOM APARTMENTS (30%)
- 01 COMMUNITY CENTER (2,400 SF)
- 01 PLAYGROUND WITH TOT-LOT
- 172 PARKING SPACES
  - 1.5 SPACES PER APARTMENT +
  - 7 PARKING SPACES AT COMMUNITY CENTER

