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JOSEPH V. SORDILLO
Direct dial: (973) 425-4170
jsordillo@mdmc-law.com

October 4, 2017

VIA E-MAIL (jlehrer@newjerseylaw.net) & REG. MAIL

Jeffrey Lehrer, Esq.
DiFrancesco Bateman Kunzman Davis Lehrer & Flaum, PC
15 Mountain Boulevard
Warren, New Jersey 07059

**Re: Township of Berkeley Heights – Township of Warren
Sewer Service Agreements
Affordable Housing
MDMC File No.: T0349.1002**

Dear Mr. Lehrer:

On behalf of the Township of Berkeley Heights, I write you in response to the Township of Warren's request for Berkeley Heights' to accept and process additional sewage in connection with certain future affordable housing developments to be located in Warren. Specifically, Warren requested that Berkeley Heights accept additional sewerage in connection with the following developments:

1. Premier Development - Lots 58, 59, 60 and 61 in Block 205-- 132 luxury rental townhouses and 44 affordable flats (total of 176 residential units);
2. Hovnanian Homes - Lots 2, 4, 7, 9, 10, 11, 12 and 19, Block 208 - 144 stacked townhouses and 48 stacked affordable townhouses (total of 192 residential units); and
3. Township of Warren - Lots 22.03 and portion of 22.04, Block 114 - up to a total of 125 affordable units.

After review of the available capacity at its Water Pollution Control Plant, and taking into account the pending development projects coming online in Berkeley Heights, Berkeley Heights has preliminarily determined that it has the requisite sewer capacity to accept and process the sewage from the foregoing developments located in Warren Township. Berkeley Heights' actual acceptance and processing of said sewage is specifically contingent upon (i) Berkeley Heights' review and approval of the design and configuration of the projects; and (ii) successful negotiation and execution of formal sewer use agreements with Warren Township for same. If

MC ELROY, DEUTSCH, MULVANEY & CARPENTER, LLP

Letter to Jeffrey Lehrer, Esq. – Warren Township Sewer Service

October 4, 2017

Page 2

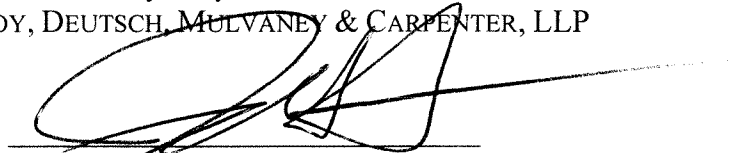
an agreement cannot be reached, or if at any time prior to the execution of such an agreement it is determined that due to a change in circumstances there is no longer available capacity, then Berkeley Heights shall be under no obligation to accept any sewage from Warren Township in addition to the existing agreements between the municipalities.

Lastly, Warren Township additionally asked for a copy of the Berkeley Heights' sewer maps. Berkeley Heights does not have maps of its sewer system, but rather the only Township wide mapping of the sewer pipe location is on a SDL program. However, the information contained is limited to pipe location and does not provide pipe size, depth, material or condition, which I believe is the information being sought. That being said, the Berkeley Heights is determining how it can provide such mapping to Warren, and will do so under separate cover.

Thank you.

Very truly Yours,

MC ELROY, DEUTSCH, MULVANEY & CARPENTER, LLP



JOSEPH V. SORDILLO, ESQ.

Attorney for the Township of Berkeley Heights, NJ

cc: Ana Minkoff, Township Clerk
John Bussiculo, Township Administrator
Thomas McAndrew, WPCP
Mayor and Council
(all via e-mail)

Joseph Sordillo

From: Jeffrey Lehrer <jlehrer@newjerseylaw.net>
Sent: Tuesday, October 03, 2017 10:50 AM
To: Joseph Sordillo
Subject: Re: Berkeley Heights Sewer

Location mapping would be fine. Jeff

On Tue, Oct 3, 2017 at 10:38 AM, Joseph Sordillo <jsordillo@mdmc-law.com> wrote:
Jeff,

I apologize for the delay on the letter. The governing body wanted to review and comment on same prior to sending it out. I have all comments now and will send to you once you get back to the office (in settlement conferences today).

As for the mapping, I'm told that the Township does not have a detailed mapping of the sewer system, only the locations (not size, etc).

Thank you,
Joe S.

On Oct 3, 2017, at 10:31 AM, Jeffrey Lehrer <jlehrer@newjerseylaw.net<<mailto:jlehrer@newjerseylaw.net>>> wrote:

Joe: can you advise when I might be receiving the letter of intent regarding sewer? I have a call with Judge Miller this Friday and I would like to report to him that we have such letter.

Also, can you let me know when I will be receiving the sewer mapping? Jeff

--

Jeffrey B. Lehrer, Esq.

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Of Counsel

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Morristown, New Jersey 07962-2075 [cid:imagea3f239.GIF@a75b1ec8.458e0d8c] jsordillo@mdmc-law.com<<mailto:jsordillo@mdmc-law.com>>

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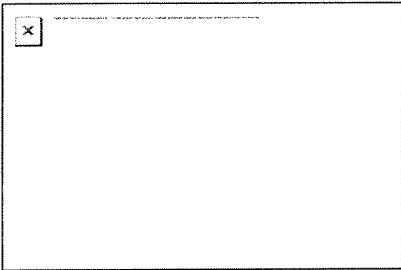
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Jeffrey B. Lehrer, Esq.



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Joseph Sordillo

From: Jeffrey Lehrer <jlehrer@newjerseylaw.net>
Sent: Tuesday, September 26, 2017 11:44 AM
To: Joseph Sordillo
Cc: Krane, Mark; Michael Marion; Garafola, Carolann; John Chadwick
Subject: Re: Berkeley Heights Sewer/Warren Township

Joe: I just need a letter saying that the Township has reviewed the sewer capacity requirements for the following developments:

1. Premier Development-Lots 58, 59, 60 and 61 in Block 205-132 luxury rental townhouses and 44 affordable flats (total of 176 residential units);
2. K. Hovnanian Homes- Lots 2,4,7,9,10,11,12 and 19, Block 208-144 stacked townhouses and 48 stacked affordable townhouses (total of 192 residential units);
3. Township of Warren- Lots 22.03 and portion of 22.04, Block 114-up to 125 affordable units.

Subject to the execution of formal capacity agreements, the Township of Berkeley Heights has the requisite sewer capacity to accept and process the sewage from all of the foregoing developments located in the Township of Warren and commits to providing such capacity.

Joe: something along these lines. Jeff

On Tue, Sep 26, 2017 at 11:18 AM, Joseph Sordillo <jsordillo@mdmc-law.com> wrote:
Jeff,

I'm not in the office today (as well as last week), but will get you the letter by tomorrow. If you have any specific language you would like to include in this letter, please provide same.

As for the maps, I will try to obtain those from the township as soon as possible and forward them to you.

Thank you,
Joe S.

On Sep 26, 2017, at 10:03 AM, Jeffrey Lehrer <jlehrer@newjerseylaw.net<<mailto:jlehrer@newjerseylaw.net>>> wrote:

Joe: see Mark Krane's email. Can you supply me with the sewer maps so I can get them to Bohler who is acting on behalf of 3 parties to analyze the sewer conveyance issues? Thanks. Jeff

[McElroy, Deutsch, Mulvaney & Carpenter, LLP]<<http://www.mdmc-law.com>> Joseph Sordillo
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Morristown, New Jersey 07962-2075 [cid:image762a3c.GIF@1de04c76.40b5a763] jsordillo@mdmc-law.com<<mailto:jsordillo@mdmc-law.com>>

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[cid:imageef0e94.GIF@0e614355.42b8a63e]973-425-0161

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----- Forwarded message -----

From: Krane, Mark <mkrane@warrennj.org<<mailto:mkrane@warrennj.org>>>

Date: Tue, Sep 26, 2017 at 9:29 AM

Subject: RE: Berkeley Heights Sewer/Warren Township

To: Jeffrey Lehrer <jlehrer@newjerseylaw.net<<mailto:jlehrer@newjerseylaw.net>>>

Jeff

We need to get the sewer maps for Bohler. Per the BH administrator he said to work through Joe

Mark

From: Jeffrey Lehrer [<mailto:jlehrer@newjerseylaw.net><<mailto:jlehrer@newjerseylaw.net>>]

Sent: Tuesday, September 26, 2017 8:21 AM

To: Joseph Sordillo <jsordillo@mdmc-law.com<<mailto:jsordillo@mdmc-law.com>>>

Cc: Marion, Mick <mmarion@warrennj.org<<mailto:mmarion@warrennj.org>>>; Garafola, Carolann <cgarafola@warrennj.org<<mailto:cgarafola@warrennj.org>>>; Krane, Mark <mkrane@warrennj.org<<mailto:mkrane@warrennj.org>>>; Robert Kasuba

<RKasuba@bisgaierhoff.com<<mailto:RKasuba@bisgaierhoff.com>>>; Brett Tanzman <BrettT@wilf-law.com<<mailto:BrettT@wilf-law.com>>>; Steven Kunzman

<skunzman@newjerseylaw.net<mailto:skunzman@newjerseylaw.net>>; Jeff Hiller
<jhiller@premierdevelopment.com<mailto:jhiller@premierdevelopment.com>>
Subject: Berkeley Heights Sewer/Warren Township

Joe: can you please provide me with the letter of intent to provide sewer capacity as you mentioned last week that the governing authorized you to write? We need to move forward on our end so your expeditious response would be most appreciated.

Jeff

--

Jeffrey B. Lehrer, Esq.

[https://mail.google.com/mail/u/0/?ui=2&ik=49e26e89e4&view=fimg&th=14e9ddcff033869a&attid=0.1&disp=emb&realattid=fff3a4ee3cafce5a_0.1.1&attbid=ANGjdJ_2aGsf5PiyA5B3Y-NmBNBefrn8b-J-vZyBc3HYwF7u87euu7x8Gcs5XR8Pr7iLt-vNRcNWUWsXqfo_m0_6Xo-fFPU4atEaxT_IyKwV_mj2aRu2otiSe_ttR3s&sz=w490-h110&ats=1437177765502&rm=14e9ddcff033869a&zw&atsh=1].
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Jeffrey B. Lehrer, Esq.

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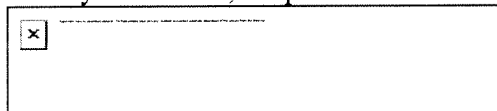
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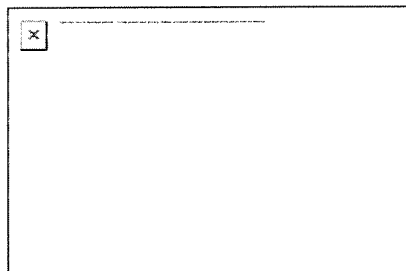
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Jeffrey B. Lehrer, Esq.



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Joseph Sordillo

From: Jeffrey Lehrer <jlehrer@newjerseylaw.net>
Sent: Wednesday, September 20, 2017 2:20 PM
To: Joseph Sordillo
Cc: Krane, Mark; Steven Kunzman; Michael Marion; Garafola, Carolann
Subject: Re: Sewer

Thank you Joe. Jeff

On Wed, Sep 20, 2017 at 12:55 PM, Joseph Sordillo <jsordillo@mdmc-law.com> wrote:
Yes. Sorry been tied up this morning. I will get the letter to you once I get back to the office.

> On Sep 20, 2017, at 12:54 PM, Jeffrey Lehrer <jlehrer@newjerseylaw.net> wrote:

>

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>

> Joe: did your governing body in Berkeley Heights give you authority last night to issue a letter of intent on Sewer? Jeff

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Jeffrey B. Lehrer, Esq.



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Joseph Sordillo

From: Krane, Mark <mkrane@warrennj.org>
Sent: Tuesday, September 19, 2017 2:54 PM
To: Joseph Sordillo
Cc: 'John Bussiculo'
Subject: RE: Warren

Joe and John

Thank you very much
Mark

From: Joseph Sordillo [mailto:jsordillo@mdmc-law.com]
Sent: Wednesday, September 13, 2017 4:08 PM
To: 'John Bussiculo' <JBussiculo@bhtwp.com>; Thomas Solfaro <tsolfaro@negliaengineering.com>; Tom McAndrew <tmcandrew@bhtwp.com>
Cc: Krane, Mark <mkrane@warrennj.org>
Subject: RE: Warren

John,

I spoke with the Warren Township attorney this afternoon. I understand what they are looking for at this point. In addition, we will need the write up from Tom identifying the available capacity, Township's demand, Township's future demand, and future available capacity for our discussion in execution session.





Have we confirmed with Ana that this will be listed on the agenda for executive session?

Thank you,
Joe S.

MDMC


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From: John Bussiculo [<mailto:JBussiculo@bhtwp.com>]
Sent: Wednesday, September 13, 2017 4:06 PM
To: Thomas Solfaro; Tom McAndrew
Cc: Krane, Mark; Joseph Sordillo
Subject: Warren

Tom & Tom, can you see if we have maps showing the sewer lines. Joe, we need to be ready to discuss the sewer capacity at the next exec session and please call Warren's attorney.



DiFrancesco Bateman
Kunzman, Davis, Lehrer & Flaum, P.C.

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Jeffrey B. Lehrer
Member of the Firm
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Via United Parcel Service

July 5, 2017

Joseph V. Sordillo, Esq.
McElroy Deutsch Mulvaney & Carpenter, LLP
1300 Mt. Kemble Avenue
P.O. Box 2075
Morristown, New Jersey 07962

Re: Township of Warren/Township of Berkeley Heights – Sewer Capacity Discussion
File No. W525

Dear Joe:

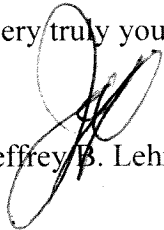
In furtherance of our meeting of a few weeks ago, I am enclosing the following for consideration by the Township of Berkeley Heights relative to the extension of sewer capacity for the two Township Inclusionary Projects off of Hillcrest Road:

1. Three (3) copies of Premier Development Concept Plan and Architectural Elevations;
and
2. Three (3) copies of Concept Plan, Renderings and cover letter of John Caniglia, Esq.,
on behalf of K. Hovnanian Homes.

Once you, the Township Administrator and other municipal officials have had an opportunity to review these Plans, please contact me so that we can move forward with the appropriate documentation to extend sewer capacity for these Inclusionary Projects.

Best regards.

Very truly yours,


Jeffrey B. Lehrer

JBL/bl

Joseph V. Sordillo, Esq.
July 5, 2017
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Enclosures

cc: Steven A. Kunzman, Esq.
John Chadwick, IV, P.P., Warren Township Planner
Mark M. Krane, Warren Township Administrator



John C. Caniglia, Esq.
Phone: 732-623-6823
Fax: 732-623-6705
jcaniglia@khov.com

June 22, 2017

Sent via overnight delivery

Steven A. Kunzman, Esq.
DiFrancesco Bateman
15 Mountain Boulevard
Warren, NJ 07059

RE: Berkeley Aquatic Site
Block 208, Lots 2, 4, 7, 9, 10, 11, 12 and 19, Warren Township, NJ
Block 2704, Lot 3, Berkeley Heights, NJ

Dear Mr. Kunzman:

As a follow up to our recent telephone conference, I am enclosing five (5) copies of each of the following on 11 x 17 sheets:

1. Concept Plan
2. Rendering of the front elevation and floor plans of the market homes
3. Rendering of the front elevation and floor plans of the affordable homes.

In addition, since I am also enclosing one (1) full sized copy of the Concept Plan, which is easier to read.

The Concept Plan includes a total of one hundred ninety-two (192) homes, twenty-five percent (25%) of which, or forty-eight (48) homes, are affordable. All of the homes are in a stacked townhouse configuration. In the market home buildings, there are 2 homes in each 26-foot wide section of the building. In the affordable home buildings, there are 3 homes in each 24-foot wide section of the building. The buildings are 3 stories with an approximate height of forty-five (45) feet from grade to the peak of the roof.

One-half (1/2) of the market homes (72 homes) are two-bedroom and the other one-half (1/2) are three-bedroom. Thirty-two (32) of the affordable homes are two bedroom and sixteen (16) are three bedroom. As a result, the average daily sanitary sewer design flows per NJDEP standards of 225 gpd for a two bedroom residential unit and 300 gpd for a three bedroom residential units will be 49,800 gpd in total.