

Lyn Paul Aaroe
Attorney at Law

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126 Mansfield Street
Belvidere, NJ 07823

May 14, 2004

Arthur Agens, Chairman
Mansfield Township Zoning Board of Adjustment
100 Port Murray Road
Port Murray, New Jersey 07865

Re: Mansfield Township Zoning Board Application No. Z03-06
MBAK (Simoff) – Block 1201, Lot 22 – Age-Restricted
Housing Project

Dear Chairman Agens:

As you are aware from our prior telephone conversation, I have been discussing with Mr. Vogel, who represents the above-referenced applicants, the potential for a settlement of the pending litigation instituted to reverse the Board of Adjustment's denial of the conditional use variances for the Route 57 site and the relationship of that site and the litigation attending to the Airport Road site. I have also discussed this possibility with Vice-Chairman McMekin, in that he will be chairing the June 7th meeting in your absence.

You and the Vice-Chairman have determined that it would be appropriate to discuss, with the full Board, the pending litigation, a possible settlement thereof and the relationship of that litigation and any possible settlement with the pending Airport Road site application. This discussion will take place, in executive session, at the June 7, 2004, meeting.

I further discussed with Mr. Vogel and, actually, suggested to him, that it might be more productive and economical of the professional resources being brought to bear on this application that the hearing not continue at the June 7th meeting, in which case we would not need Gary Dean or Joe Layton to attend nor would the applicant need to bring in its professionals.

Mr. Vogel has agreed to carry the presentation of the application from the June 7th meeting to a subsequent meeting, which may not be the July meeting because of a conflict with his vacation schedule. In any event, he has agreed to grant a time extension through the August meeting.

Lyn Paul Aaroe
Attorney at Law

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126 Mansfield Street
Belvidere, NJ 07823

April 22, 2004

Maser Consulting
Attn: Joseph Layton, P.P.
43A Newburg Road
Suite 100
Hackettstown, NJ 07840

Re: Mansfield Township Zoning Board Application No. Z03-06
MBAK (Simoff) – Block 1201, Lot 22

Dear Joe:

I have received in today's mail a 13-page report dated April 16, 2004, from Frost, Christenson & Associates providing ... *an analysis of the impact of annual costs associated with recreational amenities on the maintenance fees for the proposed development of Airport Road Estates in Mansfield Township, Warren County, New Jersey.* I enclose herewith a copy of that report for your consideration. I am also providing a copy of the report to Mr. Mace for his review and comments.

In that the next Board of Adjustment hearing on this application is **Monday, May 3, 2004**, which is, in essence, only a week away, I have taken the liberty of providing you with this report directly and I am also taking the liberty (I will confirm having done so with Chairman Agens) of requesting you and Mr. Mace to review same and provide an analysis/response thereto at the May 3, 2004, hearing, at which I am also taking liberty of requesting you to attend.

I am requesting that you and Mr. Mace use your best efforts to conduct a review and prepare a response thereto but, given the late filing of the enclosed, if it is not reasonably possible for you to complete such a review and analysis, then the only alternative would be to so inform Mr.

Maser Consulting
Attn: Joseph Layton, P.P.
April 22, 2004
Page Two

Vogel that, while he is free to present his expert's testimony and report, the Board of Adjustment professionals have not had a reasonable opportunity to respond thereto and the matter of response will then have to be carried to the June meeting. Please advise me one way or the other.

Very truly yours,

LYN PAUL AAROE
Attorney, Mansfield Township Zoning Board of Adjustment

LPA:slr

cc: Arthur Agens, Chairman, M.T.Z.B.A.
Patricia Zotti, Secretary, M.T.Z.B.A.
Douglas M. Mace, P.E.

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WRITER'S VOICE MAIL EXT. 140

April 20, 2004

Mansfield Township
Board of Adjustment
Municipal Building
100 Port Murry Road
Port Murray, NJ 07865

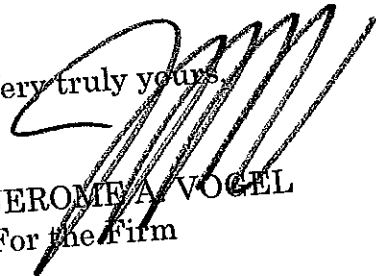
Re: Airport Road Estates
Airport Road
Township of Mansfield

Dear Sir/Madam:

This application is currently pending for a continued hearing on May 3, 2004. We have, since the last meeting, obtained the services of Frost, Christenson & Associates, Consulting Engineers, Planners and Landscape Architects. We enclose for distribution to the Board Members in anticipation of the Board hearing ten (10) copies of the report in anticipation of testimony by Marshall Frost.

If you have any questions or comments, we remain available.

Very truly yours,


JEROME A. VOGEL
For the Firm

JAV/fdb

Encls.

cc: Client
Lyn Paul Aaroe, Esq.

**Frost
Christenson &
Associates**
Consulting Engineers, Planners and Landscape Architects

April 16, 2004

Mr. Jerome Vogel, Esq.
Jeffer, Hopkinson & Vogel
1600 Rt. 208 North
Hawthorne, NJ 07506

Re: Airport Road Estates
Budget Analysis
Y:FA04-120\L040315A

Dear Mr. Vogel:

Frost, Christenson & Associates has been requested to provide an analysis of the impact of annual costs associated with recreational amenities on the Maintenance Fees for the proposed development of Airport Road Estates in Mansfield Township, Warren County, New Jersey.

At this time, no Public Offering Statement is available for the proposed project. To conduct our analysis, we have assumed that Airport Road Estates will be developed as a Homeowners Association, with the Association responsible for the maintenance, repair and replacement of all Common Elements, plus the exterior of each individual unit, along with grounds maintenance for each individual unit.

This level of responsibility is fairly common, based on our experience, in the Community Association industry for this type of development. Since the Association provides all exterior maintenance, it is particularly attractive for an age restricted Community.

In preparing this report, we have reviewed Section 22-13.10 of the Mansfield Township Code, provided to Frost, Christenson & Associates by your office.

Summary

As discussed below, while there is some relationship between the size of the Community and the impact of costs associated with recreational amenities on individual resident Owners, that impact is minor once the Community reaches a size of approximating one hundred (100) units. For example, the increase in monthly maintenance fees for a one hundred (100) unit project compared to a two hundred and fifty (250) unit project is approximately Nine (\$9.00) Dollars. The increase in the monthly maintenance fees for a seventy-five (75) unit project compared to a one (100) unit project is approximately Nineteen (\$19.00) Dollars. While in both cases the increased maintenance fees may reduce the number of buyers interested in the project, the monthly increases are not prohibitive.



The impacts occur in two (2) areas, operations and maintenance (Operation Budget) of the recreational amenities, and Reserves for the replacement of the recreational amenities at the end of their Useful Life.

To demonstrate the impact of community size, a hypothetical Budget (Operations and Reserves) has been developed for the Airport Road Estates project, and comparison budgets for communities of one hundred (100) units and two hundred and fifty (250) units are evaluated. Based on this evaluation, the Airport Road Hypothetical Budget compares favorably with similar types of projects, of the same size or significantly larger. Further, in our opinion, the budgetary impacts are within the level of affordability of the residents.

We have also reviewed Section 22-13.10 of the Mansfield Township Code entitled Adult Retirement Communities.

We understand that the minimum gross tract area (Section 22-13.10.a.1.) of seventy (70) acres is intended, coupled with the maximum density (Section 22-13.10.d.1.(a)(1)) of four (4) dwelling units per acre is intended to insure that the resulting number of residential units (two hundred and eighty [280]) is sufficient to support the Operating and Reserve costs of the amenities provided. While that is a legitimate concern, the critical number of units is below one hundred (100).

Annual Budget

The Annual Budget for an Association is broken down into various elements, which could generally be described as Administration, Operations and Maintenance, and Reserves.

Reserves

Reserves (for the Replacement of Capital Improvements) are a major portion of typical Annual Budgets for Associations and are discussed first. Their purpose is to have available the necessary financial resources for the periodic replacement of the Common Elements, without subjecting the members (Unit Owners) to a Special Assessment when replacement is required.

Common Elements are defined as those portions of the Association owned in "Common", and can include (by assigned responsibility in the Declaration [Master Deed]) elements of the individual dwellings, even though the Association is organized as a Homeowners Association.

The Annual Reserve Amount is determined through an analysis of the individual Components, their Replacement Cost and their anticipate Remaining Useful Life.

As an example, if the individual roofs of the dwellings are defined as a Common Element in the Declaration, the Association will be responsible for the maintenance, repair and replacement of the roofs over the life of the project. Repair and maintenance of the roof are budgeted, annual costs and are considered to be Operating Costs. However, replacement at the end of the Useful Life of the roof is funded from the Reserves.

For the purposes of discussion, if the replacement cost of one (1) roof is \$4,000 and there are one hundred (100) dwellings, the total cost of replacement of all of the roofs is \$400,000. If the anticipated Useful Life of the roofs is twenty (20) years, ignoring inflation, the Annual Reserve Amount for the roofs would be \$20,000 per year, or \$200 per dwelling per year. This computation is referred to as the "straight line depreciation" method.



To determine the Annual Reserve Amount for the entire project, each Common Element is evaluated and combined in tabular form. The sum of the Annual Reserve Amounts for each Component determines the Annual Reserve Amount to be funded in the Reserves each year.

Attached to this Report are two (2) hypothetical Reserve Fund Schedules developed for the Airport Road Estates project by Frost, Christenson & Associates. These schedules are based on standard practice, and the Reserve Standards adopted by the Reserve Professionals Committee of the Community Associations Institute.

The two (2) Reserve Schedules (Table 1-A and 1-B) reflect the site plan provided for Airport Road Estates. The difference is that Table 1-A reflects a full service Clubhouse of 2,200 square feet, and Table 1-B reflects a Pool House of 1,600 square feet. The former would be open to the membership (Unit Owners) on a full time basis, and would include a small office, meeting room, multi-purpose rooms and support facilities for the pool operation. The Pool House would contain a small office, meeting room and support facilities for the pool operation, but would not be open for use by the membership on a continual basis. As can be seen from the attached schedule, the Annual Reserve Amount for the proposed Community is \$113,723 per year for the Clubhouse alternate and \$112,337 per year for the Pool House alternate.

Operations

Administration, as discussed in this report, includes Management typically provided by a Management Firm, Professional Fees (Legal, Accounting and Engineering) typically provided by consultants, and Insurance.

Actual budget estimates will be dependant on the requirements of the Declaration (when filed). However, in preparing this Airport Road Estates hypothetical Annual Budget, we have made use of our experience with Community Associations, and discussions with Management firms and the Insurance industry.

Management is typically provided by firms specializing in that service. Annual fees are usually based on a cost per dwelling unit. Services include collection of Maintenance Fees, monthly financial statements, receiving resident comments, complaints and requests, scheduling maintenance services and repairs, and preparing the annual budget to mention a few. Our fee estimate is based on Management Fees from projects of the same scope.

Professional Fees (as shown in Table 2) reflect normal Association operation, without extraordinary issues. Legal Fees include collections, attendance at Board meetings and providing general legal guidance to the Board. Accounting Fees reflect the need to perform an Annual Audit for the Association members. Engineering fees reflect the need for guidance to the Board for repairs.

Maintenance Costs are typically provided by vendors, and include Personnel Costs (also typically provided by vendors). Examples include lawn and landscape maintenance, snow removal, and operation of the swimming pool (including both lifeguards and maintenance). Firms specializing in the latter are frequently used for pool operation. Normal maintenance is also typically provided on a contract basis. Except for Large Scale Associations, it is unusual for low rise, residential Associations to maintain their own staff.

Table 2 is a hypothetical budget for Airport Road Estates and is based on an Association of one hundred (100) units. Two (2) alternatives are provided; Alternate 1 represents a full service,



2,200 square foot Clubhouse, Alternate 2 represents the same Association, but with a 1,600 square foot Pool House. Alternate 1 is the proposal currently before the Planning Board.

As can be seen from these hypothetical budgets, the annual cost for each home is \$3,070.08 per year. This is referred to as the Annual Assessment. However, the fee is almost always paid on a monthly basis, and is referred to as the Monthly Maintenance Fee. For the proposal before the Planning Board, the hypothetical Airport Road Estates Monthly Maintenance Fee would be \$255.84. Payment of this fee is an absolute requirement for each member (Unit Owner), and if not paid, is referred to the Association's Attorney for collection. If payment is not received, the unpaid fees become a lien on the property. In extreme cases, Associations will foreclose on the lien to collect the unpaid fees.

Impact of Association Size

The size of the Association, assuming all other things are equal, may have an impact on the Monthly Maintenance Fee for each Association Member (Unit Owner).

Many of the line items included in the Annual Budget are related to the number of units (and members) for all except very small Associations. While minimum charges do apply, they typically have little impact once the number of dwelling units exceeds fifty (50) or so units.

Examples of this include:

- Administration
 - Management Fees – while the cost per unit (all other things being equal) may be reduced somewhat as the size of the Association increases, this is usually off-set by additional services, such as newsletters, etc., that become the responsibility of the Management Firm.
 - Legal Fees – experience shows the larger the Association, the greater the need for legal services and the cost per unit may actually rise.
 - Accounting Fees – since the time required to perform the Annual Audit is dependant on the extent of the financial activity, the cost increases with the size of the project. However, the increase is not proportional, and some savings may result from increased size. Any reduction in cost per unit is minimal, however.
 - Engineering Fees – if anything, the cost per unit actually increases as the size of the project increases. This is due to increased time demands on the Board members with larger projects, requiring additional professional help in dealing with issues related to the Common Elements.
- Operations and Maintenance
 - Landscaping – this item is provided by a Contractor, and is dependant on the extent and level of lawn maintenance and landscaping provided. All things being equal, this cost is directly related to the number of dwelling units.
 - Snow Removal – typically, this includes snow removal for streets, driveways and sidewalks. The cost is calculated on the area (or distance) to be plowed/cleared/shoveled. Since these values are relatively constant per unit, the cost remains relatively constant per unit.



- Repair and Maintenance – typically, this includes maintenance of Common Areas and minor repairs, with the work performed by a Contractor. The cost is directly related to the number of units, except for specific issues related to recreational facilities (which are covered below).
- Other – includes minor items like exterminating.
- Utilities – This category is dependant on how the individual Association is operated. We have included electrical service and water, since the comparative budget information discussed later in this report includes these items. Electrical service is required for Common Elements such as street lights. Water, however, covers both the cost for the individual units, plus Common charges associated with lawn irrigation and operation of the Pool/Clubhouse.
- Recreation
 - Clubhouse – costs associated with the Clubhouse are not directly related to the number of members. While there may be some increased wear and tear for large Associations, this is frequently off-set by increased income resulting from use of the facility (on a rental basis) by individual members. The primary impact on Clubhouse cost is whether the facility serves solely as a "Pool House" and is only open during the pool season, or whether it is open all year long. In both cases, the costs remain relatively constant, regardless of the size of the project (assuming that services remain the same).
 - Pool – costs associated with the pool remain relatively constant, regardless of the size of the project. While increased use of the facility may result in increased chemical costs with larger Associations, this increase is minimal.
 - Other – operating costs for other recreational facilities such as tennis courts, bocci courts, etc., are minimal, and generally do not have budget line items. What cost there is, however, remains constant regardless of the size of the project.
- Reserves – certain Components within the Reserve Schedule are directly related to the number of dwelling units. Examples are unit roofs, siding, driveways, access sidewalks, etc. Additionally, the quantity of roadway pavement, curbing and other site improvements are related to the number of units. However, those Reserve Components associated with amenities, such as recreation, remain relatively constant, regardless of the size of the project.

The hypothetical Airport Road Estates budget shows a comparison of the costs associated with various alternate recreation schemes. Alternate 1 represents an Association with an "active" Clubhouse facility. In this scenario the Clubhouse is open all year long for the use of the membership. Alternate 2 represents an Association with a "passive" Clubhouse. In this case, the Clubhouse functions as a Pool House during the summer months, and is only available, at other times, for Association meetings and functions. Daily use by the membership is not available.

Budget Evaluation

For Alternate 1, the hypothetical Airport Road Estates Annual Budget prepared for this analysis shows an Annual Assessment of \$3,070.08 or \$255.84 per month per dwelling unit. This includes \$40.83 per unit per month in Administrative costs, \$96.67 per unit per month in



Operations and Maintenance costs, \$23.58 per unit per month in Recreation operating Costs, and \$94.76 per unit per month in Reserves. Of the Annual Reserve Amount of \$94.76, \$4.57 per unit per month is associated with the Clubhouse.

The hypothetical Airport Road Estates Annual Budget prepared for Alternate 2 includes certain reductions in both the Operating Budget and the Annual Reserves. These reductions reflect the reduced Clubhouse activity associated with a "passive" Clubhouse.

Reduced costs include:

- Insurance: There is a reduction in the Insurance Premiums per unit, primarily due to the lower liability and reduced replacement cost for a Pool House versus a full Clubhouse.
- Clubhouse: There is a reduction in the operating cost of the Clubhouse, when operated as a Pool House, due a reduction in Cleaning, Utilities and "Other" as a result of the decrease in usage.
- Reserves: There is a reduction in the Reserves established for the Clubhouse, when operated as a Pool House, due the decrease in size, and the amount (and value) of the furnishings.

As a result of these reductions, the Monthly Maintenance Fee is reduced from \$255.84 per unit per month to \$246.52 per unit per month, or approximately \$9.32 per unit per month.

Comparison Budgets

To provide some perspective to the Airport Road Estates theoretical budget discussed above, Table 3 of this report presents budgets from two (2) actual projects that are clients of Frost, Christenson & Associates, with slight modifications to remove atypical items.

The first project, located in Morris County, New Jersey, is an age restricted Community of one hundred and twenty (120) units, constructed as a condominium with (typically) four (4) units per building. The project has a pool, two (2) tennis courts, bocci courts, a putting green and a twenty-two hundred (2,200 sf) square foot Clubhouse. The Clubhouse, open to the membership on a daily basis, has kitchen facilities, a library, projection room, meeting room, and exercise equipment.

The second project, located in Monmouth County, New Jersey, is not age restricted, consists of single family (detached) dwellings, and is constructed as a condominium. The project has a pool, two (2) tennis courts, and a forty-two hundred (4,200 sf) square foot Clubhouse. While open to the membership on a daily basis, with a kitchen, large meeting room, smaller room and exercise equipment, it does not serve the same social function as the Clubhouse for the Morris County project, and is used less frequently by the members.

Both Clubhouses also have a small management office, and provide restrooms and an equipment room for the pool.

The budget information presented has been modified for inclusion in this report. The revisions take three (3) forms. First, there are certain aspects of each project that impact the budget in extraordinary ways. For instance, one (1) project has on-going construction defect litigation against the Developer. This has resulted in unusually high legal fees, accounting fees, engineering fees and building maintenance (remedial construction) costs (General Maintenance



line item). These items have been reduced to levels that are more reflective of Associations without these problems.

The second type of modification reflects costs due to unique characteristics of the project. For instance, the Monmouth County project has significantly higher (per unit) costs for landscaping. Also, the Monmouth County project has significantly higher (per unit) costs for snowplowing. This reflects the general grounds at the project, and the overall density of the project. Again, these costs have been reduced to reflect similar site characteristics.

Finally, the Reserves for each project have been modified. While each Association does not provide the same amenities or Clubhouse, we have used the same charge per unit per month for the non-recreation portion of the Reserves developed as part of the hypothetical Airport Road Estates project analyzed in this report for each comparison budget. For the "Other Recreation" Reserve, we have again used the same total amount for each comparison budget. For the Clubhouse, we have used the same total amount for both the hypothetical budget and the Morris County project, and have adjusted this amount to reflect the larger Clubhouse for the Monmouth County project.

These adjustments allow a reasonable comparison of the impact on the various budgets for the hypothetical Airport Road project, and the two (2) actual projects.

We have also provided the actual per unit per month Maintenance Fees for the Morris County and Monmouth County projects to show the magnitude of our adjustments.

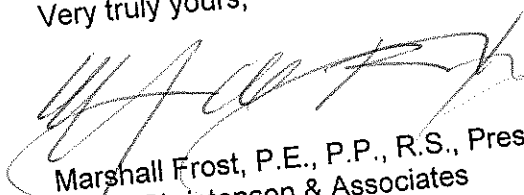
Conclusions

As can be seen from the comparison of the Airport Road Alternate Budgets, there is only a limited impact on the Monthly Maintenance Fee between development with a full Clubhouse and a Pool House.

As also can be seen from the Comparison Budget Table (Table 3), the Airport Road Hypothetical Budget compares favorably with similar types of projects, of the same size or significantly larger.

In our opinion, the number of units that will be developed as the Airport Road Estates Project, can support the proposed Recreational Facilities, in particular the proposed Clubhouse, without a significant impact on the owners of the individual units.

Very truly yours,


Marshall Frost, P.E., P.P., R.S., President
Frost, Christenson & Associates

w/attachments

MF:ct

TABLE 1-A
AIRPORT ROAD ESTATES
HYPOTHETICAL RESERVE SCHEDULE - FULL CLUBHOUSE

COMPONENT INVENTORY										
	YEAR INSTALLED	USEFUL LIFE	ESTIMATED QUANTITY	UNIT COST	CURRENT REPLACEMENT COST	CURRENT FUNDED AMOUNT	UNFUNDED BALANCE	REMAINING USEFUL LIFE		ANNUAL RESERVE REQUIREMENT
								ESTIMATED YEARS	ADJUSTED YEARS	
	FISCAL YEAR	YRS	QTY	UNITS	COST PER UNIT	TOTAL COST TO REPLACE	AMOUNT YET TO BE FUNDED			AMOUNT TO BE FUNDED
RESIDENTIAL BUILDINGS										
ROOF SHINGLES	Jan-04	20	2,730	SQ	180.00	491,400	-	20	20	24,570
VINYL SIDING	Jan-04	40	2,400	SQ	200.00	480,000	-	40	40	12,000
SITE CONSTRUCTION										
PAVEMENT	Jan-04	7	15,550	SY	3.50	54,425	-	7	7	7,775
ROADWAY	Jan-04	15	1,870	TONS	75.00	140,250	-	15	15	9,350
SEALCOAT	Jan-04	45	15,550	SY	3.50	54,425	-	45	45	1,209
OVERLAY	Jan-04	7	1,140	SY	3.50	3,990	-	7	7	570
MILLING	Jan-04	15	140	TONS	75.00	10,500	-	15	15	700
PARKING	Jan-04	45	1,140	SY	3.50	3,990	-	45	45	89
SEALCOAT	Jan-04	7	6,100	SY	3.50	21,350	-	7	7	3,050
OVERLAY	Jan-04	15	6,100	SY	35.00	213,500	-	15	15	14,233
MILLING	Jan-04	45	2,460	LF	20.00	49,200	-	45	45	1,093
DRIVEWAYS	Jan-04	30	24,810	SF	9.00	223,290	-	30	30	7,443
SEALCOAT	Jan-04	30	10,610	SF	9.00	95,490	-	30	30	3,183
CONCRETE	Jan-04	30	3,640	SF	9.00	32,760	-	30	30	1,092
SIDEWALK	Jan-04	40	1,800	SF	9.00	16,200	-	40	40	405
UNIT FRONT PORCH	Jan-04									
UNIT ENTRY PLATFORM	Jan-04									
RETAINING WALL	Jan-04									
RECREATION										
CLUBHOUSE	Jan-04	20	29	SQ	180.00	5,220	-	20	20	261
ROOF	Jan-04	20	30	SF	200.00	6,000	-	20	20	300
CLADDING	Jan-04	15	1	LS	30,000.00	30,000	-	15	15	2,000
INTERIOR FURNISHINGS	Jan-04	20	1	LS	15,000.00	15,000	-	20	20	750
WINDOWS AND DOORS	Jan-04	15	1	LS	10,000.00	10,000	-	15	15	667
HVAC	Jan-04	15	1	LS	7,000.00	7,000	-	15	15	467
RESTROOMS	Jan-04	20	250	SF	15.00	3,750	-	20	20	188
CLUBHOUSE PATIO	Jan-04	30	2,830	SF	9.00	25,470	-	30	30	849
CONCRETE WALKS	Jan-04	30	1	LS	20,000.00	20,000	-	30	30	667
POOL	Jan-04	15	1	LS	6,000.00	6,000	-	15	15	400
LINER	Jan-04	30	2,910	SF	15.00	43,650	-	30	30	1,455
POOL EQUIPMENT	Jan-04	7	4	EA	7,500.00	30,000	-	7	7	4,286
POOL DECK	Jan-04	7	4	EA	7,500.00	30,000	-	7	7	4,286
HORSESHOE PITS	Jan-04	7	4	EA	7,500.00	30,000	-	7	7	4,286
SHUFFLEBOARD COURT	Jan-04	7	4	EA	7,500.00	30,000	-	7	7	4,286
TENNIS COURT	Jan-04	15	4	EA	21,000.00	84,000	-	15	15	5,600
RECOLOR	Jan-04	30	680	LF	22.00	14,960	-	30	30	499
RESURFACE	Jan-04									
FENCE	Jan-04									
TOTAL							\$0		\$1,280,420	\$113,723

TABLE 1-B
AIRPORT ROAD ESTATES
HYPOTHETICAL RESERVE SCHEDULE - POOL HOUSE

HYPOTHETICAL RESERVE SCHEDULE																		
COMPONENT INVENTORY																		
YEAR INSTALLED	USEFUL LIFE	ESTIMATED QUANTITY	UNIT COST	CURRENT REPLACEMENT COST	CURRENT FUNDED AMOUNT	UNFUNDED BALANCE	REMAINING USEFUL LIFE	ANNUAL RESERVE REQUIREMENT	AMOUNT TO BE FUNDED									
FISCAL YEAR	YRS	QTY	UNITS	COST PER UNIT	TOTAL COST TO REPLACE	AMOUNT YET TO BE FUNDED	ESTIMATED YEARS	ADJUSTED YEARS	AMOUNT TO BE FUNDED									
RESIDENTIAL BUILDINGS																		
ROOF SHINGLES	Jan-04	20	2,730 SQ	180.00	491,400	-	20	20	24,570									
VINYL SIDING	Jan-04	40	2,400 SQ	200.00	480,000	-	40	40	12,000									
SITE CONSTRUCTION																		
PAVEMENT	Jan-04	7	15,550 SY	3.50	54,425	-	7	7	7,775									
ROADWAY	Jan-04	15	1,870 TONS	75.00	140,250	-	15	15	9,350									
SEALCOAT	Jan-04	45	15,550 SY	3.50	54,425	-	45	45	1,209									
OVERLAY	Jan-04	7	1,140 SY	3.50	3,990	-	7	7	570									
MILLING	Jan-04	15	140 TONS	75.00	10,500	-	15	15	700									
PARKING	Jan-04	45	1,140 SY	3.50	3,990	-	45	45	89									
SEALCOAT	Jan-04	7	6,100 SY	35.00	213,500	-	7	7	3,050									
OVERLAY	Jan-04	15	2,460 LF	20.00	49,200	-	15	15	14,233									
MILLING	Jan-04	45	2,460 LF	9.00	223,290	-	45	45	1,093									
DRIVEWAYS	Jan-04	30	24,810 SF	9.00	223,290	-	30	30	7,443									
SEALCOAT	Jan-04	30	10,510 SF	9.00	95,490	-	30	30	3,183									
OVERLAY	Jan-04	30	3,640 SF	9.00	32,760	-	30	30	1,092									
CURB (25%)	Jan-04	40	1,800 SF	9.00	16,200	-	40	40	405									
CONCRETE	Jan-04																	
SIDEWALK	Jan-04																	
UNIT FRONT PORCH	Jan-04																	
UNIT ENTRY PLATFORM	Jan-04																	
RETAINING WALL	Jan-04																	
RECREATION																		
POOLHOUSE	Jan-04	20	15 SQ	180.00	2,700	-	20	20	135									
POOL	Jan-04	20	24 SF	200.00	4,800	-	20	20	240									
ROOF	Jan-04	15	1 LS	12,000.00	12,000	-	15	15	800									
CLADDING	Jan-04	20	1 LS	15,000.00	15,000	-	20	20	750									
INTERIOR FURNISHINGS	Jan-04	20	1 LS	10,000.00	10,000	-	15	15	667									
WINDOWS AND DOORS	Jan-04	15	1 LS	7,000.00	7,000	-	15	15	467									
HVAC	Jan-04	15	1 LS	3,750.00	3,750	-	20	20	188									
RESTROOMS	Jan-04	20	250 SF	15.00	25,470	-	30	30	849									
CLUBHOUSE PATIO	Jan-04	30	2,830 SF	9.00	25,470	-	30	30	667									
CONCRETE WALKS	Jan-04	30	1 LS	20,000.00	20,000	-	30	30	400									
POOL	Jan-04	15	1 LS	6,000.00	6,000	-	15	15	1,455									
LINER	Jan-04	30	2,910 SF	15.00	43,650	-	30	30	4,286									
POOL DECK	Jan-04	7	4 EA	7,500.00	30,000	-	7	7	4,286									
POOL EQUIPMENT	Jan-04	7	4 EA	7,500.00	30,000	-	7	7	4,286									
HORSESHOE PITS	Jan-04	7	4 EA	7,500.00	30,000	-	7	7	4,286									
SHUFFLEBOARD COURT	Jan-04	15	4 EA	21,000.00	84,000	-	15	15	5,600									
TENNIS COURT	Jan-04	30	680 LF	22.00	14,960	-	30	30	499									
RECOLOR	Jan-04					-												
RESURFACE	Jan-04					-												
FENCE	Jan-04					-												
TOTAL						\$0	\$2,230,100		112,337									

**TABLE 2
AIRPORT ROAD ESTATES
HYPOTHETICAL BUDGET**

BUDGET ITEM	ALTERNATE #1 2500 SF CLUBHOUSE		ALTERNATE #2 1600 SF POOL HOUSE	
	Annual	Per Unit Per Month	Annual	Per Unit Per Month
INCOME				
Maintenance Fees	308,013.00	255.01	295,327.00	246.11
Other Income				
Clubhouse Rental	500.00		500.00	
Miscellaneous	500.00			
Subtotal	1,000.00	0.83	500.00	0.42
TOTAL INCOME	307,013.00	255.84	295,827.00	246.52
EXPENSES				
ADMINISTRATION				
Management	26,000.00	21.67	26,000.00	21.67
Insurance	9,000.00	7.50	6,000.00	5.00
Legal	6,000.00	5.00	6,000.00	5.00
Accounting	3,000.00	2.50	3,000.00	2.50
Engineering	3,000.00	2.50	3,000.00	2.50
Office Exp/Postage	2,000.00	1.67	2,000.00	1.67
TOTAL ADMIN	49,000.00	40.83	46,000.00	38.33
OPERATIONS AND MAINTENANCE				
Landscaping			40,000.00	
Lawn Maintenance	40,000.00		3,000.00	
Sprinkler Maintenance	3,000.00		5,000.00	
Mulching	5,000.00		1,000.00	
Flowers and Shrubs	1,000.00			
Subtotal	49,000.00	40.83	49,000.00	40.83
Snow Removal	28,000.00	23.33	28,000.00	23.33
Repairs and Maintenance			5,000.00	
General Repairs	5,000.00		3,500.00	
Gutter Cleaning	3,500.00			
Subtotal	8,500.00	7.08	8,500.00	7.08
Other			500.00	0.42
Exterminating	500.00	0.42		
Utilities			6,000.00	
Electrical	6,000.00		24,000.00	
Water	24,000.00			
Subtotal	30,000.00	25.00	30,000.00	25.00
TOTAL O & M	116,000.00	96.67	116,000.00	96.67
RECREATION				
Clubhouse			1,200.00	
Cleaning	2,500.00		1,800.00	
Utilities	5,800.00		1,000.00	
Security System	1,000.00		500.00	
Other	2,000.00			
Subtotal	11,300.00	9.42	4,500.00	3.75
Pool			16,000.00	13.33
Operation and Lifeguards	16,000.00	13.33	1,000.00	0.83
Miscellaneous	1,000.00	0.83		
TOTAL RECREATION	28,300.00	23.58	21,500.00	17.92
RESERVES				
Reserve for Capital Replacement			86,752.00	72.29
Common Elements	86,752.00	72.29	4,096.00	3.41
Clubhouse	5,482.00	4.57		
Other Recreation	21,479.00	17.90	21,479.00	17.90
TOTAL RESERVES	113,713.00	94.76	112,327.00	93.61
TOTAL EXPENSE	307,013.00	255.84	295,827.00	246.52

**TABLE 3
COMPARISON BUDGETS**

BUDGET ITEM	120 UNIT - MORRIS COUNTY 2,200 SF CLUBHOUSE		250 UNIT - MONMOUTH COUNTY 4,200 SF CLUBHOUSE	
	Annual	Per Unit Per Month	Annual	Per Unit Per Month
INCOME				
Maintenance Fees			694,657.67	231.55
Other Income			7,000.00	
Clubhouse Rental	500.00		500.00	2.50
Miscellaneous	500.00	0.35	7,500.00	234.05
Subtotal	351,708.60	244.24	702,157.67	
TOTAL INCOME	352,208.60	244.59		
EXPENSES				
ADMINISTRATION				
Management	28,000.00	19.44	71,000.00	23.67
Insurance	9,500.00	6.60	14,500.00	4.83
Legal	6,000.00	4.17	12,000.00	4.00
Accounting	3,000.00	2.08	6,000.00	2.00
Engineering	3,000.00	2.08	6,000.00	2.00
Office Exp/Postage	2,900.00	2.01	13,400.00	4.47
TOTAL ADMIN	52,400.00	36.39	122,900.00	40.97
OPERATIONS AND MAINTENANCE				
Landscaping			121,000.00	
Lawn Maintenance	58,000.00		11,000.00	
Sprinkler Maintenance	3,250.00		12,000.00	
Mulching	5,000.00		12,000.00	
Flowers and Shrubs	6,000.00			
Subtotal	72,250.00	50.17	158,000.00	52.00
Snow Removal		19.44	60,000.00	20.00
Repairs and Maintenance			8,500.00	
General Repairs	4,000.00			
Gutter Cleaning	3,500.00	5.21	8,500.00	2.83
Subtotal	7,500.00	0.35	500.00	0.17
Other	500.00			
Exterminating			16,500.00	
Utilities	7,000.00		48,000.00	21.50
Electrical	24,000.00	21.53	64,500.00	96.50
Water	31,000.00	96.70	289,500.00	
TOTAL O & M	139,250.00			
RECREATION				
Clubhouse			4,000.00	
Cleaning	2,500.00		7,500.00	
Utilities	8,000.00		1,000.00	
Security System	1,000.00		2,500.00	
Other	2,000.00		15,000.00	5.00
Subtotal	11,500.00	7.99	27,500.00	9.17
Pool			2,000.00	0.67
Operation and Lifeguards	17,000.00	11.81		
Miscellaneous	1,000.00	0.69		
TOTAL RECREATION	29,500.00	20.49	44,500.00	14.83
RESERVES				
Reserve for Capital Replacement	104,097.60	72.29	216,870.00	72.29
Common Elements	5,482.00	3.81	6,908.67	2.30
Clubhouse	21,479.00	14.92	21,479.00	7.16
Other Recreation				
TOTAL RESERVES	131,058.60	91.01	245,257.67	81.75
TOTAL EXPENSE	352,208.60	\$ 244.59	702,157.67	\$ 234.05
ACTUAL MONTHLY MAINTENANCE FEE		\$ 300.00		\$ 275.00

Line Items Adjusted by FC&A



MARSHALL FROST, B.S., M.S., P.E., P.P., R.S.
PRESIDENT, Frost, Christenson & Associates

Bachelor of Science, Civil Engineering, Lehigh University
Master of Science, Transportation Planning, Polytechnic
Institute of Brooklyn
Licensed Professional Engineer, New Jersey, New York
Licensed Professional Planner, New Jersey
Reserve Specialist Certification, Community Associations Institute
Professional Affiliations

Asphalt Institute (AI)
American Concrete Institute (ACI)
American Society of Testing Materials (ASTM)
Community Associations Institute (CAI)
Chair, Reserve Professionals Committee
Credentials Council
Building Officials & Code Administrators (BOCA)
Institute of Transportation Engineers (ITE) (Past Member)
National Society of Architectural Engineers
Plywood Research Foundation (PRF)

Mr. Frost has served as Municipal Engineer for a number of Municipalities, and has served as Municipal Planner and Director of Public Works, and Board Engineer for Planning Boards and Boards of Adjustment. Mr. Frost has been responsible for supervision of construction and inspection of public works projects, including roadways, parks and utility installations. He has also been responsible for the administration of Municipal Building Departments. Mr. Frost has qualified, through national testing, for various levels of Building Subcode Inspection.

Mr. Frost has been responsible for the preparation of Engineering Studies for use in Transition by over one hundred Community Associations. Under his direction, the Firm has prepared Reserve Studies for Associations, as well as construction documents for the repair or replacement of the common elements, including siding, pavement, roofing, drainage, sidewalk, landscaping, and recreation facilities. In addition, Mr. Frost has inspected numerous facilities, either owner occupied and/or operated by the private sector.

Mr. Frost became a member of Community Associations Institute in 1979. He has presented programs on Reserves, Transition, Roof Construction, and Maintenance for both the New Jersey Chapter and at National Conventions. In addition, he has prepared articles for the CAI and other construction industry publications, and served on State and National CAI Committees. Mr. Frost is past Chairman of the CAI National Reserve Standards Committee (Reserve Professionals Committee). Mr. Frost has served as a faculty member for the CAI Law Seminar on the subjects of fire retardant treated plywood, and construction defects. Mr. Frost received the New Jersey Chapter's 1988 award for Author of the Year, and the 1989 award for Speaker of the Year.



As Municipal Engineer and Planner, Mr. Frost has been responsible for the planning and engineering review of multi-family and commercial projects throughout northern New Jersey. Since 1980, he has provided professional services to Planning Boards and Zoning Boards of Adjustments for the review of applications totaling over 8,000 dwelling units and over 5,000,000 square feet of commercial space. He has written Zoning, Subdivision, and Site Plan Ordinances, Developers' Agreements, and prepared cost estimates of Sureties posted with Municipalities. Additionally, he has been responsible for inspection of site construction on condominium and townhouse projects, totaling in excess of 5,000 dwelling units.

The Firm has provided independent professional services on projects with structural deficiencies, and has provided specialized services relating to roof construction, particularly relating to problems associated with the use of fire retardant treated plywood. He has spoken before a number of groups, including the New Jersey Association of Home Builders, and the New Jersey Chapter of the Association of Home Inspectors. In addition, Mr. Frost has provided consultation to the New Jersey Department of Community Affairs on fire retardant treated plywood. In addition to roof construction, Mr. Frost has been responsible for the investigation of failures in other components of building construction including siding, stucco, EIFS, balconies, decks and window installations.

With over thirty years experience in engineering, Mr. Frost has been responsible for the design of major transportation facilities, including sections of major state highways, widening of the New Jersey Turnpike, improvements to the Garden State Parkway, and design of Park-Ride facilities for the New Jersey Turnpike. Additionally, he has been responsible for the design of roadway reconstruction projects, drainage improvements, parking facilities and recreation facilities. Major traffic engineering projects have included analysis of hundreds of signalized intersections, and intersection designs under the TOPICS program, and access to major New Jersey corporate facilities.

Mr. Frost has represented Clients in settlement negotiations, Arbitration and Mediation proceedings, and provided expert reports and testimony for litigation.

As a principal of a Property Management Company, Mr. Frost was responsible for facilities maintenance and remedial construction at townhouse, condominium and high-rise projects throughout New Jersey.

Mr. Frost has served as Vice Chairman of a Municipal Planning Board and has served on a number of professional committees. In addition, Mr. Frost has been an instructor in the Rutgers University Continuing Education Program. Mr. Frost has also chaired the Covenants Committee of the Community Association in which resided.

Prior to forming Frost, Christenson and Associates in 1974, Mr. Frost was employed by the New York City Department of Traffic, the New Jersey Department of Transportation and a major northeast consulting firm.

Lyn Paul Aaroe
Attorney at Law

(908) 475-2121

Fax 475-3182

126 Mansfield Street
Belvidere, NJ 07823

March 30, 2004

Gary Dean Associates
Attn: Gary Dean, P.E.
P.O. Box 246
344 Main Street
Whitehouse Station, NJ 08889

**Re: Application No. 03-06-MBAK (Simoff) – Mansfield Township
Zoning Board of Adjustment**

Dear Gary:

The above-referenced application is presently in administration pending decision before the Mansfield Township Zoning Board of Adjustment. At the last hearing held on March 1, 2004, the applicant presented the testimony of Alexander J. Litwornia, P.E. of Litwornia Associates, Inc. regarding traffic impact issues from the proposed Adult Retirement Community (ARC) project.

Although the traffic report is dated December 18, 2003, the applicant, for whatever reason, never shared an advance copy of that report with the Board of Adjustment or its professionals. I have today received a copy of that report from the Board of Adjustment secretary who, in turn, received same from the applicant's attorney, Jerome A. Vogel, Esq., by transmittal letter dated March 22, 2004. I am enclosing herewith a copy of that report for your review and consideration.

The Board of Adjustment requests your assistance in reviewing this traffic report and your input with respect to all traffic and related issues regarding this proposed development. The next hearing on this application is scheduled for the Mansfield Township Zoning Board of Adjustment meeting of **Monday, May 3, 2004**. The Board of Adjustment requests your

Gary Dean Associates
Attn: Gary Dean, P.E.
March 30, 2004
Page Two

attendance at that meeting to assist it in the administration of this application. Please feel free to coordinate with Mr. Mace and the undersigned with respect to this request. If, for whatever reason, you are unable to accept this assignment, please advise as soon as possible.

Very truly yours,

LYN PAUL AAROE
Attorney, Mansfield Township Zoning Board of Adjustment

LPA:slr

cc: Arthur Agens, Chairman, c/o Patricia Zotti, Secretary, M.T.Z.B.A.
Douglas M. Mace, P.E.
Jerome A. Vogel, Esq.



MACE CONSULTING ENGINEERS A Professional Corporation

985 Belvidere Road
Phillipsburg, NJ 08865
(908) 454-9500

1501 North Cedar Crest Boulevard, Suite 104
Allentown, PA 18104
(610) 432-1700

Easton, PA (610) 250-7855
Washington, NJ (908) 689-4040

Please reply to Phillipsburg

February 23, 2004

Mansfield Township Zoning Board of Adjustment
Township of Mansfield
100 Port Murray Road
Port Murray, NJ 07865

Re: MBAK ARC
Use Variance Review
Block 1201, Lot 22
NJ-W-MA-363

Dear Board of Adjustment Members

We have reviewed a revised Site Plan for age restricted residential units for the above referenced application. Please refer to the enclosed Document Submittal Record for a complete listing and description of the reviewed material.

The revision incorporates typical lot developments and a zoning requirement table. Our comments are as follows:

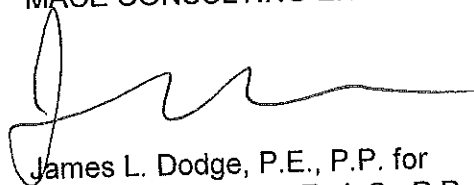
1. Notes on the plan indicate that Typical Lot Layout Type "A" applies to interior lots and that Typical Lot Layout Type "B" applies to corner lots.
2. The detail for Type "B" lots shows the curb line along a rear/side lot line.
3. The Ordinance at §22-4.6 states "A" lot with frontage on two or more streets, including corner lots, shall have building setback from each street not less than the required front yard. The detail for Type "B" lots shows only one front yard setback of 25'.
4. The Zoning Requirement table indicates the required front yard of 25' is provided. It does not appear this is correct for corner lots.

Re: MBAK ARC
Use Variance Review
Block 1201, Lot 22
NJ-W-MA-363

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

MACE CONSULTING ENGINEERS, P.C.

A handwritten signature in black ink, appearing to be 'J. Dodge', written over the printed name.

James L. Dodge, P.E., P.P. for
Douglas M. Mace, P.E., L.S., P.P.
Township Engineer

JLD:jlc

enclosures

cc: Patti Zotti, Clerk
William R. Edleston, Esquire
MBAK c/o Abram Simoff
Simoff Engineering Associates
Michael B. Lavery, Esquire

MANSFIELD TOWNSHIP

February 23, 2004

Page DOC-1

DOCUMENT SUBMITTAL RECORD

APPLICATION NO.: Z03-06

PROJECT TITLE: MBAK ARC Concept

<u>REF. NO.</u>	<u>DATE RECEIVED</u>	<u>DATE OF DOCUMENT</u>	<u>DESCRIPTION</u>
1.0	7/15/03	5/16/03	Completed Mansfield Township Zoning Board of Adjustment Application form.
1.1	7/15/03	5/14/03	Drawings generally entitled "Conceptual Site Layout for Major Subdivision Plan, Block 1201, Lot 22, Township of Mansfield, Warren County, New Jersey" prepared by Simoff Engineering Associates, 200 South Street, New Providence, NJ with specific titles and information as follows:
1.1.1	7/15/03	5/14/03	Entitled "Cover Sheet." Scale: as indicated, Sheet 1 of 2.
1.1.2	7/15/03	5/14/03	Entitled "Conceptual Site Layout." Scale: 1"=60', Sheet 2 of 2.
2.0	9/6/03	9/3/03	Transmittal letter from Abram Simoff.
2.1	9/6/03	9/3/03	Drawings generally entitled "Site Layout for Airport Road Estates, Bifurcated Application, Block 1201, Lot 22, Township of Mansfield, Warren County, New Jersey" prepared by Simoff Engineering Associates, 200 South Street, New Providence, NJ with specific titles and information as follows:
2.1.1	9/6/03	9/3/03	Entitled "Cover Sheet." Scale: as indicated, Sheet 1 of 11.
2.1.2	9/6/03	9/3/03	Entitled "Existing Conditions Plan." Scale: 1"=60', Sheet 2 of 11.
2.1.3	9/6/03	9/3/03	Entitled "Dimensional Control Plan." Scale: 1"=60', Sheet 3 of 11.
2.1.4	9/6/03	9/3/03	Entitled "Site Plan." Scale: 1"=60', Sheet 4 of 11.
2.1.5	9/6/03	9/3/03	Entitled "Grading & Drainage Plan." Scale: 1"=60', Sheet 5 of 11.
2.1.6	9/6/03	9/3/03	Entitled "Utility Plan." Scale: 1"=60', Sheet 6 of 11.
2.1.7	9/6/03	9/3/03	Entitled "Landscape Plan." Scale: 1"=60', Sheet 7 of 11.
2.1.8	9/6/03	9/3/03	Entitled "Construction Details." Scale: NTS, Sheet 8 of 11.

MANSFIELD TOWNSHIP
DOCUMENT SUBMITTAL RECORD

February 23, 2004
Page DOC-2

APPLICATION NO.: Z03-06

PROJECT TITLE: MBAK ARC Concept

<u>REF. NO.</u>	<u>DATE RECEIVED</u>	<u>DATE OF DOCUMENT</u>	<u>DESCRIPTION</u>
2.1.9	9/6/03	9/3/03	Entitled "Construction Details." Scale: NTS, Sheet 9 of 11.
2.1.10	9/6/03	9/3/03	Entitled "Soil Erosion & Sediment Control Plan." Scale: 1"=60', Sheet 10 of 11.
2.1.11	9/6/03	9/3/03	Entitled "Soil Erosion & Sediment Control Details." Scale: as indicated, Sheet 11 of 11.
3.0	10/25/03	10/21/03	Transmittal letter from Michael B. Lavery, Esquire, Sirkis & Lavery.
3.0.1	10/25/03	9/3/03	Drawing entitled "Cover Sheet." Scale: as indicated, Sheet 1 of 11. Latest revision dated 9/19/03
4.0	2/20/04	2/19/04	Transmittal letter from Hal Simoff, Simoff Engineering Associates.
4.1	2/20/04	9/3/03	Drawing entitled "Site Plan for Airport Road Estates Bifurcated Application, Block 1201, Lot 22, Township of Mansfield, Warren County, New Jersey." Scale: 1"=60', Sheet 4 of 11. Latest revision dated 2/18/04.



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www.maserconsulting.com

March 1, 2004

Mansfield Township Zoning Board of Adjustment
Municipal Building
100 Port Murray Road
Port Murray, NJ 07865

Re: Airport Road Estates
Adult Retirement Community
Block 1201, Lot 22
MC Project No. MNZ-003

Dear Board Members:

At your request, I have reviewed the referenced application including the "Site Plan for Airport Road Estates Bifurcated Application Block 1201, Lot 22" prepared by Simoff Engineering Associates dated 9/3/03 as revised 2/18/04 as well as the minutes of the January 5, 2004 Zoning Board of Adjustment meeting. The site plan shows 120 building lots, a clubhouse and swimming pool, tennis courts and horseshoe pits and shuffleboard courts. The plan also indicates that 35% of the tract is proposed as open space. As the application is bifurcated the following comments will focus on the use aspects of the application.

Conditional use requirements are as follows:

1. Minimum gross tract area of seventy (70) acres;
2. The tract must be located within an existing sewer service area or area proposed for public or community sewage disposal system as shown on the "Existing & Proposed Sewer and Water Service Areas Map" in the current Master Plan.
3. The tract must have access to either major collector or major arterial road as shown on the Circulation Plan – Road Classification Map in the Current Master Plan;
4. The planned adult retirement community (ARC) must be designed as a single entity;
5. No less than 35% of the gross tract acreage shall be set aside as common area or open space areas, which area shall be distributed throughout the development.

The property of concern does not meet the first three conditions; it contains 30 acres not the required 70; it is not located in an existing or proposed sewer service area; and it does not have access to either a major collector or major arterial road. Applicants attorney and professional



To: Mansfield Township Zoning Board of Adjustment
Municipal Building
Re: Airport Road Estates
Adult Retirement Community
Block 1201, Lot 22
MC Project No. MNZ-003

March 1, 2004
Page 2

planner argued the merits of these three conditions at the January 5, 2004 meeting. My comments on these conditions follow.

Minimum Gross Tract Area of 70 acres. The reason for a minimum 70 acre tract was the objective that an adult retirement community have a minimum of 200-250 units. A general rule of thumb in planning adult communities is that 200-250 or more units are needed to support viable common use areas such as clubhouses and swimming pools. At the permitted density of 4 units per acre, 70 acres could theoretically yield up to 280 units. However, the actual yield would likely be less than a density of 4 units/acre given typical site constraints and design inefficiencies which would vary by property. The 1999 Master Plan followed this rule of thumb by recommending an 82 acre area for ARC Zoning which would allow up to 320 units. This zoning recommendation was never implemented because the 82 acre area was reduced in size by N.J.D.E.P. open space acquisitions and proposals for the Mansfield Township public works garage and recreation area.

Location in a Sewer Service Area. At a density of 4 dwelling units per acre, sewer service clearly must be provided for an ARC. Currently the opposite side of Airport Road from the subject property lies in the Hackettstown Municipal Utilities Authority Service area and the area to the west of the subject property lies in the Diamond Hill Service Area. Properties to the south of the subject property along Ryan Way and the developed area of Beattystown are proposed for community sewer disposal based on existing development patterns. The 2001 Master Plan Reexamination and Amendment recommended changes in the boundaries of several proposed community sewer service areas, but it did not recommend a change involving the subject property.

Access to a Major Collector or Major Arterial. The Zoning ordinance requires access to either a major collector or major arterial for ARC properties. The ordinance defines major collectors and major arterials by indicating they are as shown on the Circulation Plan – Road Classifications Map in the current Master Plan. The current Master Plan with respect to the Circulation Plan is the January 1999 Master Plan. The Circulation Plan – Road Classifications Map shows Airport Road as a minor collector. There is a discussion in the Master Plan specifically regarding the designation of Airport Road as a minor collector. The text reads as follows: “Airport Road would appear to be a major collector; however, traffic studies regarding the use of the roadway, indicate that traffic volumes will remain within acceptable standards for minor collectors” (page 62).



To: Mansfield Township Zoning Board of Adjustment
Municipal Building
Re: Airport Road Estates
Adult Retirement Community
Block 1201, Lot 22
MC Project No. MNZ-003

March 1, 2004
Page 3

As a further note, during the public hearing on the most recent Master Plan Reexamination and Amendment held on April 16, 2001 when the ARC concept and the conditional use requirements for ARC were discussed, Mr. Abram Simoff appeared with respect to the property which is the site of the current application. According to my notes, Mr. Simoff noted the property was rezoned to 3 acre lots and that he preferred the prior 1 acre zoning. He opined that the property would be developed with 3 acre lots on a cul-de-sac if the zoning were not changed. My notes do not reflect any request that the subject site be considered for ARC Zoning.

Very truly yours,

MASER CONSULTING P.A.


Joseph J. Layton, P.P., AICP

JJL:sld

Cc: Lyn Paul Aaroe, Esq.
Douglas Mace, P.E.
Hal Simoff, P.E.
Jerome Vogel, Esq.
David Zimmerman, P.P.

Lyn Paul Aaroe
Attorney at Law

(908) 475-2121

Fax 475-3182

126 Mansfield Street
Belvidere, N.J. 07823

December 11, 2003

Michael B. Lavery, Esq.
Sirkis & Lavery
326 Washington Street
P.O. Box 510
Hackettstown, NJ 07840

**Re: Application No. Z03-06-MBAK Associates
Mansfield Township Zoning Board of Adjustment**

Dear Mr. Lavery:

I am in receipt of a copy of your correspondence of December 10, 2003, addressed to Board of Adjustment secretary, Patricia Zotti, which serves as a transmittal letter for your clients' payment of the additional escrow previously requested in the amount of \$4,500.00. I thank you for same.

However, I feel compelled to respond to the comments contained therein. Certainly, your clients are entirely free to pay these monies under protest, as long as they are paid, which they have been. However, I disagree that it is, as you suggest, *highly unusual* for there to be additional escrow requests *before the application has ever been heard*. Rather, there is nothing *unusual*, much less *highly unusual*, about it.

Your clients have previously been provided with copies of the professional services vouchers for pre-meeting application review. This is certainly not a simple variance application. Rather, it is for a site plan attended by (d.)(3) variances for a very significant project. Consequently, there has been extensive professional involvement and the costs have simply exceeded the "normal" escrow deposit, in that the application's scope simply exceeds the "normal" review parameters.

I am confused by your comment that *"deficiency in an escrow account on an entirely separate application does not give the Board the authority to delay a hearing on this application"*. I agree, certainly it does not. However, that is not what has happened here. The hearing has been "delayed" by your clients' multiple requests for continuances and by your clients, up until presently, refusal to pay the monies rightfully due to the Township with respect to the escrow account.

Michael B. Lavery, Esq.
December 11, 2003
Page Two

Now that the escrow issue has been resolved, everything is fine and the application can move forward.

Very truly yours,

LYN PAUL AAROE

LPA:slr

cc: Arthur Agens, Chairman, M.T.Z.B.A.
Patricia Zotti, Secretary, M.T.Z.B.A.

Lyn Paul Aaroe
Attorney at Law

(908) 475-2121

Fax 475-3182

126 Mansfield Street
Belvidere, N.J. 07823

December 11, 2003

Michael B. Lavery, Esq.
Sirkis & Lavery
326 Washington Street
P.O. Box 510
Hackettstown, NJ 07840

Re: Application No. Z03-06-MBAK Associates
Mansfield Township Zoning Board of Adjustment

Dear Mr. Lavery:

At the December 1, 2003, meeting of the Mansfield Township Zoning Board of Adjustment, the status of the above-referenced application was discussed. I presented to the Board your November 26, 2003, correspondence in which you requested the continuance of the application to the January meeting and granted us the requisite time extension.

The Board has determined, given the age of this application and the fact that it has been on the agenda and not heard for three meetings (two at your client's request and one because of failure to pay escrow funds previously requested) the Board has expressed concern as to the public notice issue. Consequently, the Board has requested that I inform you that it will be necessary to provide renote and republication of this application for the January 5, 2004, meeting in accordance with the requirements of N.J.S.A. 40:55D-12.

Particularly, the Board is concerned that the notice of the cancellation of the October meeting, notice of which was placed on the door of the municipal building pursuant to my request (I prepared the notice of adjournment specifically referencing your clients' application), may have not been effective notice to satisfy the statute and address due process considerations. That is, for example, if an interested property owner drove into the municipal building

Michael B. Lavery, Esq.
December 11, 2003
Page Two

parking lot the evening of the cancelled meeting only to see the building dark and obviously closed, he may or may not have gotten out of the car to walk to the door and read the notice. Consequently, the rennotice requirement.

Very truly yours,

LYN PAUL AAROE

LPA:slr

cc: Arthur Agens, Chairman, M.T.Z.B.A.
Patricia Zotti, Secretary, M.T.Z.B.A.

SIRKIS & LAVERY

ATTORNEYS AT LAW
326 WASHINGTON STREET
P.O. BOX 510
HACKETTSTOWN, NEW JERSEY 07840

ARTHUR K. SIRKIS, N.J. & N.Y.
MICHAEL B. LAVERY
JOAN S. LAVERY

MICHAEL J. DIMARCO, N.J. & PA.

December 10, 2003

TELEPHONE
908-852-5511

FACSIMILE
908-852-7423

Patricia Zotti
Mansfield Township Zoning Board
100 Port Murray Road
Port Murray, NJ 07865

RE: ABKM Associates Application
Airport Road
Mansfield Township

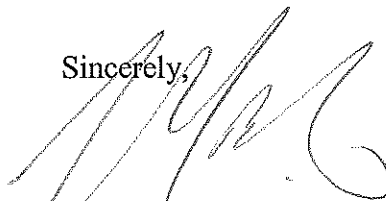
Dear Ms. Zotti:

Please be advised that this office serves as legal counsel to ABKM Associates, the applicant in this matter. I am in receipt of a letter dated November 3, 2003, from Lyn Paul Aaroe, Esq. advising that the Zoning Board would not hear this matter unless an additional escrow in the amount of \$4,500.00 was paid. Pursuant to my client's instructions, I am enclosing a check in the amount of \$4,500.00 in accordance to Mr. Aaroe's letter.

My client is paying this money under protest as it is highly unusual to review a request for additional escrows before the application has even been heard. My client paid the escrows required by the Mansfield Township Ordinance and should not have been required to pay additional monies prior to even a hearing on the matter. I would also submit that as a matter of law, the fact that there may be a deficiency in an escrow balance on an entirely separate application does not give the Board the authority to delay a hearing on this application.

If you have any questions, or require any further information, please do not hesitate to contact me.

Sincerely,



Michael B. Lavery

MBL:ph

Enc.

CC: Abram Simoff
Lyn Paul Aaroe, Esq.

SIRKIS & LAVERY
ATTORNEYS AT LAW
326 WASHINGTON STREET
P.O. BOX 510
HACKETTSTOWN, NEW JERSEY 07840

ARTHUR K. SIRKIS, N.J. & N.Y.
MICHAEL B. LAVERY
JOAN S. LAVERY
MICHAEL J. DIMARCO, N.J. & PA.

December 10, 2003

TELEPHONE
908-852-5511
FACSIMILE
908-852-7423

Patricia Zotti
Mansfield Township Zoning Board
100 Port Murray Road
Port Murray, NJ 07865

RE: ABKM Associates Application
Airport Road
Mansfield Township

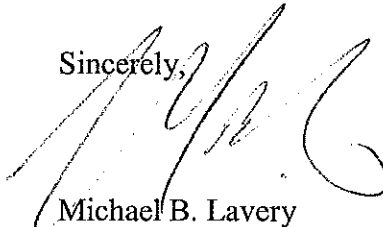
Dear Ms. Zotti:

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If you have any questions, or require any further information, please do not hesitate to contact me.

Sincerely,



Michael B. Lavery

MBL:ph

Enc.

CC: Abram Simoff
Lyn Paul Aaroe, Esq.

SIRKIS & LAVERY

ATTORNEYS AT LAW
326 WASHINGTON STREET
P.O. BOX 510

HACKETTSTOWN, NEW JERSEY 07840

ARTHUR K. SIRKIS, N.J. & N.Y.
MICHAEL B. LAVERY
JOAN S. LAVERY

MICHAEL J. DiMARCO, N.J. & PA.

November 26, 2003

TELEPHONE
908-852-5511

FACSIMILE
908-852-7423

VIA FAX AND FIRST CLASS MAIL

Lyn Paul Aaroe, Esq.
126 Mansfield St.
Belvidere, NJ 07823

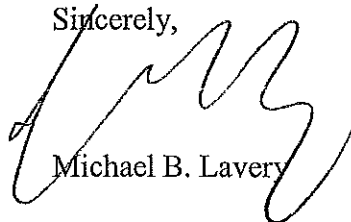
RE: MBAK (Simoff)
Block 1201, Lot 22
Mansfield Township

Dear Mr. Aaroe:

With regard to your letter dated November 25, 2003, as well as our telephone discussion on November 26, 2003, please be advised that the applicant would consent to any extension of time that may be necessary in order to carry this matter to the January, 2004, meeting.

If you require any further information, or have any questions, please do not hesitate to contact me.

Sincerely,



Michael B. Lavery

MBL:ph

CC: Patti Zotti, Mansfield Township Zoning Board of Adjustment

Lyn Paul Aaroe
Attorney at Law

(908) 475-2121
Fax 475-3182

126 Mansfield Street
Belvidere, NJ 07823

November 25, 2003

Sirkis & Lavery
Attn: Michael B. Lavery
202 Church Street
P.O. Box 510
Hackettstown, NJ 07840

Re: MBAK (Simoff)-Block 1201, Lot 22
Mansfield Township

Dear Mr. Lavery:

I today had a conversation with Harry Seybolt, who informs he is assisting the Simoffs as, I assume, co-counsel with you, regarding the above-referenced application and the prior denied application which is in litigation. During that conversation, I brought to Mr. Seybolt's attention the status of the escrow account, not only the monies due to me on the Route 57 project, but the deficiency in the escrow with respect to the ongoing application for the Airport Road site. When I informed that the application would be denied Monday unless the escrow account was supplemented by close of business today, I was informed of the Simoffs' intention was to carry the application from the December to the January meeting. I requested confirmation of this in letter form, with the grant of a time extension in the eventuality same is necessary, in that I have not recently undertaken to calculate the age of this application.

Today, in the mail from Mansfield Township, I have received a copy of your correspondence of November 20th to the Board of Adjustment secretary requesting that adjournment. I was not copied, directly, with this correspondence which, if I had, would have obviated yesterday's correspondence.

Although this letter requests continuance of the application from the December 1st meeting of the Board of Adjustment to the January meeting, there is no reference to the grant of a time extension. Would you please, therefore, kindly supplement this correspondence and provide it

Sirkis & Lavery
Attn: Michael B. Lavery, Esq.
November 25, 2003
Page Two

directly to me, by means of facsimile, with the original by regular mail, in order that I receive it before the December 1, 2003, meeting. Additional, would you be kind enough to copy me with all future correspondence to the Board regarding this application.

Very truly yours,

LYN PAUL AAROE
Attorney, Mansfield Township Zoning Board of Adjustment

LPA:slr

cc: Arthur Agens, Chairman, M.T.Z.B.A.
Patricia Zotti, Secretary, M.T.Z.B.A. ✉
Douglas M. Mace, P.E.

Lyn Paul Aaroe
Attorney at Law

(908) 475-2121

Fax 475-3182

126 Mansfield Street
Belvidere, NJ 07823

November 24, 2003

Michael B. Lavery, Esq.
Sirkis & Lavery
202 Church Street
P.O. Box 510
Hackettstown, NJ 07840

**Re: Application No. MBAK (Simoff)-Airport Road Site
Mansfield Township**

Dear Mr. Lavery:

My secretary had occasion today to communicate with the Mansfield Township Finance Officer, Mrs. Tarsi, to confirm the status of various escrow accounts previously exhibiting delinquencies. One of the accounts of concern was with respect to the above-referenced application.

I refer you to my prior correspondence dated November 3, 2003, indicating that the application would not be heard at the November 3, 2003, meeting, on account of the deficiency of the escrow account, which, at the time, had a \$1.00 balance. We also requested, by that correspondence, an additional deposit in the amount of \$4,500.00 be made.

The Finance Officer informs that, as of this date, that deposit has not yet been made. I refer you to Chapter 19-*Land Use Administration and Procedures, Section 19-7.10 Fees, subsection b.(14.)*, relating to escrow account deposits, which reads, in pertinent part, as follows:

*In the event that the initial deposit made by an applicant is not sufficient to cover all technical/legal review costs of the application ... upon request by the Township, the applicant shall make such initial or further deposits as may be necessary to cover further technical/legal review costs. Pending payment of the initial or additional deposit, **all time periods** in the application process for action contemplated by Section 19-7.6 of these ordinances **shall be tolled and no further action shall be taken before the municipal agency.** Notice of the deficiency shall be provided to the municipal officials by the clerk of the municipal agency involved, and such municipal professional shall cease work on projects for the application which is the subject of a deficient escrow. The municipal agency shall pass a resolution adjourning the application of the applicant pending payment of the initial or additional deposit contemplated*

Michael B. Lavery, Esq.
November 24, 2003
Page Two

*herein and provide to the applicant notice that failure to pay the prescribed escrow fees will result in the **application being denied without prejudice**. The resolution shall state, with particularity, the status of the applicant's escrow balance, the estimated amount of additional deposit necessary as well as an explanation thereof and shall provide the applicant with notice that the application will be dismissed without prejudice at the next regular meeting of the municipal agency unless the escrow payment as requested in full is made. In the event an application is dismissed without prejudice under the terms and conditions hereof, the applicant shall be required to file a new application with the payment of full fees ...In no event shall an application be "approved" subject to future payment of escrow fees.*

Consequently, and as I previously advised, unless this **deposit is made** with the Township Finance Officer on or before the close of business on **Tuesday, November 25, 2003**, which will allow three business days (excluding the Thanksgiving holiday) for these funds to clear the bank, the application will be denied without prejudice at the December 1, 2003, meeting of the Board of Adjustment. Please be guided accordingly.

Very truly yours,

LYN PAUL AAROE
Attorney, Mansfield Township Zoning Board of Adjustment

LPA:slr

cc: Arthur Agens, Chairman, M.T.Z.B.A.
Patricia Zotti, Secretary, M.T.Z.B.A.
Douglas M. Mace, P.E.

SIRKIS & LAVERY
ATTORNEYS AT LAW
326 WASHINGTON STREET
P.O. BOX 510
HACKETTSTOWN, NEW JERSEY 07840

ARTHUR K. SIRKIS, N.J. & N.Y.
MICHAEL B. LAVERY
JOAN S. LAVERY
MICHAEL J. DiMARCO, N.J. & PA.

November 20, 2003

TELEPHONE
908-852-5511
FACSIMILE
908-852-7423

Patricia Zotti, Clerk, Board of Adjustment
Township of Mansfield
100 Port Murray Road
Port Murray, N.J. 07865

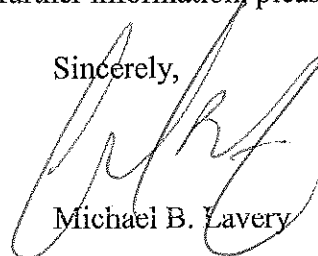
Re: ABKM Associates
Hearing date: 12/1/2003

Dear Ms. Zotti:

As you know, this office serves as legal counsel to ABKM Associates with regard to the above-captioned application. Please be advised that due to the unavailability of our professionals, we respectfully request that this matter be heard at the January meeting of the Zoning Board of Adjustment. Accordingly, we will not be appearing at the December meeting.

If you have any questions or require any further information, please do not hesitate to contact me.

Sincerely,



Michael B. Lavery

MBL:hg

cc: Abram Simoff

Lyn Paul Aaroe
Attorney at Law

(908) 475-2121

Fax 475-3182

126 Mansfield Street
Belvidere, NJ 07823

November 3, 2003

Michael B. Lavery, Esq.
Sirkis & Lavery
202 Church Street
P.O. Box 510
Hackettstown, NJ 07840

Re: MBAK (Simoff)-Block 1201, Lot 22
Mansfield Township

Dear Mr. Lavery:

In preparation for this evening's Mansfield Township Zoning Board of Adjustment meeting at which the above-referenced application is on the agenda, I undertook to assure that the escrow account is sufficient to reimburse the Township of Mansfield for professional (engineering and legal) services rendered and to be rendered on this application including the cost of preparation of what I would anticipate to be, as was previously the case in the prior application, a comprehensive memorializing Resolution.

I was informed by Mrs. Tarsi, the Finance Officer, that the escrow account literally has a \$1.00 balance. I have conferred with Mr. Mace's office (James Dodge) and have reviewed my records, including the cost of preparation of the Resolution memorializing the Board of Adjustment's denial on the prior application, to obtain the best good-faith estimate available of the amount of additional deposit required to this escrow account.

We are requesting that an additional deposit in the amount of **\$4,500.00** be made to the escrow account, that estimate being based on the enclosed itemization for legal and engineering services rendered and anticipated to be rendered.

While I fully recognize that this application is for development of an entirely different tract than was previously before the Board of Adjustment and must, and will, be treated entirely independently of that prior application, there is, as a practical matter, a common concern on my part with respect to your clients. That is, and as you well know, I have been owed the sum of \$2,698.75 for a period in excess of five months now and your client apparently continues to refuse to pay these monies rightfully due to Mansfield Township.

Michael B. Lavery, Esq.
November 3, 2003
Page Two

Consequently, based upon your client's past practices, it will be necessary for the escrow account to be supplemented, in the amount of \$4,500.00, **prior to** the Board of Adjustment hearing and deciding this application.

As I understand it, the presentation of this application can easily be completed in one evening, as can the Board of Adjustment's decision thereon. Consequently, in that the escrow account has effectively a zero balance, I have spoken to Chairman Agens regarding this situation and he has directed that I inform you that this application **will not be heard** at this evening's meeting but will be heard and decided at the **December 1st meeting** provided that prior thereto (and in sufficient time prior to that meeting) the escrow account has been supplemented in accordance with the enclosed estimate. In that this application is the only item of new business on the agenda, the Chairman has determined to cancel this evening's Board of Adjustment meeting.

Please be kind enough to inform your clients accordingly.

Very truly yours,

LYN PAUL AAROE
Attorney, Mansfield Township Zoning Board of Adjustment

LPA:slr

Cc: Arthur Agens, Chairman, M.T.Z.B.A.
Patricia Zotti, Secretary, M.T.Z.B.A.
Douglas M. Mace, P.E.
Klara Tarsi, C.F.O.



MACE CONSULTING ENGINEERS A Professional Corporation

985 Belvidere Road
Phillipsburg, NJ 08865
(908) 454-9500

■ 1501 North Cedar Crest Boulevard, Suite 104 ■
Allentown, PA 18104
(610) 432-1700

Easton, PA (610) 250-7855
Washington, NJ (908) 689-4040

Please reply to Phillipsburg

September 9, 2003

Mansfield Township Zoning Board of Adjustment
100 Port Murray Road
Port Murray, NJ 07865

Re: MBAK ARC
Use Variance Review
Block 1201, Lot 22
NJ-W-MA-363

Dear Board of Adjustment Members

We have reviewed Site Layout Plans for age restricted residential units for the above referenced application. Please refer to the enclosed Document Submittal Record for a complete listing and description of the reviewed material.

This review was for compliance with the appropriate provisions of Chapter 22 (Zoning) of the Ordinance. Any deficiencies and/or deviations from this chapter are noted on the attached Review Report.

The site consists of a 30 acre lot located on the west side of Airport Road just north of Ryan Way. The proposal is to develop the lot with an Adult Retirement Community consisting of 101 dwelling units, clubhouse, pool, tennis courts, shuffleboard courts and horseshoe pits.

The lot is currently zoned R-1, Single-family Residential. Adult Retirement Communities are permitted in all zones as a conditional use. However, the plans submitted do not meet all of the required conditions.

Please note that the submittal of a complete application does not insure approval by the Board, but merely establishes a date by which the Board must decide the application.

Mansfield Township Zoning Board of Adjustment

September 9, 2003

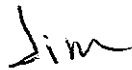
Page 2

Re: MBAK ARC
Use Variance Review
Block 1201, Lot 22
NJ-W-MA-363

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

MACE CONSULTING ENGINEERS, P.C.



James L. Dodge, P.E., P.P. for 
Douglas M. Mace, P.E., L.S., P.P.
Township Engineer

JLD:jlc

enclosures

cc: Patti Zotti, Clerk
William R. Edleston, Esquire
MBAK c/o Abram Simoff
Simoff Engineering Associates
Michael B. Lavery, Esquire

MANSFIELD TOWNSHIP

September 9, 2003

Page DOC-1

DOCUMENT SUBMITTAL RECORD

APPLICATION NO.: Z03-06

PROJECT TITLE: MBAK ARC Concept

<u>REF. NO.</u>	<u>DATE RECEIVED</u>	<u>DATE OF DOCUMENT</u>	<u>DESCRIPTION</u>
1.0	7/15/03	5/16/03	Completed Mansfield Township Zoning Board of Adjustment Application form.
1.1	7/15/03	5/14/03	Drawings generally entitled "Conceptual Site Layout for Major Subdivision Plan, Block 1201, Lot 22, Township of Mansfield, Warren County, New Jersey" prepared by Simoff Engineering Associates, 200 South Street, New Providence, NJ with specific titles and information as follows:
1.1.1	7/15/03	5/14/03	Entitled "Cover Sheet". Scale: as indicated, Sheet 1 of 2.
1.1.2	7/15/03	5/14/03	Entitled "Conceptual Site Layout". Scale: 1"=60', Sheet 2 of 2.
2.0	9/6/03	9/3/03	Transmittal letter from Abram Simoff.
2.1	9/6/03	9/3/03	Drawings generally entitled "Site Layout for Airport Road Estates, Bifurcated Application, Block 1201, Lot 22, Township of Mansfield, Warren County, New Jersey" prepared by Simoff Engineering Associates, 200 South Street, New Providence, NJ with specific titles and information as follows:
2.1.1	9/6/03	9/3/03	Entitled "Cover Sheet". Scale: as indicated, Sheet 1 of 11.
2.1.2	9/6/03	9/3/03	Entitled "Existing Conditions Plan". Scale: 1"=60', Sheet 2 of 11.
2.1.3	9/6/03	9/3/03	Entitled "Dimensional Control Plan". Scale: 1"=60', Sheet 3 of 11.
2.1.4	9/6/03	9/3/03	Entitled "Site Plan". Scale: 1"=60', Sheet 4 of 11.
2.1.5	9/6/03	9/3/03	Entitled "Grading & Drainage Plan". Scale: 1"=60', Sheet 5 of 11.
2.1.6	9/6/03	9/3/03	Entitled "Utility Plan". Scale: 1"=60', Sheet 6 of 11.
2.1.7	9/6/03	9/3/03	Entitled "Landscape Plan". Scale: 1"=60', Sheet 7 of 11.

MANSFIELD TOWNSHIP

September 9, 2003

Page DOC-2

DOCUMENT SUBMITTAL RECORD

APPLICATION NO.: Z03-06

PROJECT TITLE: MBAK ARC Concept

<u>REF. NO.</u>	<u>DATE RECEIVED</u>	<u>DATE OF DOCUMENT</u>	<u>DESCRIPTION</u>
2.1.8	9/6/03	9/3/03	Entitled "Construction Details". Scale: NTS, Sheet 8 of 11.
2.1.9	9/6/03	9/3/03	Entitled "Construction Details". Scale: NTS, Sheet 9 of 11.
2.1.10	9/6/03	9/3/03	Entitled "Soil Erosion & Sediment Control Plan". Scale: 1"=60', Sheet 10 of 11.
2.1.11	9/6/03	9/3/03	Entitled "Soil Erosion & Sediment Control Details". Scale: as indicated, Sheet 11 of 11.

**MANSFIELD TOWNSHIP
ZONING REVIEW REPORT**

APPLICATION NO. Z03-06

ZONE R-1

PROJECT TITLE MBAK Use Variance

OWNER MBAK Limited Partnership

DATE RECEIVED 7/15/03

c/o Simoff Associates

PREPARED BY Simoff Engineering Associates

200 South Street

200 South Street

New Providence, NJ07974

New Providence, NJ 07974

APPLICANT same as owner above

Complies		Not Reviewed	Does Not Apply	Comment No.
Yes	No			
			X	
			X	
	X			1
			X	
			X	
		X		

			X	
			X	
			X	
			X	

Chapter 22

7.1 Permitted Principal Uses

7.2 Permitted Accessory Uses

7.3 Conditional Uses

7.4 Temporary Uses

7.5 Prohibited Uses

7.6 Maximum Building Height

7.7 Area and Yard Requirements

Lot Area

Lot Frontage

Lot Width

Lot Depth

**R-1 ZONING REQUIREMENTS
REVIEW REPORT (CONTINUED)**

PROJECT TITLE MBAK Use Variance

APPLICATION NO. Z03-06

DATE: September 9, 2003

Complies		Not Reviewed	Does Not Apply	Comment No.
Yes	No			

Chapter 22

Principal Building Side Yard

One Side

Both Sides

Principal Building Front Yard

Principal Building Rear Yard

Accessory Building Front Yard

Accessory Building Side Yard

Accessory Building Rear Yard

Accessory Building/Principal Building

Accessory Building/ Accessory Building

7.8 Minimum Floor Area

4.8 Flag Lots

a. In residential zone

b. Lot area

1. Total area

2. Constraint free area

c. Abutting existing public road

d. Development criteria

1. Compliance with Driveway Ordinance

2. Insurable land rights

e. Overall development plan

f. Minimum requirements

1. Dimensional requirements

2. One side of access strip

3. No further subdivision

4. Considered subdivision

			X	
			X	
			X	
			X	
			X	
			X	
			X	
			X	
			X	
			X	

			X	
--	--	--	---	--

			X	
			X	
			X	

			X	
			X	
			X	

			X	
			X	
			X	
			X	

**R-1 ZONING REQUIREMENTS
REVIEW REPORT (CONTINUED)**

PROJECT TITLE MBAK Use Variance

APPLICATION NO. Z03-06

DATE: September 9, 2003

Complies		Not Reviewed	Does Not Apply	Comment No.
Yes	No			
			X	
			X	
			X	

Chapter 22

- 5. No new streets
- 6. Not within 500 feet of existing flag lot
- 7. 300 foot diameter circle

MANSFIELD TOWNSHIP
ADULT RETIREMENT COMMUNITIES
REVIEW REPORT

APPLICATION NO. Z03-06

ZONE R-1

PROJECT TITLE MBAK Use Variance

OWNER MBAK Limited Partnership

c/o Simoff Associates

DATE RECEIVED 7/15/03

200 South Street

PREPARED BY Simoff Engineering Associates

New Providence, NJ 07974

200 South Street

APPLICANT same as owner above

New Providence, NJ 07974

Complies		Not Reviewed	Does Not Apply	Comment No.
Yes	No			

Chapter 22

13.10 Adult Retirement Communities

a. Permitted Areas

1. Minimum gross tract area
2. Sewer service area
3. Access to major collector or arterial road
4. Single entity
5. Common or open space

b. Principal Uses

1. Single-family detached
2. Retail

	X			2
	X			3
	X			4
X				
	X			5

X				
			X	

**ARC REQUIREMENTS
REVIEW REPORT (CONTINUED)**

PROJECT TITLE MBAK Use Variance

APPLICATION NO. Z03-06

DATE: September 9, 2003

Complies		Not Reviewed	Does Not Apply	Comment No.
Yes	No			

Chapter 22

c. Accessory Uses

1. Model home(s)
2. Sales office
3. Recreational & cultural facilities
4. Construction office
5. Subordinate uses
 - (a) Parking areas
 - (b) Caretakers residence
 - (c) Maintenance facilities
 - (d) Utility facilities
 - (e) Identification sign
 - (f) Fences

d. Design requirements

1. Bulk requirements

(a) Entire tract

(1) Gross density

(2) Yards

[a] Lot frontage

[b] Front yard

[c] Buffer

(3) Coverage

[a] Building

[b] Impervious

(4) Building height

(5) Retail limitations

(b) Individual lots

		X		6
		X		7
X				8
		X		9

X				
		X		10
		X		11
X				
		X		12
		X		13

X				
---	--	--	--	--

X				
X				
X				

		X		14
		X		15
		X		16
			X	

**ARC REQUIREMENTS
REVIEW REPORT (CONTINUED)**

PROJECT TITLE MBAK Use Variance

APPLICATION NO. Z03-06

DATE: September 9, 2003

Complies		Not Reviewed	Does Not Apply	Comment No.
Yes	No			
X				
X				
X				
X				
X				

Chapter 22

- (1) Size
- (2) Coverage
- (3) Frontage
- (4) Width
- (5) Depth
- (6) Yards
 - [a] Front
 - [b] Rear
 - [c] Side - aggregate
 - [d] Side - single
- (7) Distance between buildings
- (8) Corner lots

X				
X				
X				
X				
X				
		X		17

(c) Commercial lots

- (1) Coverage
- (2) FAR
- (3) Impervious coverage
- (4) Uses
- (5) Yards

			X	
			X	
			X	
			X	

- [a] Front
- [b] Rear
- [c] Side

			X	
			X	
			X	

2. Utilities

- (a) Underground
- (b) Hydrants
- (c) Serve off-site

		X		18
		X		19
		X		20

3. Architecture and Construction

**ARC REQUIREMENTS
REVIEW REPORT (CONTINUED)**

PROJECT TITLE MBAK Use Variance

APPLICATION NO. Z03-06

DATE: September 9, 2003

Complies		Not Reviewed	Does Not Apply	Comment No.
Yes	No			
		X		21
		X		22
		X		23
		X		24

Chapter 22

- (a) Aesthetically congruous
- (b) Building exterior material
- (c) Accessory structure material
- (d) Variety of materials

4. Parking and loading

- (a) Requirements of §20-14 except as follows:
 - (1) ½ in garages
 - (2) Guest parking
 - (3) Clubhouse or Community building
 - (4) Detached garages prohibited
 - (5) Outdoor storage
- (b) Location
- (c) Loading

5. Internal circulation

- (a) Vehicular access
 - (1) No direct access from perimeter road
 - (2) Access from through road
- (b) Pedestrian circulation

6. Landscaping

- (a) Purpose
 - (1) Total pattern throughout site
 - (2) Materials
- (b) Landscaping plan

		X		25
		X		26
		X		27
X				
		X		28
	X			29
		X		30
			X	

X				
			X	

		X		31
		X		32

X				
X				
X				

**ARC REQUIREMENTS
REVIEW REPORT (CONTINUED)**

PROJECT TITLE MBAK Use Variance

APPLICATION NO. Z03-06

DATE: September 9, 2003

Complies		Not Reviewed	Does Not Apply	Comment No.
Yes	No			

Chapter 22

(c) Site protection & planting requirements

- (1) Removal of debris
- (2) Protection of existing plantings
- (3) Slope plantings
- (4) Additional landscaping
- (5) Planting specifications
- (6) Plant species

(d) Buffering

- (1) Screening
- (2) Function and materials
- (3) When required
 - [a] Intensive land uses abut
 - [b] Parking areas, etc
 - [c] Residential abutting high order streets
- (4) Design
- (5) Planting specifications
- (6) Maintenance

(e) Paving materials, walls & fences

- (1) Walls & fences
 - [a] Design & materials to be functional
 - [b] Hazard top traffic or safety

f. Open space and recreational improvements

1. Clubhouse
2. Other uses
 - (a) Recreational

		X		33
		X		34
		X		35
		X		36
		X		37
		X		38

X				
		X		39
		X		40
		X		41
		X		42
		X		43
		X		44
		X		45
		X		46

		X		47
		X		48
		X		49

X				
---	--	--	--	--

**ARC REQUIREMENTS
REVIEW REPORT (CONTINUED)**

PROJECT TITLE MBAK Use Variance

APPLICATION NO. Z03-06

DATE: September 9, 2003

Complies		Not Reviewed	Does Not Apply	Comment No.
Yes	No			
X				
		X		50
X				
X				51
X				
		X		
		X		52
		X		53

Chapter 22

- (1) Picnic areas
- (2) Nature trails
- (3) Tennis courts
- (4) Swimming pool
- (5) Horseshoe & shuffleboard

(b) Exceptions

3. Area

4. Outdoor activities

g. Open Space Organization

1. Establishment

- (a) Own & maintain improvements
- (b) Failure to maintain
- (c) Cost to maintain

h. Age restriction compliance

- 1. Age restrictions
- 2. Certification of compliance
- 3. Verification of compliance

i. Deed restrictions

- 1. Restrictions in deeds
- 2. Declaration of covenants & restrictions
- 3. Provisions in deed of conveyance
 - (a) No exterior alterations
 - (b) Maintenance
 - (c) No detached accessory structures
 - (d) Satellite dishes, pools, etc

j. Construction scheduling & permits

		X		54
		X		55
		X		56

		X		57
		X		58
		X		59

		X		60
		X		61

		X		62
		X		63
		X		64
		X		65

**ARC REQUIREMENTS
REVIEW REPORT (CONTINUED)**

PROJECT TITLE MBAK Use Variance

APPLICATION NO. Z03-06

DATE: September 9, 2003

Complies		Not Reviewed	Does Not Apply	Comment No.
Yes	No			
		X		66
		X		67

Chapter 22

1. Construction permit
2. Certificates of occupancy

**ARC REQUIREMENTS
REVIEW REPORT (CONTINUED)**

PROJECT TITLE MBAK Use Variance
APPLICATION NO. Z03-06
DATE: September 9, 2003

COMMENTS:

1. The proposed Adult Retirement community does not meet all of the requirements of the conditional use. See attached review of §22-13.10.
2. A minimum lot size of 70 acres is required; 30.326 acres is proposed.
3. The current Master Plan does not show the site in an existing or proposed sewer service area.
4. The current Master Plan does not show the site having access to either a major collector or major arterial road.
5. The common open space is required to be distributed throughout the development.
6. Insufficient information has been provided to allow review of this item.
7. Insufficient information has been provided to allow review of this item.
8. The plan shows a clubhouse, swimming pool, tennis courts, horse shoe pits and shuffleboard courts, but there is no indication as to whether or not they will be for the sole use of the residents of the ARC and their guests.
9. Insufficient information has been provided to allow review of this item.
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11. Insufficient information has been provided to allow review of this item.
12. Insufficient information has been provided to allow review of this item.
13. Insufficient information has been provided to allow review of this item.
14. Insufficient information has been provided to allow review of this item.
15. Insufficient information has been provided to allow review of this item.
16. Insufficient information has been provided to allow review of this item.
17. Insufficient information has been provided to allow review of this item.
18. Insufficient information has been provided to allow review of this item.

No water lines have been shown.
19. Insufficient information has been provided to allow review of this item.
20. Insufficient information has been provided to allow review of this item.

**ARC REQUIREMENTS
REVIEW REPORT (CONTINUED)**

PROJECT TITLE MBAK Use Variance

APPLICATION NO. Z03-06

DATE: September 9, 2003

21. Insufficient information has been provided to allow review of this item.
22. Insufficient information has been provided to allow review of this item.
23. Insufficient information has been provided to allow review of this item.
24. Insufficient information has been provided to allow review of this item.
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27. Insufficient information has been provided to allow review of this item.
28. Insufficient information has been provided to allow review of this item.
29. Parking for boats or recreational vehicles is required at a ratio of one space for each 20 dwelling units is required; none has been proposed.
30. Insufficient information has been provided to allow review of this item.
31. Insufficient information has been provided to allow review of this item.
32. Insufficient information has been provided to allow review of this item.
33. To be reviewed with Improvement and Utility Plans.
34. To be reviewed with Improvement and Utility Plans.
35. To be reviewed with Improvement and Utility Plans.
36. To be reviewed with Improvement and Utility Plans.
37. To be reviewed with Improvement and Utility Plans.
38. To be reviewed with Improvement and Utility Plans.
39. To be reviewed with Improvement and Utility Plans.
40. To be reviewed with Improvement and Utility Plans.
41. To be reviewed with Improvement and Utility Plans.
42. To be reviewed with Improvement and Utility Plans.
43. To be reviewed with Improvement and Utility Plans.
44. To be reviewed with Improvement and Utility Plans.

**ARC REQUIREMENTS
REVIEW REPORT (CONTINUED)**

PROJECT TITLE MBAK Use Variance
APPLICATION NO. Z03-06
DATE: September 9, 2003

45. To be reviewed with Improvement and Utility Plans.
46. To be reviewed with Improvement and Utility Plans.
47. Insufficient information has been provided to allow review of this item.
48. Insufficient information has been provided to allow review of this item.
49. Insufficient information has been provided to allow review of this item.
50. Insufficient information has been provided to allow review of this item.
51. Insufficient information has been provided regarding the swimming pool to determine if the size proposed is in accordance with the Ordinance requirements.
52. Insufficient information has been provided to allow review of this item.
53. Insufficient information has been provided to allow review of this item.
54. Insufficient information has been provided to allow review of this item.
55. Insufficient information has been provided to allow review of this item.
56. Insufficient information has been provided to allow review of this item.
57. Insufficient information has been provided to allow review of this item.
58. Insufficient information has been provided to allow review of this item.
59. Insufficient information has been provided to allow review of this item.
60. Insufficient information has been provided to allow review of this item.
61. Insufficient information has been provided to allow review of this item.
62. Insufficient information has been provided to allow review of this item.
63. Insufficient information has been provided to allow review of this item.
64. Insufficient information has been provided to allow review of this item.
65. Insufficient information has been provided to allow review of this item.
66. Administrative requirement at time of construction.
67. Administrative requirement at time of construction.



MACE CONSULTING ENGINEERS A Professional Corporation

985 Belvidere Road
Phillipsburg, NJ 08865
(908) 454-9500

■ 1501 North Cedar Crest Boulevard, Suite 104 ■
Allentown, PA 18104
(610) 432-1700

Easton, PA (610) 250-7855
Washington, NJ (908) 689-4040

Please reply to Phillipsburg

September 4, 2003

Mansfield Township Zoning Board of Adjustment
100 Port Murray Road
Port Murray, NJ 07865

Re: MBAK ARC
Use Variance Review
Block 1201, Lot 22
NJ-W-MA-363

Dear Board of Adjustment Members

We have reviewed the concept plan for age restricted residential units for the above referenced application. Please refer to the enclosed Document Submittal Record for a complete listing and description of the reviewed material.

This review was for compliance with the appropriate provisions of Chapter 22 (Zoning) of the Ordinance. Any deficiencies and/or deviations from this chapter are noted on the attached Review Report.

The site consists of a 30 acre lot located on the west side of Airport Road just north of Ryan Way. An aerial photograph of the site is attached for your information.

The proposal is to develop the lot with an Adult Retirement Community consisting of 101 dwelling units, clubhouse, pool, tennis courts, shuffleboard courts and horseshoe pits.

The lot is currently zoned R-1, Single-family Residential. Adult Retirement Communities are permitted in all zones as a conditional use. However, the plans submitted do not meet all of the required conditions.

Please note that the submittal of a complete application does not insure approval by the Board, but merely establishes a date by which the Board must decide the application.

Mansfield Township Zoning Board of Adjustment

September 4, 2003
Page 2

Re: MBAK ARC
Use Variance Review
Block 1201, Lot 22
NJ-W-MA-363

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

MACE CONSULTING ENGINEERS, P.C.



James L. Dodge, P.E., P.P. for
Douglas M. Mace, P.E., L.S., P.P.
Township Engineer

JLD:jlc

cc: Patti Zotti, Clerk
Lyn Paul Aaroe, Esquire
MBAK c/o Abram Simoff
Simoff Engineering Associates
Michael B. Lavery, Esquire



MANSFIELD TOWNSHIP

September 4, 2003

Page DOC-1

DOCUMENT SUBMITTAL RECORD

APPLICATION NO.: Z03-06

PROJECT TITLE: MBAK ARC Concept

<u>REF. NO.</u>	<u>DATE RECEIVED</u>	<u>DATE OF DOCUMENT</u>	<u>DESCRIPTION</u>
1.0	7/15/03	5/16/03	Completed Mansfield Township Zoning Board of Adjustment Application form.
1.1	7/15/03	5/14/03	Drawings generally entitled "Conceptual Site Layout for Major Subdivision Plan, Block 1201, Lot 22, Township of Mansfield, Warx, New Jersey" prepared by Simoff Engineering Associates, 200 South Street, New Providence, NJ with specific titles and information as follows:
1.1.1	7/15/03	5/14/03	Entitled "Cover Sheet". Scale: as indicated, Sheet 1 of 2.
1.1.2	7/15/03	5/14/03	Entitled "Conceptual Site Layout". Scale: 1"=60', Sheet 2 of 2.

MANSFIELD TOWNSHIP
ZONING REVIEW REPORT

APPLICATION NO. Z03-06

ZONE R-1

PROJECT TITLE MBAK Use Variance

OWNER MBAK Limited Partnership

c/o Simoff Associates

DATE RECEIVED 7/15/03

200 South Street

PREPARED BY Simoff Engineering Associates

New Providence, NJ 07974

200 South Street

APPLICANT same as owner above

New Providence, NJ 07974

Complies		Not Reviewed	Does Not Apply	Comment No.
Yes	No			
			X	
			X	
	X			1
			X	
			X	
		X		

			X	
			X	
			X	
			X	

Chapter 22

7.1 Permitted Principal Uses

7.2 Permitted Accessory Uses

7.3 Conditional Uses

7.4 Temporary Uses

7.5 Prohibited Uses

7.6 Maximum Building Height

7.7 Area and Yard Requirements

Lot Area

Lot Frontage

Lot Width

Lot Depth

**R-1 ZONING REQUIREMENTS
REVIEW REPORT (CONTINUED)**

PROJECT TITLE MBAK Use Variance
APPLICATION NO. Z03-06
DATE: August 4, 2003

Complies		Not Reviewed	Does Not Apply	Comment No.
Yes	No			

Chapter 22

			X	
			X	
			X	
			X	
			X	
			X	
			X	
			X	
			X	
			X	

Principal Building Side Yard

One Side

Both Sides

Principal Building Front Yard

Principal Building Rear Yard

Accessory Building Front Yard

Accessory Building Side Yard

Accessory Building Rear Yard

Accessory Building/Principal Building

Accessory Building/ Accessory Building

7.8 Minimum Floor Area

4.8 Flag Lots

			X	
--	--	--	---	--

a. In residential zone

b. Lot area

1. Total area

2. Constraint free area

c. Abutting existing public road

d. Development criteria

1. Compliance with Driveway Ordinance

2. Insurable land rights

e. Overall development plan

f. Minimum requirements

1. Dimensional requirements

2. One side of access strip

3. No further subdivision

4. Considered subdivision

			X	
			X	
			X	

			X	
			X	
			X	

			X	
			X	
			X	
			X	

**R-1 ZONING REQUIREMENTS
REVIEW REPORT (CONTINUED)**

PROJECT TITLE MBAK Use Variance
APPLICATION NO. Z03-06
DATE: August 4, 2003

Complies		Not Reviewed	Does Not Apply	Comment No.
Yes	No			
			X	
			X	
			X	

Chapter 22

- 5. No new streets
- 6. Not within 500 feet of existing flag lot
- 7. 300 foot diameter circle

MANSFIELD TOWNSHIP
ADULT RETIREMENT COMMUNITIES
REVIEW REPORT

APPLICATION NO. Z03-06

ZONE R-1

PROJECT TITLE MBAK Use Variance

OWNER MBAK Limited Partnership

DATE RECEIVED 7/15/03

c/o Simoff Associates

200 South Street

PREPARED BY Simoff Engineering Associates

New Providence, NJ 07974

200 South Street

APPLICANT same as owner above

New Providence, NJ 07974

Complies		Not Reviewed	Does Not Apply	Comment No.
Yes	No			

Chapter 22

13.10 Adult Retirement Communities

a. Permitted Areas

1. Minimum gross tract area
2. Sewer service area
3. Access to major collector or arterial road
4. Single entity
5. Common or open space

b. Principal Uses

1. Single-family detached
2. Retail

	X			2
	X			3
	X			4
X				
X				

X				
			X	

**ARC REQUIREMENTS
REVIEW REPORT (CONTINUED)**

PROJECT TITLE MBAK Use Variance
APPLICATION NO. Z03-06
DATE: August 4, 2003

Complies		Not Reviewed	Does Not Apply	Comment No.
Yes	No			

Chapter 22

		X		5
		X		6
X				7
		X		8

X				
		X		9
		X		10
		X		11
		X		12
		X		13

X				
---	--	--	--	--

X				
X				
X				

		X		14
		X		15
		X		16
			X	

c. Accessory Uses

1. Model home(s)
2. Sales office
3. Recreational & cultural facilities
4. Construction office
5. Subordinate uses
 - (a) Parking areas
 - (b) Caretakers residence
 - (c) Maintenance facilities
 - (d) Utility facilities
 - (e) Identification sign
 - (f) Fences

d. Design requirements

1. Bulk requirements
 - (a) Entire tract
 - (1) Gross density
 - (2) Yards
 - [a] Lot frontage
 - [b] Front yard
 - [c] Buffer
 - (3) Coverage
 - [a] Building
 - [b] Impervious
 - (4) Building height
 - (5) Retail limitations
 - (b) Individual lots

**ARC REQUIREMENTS
REVIEW REPORT (CONTINUED)**

PROJECT TITLE MBAK Use Variance
APPLICATION NO. Z03-06
DATE: August 4, 2003

Complies		Not Reviewed	Does Not Apply	Comment No.
Yes	No			
X				
		X		17
X				
X				
X				

Chapter 22

- (1) Size
- (2) Coverage
- (3) Frontage
- (4) Width
- (5) Depth
- (6) Yards
 - [a] Front
 - [b] Rear
 - [c] Side - aggregate
 - [d] Side - single
- (7) Distance between buildings
- (8) Corner lots

(c) Commercial lots

- (1) Coverage
- (2) FAR
- (3) Impervious coverage
- (4) Uses
- (5) Yards
 - [a] Front
 - [b] Rear
 - [c] Side

2. Utilities

- (a) Underground
- (b) Hydrants
- (c) Serve off-site

3. Architecture and Construction

		X		18
		X		19
		X		20
		X		21
		X		22
		X		23

			X	
			X	
			X	
			X	

			X	
			X	
			X	

		X		24
		X		25
		X		26

**ARC REQUIREMENTS
REVIEW REPORT (CONTINUED)**

PROJECT TITLE MBAK Use Variance
APPLICATION NO. Z03-06
DATE: August 4, 2003

Complies		Not Reviewed	Does Not Apply	Comment No.
Yes	No			
		X		27
		X		28
		X		29
		X		30

Chapter 22

- (a) Aesthetically congruous
- (b) Building exterior material
- (c) Accessory structure material
- (d) Variety of materials

4. Parking and loading

- (a) Requirements of §20-14 except as follows:

- (1) ½ in garages
- (2) Guest parking
- (3) Clubhouse or Community building
- (4) Detached garages prohibited
- (5) Outdoor storage

- (b) Location
- (c) Loading

5. Internal circulation

- (a) Vehicular access

- (1) No direct access from perimeter road
- (2) Access from through road

- (b) Pedestrian circulation

- (1) Walkways
- (2) Bike paths

6. Landscaping

- (a) Purpose

- (1) Total pattern throughout site
- (2) Materials

- (b) Landscaping plan

		X		31
		X		32
		X		33
X				
		X		34
	X			35
		X		36
			X	

X				
			X	

		X		37
		X		38

		X		39
		X		40
		X		41

**ARC REQUIREMENTS
REVIEW REPORT (CONTINUED)**

PROJECT TITLE MBAK Use Variance

APPLICATION NO. Z03-06

DATE: August 4, 2003

Complies		Not Reviewed	Does Not Apply	Comment No.
Yes	No			

Chapter 22

		X		42
		X		43
		X		44
		X		45
		X		46
		X		47

(c) Site protection & planting requirements

- (1) Removal of debris
- (2) Protection of existing plantings
- (3) Slope plantings
- (4) Additional landscaping
- (5) Planting specifications
- (6) Plant species

(d) Buffering

- (1) Screening
- (2) Function and materials
- (3) When required
 - [a] Intensive land uses abut
 - [b] Parking areas, etc
 - [c] Residential abutting high order streets
- (4) Design
- (5) Planting specifications
- (6) Maintenance

X				
		X		48
		X		49
		X		50
		X		51
		X		52
		X		53
		X		54
		X		55

(e) Paving materials, walls & fences

- (1) Walls & fences
 - [a] Design & materials to be functional
 - [b] Hazard top traffic or safety

		X		56
		X		57
		X		58

f. Open space and recreational improvements

1. Clubhouse
2. Other uses

(a) Recreational

X				
---	--	--	--	--

**ARC REQUIREMENTS
REVIEW REPORT (CONTINUED)**

PROJECT TITLE MBAK Use Variance

APPLICATION NO. Z03-06

DATE: August 4, 2003

Complies		Not Reviewed	Does Not Apply	Comment No.
Yes	No			
X				
		X		59
X				
X				60
X				
		X		
		X		61
		X		62

Chapter 22

- (1) Picnic areas
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- (3) Tennis courts
- (4) Swimming pool
- (5) Horseshoe & shuffleboard

(b) Exceptions

3. Area

4. Outdoor activities

g. Open Space Organization

1. Establishment

- (a) Own & maintain improvements
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- (c) Cost to maintain

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- 1. Age restrictions
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- 2. Declaration of covenants & restrictions
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 - (a) No exterior alterations
 - (b) Maintenance
 - (c) No detached accessory structures
 - (d) Satellite dishes, pools, etc

j. Construction scheduling & permits

		X		63
		X		64
		X		65

		X		66
		X		67
		X		68

		X		69
		X		70

		X		71
		X		72
		X		73
		X		74

**ARC REQUIREMENTS
REVIEW REPORT (CONTINUED)**

PROJECT TITLE MBAK Use Variance
APPLICATION NO. Z03-06
DATE: August 4, 2003

Complies		Not Reviewed	Does Not Apply	Comment No.
Yes	No			
		X		75
		X		76

Chapter 22

1. Construction permit
2. Certificates of occupancy

**ARC REQUIREMENTS
REVIEW REPORT (CONTINUED)**

PROJECT TITLE MBAK Use Variance
APPLICATION NO. Z03-06
DATE: August 4, 2003

COMMENTS:

1. The proposed Adult Retirement community does not meet all of the requirements of the conditional use. See attached review of §22-13.10.
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18. Insufficient information has been provided to allow review of this item.
19. Insufficient information has been provided to allow review of this item.
20. Insufficient information has been provided to allow review of this item.
21. Insufficient information has been provided to allow review of this item.

**ARC REQUIREMENTS
REVIEW REPORT (CONTINUED)**

PROJECT TITLE MBAK Use Variance
APPLICATION NO. Z03-06
DATE: August 4, 2003

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41. Insufficient information has been provided to allow review of this item.
42. Insufficient information has been provided to allow review of this item.
43. Insufficient information has been provided to allow review of this item.
44. Insufficient information has been provided to allow review of this item.
45. Insufficient information has been provided to allow review of this item.

**ARC REQUIREMENTS
REVIEW REPORT (CONTINUED)**

PROJECT TITLE MBAK Use Variance
APPLICATION NO. Z03-06
DATE: August 4, 2003

46. Insufficient information has been provided to allow review of this item.
47. Insufficient information has been provided to allow review of this item.
48. Insufficient information has been provided to allow review of this item.
49. Insufficient information has been provided to allow review of this item.
50. Insufficient information has been provided to allow review of this item.
51. Insufficient information has been provided to allow review of this item.
52. Insufficient information has been provided to allow review of this item.
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56. Insufficient information has been provided to allow review of this item.
57. Insufficient information has been provided to allow review of this item.
58. Insufficient information has been provided to allow review of this item.
59. Insufficient information has been provided to allow review of this item.
60. Insufficient information has been provided regarding the swimming pool to determine if the size proposed is in accordance with the Ordinance requirements.
61. Insufficient information has been provided to allow review of this item.
62. Insufficient information has been provided to allow review of this item.
63. Insufficient information has been provided to allow review of this item.
64. Insufficient information has been provided to allow review of this item.
65. Insufficient information has been provided to allow review of this item.
66. Insufficient information has been provided to allow review of this item.
67. Insufficient information has been provided to allow review of this item.
68. Insufficient information has been provided to allow review of this item.
69. Insufficient information has been provided to allow review of this item.

**ARC REQUIREMENTS
REVIEW REPORT (CONTINUED)**

PROJECT TITLE MBAK Use Variance
APPLICATION NO. Z03-06
DATE: August 4, 2003

- 70. Insufficient information has been provided to allow review of this item.
- 71. Insufficient information has been provided to allow review of this item.
- 72. Insufficient information has been provided to allow review of this item.
- 73. Insufficient information has been provided to allow review of this item.
- 74. Insufficient information has been provided to allow review of this item.
- 75. Administrative requirement at time of construction.
- 76. Administrative requirement at time of construction.



Simoff Engineering Associates

Engineers • Landscape Architects,
Development and Planning Consultants

200 South Street • New Providence, NJ 07974 • (908) 790 -1500 • FAX: (908) 790 -1800 • WWW.SIMOFF.COM

September 3, 2003

Patricia Zotti, Clerk
Mansfield Township Zoning Board of Adjustment
Municipal Building
100 Port Murray Road
Port Murray, NJ 07865

Re: Application
Mansfield Board of Adjustment
Airport Road Block 1201, Lot 22
Mansfield Township, Warren County, NJ
Our File Number: 00-137

Dear Ms. Zotti:

Enclosed please find 15 copies of a completed site plan for proposed 102 "over 55 senior housing" on Airport Road Township of Mansfield, Warren County, NJ. These plans are submitted to the Board of Adjustment as a bifurcated application.

In the event the use variance is granted before the Board of Adjustment you will have the required engineering plans for preliminary and final site plan approval. The Board members may now be interested to review the plans to show the final concept, and the quality of the proposed development.

We understand that the engineering review will be conducted at the site plan stage of the application. I would also, through our attorney Michael Lavery, Esq. be interested as to when a hearing before the Board of Adjustment can be scheduled, so we can send out the required notices. Thank you for your cooperation, please contact my attorney Michael Lavery, Esq.

Sincerely,
SIMOFF ENGINEERING ASSOCIATES, INC.

Abram Simoff
AS/tm

Cc: Michael Lavery, Esq.

Lyn Paul Aaroe
Attorney at Law

(908) 475-2121

Fax 475-3182

July 28, 2003

126 Mansfield Street
Belvidere, NJ 07823

Michael B. Lavery, Esq.
Sirkis & Lavery
202 Church Street
P.O. Box 510
Hackettstown, NJ 07840

Re: Concept Plan of MBAK (Adult Retirement Community)
Block 1202, Lot 22 – Mansfield Township

Dear Mr. Lavery:

As you know, the Mansfield Township Zoning Board of Adjustment is in receipt of a concept plan in the above-referenced matter dated April 14, 2003, and prepared by Simoff Engineering Associates. This plan has been submitted, I assume, for placement on a Board of Adjustment agenda to serve as the basis of an informal discussion with the Board concerning the merits and, I would further assume, the potential approval candidacy, of a formal application which may be submitted in furtherance of that concept plan.

In that, unlike the procedure which is specifically set forth in the Municipal Land Use Law (N.J.S.A. 40:55D-10.1) for informal reviews by a planning board, of a: ... *concept plan for a development for which the developer intends to prepare and submit an application for development* ..., there is no similar procedure in the Municipal Land Use Law enabling informal reviews before the Board of Adjustment.

Consequently, it is my recommendation to the Board that it would be at least inappropriate, if not improper, for the Board to entertain any such concept plan or conceptual discussion.

Very truly yours,

LYN PAUL AAROE
Attorney, Mansfield Township Zoning Board of Adjustment
LPA:slr
cc: Arthur Agens, Chairman, M.T.Z.B.A.
Patricia Zotti, Secretary, M.T.Z.B.A.
Douglas M. Mace, P.E.



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(610) 432-1700

Easton, PA (610) 250-7855
Washington, NJ (908) 689-4040

Please reply to Phillipsburg

July 16, 2003

Mansfield Township Zoning Board of Adjustment
100 Port Murray Road
Port Murray, NJ 07865

Re: MBAK ARC
Concept Plan Review
Block 1201, Lot 22
NJ-W-MA-363

Dear Zoning Board of Adjustment Members:

We have received the concept site plan submitted by MBAK for a Major Subdivision for an Adult Retirement Community. The plan was prepared by Simoff Engineering Associates, P.O. Box 297, 466 Southern Blvd., Chatham, NJ 07928 and is dated 5/14/03.

The site consists of a 30 acre lot located on the west side of Airport Road just north of Ryan Way. Although Adult Retirement Communities are permitted in all zones as a conditional use, the concept plan submitted does not meet the conditions required.

However, inasmuch as the Board of Adjustment is not empowered to review concept plans, we have not reviewed the submitted material at this time. If so directed by the Board or the Board Attorney we will prepare a report.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

MACE CONSULTING ENGINEERS, P.C.

James L. Dodge, P.E., P.P. for
Douglas M. Mace, P.E., L.S., P.P.
Township Engineer.

JLD:jlc

cc: Patti Zotti, Clerk
Lyn Paul Aaroe, Esquire
Mr. Abram Simoff
Michael B. Lavery, Esquire